



# **MWH**

## **LAW GROUP**

### **RACINE POLICE DEPARTMENT REVIEW AND ASSESSMENT**

**for**

**Cory Mason, Mayor  
City of Racine, Wisconsin**

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## **I. INTRODUCTION**

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The City of Racine (“Racine” or the “City”) has commissioned MWH Law Group with reviewing the Racine Police Department (the “RPD” or the “Department”) for potential race and gender issues within the Department. The impetus for our review is a recent “Police Morale Survey” (the “Survey”) conducted by Stanard & Associates, Inc., wherein several respondents expressed racially charged or gender biased views or concerns critical of the Department and fellow officers. Our review included but was not limited to a review and analysis of the Survey, review and analysis of select personnel records, review and analysis of select grievance records, meetings and fact investigations with Racine’s (the “City”) Human Resources and Affirmative Action offices, and investigatory interviews with as many officers as were willing to voluntarily meet with us.

From our review, and as gathered from comments in the Survey, we find that some officers within the Department may harbor racially charged or gender biased views. We were, however, unable to gather information identifying how many Survey respondents made these comments, and were therefore unable to qualify whether this is an isolated issue (involving only a small number of officers) or a wide-spread issue. No officer interviewed acknowledged making derogatory comments in the Survey, and no officer identified others who may have done so.

During our interviews, however, a few minority and female officers reported specific instances of race related or gender related issues, and a few non-minority officers expressed views that the Chief of Police, who is African-American, favors and/or sides with African-American officers. Overall, while we were unable to substantiate systemic issues of racism or sexism in the Department in connection with employment actions (i.e. promotions, disciplines, etc.), we did find instances of implicit bias. This issue would appear to exist at multiple levels, including leadership (defined as the rank of sergeant and above for purposes here). For instance, several (but not most) non-minority/non-women officers struggled to acknowledge or appreciate the trials and tribulations minority and women officers may face, and in some cases seemed to place higher expectations on minority or women officers or were otherwise less tolerant of missteps these officers may have made in the past. This suggests to us that some in the Department may struggle with implicit bias. Much of this is consistent with some of the comments in the Survey.

Below, we detail these and other issues. This report is organized as follows: (i) Introduction; (above) (ii) General Background; (iii) Summary of Impressions/Findings; (iv) MWH Investigative Process; (v) The Survey and the Aftermath; (vi) Officer Interviews by MWH; (vii) Document and Data Review; (viii) Discussion; and (ix) Conclusions and Recommendations.

## **II. GENERAL BACKGROUND**

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In 2017, Racine was named one of the safest cities in the U.S. by SafeHome.org, and in Wisconsin was ranked as one of the top 25 safest cities in the state.<sup>1</sup> As a policing unit, the Department appears to have been quite effective over the last several years, both in law enforcement in general and in community relations. The Department’s Community Oriented

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<sup>1</sup> <https://www.cityofracine.org/Home/News/SafestCities2017/>

Policing program appears to have had a significant, positive affect of reducing crime and improving relationships with the community. The Chief of Police, Arthel Howell (the “Chief” or “Chief Howell”), also has significant ties and rapport with the Racine community as a whole (including but not limited to minority communities, the business community and the non-profit community), which has benefited the Department.

That said, the City of Racine, the Department and the Racine Community have faced difficult issues throughout 2018. In January 2018, for instance, there was an Officer Involved Shooting (“OIS”) which resulted in the death of an African-American man. The community expressed concern over his death but there was no significant disruption to civil order in Racine. We understand this to be a function of the Department as a whole working with the community in order to effectively de-escalate tension, and the Chief’s outreach to and/or connection with stakeholders within the community. The Chief’s outreach/connection with the community on this matter and reported lack of direct communication/outreach to officers regarding this incident has created some lingering tension and discontent within the rank and file. A non-fatal police/citizen shooting then occurred in February and had kept members of the Department highly sensitized to the Survey issues at the time of our principal investigation.

During these times, the Stanard Survey was administered to members of the Department. The Survey was sponsored by the Staff Officers Association (“SOA”) and the Racine Police Officers Association (“RPA”) and sought to measure the officer morale and the overall climate of the Department.<sup>2</sup> The Survey responses were largely critical of the Department, citing a number of problem areas and revealing implicit and explicit incidences of racial and gender bias and hostilities. However, the OIS and attendant circumstances may have impacted the Survey results and comments submitted by officers. Also, a general sentiment of being overworked and under resourced appears to have impacted the Survey results and comments. In all, there were 562 comments submitted as part of the Survey. Approximately 45, or less than 10%, of those comments contain remarks that are evidence of, or suggest, racial or gender bias issues.

The Survey results were distributed in April 2018 to SOA members, RPA members, members of the RPD Command Staff (defined as the Deputy Chiefs and the Chief) and the City Administration. After the Survey, Racine Mayor Cory Mason received a letter from several minority and female RPD members who felt that the Survey was used by some to marginalize and attack minority and female officers. The letter requested that he look into issues related to the comments made in the Survey. Mayor Mason met with several signatories to the letter after receiving the letter and stated that there is no place in City government for racism and genderism, and for those who believe that their colleagues are unable to perform their duties simply due to race or gender. The Mayor directed the City Attorney to initiate an investigation into the culture of the Department, and we were engaged to conduct that investigation.

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<sup>2</sup> Officers with the rank of police officer, investigator, and traffic investigator are associated with the Racine Police Association (RPA), and officers achieving the rank of sergeant and lieutenant belong to the Staff Officers Association (SOA).

### **III. SUMMARY OF IMPRESSIONS/FINDINGS**

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As discussed more fully below, our review of matters yielded the following critical findings:

1. Comments made in the Survey demonstrate that some officers within the RPD may harbor racially charged or gender biased views. We did not, however, find evidence of systemic, institutionalized racial or gender bias at the Department, meaning we did not find evidence to suggest that racial or gender bias permeates the Department as a whole.
2. We found instances of implicit race and gender bias both from Survey comments and our interviews. For instance, we note a general lack of knowledge or appreciation of the pressures and issues minorities or females may face in the Department, and that minority or female officers may be held to higher expectations (by fellow officers) or simply not given much latitude on performance related matters (because they are minorities or women). This suggests that there may be issues with implicit bias. For purposes of our analysis, implicit bias refers to unconscious and relatively automatic features of prejudiced judgment and social behavior.
3. The comments directed toward Chief Howell that allege acts of gender and racial bias in connection with personnel decisions within the RPD were not supported by the facts, but were rather largely refuted by objective evidence. Employment decisions appear to have been made on legitimate and non-discriminatory bases.
4. The traditional human resource function of the Department appears to be lacking and/or under-sourced, and there is evidence of poor coordination or relationships between the Department and the City's Human Resources Department. This may affect the Department's ability to recruit talent (including diverse talent) and navigate Human Resources issues, including documenting and processing complaints of discrimination.

### **IV. MWH INVESTIGATIVE PROCESS**

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As noted above, our review into the culture and work environment at the Department included but was not limited to a review and analysis of the Survey, review and analysis of select personnel records, review and analysis of select grievance records, meetings and fact investigations with the City's Human Resources and Affirmative Action offices and investigatory interviews with as many officers as were willing to voluntarily meet with us. We were asked to keep interviewee responses confidential and not attribute remarks to specific officers in our report to the City. The one exception is the Chief, as many comments in the Survey were directed at him specifically, and as we thought it necessary to give him the ability to directly respond to the same.

At the beginning of each officer interview, the officer was advised that this was a voluntary process, that we would not be recording the interview and that they were permitted to have a representative present if so desired. MWH had at least two of its members present for each interview, which (with the exception of an officer who spontaneously came in during off hours for

a follow-up interview) were conducted during each officer's regularly assigned working hours in order to eliminate the need to pay overtime for participation in this process. Most interviews were scheduled with the assistance of the union representatives and shift commanders.

The interviews were predominantly conducted with open ended questions covering topics generated by the Survey results, information obtained from other interviews and information obtained through our document review. Each officer was invited to offer any additional information that he or she thought may be relevant to this process.

The first group of officers interviewed were the Deputy Chiefs, followed by 26 members of the SOA, 25 members of the RPA and the Chief. A total of 57 officers were interviewed, including the Chief and Deputy Chiefs. There were follow-up interviews conducted with the Deputy Chiefs and select police officers, and a series of follow-up meetings were held with the Chief to review the information gathered and obtain additional facts. We met with the Chief on at least six separate occasions. The race and gender demographics of those interviewed closely track the demographics of officers in the Department.

In addition to interviewing officers, we interviewed the Racine Human Resources Director and Racine's Affirmative Action Director. The Racine Human Resources Department is responsible for assisting the Police Department in their recruiting efforts, the Affirmative Action Plan ("AAP") and related policies for the City of Racine.

As part of our review, we requested documents from the City and the Department in an effort to discover past practices that were relevant to the issues being investigated. These requests included documents related to: promotions, recruitment, disciplinary actions, affirmative action, officer complaints, employment policies and union bargaining agreements, and other material.

Our overall strategy was to identify officer experiences and assess perceptions (through our interviews and review of the Survey results and comments) and reconcile perception with reality (through document/data analysis and follow-up interviews).

**V. THE SURVEY AND THE AFTERMATH**

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The Survey was conducted by Stanard and Associates and was commissioned by the SOA and the RPA with input from the Racine Police and Fire Commission ("PFC") and the Chief. The Survey was conducted from March 12, 2018 through March 23, 2018, and permitted respondents to answer up to 103 questions utilizing a scale with five response options generally providing a least favorable response to a most favorable response. It also provided respondents an opportunity to make comments in six general categories. Participants were given a code so that the responses remained anonymous.

There were 157 respondents to the Survey, which accounts for 84% of the Department's sworn personnel at the time of the Survey. Notably, there were three questions related to equality in hiring, advancement, and diversity which were rated as "Far Below Average" by Survey respondents.

There were a total of 562 comments generated by the 157 Survey respondents. The written report/presentation on the Survey results included verbatim comments from officers along with the statistical data generated from the Survey. There were a number of inflammatory comments that were critical of events within the Department and certain members of the Department.

In April 2018, the Survey results and comments were made public. Of note, most officers we spoke to participated in the Survey with the understanding that their responses and comments in the Survey would be anonymous and confidential. From our review, the comments appear to have driven a further wedge between some officers (black and white), and between the rank and file and the Command Staff.

Following the Survey, and as noted above, a group of minority and women officers sent a letter to the Mayor voicing concerns with the Survey report, which they viewed as marginalizing the achievements of minorities and women, and as widening animus between minority and white officers. They also perceived commenting in the Survey as an opportunity used by some to specifically target and attack minority or female officers. In our interviews, some officers could relate to or otherwise sympathize with the concerns expressed in the letter to the Mayor from minority and female officers. Others did not think the concerns expressed reflected the intent of the Survey or were otherwise legitimate. Others seemed disinterested and a few were openly hostile to the letter and the inferences and claims made therein.

As part of our review, we sought in July 2018 from one of the unions to identify how many respondents actually made arguably racially charged or inflammatory remarks in the Survey or inflammatory or bias driven gender-based comments, as a small number of officers making most of the comments would present a different scenario than a large group of officers making each of the comments. For example, if there was only a small group of officers responsible for all of the comments, those views could be interpreted as isolated to a small subset of the Department. If, however, a large number of officers are responsible for the comments, the Department may have a larger problem with racially insensitive (if not racist) and gender-driven attitudes. We were not provided with the information requested, but note that of the 500 plus comments submitted as part of the Survey, approximately 40-45, or less than 10%, contain remarks that are, or may suggest, racial or gender bias issues. Racial and gender bias, even among a small subset of employees, is wholly unacceptable, but the numbers do not necessarily suggest that racial or gender bias permeates the work environment *unless, for example, 30 or 40 different officers made the derogatory comments at issue*. It is important to note that because the Survey was formatted to allow respondents multiple locations to insert comments and because some comments were organized in paragraphs (which had comments within comments), the Survey comments deemed to demonstrate or suggest racial or gender bias could have been made by a few or as many as perhaps 45 officers.

## **VI. OFFICER INTERVIEWS BY MWH**

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We interviewed as many officers as were willing to voluntarily speak with us. In order to facilitate additional participation from the patrol officers, we attended roll calls for every shift over the course of several days. We interviewed a total of 57 officers including the Chief, Deputy Chiefs, Lieutenants, Sergeants, Investigators, Traffic Investigators and Patrol Officers. The vast majority of officers were completely engaged with the process, readily providing their experiences

and opinions on the topics under review. Among the major themes identified in our interviews were race and/or gender issues and bias.

Current racial tensions among at least leadership can largely be traced back to allegations raised in years-old EEOC complaints alleging discrimination. Some believe that the Chief sided or sympathized with officers alleging race discrimination and not the officers who were alleged to have received preferential treatment because they are white. Some attribute this to the Chief possibly siding with minority officers because he too is diverse (racial bias) or because of personal relationships (favoritism) with the officers who alleged discrimination.

The Chief provided a substantial amount of information to us through our interview and review process. The Chief believes that the climate is in part due to the fact that he was the person named Chief and may be attributed to the fact that he is African-American. He has noted, though, that he cannot definitively say that behaviors toward him were/are in fact motivated by race. He has had specific conversations about this with members of the Department and has also received information that at least one Deputy Chief is upset over his stance in an EEOC charge filed against the Department.

The interviews with officers below the Command Staff level did not reveal a widespread pattern of racism or overt race or gender-based bias within the Department. There were, however, specific incidents cited by officers which indicated that incidents had occurred that could have been the result of bias, including but not limited to racially charged or insensitive comments and gender-based comments. A few officers who did report to us experience with what they perceived to be racial/gender motivated acts/statements indicated that they engaged the officer(s) involved and resolved the situation at the time it occurred or shortly thereafter, and typically experienced no further repeat incidents. There are reports by a limited number of officers that incidents were not limited to one occurrence, and there are documented reports or complaints of unfair treatment or discriminatory actions. Many expressed that they believe that a small number of officers are responsible for the comments related to racism or gender bias in the Survey.

White officers generally stated that they did not believe that there was racial tension within the Department for the most part, and believed that all officers had the same expectations for minority and female officers as they did for non-minority and male officers. Minority officers for the most part reported that they believed that they needed to work harder to prove that they were effective officers. Female officers also reported that they had to work harder to prove themselves as effective officers. Most in leadership positions (Sergeant and above) relayed that they do not believe that women and minorities are held to a higher standard than white male officers. With that being said, many (but not all) were able to concede after being pressed that it is possible that such bias exists and should be addressed if it is an issue. Most in senior leadership positions indicated that they have not witnessed the issues related to race or gender bias brought up in the comments to the Survey.

Several officers expressed concern over the extended period of time that it has taken to resolve some disciplinary matters and would appreciate a better understanding of why the process has been so drawn out. Several expressed the opinion that a lack of information leads officers to draw their own conclusions as to why there has not been any action. Some believe that the Chief has delayed disciplining officers and/or made exceptions for officers who are African-American

because he is African-American. When pressed, many of these officers were unable to reconcile their beliefs against an example of when a white officer was not disciplined by the Chief as swiftly or as severely as the circumstances may have warranted.

Several officers also expressed concern that the promotional process is not administered in the way that it has been portrayed to them by the Chief, and in a way that is void of improper preference or bias.<sup>3</sup> These officers reported that, in some cases, individuals promoted appeared to be promoted based on their relationship with the Chief or other factors and not the rating/ranking received in the promotional process. For instance, there was a comment attributed to the Chief which for several officers provides clear and convincing evidence that the Chief promoted someone simply because she is a woman. The purported comment at issue is: “I had to promote her because no one else would,” or words to that effect. Several officers are under the impression that the best candidate was not selected for this position and that promotions are not always based on performance and qualification, but on outside factors. Most, however, do not believe that the Chief has shown bias in his promotions due to race or gender but believe, instead, that his system is a continuation of the old system where friends of the Chief at the time are likely to get promoted before those who are not as close to the Chief.<sup>4</sup>

Most officers flatly denied the claim that the Chief is racist or sexist, and think quite the opposite. Rather, several officers believe that bias has developed based upon cliques formed within the Department and is not based on race or gender. That said, and as noted, several officers believe that race, gender and/or personal relationships may have motivated the Chief in a few personnel decisions. As we note throughout, however, we have not found evidence to suggest that this was the case.

Many officers did express surprise with the brashness and offensive nature of some of the Survey comments, and the fact that officers were targeted and attacked by name. This was troubling for many, but especially so for several in leadership positions (Sergeant and above), several minority and female officers and those we were able to speak with who were targeted in some of the Survey comments.

The Chief confirmed several events that had been described by others, but largely with a different perspective. He was offended by the anonymous letter accusing him of misconduct surrounding circumstances involving the promotion recommendation of a minority officer to Deputy Chief. The matter was investigated by an outside agency and their conclusion was that there was no misconduct regarding the Chief’s actions in connection with this particular

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<sup>3</sup> Under Wisconsin Statute 62.13(4)(a), the Chief shall appoint subordinates subject to the approval of the Police and Fire Commission. Whether so specifically stated or not, all references to promotions herein contemplate promotions under this structure.

<sup>4</sup> In addition to issues of race and gender bias, we explored reported concerns over favoritism in order to assess whether the alleged preferential treatment was a function of race or gender bias issues, or whether it was a function of favoritism or misinformation and unsupported assumptions. While we did note that several (but not all) officers exist in pockets or cliques (with some for example affiliating more closely with the power structures under one chief versus another chief), our review did not yield any blatant, specific examples of favoritism. Further, and as discussed herein, reports of preferential treatment for minority and female officers in connection with employment decisions concerning promotions and disciplines is not supported by objective facts.



promotion. It is not clear if that was ever communicated to those who had questions about this action.

We discussed many issues with the Chief, including issues concerning complaints of discrimination within the Department. The Chief indicated that on at least two separate occasions minority officers came to him with concerns that they were being discriminated against. This underscores the need for an accurate recordkeeping system and Human Resources guided investigations for these types of complaints.

Relative to promotions, we had extended discussions with the Chief on his process, documentation and decisions. After much discussion, centered on the promotion process for Lieutenant and Sergeant, the Chief stated that the process serves to narrow down the field of viable candidates for specific promotions but that he makes the final decision. The Chief expressed that he has gone with the recommendations of those involved in the process but has also deviated from it and promoted the person that he believed should be promoted. We are unable to substantiate that race or gender bias occurred in any promotions based on the information we were provided.

While others have reported that the Chief's promotion process is not clear (particularly as it relates to how a final decision is reached internally), the Chief adamantly disputes this and asserts that the level of transparency concerning promotions is at unprecedented levels under his administration, citing as examples the existence of formal written promotion processes and communications regarding the same, among other items.

The Chief expressed his own frustration over issues that he had experienced in the past that he believes may have been race related. It appears that the Chief advised officers involved in some of these instances that this type of behavior would no longer be tolerated but then no further disciplinary action was taken, therefore perhaps resolving the immediate issue but not dealing with the overarching issues. This is relevant more for what did not happen than for what did happen in the resolution of the issues.

Overall, many of the sentiments expressed during our interviews have existed for some time. Inflammatory Survey comments added "fuel to the fire," and have operated to further the tensions and suspicions of race and gender bias.

## **VII. DOCUMENT AND DATA REVIEW**

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To examine perceptions against reality and to determine whether claims in the Survey and our interviews could be substantiated, we requested information including a number of documents ranging from union agreements, the City's affirmative action plan and employment policies to personnel related documentation and material concerning the portion of the promotional process administered by the Chief.

While the scope of what could be potentially gathered from the material we received and reviewed is expansive, for purposes of this report, we focus on items potentially reflecting on race or gender bias issues as identified in our review of matters, including our interviews. Accordingly, in this report, we examine whether there is demonstrated bias in promotional decisions and disciplinary matters. We also examine officer complaints against members of the Department, and

whether such complaints have increased or decreased in any meaningful manner under the current administration. We further examine employment policies concerning EEO (equal employment opportunity) matters to determine whether these policies have been followed and have been effective.

**a. Promotions in General**

There have been claims both in the Survey and in our interviews that the Chief may have made promotional decisions based on race and/or gender. This largely revolved around claims that minorities and/or a female were improperly promoted over more qualified candidates because of race or gender. Our review of information related to these individuals does not suggest that they were facially unqualified for the promotions at issue. Further, we understand that it is the Chief's final decision (at the Department level) on who is promoted. This is supported by Wisconsin Statute 62.13(4)(a), which affirms that the Chief, with the approval of the PFC, is to make hiring and promotional decisions.

There has been, however, considerable reported confusion over how the Chief's promotional process is executed. Several officers believe that a rating/ranking system they are asked to participate in governs promotions – meaning that the highest rated/ranked individual overall (taken from an aggregate of all the ratings/rankings gathered from officers as part of a peer and/or supervisory candidate review process) for a particular position must be selected for the promotion. The Chief's promotional process is outlined in a series of internal memorandums. The process is clear as to what steps are taken to rate the candidates and come up with a list of eligible candidates but it is not explicitly stated that the Chief makes the final decision on all promotions or what weight, if any, ratings/rankings from others ultimately have in the actual final decision. A memorandum from the Chief, however, does seem to provide that supervisory personnel “recommend” for promotion top candidates and that:

“As we seek to identify the highest-ranking candidates in the overall process, objective rating scores will be compared and contrasted with the more flexible “top three” candidate ranking . . . The interview process allows for further review and assessment where necessary.”

This indicates that there may be additional consideration for candidates beyond the ratings/rankings officers compile when considering candidates for potential promotions. Further, the process allows for interviews after ratings/rankings are submitted for top rated/ranked candidates. These interviews are conducted by the Chief and select supervisory personnel. Given this, it is the Chief's position that it should be clear to those involved that pre-interview ratings/rankings do not dictate who is ultimately selected for a promotion.

Notwithstanding this, the fact that the actual final candidate ratings/rankings are not published to the Department seems to have fueled confusion over how exactly the promotion process works and what weight, if any, is truly given to peer or supervisory ratings/rankings. Of note, the Chief has indicated that he has in fact promoted some individuals that supervisors scored high even though the officer would not have been his first choice for promotion.

When the highest rated/ranked person(s) in their view is not selected, some officers have opined that the decision is tainted by outside influences, such as bias or favoritism. As noted, however, it is the Chief's decision at the Department level on who receives a promotion and the Chief indicated that he only uses the ratings from others to narrow the field.

As for the number of promotions the Chief had discretion over (Deputy Chiefs, Lieutenants and Sergeants), 26 officers were promoted under his administration, of whom 19 are White, 5 are Black, and 2 are Hispanic. Of these officers, 2 are females. This does not show a pattern of preferential treatment toward females or minority officers.

**b. Discipline in General**

There were several comments directed at the Chief concerning his handling of disciplinary matters as it relates to minority officers. Some believe that the Chief has shown preference to minority officers when it comes to discipline. Much of the concern revolved around minority officers receiving extended, paid leaves of absences for alleged/reported misconduct.

To examine this issue, we looked at, in part, data on discipline administered under the previous two police administrations (Chief Howell and Chief Wahlen). We examined data from September 2006 through June 2018 to determine if there have been any significant changes between the administrations and for any other items worthy of note.<sup>5</sup> Our focus was on suspensions or disciplinary actions resulting in loss of time, as these were items that repeatedly surfaced during our interviews.

From our review, we note the following:

Discipline Action	Total	White	Black	Hispanic	Female
Suspension or Loss of Time - Wahlen	29	25	3	1	2
Suspension or Loss of Time - Howell	16	9	5	2	0

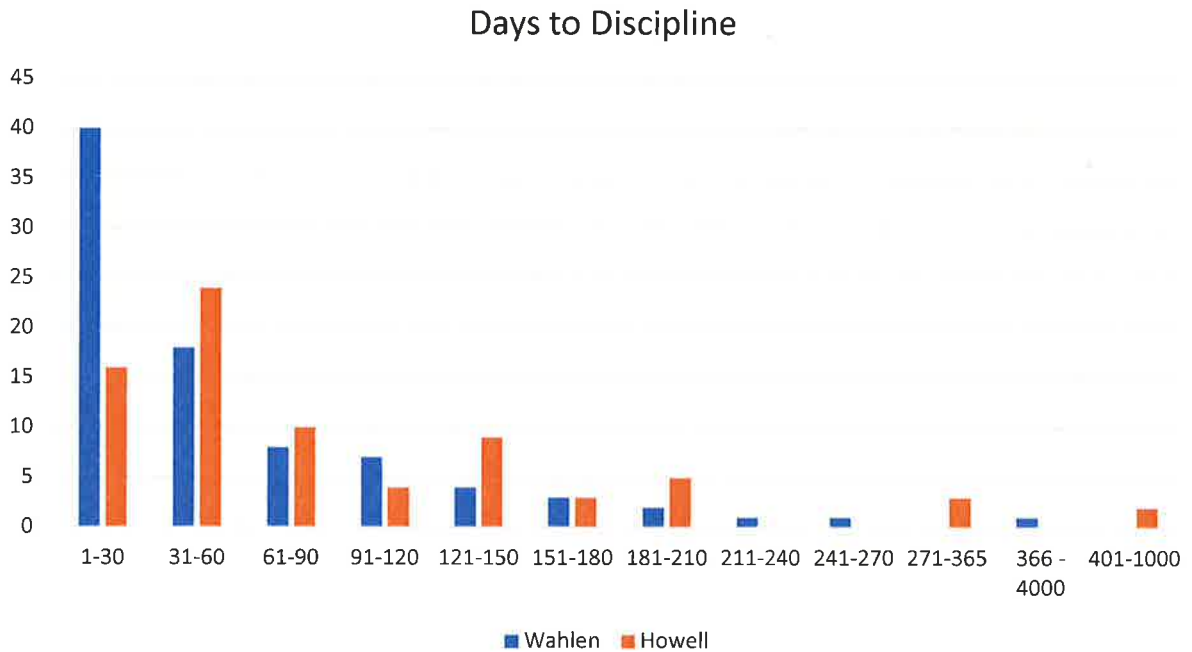
During the time period encompassing Chief Wahlen's tenure, loss of time or suspensions were administered in 29 of the 143 substantiated complaints against officers. This represents that approximately 20% of the substantiated complaints made resulted in loss of time. During the time period encompassing Chief Howell's tenure, loss of time or suspensions were administered in 16 of the 135 substantiated complaints against officers. This represents that approximately 12% of the substantiated complaints made resulted in loss of time.

One of the main issues of contention brought forward in the recent Survey included allegations that discipline matters involving certain officers take an unusually long time to conclude under the Chief. Some commenters alleged racial bias (or in the alternate favoritism) in the administration of discipline and the application of administrative leave policies by the Chief. We analyzed 161 complaint investigations in which "Days to Discipline" was provided by the Department to determine the merit of the interviewees comments regarding the time factor delays.

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<sup>5</sup> For Chief Wahlen, we reviewed the period of September 2006 through March 2012 (5.5 years, or 66 months). For Chief Howell, we reviewed the period of May 2012 through June 2018 (6 years, or 72 months).

A review of discipline data indicates that the time from the initiation of a complaint until a resolution is entered (measured specifically as “Days to Discipline”) increased notably from Chief Wahlen to Chief Howell, as shown in the following chart and table:



Complaints and Days to Discipline by Chief	1-30	31-60	61-90	91-120	121-150	151-180	181-210	211-240	241-270	271-365	366-400	401-1000	Total
Wahlen	40	18	8	7	4	3	2	1	1	0	1	0	85
Howell	16	24	10	4	9	3	5	0	0	3	0	2	76

Both Chiefs dealt with matters in excess of one year, and in all scenarios in which this was the case (three in total), the case involved matters in which minority officers were subjects of the complaints. No racial bias for the decision process is apparent from this data. Further, while only minority officers were on leave for in excess of one year, the small number of officers affected does not suggest a pattern or behavior toward or against minority officers in our view.<sup>6</sup> Notably, and as referenced below, the two matters that have taken the longest to resolve under Chief Howell are due to factors outside of the Chief’s control.

Overall, Chief Howell, from the perspective of officer discipline, disciplined a lower percentage of officers regardless of race or gender. Chief Howell, however, disciplined more

<sup>6</sup> Detailed examination of each specific disciplinary action, including the nature of the offense involved, was outside the scope of this review.

African-Americans and Hispanic officers than Chief Whalen. Notably, there were not a significant number of minorities or females disciplined under either Chief. Women, though, were disciplined at a higher rate by Chief Whalen.

**c. Officer Complaints in General**

As gleaned from the Survey results and comments as well as our interviews, many officers are not content with their working conditions at the Department for a variety of reasons, including concerns of race and gender bias, favoritism in connection with personnel matters and a lack of adequate resources and staffing. This has affected morale within the Department. We examined data concerning internal complaints made by officers against other officers from September 2006 through June 2018 to determine if there have been any significant changes in complaints under recent administrations and for any other items worthy of note.

Under Chief Whalen, from September 2006 to March 2012 (a 66 month period), 350 total complaints were made, 197 citizen initiated (56%) and 153 officer initiated (44%). Under Chief Howell, from May 2012 to June 2018 (a 72 month period), there were 460 total complaints with 310 being citizen initiated and 150 being officer initiated. There was an 18% increase in total complaints per month over the last 6 years, and annualized records indicate that during the Chief Whalen period, total complaints averaged 63.6 complaints per year, and during the Chief Howell period they have averaged 75.6 per year. The increase is directly attributable to the increase in citizen complaints, rather than internal complaints, showing citizen complaints increasing from 3 per month to 4.3 per month, while officer-initiated complaints declining very slightly, from 2.3 complaints per month to 2.1 per month.

When reviewing officer initiated complaints by race of the officer who is the subject of the complaint, the following was noted from the data:

**Chief Whalen Administration**

- White: 123 complaints (1.8 per month)
- Black: 27 complaints (.41 per month)
- Hispanic: 3 (.05 per month)
- Female: 20 (.33 per month)
- Male: 133 (2.0 per month)

**Chief Howell Administration**

- White: 108 complaints (1.5 per month)
- Black: 36 complaints (.50 per month)
- Hispanic: 5 complaints (.07 per month)
- No Race Indicated: 1 complaint
- Female: 14 (.19 per month)
- Male: 135 (1.88 per month)

From this data, there was a slight increase in minority complaints under Chief Howell, and a decrease in complaints against female officers, but nothing from the numbers by themselves to suggest a significant shift under Chief Howell.

**d. EEO Related Policies**

Given claims of race and gender bias and discrimination, we reviewed as part of our investigation the application of the City's 2018 Affirmative Action Plan ("AAP") and EEO related policies.

The AAP provided by the City specifically includes the Police Department as a department covered under the AAP. The narrative of the AAP provides for a complaint procedure to be followed if an employee wants to file a complaint of discrimination. It also calls for meetings with managers to discuss the demographics of the workforce and to address areas that are underutilized and underrepresented. There was not any documentation provided that would support that those efforts have taken place in the Police Department.

The City of Racine Employee Handbook (January 1, 2015 Edition) provides that the City is an Equal Opportunity/Affirmative Action employer functioning under an affirmative action program, and prohibits discrimination on the basis of age, sex, race, color, veteran's status, disabled veteran's status, religion, disability or disabilities, national origin, marital status, sexual orientation, familial status, lawful source of income, or economic status, or any other protected status. The Handbook also provides for a reporting procedure for violations:

Supervisors and managers shall ensure that the provisions of this policy are met. It is also the duty of every employee to help create a job environment that promotes equal opportunity. Any incident or situation that is believed to violate this policy should be brought to the attention of the City's Affirmative Action Officer. Anyone found to have engaged in any violation of this policy, or to have retaliated against anyone for reporting discrimination or for cooperating with an investigation, will be subject to disciplinary action, up to and including termination.

There was no documentation provided that the RPD follows these policies (in terms of process) as outlined in the AAP and Handbook.

**VIII. DISCUSSION**<sup>7</sup>

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As noted, we have been tasked with reviewing the work environment and cultural climate of the Department given recent comments critical of the Department and some of its members. Our review largely covered perceptions and issues on gender and race issues. We also explored the effectiveness and/or application of policies designed to thwart unlawful discrimination and bias in the workplace. A brief discussion of each of our critical findings follows:

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<sup>7</sup> This section includes our overall findings and analysis. Additional observations and analysis is included within Sections VI and VII of this memorandum.

**a. Observations Regarding Concerns of Systemic Race or Gender Bias**

The question presented here is whether, based on our review, there is a pervasive climate of racial and/or gender bias within the Department. We conclude that there is not, based on the information presented to us. While some officers through Survey comments exhibited animus and bias against female and/or minority officers, the information we received from our interviews suggests that potential incidences of race or gender based aggressions are isolated and are often, but not always, resolved informally between the parties involved. There have been issues that have yet to be resolved, but those issues, taken either individually or in the aggregate, do not tend to suggest that racial or gender bias permeates the work environment.

That said, racially charged and gender specific comments in the Survey are quite troubling, and could potentially be part of a larger, systemic problem if the comments at issue were made by a sizable contingent of the Department. During our review, and as we somewhat anticipated would be the case, no one acknowledged making the more inflammatory comments in the Survey, and no one attributed the comments to specific members of the Department. Officers across the board largely advised, however, that they did not believe these comments reflected general sentiments across the Department, or represented the feelings of many within the Department. We sought leave from union leadership to contact Stanard for information on how many people in the Survey made inflammatory comments about race or gender, as this information would assist us in assessing whether a small number of officers made the comments or a large number of officers made the comments. We have yet to be given permission by the unions to connect with Stanard and therefore have been unable to determine definitively whether select comments in the Survey are isolated or part of a larger scale issue. We note, though, that the more troublesome comments represented less than 10% of all of the comments in the Survey and that officers we spoke with largely reject the notion that these comments were reflective of the vast majority of attitudes toward race and gender in the Department.<sup>8</sup>

However, at least ten of the Survey comments we flagged as being arguably motivated by race or gender were reportedly made by officers in leadership positions (defined as sergeants and above). This is problematic because it has created an environment in which some minority or women officers may feel uncomfortable, intimidated or undervalued by fellow officers, including those in leadership positions. Notably, the first paragraph of the letter several minority and female officers sent to the Mayor in the wake of the Survey results being released provided that the number of Survey comments reflecting racial bias “provides a resonating abstract of the opinions of some officers in the majority white agency toward the minority . . .” and that “[u]nfortunately, in the wake of this survey, black officers at the Racine Police Department exist in an environment where opinions that work to discredit their professional accomplishments were provided a platform.” This is also problematic to the extent these opinions, as reflected by some in leadership positions, have manifested themselves into employment actions. As we note in the Recommendations section of this report, the City should consider identifying appropriate means to acquire the identity of those responsible for offensive survey comments. This should afford the City the ability to further explore and address this issue. No action, however, should be taken against officers who were only expressing good faith concerns of discriminatory conduct.

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<sup>8</sup> While about a third of RPD officers agreed to meet with us, the officers we were able to meet with are reflective (percentage-wise) of the overall demographics of the Department from a race and gender standpoint.

Of note, we did uncover incidences of implicit bias. In our interviews, some minority and/or female officers did report that they feel as though they are held to a higher standard, and a small contingency of non-minority male officers did express less tolerance with workplace issues when it came to working with minority or female officers. Also, some white male officers expressed a general lack of knowledge or appreciation for some of the issues minority and female officers may face, including issues reported during our interviews and in the letter mentioned above to the Mayor from minority and female officers after the Survey results were released. However, when pressed, many conceded that some of these issues may be possible within the Department and that the concerns of minority and female officers should be taken seriously and addressed. A select few, however, were dismissive of there being any legitimacy to issues raised by minority and female officers.

Survey comments also reveal incidences of potential implicit or explicit bias issues, such as repeated attacks on minority or women officers as being ineffective, incompetent or otherwise undeserving. While critiques of performance or qualifications are not by themselves indicative of race or gender bias issues just because the person criticized is a minority or a woman, targeting minority and woman for these critiques at the exclusion of others may be.

The Chief believes expressions of implicit bias are reflected in Survey comments expressing perspectives of ineffective or otherwise deficient leadership. This may be true given that the Chief is African-American and, based on interviews, a few officers appear to be more critical (from a performance/qualification) of minority officers. However, reaching such a conclusion definitively would be speculative and not wholly supported by the totality of circumstances. Survey respondents were critical not only of the Chief but of others in leadership who are not African-American. Further, we understand that a previous police chief had a survey conducted during his tenure which was critical of him. As that police chief was white, this goes against the notion that any and all comments critical of Chief Howell were made only because Chief Howell is African-American.

Notably, officer experiences and perceptions on race or gender issues and their responses to the same both in the Survey and during our interviews varied based on rank within the Department. These differences were observed in different ways. The Command Staff were less likely to see/appreciate the viewpoints of others, and generally (with the exception of the Chief) did not witness and, in some cases seemed blindsided, by claims of race or gender bias. While this was the case with a few in leadership positions (Sergeant and above), it was more pronounced at the Command Staff level (other than the Chief).

Generally, Lieutenants, Sergeants and Investigators were more diverse in their attitudes and exhibited a high regard for the Department, a recognition that changes need to be made and a willingness to effect that change. Patrol Officers appeared to be the most direct in identifying potential race/gender issues and addressing such matters head on, although some in higher ranks also did this as well. This rang especially true when the issue involved a peer. Examples include: officers addressing race or gender related items at the time of occurrence with coworkers; individual officers approaching officers who may have been impacted by negative comments in the Survey to show support; and officers reaching out to others to get individual climate checks. These reactions indicate that there are issues that need to be addressed in a manner that ultimately



works for everyone, but they also indicate that the issues are not so ingrained between coworkers that these types of issues cannot be discussed and addressed.

Overall, and to reiterate, we did not find evidence of systemic, institutional race or gender bias at the Department. However, comments made in the Survey suggest that at least some officers may harbor racially hostile views. There is also indication from the Survey that some officers have a gender bias. Notably, in our interviews, we found a general lack of appreciation *by some* for concerns/issues raised by minority and female officers regarding race and gender related items, and a lack of tolerance *by some* for real or perceived performance/workplace missteps by minority and female officers. This suggests that some within the Department may have implicit biases against officers of a different race and/or gender. Of note, at least one officer could not identify a single instance of a white officer engaging in misconduct in his 20-plus years with the Department but could identify several involving minority officers. While this is troubling, this and other reported incidences appear relatively isolated. These issues however, even if isolated, affects or has the potential for affecting the work environment and culture of the Department and must be addressed.

**b. Observations Regarding Reported Gender and Race Bias Involving Chief Howell**

Survey comments directed toward the Chief that allege acts of gender and racial bias in connection with personnel decisions within the RPD were not substantiated. The question here is not whether sound or correct personnel decisions were made, but whether race or gender motivated any of those decisions. Based on our review, we find that they did not and that employment decisions appear to have been made on non-discriminatory basis.

Much of the comments made in the Survey and during our interviews concerning the Chief's personnel decisions relate to promotions and disciplinary matters. We examine briefly each below:

**1. Promotions**

There were a few comments that a minority applicant should not have received a promotion because he engaged in misconduct, and that the Chief improperly covered up or failed to be forthright with that misconduct and promoted this individual in spite of the same. Some suspect that the Chief made this decision because of either a personal relationship with the officer or because the Chief favored him because of his race. This officer, however, appears to have been facially qualified for the position and several issues surrounding the promotion (i.e. concerns of misconduct by the officer and allegations that the Chief himself engaged in misconduct) were vetted by an outside agency and the Chief was determined to have engaged in no misconduct. We do not see clear evidence of race motivating this decision.

Another widely cited and criticized promotion by the Chief is the promotion of a female officer. Some officers believe that this officer was promoted over a male applicant they believed rated higher. Also, several officers indicated that at some point after the promotion the Chief said: "If I didn't promote her, no one else would have," or words to that effect. The Chief adamantly denies saying this. For several officers, the Chief's alleged comments suggests that the officer in question was promoted simply because she is a woman.

In addition, a photograph of this female officer is included in a display case in the front area of the Department. For some, this further evidences the Chief's desire to advance and promote a female officer for the mere sake of promoting a woman. The display case was designed by a design agency and a group of officers who formed a lobby museum committee. The Chief advises that the group of officers from the committee elected to include the photograph in the display case to amplify a core value of diversity, and that the photograph celebrated the expanded ranks of female officers in the Department over the years. The Chief also advises that the decision to include this photograph in the display was made prior to the latest decision to promote the female officer in question into the rank she currently holds.

In our view, neither the Chief's alleged comment nor inclusion of the promoted female officer's photograph in a display suggest that the Chief's decision to promote her was based on her gender. The decision to include the photograph in the display case was reached by others. Regardless, though, celebrating diversity, such as the accomplishments of a female officer, is not evidence of gender bias or discrimination in our opinion. On the other hand, the fact that some officers seemed genuinely upset that there was a "shrine" (as at least one officer put it) to a female officer in the display case *may* be suggestive of gender bias issues.

As for the Chief's alleged comment about the promotion, and as noted above, the Chief denies making the comment. Assuming for the sake of argument, however, that this comment was in fact made, while inartful, the Chief reportedly indicating that if he did not promote the female applicant in question no one else would have does not necessarily suggest that the decision was based on this officer's gender. Conversely, it may be reasonably interpreted as commentary on the state of affairs at the Department with respect to how female officers are viewed and valued, meaning that they may not be valued enough to ascend to higher ranks simply because they are women. We do not see the Chief's reported comments as evidence of unlawful discriminatory bias in connection with her promotion.

That leaves the question of whether there are other indicia that the decision was motivated by gender. As noted, several officers believed that the less qualified candidate was selected, based on the rating/ranking system. By way of background, in 2012, the Chief introduced a new promotional process which called for: a resume, career tracking information, evaluations by supervisors and peers, a top three rating/ranking by those same supervisors and a discussion of the top candidates. This was done in an effort to make promotions based on ability, experience and past performance rather than relationships and favoritism. Several officers believe that the ratings/rankings ultimately govern (or should govern) the ultimate selection on who is offered a promotion, but several indicated that they are not completely clear on how the process works. The Chief advises, consistent with state statute, that the ultimate decision at the Department level rests with him. He also advises that the rating/ranking system is used just to narrow the field and that he exercises his independent judgment in decisions on who to ultimately promote. While memorandums from the Chief to supervisory personnel on the promotion process do not indicate how the final decision is ultimately made internally, the Chief is adamant that the promotion process has been clearly communicated to officers, and that confusion over the process only surfaced when a female officer was promoted over a male officer. Some officers, however, reported confusion on how promotions (plural) have worked.

Regardless, several officers reported that they believe a male officer was more qualified for the position (while the Chief believes that the female officer was the most qualified). Assuming for the sake of argument that the female officer was in fact less qualified, the selection of a less qualified applicant does not by itself infer discrimination, unless there is other indicia of unlawful discrimination (which as noted above we do not believe is the case) and/or unless the Chief's assessment of the officer's fitness for the position was so egregious so as to have no basis in fact or reason. As to the latter point, the officer promoted seems facially qualified for the position and the Chief presented credibly when explaining why he chose this officer for the position. Of note, the Chief reported that this officer advanced goals and objectives around the issue of Human Trafficking, participated in a leadership program, and undertook the extra task of overseeing the Department's awards committee for years.

Of note, the Chief indicated that the female officer at issue was rated/ranked overall higher than several others in a previous rating/ranking, and was yet not selected for a few promotions despite being the more higher rated/ranked person. The officers who received promotions over her (despite placing lower in the Chief's rating/ranking system) were all male. According to the Chief, she was not selected for promotions at that time because he believed others were better suited for the positions. This goes against the notion that she was singled out for preferential treatment because of her gender. If the Chief wanted to target this female officer for favorable treatment because she is a woman, he could have promoted her much earlier than he did. Based on these facts, it appears to us that the Chief selected who he believed was the most qualified person, and that the officer's gender was not the driving force in his decision.

That said, the claimed lack of clarity as to the final decision-making process (to the extent there was in fact sincere confusion on this issue – see discussion in section above concerning the promotional process) has led to substantial speculation within the Department that this promotion was not made within the guidelines of the process. When coupled with comments attributed to the Chief regarding the promotion (“If I didn't promote her no one else would have,” or words that effect), many officers are convinced that gender bias/preference motivated the decision.<sup>9</sup>

From a historical perspective, and as to the overall question of whether the Chief favors minority or female officers in promotional decisions, the Chief has promoted 26 officers, 5 of whom are racially diverse and 2 of whom are female. We do not believe this shows a pattern of preferential treatment toward female or minority officers.

## 2. Disciplinary Matters

Comments in the Survey and comments made to us during our interviews suggest that several officers have a concern over the Chief's disciplinary practices. For instance, several believe that he unduly delays in making final disciplinary decisions, which they report affect the Department in a number of ways, such as placing unnecessary strains on operations when officers are on extended administrative leaves of absence. Some of these officers believe that the Chief, as

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<sup>9</sup> That aside, the fact that some officers expressed outrage when a female officer was selected over a male officer for a promotion but not when this very same female officer was passed over for promotions in favor of male officers *may* suggest gender bias.

an African-American, *may be* (emphasis added) more tolerant toward or less inclined to discipline other minority officers.

By the numbers, and as detailed above, Chief Howell has disciplined more minority officers in six years as Chief (from May 2012 through June 2018) than his predecessor (Chief Wahlen) did during his five and half year tenure as chief (from September 2006 through March 2012).<sup>10</sup> Of note, a comparison of the number of disciplinary cases that received suspensions under the Chief and under Chief Wahlen shows that the number of white officers suspended decreased under Chief Howell and the number of African-American officers suspended under him increased. While the numbers, by themselves, do not tell the full story, the data works against the suggestion that Chief Howell treated minority officers more favorably in connection with disciplinary matters.

Several survey and interview comments were directed at two pending disciplinary matters involving African-American officers. The concern expressed is that these matters have remained open for an extended period of time because the officers are African-American. Material reviewed, however, indicates that the Chief attempted to move matters to resolution while voicing some of the same concerns reported by officers concerning the matters remaining open for extended periods of time. For instance, there are emails in which the Chief requested that action be taken by prosecutors on whether criminal charges would be brought forward so that he could deal with the matter on a Departmental level. On another matter, the Chief requested that further investigation be conducted based upon information brought forward by the officer involved.

The Chief notes that delays associated with the matter that has taken the longest to resolve is not connected to his office, and that delays associated with the other matter are due to factors outside of his control. Of note, in an April 27, 2018 email, the President of the RPA wrote that “it was a top priority to address misinformation and rumors” and that the Chief advised that the “current criminal investigation involving the Officer is now, and has remained out of the Chief’s control from the outset” and that the delay was not influenced by the officer’s ethnicity. The RPA President went on to write that “I bring this to everyone’s attention in an effort to keep our members informed and improve communication which in turn will help eliminate rumors.”

From what we have reviewed, there is nothing to suggest that the Chief delayed in processing/finalizing the disciplinary action for these officers because they are African-American. In addition to the items noted in this section, and as discussed above, a review of discipline data indicates that the time from the initiation of a complaint until a resolution is entered (measured specifically as “Days to Discipline”) increased noticeably from the Chief’s predecessor to the current Chief, and that these delays affected all officers, regardless of race. Further, both the Chief and his predecessor (who is White/Caucasian) had disciplinary matters involving African-American officers which were in excess of one year. In addition, there is at least one incident cited by a few officers (including white officers) in which a white officer was not disciplined as swiftly or harshly as many believe he should have been.

While we do not see indicia of discriminatory animus against non-minority officers based on this information and our interviews, we do note that it appears to take a long time to investigate

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<sup>10</sup> The scope of our review in this regard was limited to substantial disciplinary actions – suspensions and above.

and make a final decision on officer related complaint matters under the Chief. Some officers believe that this is because these officers are African-American, like the Chief. This perception, however, is not consistent with the data and information we received.

Of note, over the past approximate 12 years (which covers Chief Wahlen and Chief Howell), the only incidences of “Days to Discipline” exceeding one year involve African-American officers. In a Department that is predominantly White/Caucasian, this presented initially as suspect to us. However, there have been only three such incidences (one under the previous chief and two under this Chief) and such a small number of officers affected does not by itself suggest a pattern or behavior toward or against minority officers. Also, based on the information we reviewed, it does not appear that the Chief, overall, bases employment decisions on race, and there appears to have been factors outside of the Chief’s control that may have played a role in the exceedingly long time it has taken to resolve these particular matters.

We were unable to substantiate claims that the Chief gives African-American officers preferential treatment in disciplinary matters. We were able to substantiate that disciplinary matters under the Chief have taken longer to resolve than his predecessor, and that the delay in processing matters to completion has led to incorrect perceptions by some that the Chief is more lenient toward African-American officers.

**c. Observations Regarding Human Resources Related Policies and Processes**

Given concerns of gender and race bias, we explored Department employment policies concerning EEO (equal employment opportunity) matters to determine whether these policies have been followed and have been effective. Overall, the application of HR guided processes for EEO matters appears to be lacking in the Department, and there is evidence of occasional, poor coordination or relationships between the Department and the City’s Human Resources Department. This may affect the Department’s ability to recruit talent (including diverse talent) and navigate HR issues, including documenting and processing complaints of discrimination.

As noted above, the City’s Affirmative Action Plan (“AAP”) and EEO policies expressly prohibit discrimination in the workplace and/or provide mechanisms for reporting issues. In our review, we noted a few occasions where the lack of effective or consistent processes or practices for handling racially charged conduct hindered the Department’s ability to address those issues in a timelier manner. In the Survey, for instance, there is mention of an African-American officer making racially charged comments against white officers. This particular incident was noted, but no investigation or substantive follow-up was conducted to our knowledge as of at least June 2018. Also, in April of this year, two African-American officers reported discrimination within the Department. From what we understand (and at the time we reviewed this particular issue – June 2018), there was conflicting instruction or confusion on how these matters would be resolved, with HR reportedly instructing officers to have matters investigated by the Department and the Department instructing officers to go to HR, leaving officers unsure as to how to proceed.

Notably, there were a few occasions in which EEO related matters (as well as other personnel matters/conflicts) were not documented or otherwise tracked. For example, specific complaints concerning race have arisen within the Department (in addition to those noted above) since the Chief has been in office. While the Chief has dealt with and reportedly resolved many

of these on an informal basis, there is little to no documentation concerning the same, and these issues have not been otherwise recorded to, for instance, hold officers accountable (on instances where improper conduct could be substantiated) and monitor pervasive issues, if any.

These and a few other incidents in which reported improper conduct was not fully addressed or documented timely or at all undermines, potentially, the effectiveness of the Department's EEO policies. It also potentially compromises the trust officers may have in the process, which may have the unintended effect of discouraging people from bringing issues forward, at least internally. It should be noted, though, that most officers reported during our interviews that they do not see a widespread problem with race or gender bias, and that issues that do arise are largely (but not always) informally addressed and resolved between the parties affected.

Another issue with the human resources function at the Department is the relationship between the Department and the City's Human Resources Department. We interviewed a number of employees and reviewed a series of emails dating back several years which revealed a friction between the City's Human Resources Department and the Police Department. This friction continues today, and we believe has hampered cooperation and good faith dealings between the two. It also appears to affect recruitment efforts (including recruitment of diverse candidates) and effective, tangible collaboration on human resources matters. Of note, the City's AAP calls for meetings with managers to discuss the demographics of the workforce with managers and to address areas that are underutilized and underrepresented. A process should be put in place that provides documentation of the efforts regarding the AAP that have taken place with respect to the Department.

We find that the Department has not fully utilized the services of the City's Human Resource Department and is in need of a structured, dedicated human resources function that works closely with the City's Human Resources Department.

## **IX. CONCLUSIONS AND RECOMMENDATIONS**

Overall, the Department appears to have been effective as a policing unit, both in law enforcement in general and in community relations. Internally, however, there are few issues that negatively impact, in our view, the Department's culture and work environment. Some of these issues have lingered for some time, and were highlighted and/or exacerbated by the Survey, including its public release.

While through our review we did not find evidence of systemic/institutional race or gender bias, we did find implicit bias issues and that comments in the Survey suggest that some officers harbor racially hostile and/or gender biased views. We also did not find evidence of race or gender affecting employment decisions. Several officers, however, report this to be the case, which has had an effect on Department morale. Notably, perceptions in these regards are not supported by objective facts and data.

Some officers reported feeling undervalued or underappreciated and several (but not most) non-minority/non-women officers struggled to acknowledge or appreciate the trials and tribulations minority and women officers may face, and in some cases seemed to place higher

expectations on minority or women officers or were otherwise less tolerant of missteps these officers may have made in the past. This is, in part, reflected in Survey comments and in the aftermath of the Survey, and has affected morale as well.

Finally, the traditional human resource function within the Department appears to be lacking in some aspects.

Given our findings, we make the following **RECOMMENDATIONS**:

**Survey Follow Up**

1. The City should determine if there is an appropriate means to acquire the identity of those responsible for the more inflammatory comments contained in the Stanard Survey responses. Any racially charged or gender biased issues should be directly addressed. No action, however, should be taken against officers who were only expressing good faith concerns of discriminatory conduct.
2. Human Resource Basic Employment Training for all employees should be conducted on a regular basis. Employees should be made aware of harassment, bias and discrimination issues, reporting procedures and consequences for violating the policies.

**Human Resources Assistance**

1. The City is in need of a dedicated Human Resource Generalist to oversee all of the personnel practices within the Department. This should be an added resource through the City. The HR professional should oversee and maintain all personnel files as it relates to recruitment, hiring, discipline and employee complaints.
2. The City should consider fully integrating its Human Resource function with the Department. It is recommended, for example, that all personnel files related to recruitment, hiring, discipline and employee complaints be kept together in a central location with oversight by the City's Human Resources department.

**Policy Revision and Incorporation of Department Practices**

1. The Department should either incorporate the City's employee complaint and investigation process into its operating procedure or establish a new procedure that allows employees to file a complaint, have it fully investigated and independently reviewed.
2. The Department should consider utilizing an Affirmative Action Plan Workforce Analysis and determine if affirmative action measures are needed in order to become fully utilized as determined by the appropriate demographics. Based on workforce analysis, the Department can establish goals for recruiting, hiring and promoting women and people of color to become fully utilized in the Department.

An example of a more robust Affirmative Action Plan (AAP) is the Madison, Wisconsin AAP. That AAP has determined workforce utilization statistics and set goals for their police department, which has not been done in the City's AAP.

3. Paid suspension guidelines should be set up and include outside review by the City Attorney's Office.

### **Culture and Work Environment Training**

1. Training is recommended to recognize and eliminate any bias (including implicit bias), and to implement a workable training plan constructed to provide for long term impact. The training would be focused on steps to rebuild healthy and trusting relationships within the Department and to implement a consistent strategy and process to ensure a basis on which the Department can build for the future.
2. The training should specifically include training on cultural competencies and should focus on diversity inclusion and healthy attitudes in the workplace where there is an appreciation that everyone can succeed and add value regardless of their respective backgrounds.
3. The method of training can vary based upon the audience and the intensity needed in order to effect change. It is anticipated that the Command Staff training will be in person and multiple days with in-person follow-up after the initial training. Mid-level supervisor training can be in person for the initial training with remote follow up. Patrol level training can be a combination of in person training or roll-call based training with modules to be completed and recorded.