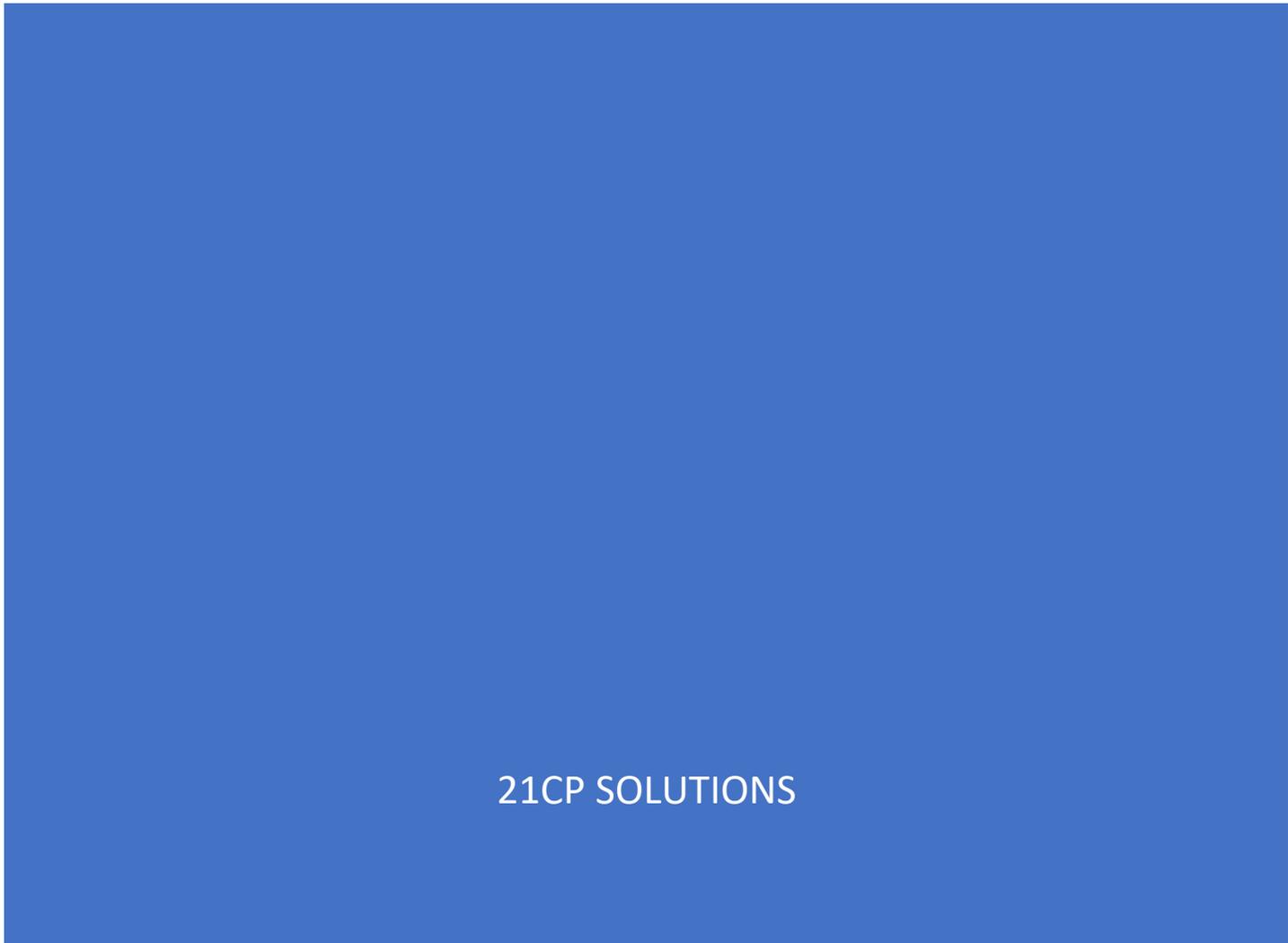


LINCOLN POLICE
DEPARTMENT
WORKPLACE ASSESSMENT



21CP SOLUTIONS

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LINCOLN POLICE DEPARTMENT WORKPLACE ASSESSMENT

I. Scope of Work

The City of Lincoln, Nebraska engaged 21CP Solutions, LLC ("21CP") to assess workplace policies, procedures, training, and/or practices related to hiring, assignment, promotion, retention, and development of sworn and professional staff at the Lincoln Police Department ("LPD" or "Department"). In conducting its assessment, 21CP reviewed policies, procedures, and other relevant documents, conducted a survey to elicit input on workplace experiences and perspectives from LPD sworn and professional staff¹, and convened virtual and in-person meetings and focus groups with staff from all levels of the LPD.

The City of Lincoln and LPD staff were welcoming and responsive to 21CP's efforts. 21CP appreciates the ready access to staff and information as needed throughout this engagement. In particular, 21CP extends its appreciation and gratitude to the many LPD staff, sworn and professional, who shared their experiences and valuable perspectives about working in the Department. The great majority of staff expressed pride in working for LPD and a commitment to making the organization the best it can be. Staff openly shared their views on practices they believe serve the Department well and ideas about where improvements to the work environment and processes can be made. As one person noted, "This Department is filled with amazing people who work hard and want to make a difference in people's lives," but that member and many others indicated there also is room for positive change.

The support provided by Lincoln Mayor Leirion Gaylor Baird and Police Chief Teresa Ewins was vital to 21CP's assessment of LPD. Throughout, Chief Ewins encouraged staff to respond to the opportunity the assessment presented by providing information to help 21CP understand and make improvement recommendations for the Department. As one of Chief Ewins' messages to the Department noted, "As an organization, we should never shy away from ongoing evaluation, criticism as well as praise for who we are." The Department's commitment to its staff is memorialized within the Department's Mission and Goals, which includes the objective to,

¹ The terms "sworn" and "sworn staff" are used throughout the report to refer generally to LPD law enforcement employees who have met a set of minimum requirements and are certified by the Nebraska Law Enforcement Training Center. The term "officers" is generally synonymous to "sworn" and "sworn staff" and is used in the report when citing LPD and City of Lincoln policies, website pages, studies, and other references that use the term "officers." The term "officers" is also used when distinguishing ranks among sworn staff, e.g., officers, sergeants, captains, assistant chiefs, and chief of police. LPD professional staff fill a variety of functions including, but not limited to, work as a dispatcher, analyst, technical resources supervisor, executive assistant, mechanic, technician, victim advocate, and forensic video technician.

"Provide employees with opportunities for meaningful work, challenging goals, and growth throughout their career." Developing and committing to a culture of continuous improvement and innovation will foster opportunities for meaningful professional growth for all LPD staff and ultimately enhance police services throughout the Lincoln community.

II. Context of Review

In February 2021, City of Lincoln Mayor Leirion Gaylor Baird directed that an independent workplace assessment be conducted of LPD with a focus on hiring, assignment, promotion, and retention of sworn and professional staff. The process of engaging a third-party to conduct the assessment was initiated, with the final selection of 21CP occurring in October 2021. During the spring and summer of 2021, Lincoln also engaged in a nationwide search for a new Police Chief. Ultimately, Teresa Ewins, then a Commander with the San Francisco Police Department, was selected and assumed the LPD Chief of Police position August 30, 2021. Thus, while 21CP conducted its assessment, the Department also was undergoing transition as Chief Ewins and her team made organizational, policy, and procedural changes.

21CP's assessment of LPD is grounded in collaboration with the City of Lincoln, the LPD, and with all stakeholders who provided valuable feedback and input on the current state of the organization – its strengths and potential areas for improvement. It is important to note that, concurrent to this assessment, Lincoln has been a party to litigation challenging certain work conditions in the LPD. In December 2020, shortly before the search for an independent assessor was initiated, a former sworn staff member sued the City of Lincoln alleging a toxic workplace for women. The suit was followed by similar allegations of sex discrimination and harassment made by other sworn staff who worked or had worked at LPD, including three who filed lawsuits.

The scope of 21CP's assessment has not included evaluation of these individual cases. We note these legal claims only to provide important context and backdrop for 21CP's assessment. While the assessment includes a general review of equal employment opportunity ("EEO") policies, procedures, and practices, 21CP's evaluation is more general than the specific claims raised by individual litigants, as 21CP's assessment considers issues ranging from recruitment initiatives to uniform requirements and the impact of these workplace policies and practices on all LPD staff.

However, the allegations of sex discrimination and harassment that have been made are concerning to LPD staff. Whether they support or question the claims made, staff feel uneasy about the litigation. **Forty-seven percent (47%) of sworn women who participated in the survey**

(16 respondents) indicated they had encountered discrimination or harassment at LPD², both men and women provided examples of inappropriate conduct they have experienced or witnessed, and some expressed support for specific litigants. Other LPD staff questioned the litigants' motives, indicated that the litigants had themselves engaged in unprofessional behavior in the workplace, and/or questioned their professional qualifications. This split in perception and experience plays out elsewhere. For example, some staff expressed the opinion that women (and minorities) are treated differently at LPD and allowed to "bend the rules" without consequence and that the Department "bends over backwards" to recruit, hire, promote, and give preferential treatment to females and minorities to ensure diversity. Others who provided feedback to 21CP believe that women and minorities are not treated fairly and advocated for greater diversity to enhance the LPD. They noted that the numbers of women and minorities in command and some specialty assignments continue to be low, despite others' claims of preferential treatment. Bottom line, perceptions as to treatment of women and minorities in the Department clearly differ among Department staff.

21CP has encountered similar divisions in law enforcement organizations across the country, which have become more accentuated with the polarizing effects of national politics. All individuals have different lived experiences that influence how they perceive and interpret events. While the judicial system is tasked with determining who is "right and wrong" between litigants, the biggest challenge for police leaders seeking to build a sense of internal community is to help staff listen to and demonstrate respect for those with whom they disagree. For LPD, that means that the Department should focus on ways to help build a sense of community among all sworn and professional staff. Where there is information to share, the Department should be transparent about the litigation or other potentially contentious matters, but the primary focus should be on communicating a strong commitment to a fair and equitable workplace for all staff, modeling and encouraging respect for differences of opinion, insuring internal procedural justice, and creating an organization that strives for authentic engagement. 21CP provides further discussion about communications and engagement in section V.

² 21CP's initial survey question on this topic asked LPD members whether they had "personally experienced harassment or discrimination based on your sex or any other social identity (race, sexual orientation, etc.)," with follow-up questions referring simply to "harassment or discrimination." Thus, for members who indicated they experienced or witnessed harassment or discrimination, we do not know if they have in mind sexual harassment or gender-based discrimination or another basis such as race, sexual orientation, etc. Feedback in the comments to the survey and focus groups centered on sexual harassment or gender-based discrimination, though other forms of discrimination were mentioned occasionally. Also, no definition of sexual harassment was provided in the survey or during focus groups and some members might have concluded an experience they had or witnessed as constituting sexual harassment though the conduct involved would not meet the legal definition of harassment. For example, being told one off-color joke might be experienced as offensive and considered sexual harassment but would not likely amount to illegal sexual harassment in and of itself.

III. Assessment Phases

21CP's workplace assessment comprised three segments, with a goal to provide all stakeholders an opportunity to contribute to the assessment.³

First, 21CP met regularly over the course of the engagement with representatives from the City Attorney's Office and LPD command staff. Numerous documents were requested and reviewed by 21CP.⁴ Initially, these meetings and the review of documents focused on scoping the assessment. Early and on-going discussions helped in further prioritizing matters to be assessed. 21CP then conducted more targeted meetings with staff to better understand specific issues.

Second, 21CP designed and conducted a confidential, voluntary survey of LPD staff, with one survey version directed towards sworn employees and a second version towards professional staff. The purpose of the survey was to collect anonymous information from individual staff about their experiences, education and training, assignments, and perspectives about working at LPD.

Third, qualitative and quantitative data from survey results were used to create agendas for focus groups that were planned with different cohort groups throughout the Department, and for individual interviews with LPD sworn and professional staff.

While 21CP conducted many meetings virtually, two individuals from the 21CP team also traveled to Lincoln for an on-site visit. The visit to Lincoln allowed the team to meet in-person with stakeholders, tour the Department, and participate in a ride-along, all of which contributed to the team's understanding of the unique characteristics of policing in Lincoln.

³ The scope of work involved review of current LPD workplace policies, procedures, training and/or practices related to hiring, assignment, promotion, retention and development of sworn and professional staff, including: (1) Recruitment, hiring, selection criteria and retention of women sworn staff; (2) Selection and promotional practices, including temporary and permanent assignments, instructor opportunities; (3) Formal and informal evaluation practices; (4) Shift and bidding procedures; (5) Training opportunities and selection for training; (6) Discrimination, harassment, retaliation, workplace bullying and hazing policies, along with implementation, reporting, and investigations of complaints of violations of policies relating to LPD culture; (7) Discipline and actions taken pending investigations; (8) Mentor programs; (9) Light duty assignments due to medical limitations, including pregnancy; (10) Pregnancy leave provisions; and lactation policies and facilities; (11) Equitable facilities such as locker rooms and bathrooms; (12) Uniform or clothing policies. The assessment included a review of documents, designing and executing a voluntary survey to elicit feedback and input on LPD practices, and convening virtual and in-person focus groups with staff at all levels of the organization.

⁴ The original and amended agreements signed between the City of Lincoln and 21CP for consulting services included a confidentiality clause that states, in part, "All services, including reports, opinions, and information to be furnished..., shall be considered confidential and shall not be divulged by the Consultant, in whole or in part, to any person other than to duly authorized representatives of City, without the prior written approval of City."

A. Initial Document Review

Shortly after this assessment was initiated, 21CP sent the City of Lincoln a set of document requests tied to the various topics to be addressed in the evaluation process. Lincoln responded by giving the 21CP team secure access to the documents requested, along with other documents as 21CP made follow-up requests throughout the assessment.

While by no means a complete list, documents made available to 21CP included City of Lincoln and LPD policies and procedures, General Orders, recruitment strategic plans, new employee packets, training material, union contracts, demographic data, EEO related materials, promotion and special assignment process details and outcomes, and internal committee assignments. 21CP also reviewed information available on LPD's website and a variety of documents that were provided directly from individual stakeholders.

B. Survey

21CP designed a workplace survey for LPD staff based on an instrument used in an ongoing study by the University of Alabama at Birmingham, in partnership with the Redlands Police Department and Sacramento Police Department. The 30X30 Initiative⁵ also circulated the survey to sworn women from several departments across the United States. 21CP used information gleaned from an initial review of documents and early scoping meetings to refine the survey and make it relevant for all LPD staff. Two versions of the survey were developed - one for LPD sworn staff and the second for professional staff. Individuals from the LPD command staff, the Lincoln Police Union's Executive Board, and others reviewed the proposed questions and provided feedback, prior to the survey being finalized.

21CP used an online platform called Alchemer, through which LPD staff could access the survey over a 10-day period in early March 2022. Using Alchemer allowed 21CP to conduct the survey wholly outside the purview of LPD and the City of Lincoln. LPD staff could access the survey from any computer or smart phone, at work or from home, at any time of day within the 10-day window the survey was conducted. While the survey asked for some limited demographic data, no identifiable information was requested.

Email messages were sent by the Chief and 21CP before the survey was made available, to explain the purpose of the survey and to encourage LPD members to participate. 21CP then sent an email

⁵ "The 30X30 Initiative is a coalition of police leaders, researchers, and professional organizations who have joined together to advance the representation and experiences of women in all ranks of policing across the United States." <https://30x30initiative.org>

to all sworn members with a link to the survey version for sworn staff and an email to all professional staff with a link to the version for professionals. Those with questions or concerns were encouraged to send them directly to 21CP. A small group of Department members had initially served as sworn employees and later assumed professional positions; these LPD staff were provided links to both versions of the survey, answering each survey's questions from the perspective of their time as sworn or professional staff. Before the 10-day window to complete the survey ended, reminder emails were sent by LPD and 21CP, again encouraging participation.

There was enthusiastic response to the survey, with a majority of staff participating. Many also offered thoughtful comments to the open-ended questions in the survey. A total of 330 survey responses were received, 237 from sworn and 93 from professional staff, representing 70% of all LPD staff and 68% of each group, sworn and professional.⁶ Comparing this to other police surveys administered by mail, telephone, or over the Internet, the method used by 21CP, LPD's response rate is considerably higher than the 49% average response rate for such surveys.⁷

As of August 12, 2021, women made up approximately 17% of sworn employees, or 60 women out of a total of 349 sworn staff, and 64% of professional staff, or 88 women out of a total of 137 professional staff.⁸ Of sworn survey responders, 74% (165 respondents) identified as a man and 18% (39) as a woman, and thus, survey participation for sworn staff closely matched the percentage rate of representation in the Department from a gender perspective. Among professional staff who responded to the survey, 53% (40 respondents) identified as a woman, which is 11% less than the 64% of professional staff in the Department who identify as women. However, some survey participants, both sworn and professional, did not respond to this question.

When asked about their race, 85% of sworn and 92% of professional staff identified as White, with 3% of sworn and 7% of professionals indicating they are Hispanic or Latino, 1% of both sworn

⁶ These percentages are based on the number of LPD members employed as of August 1, 2021: 349 sworn staff (including 31 recruits still in academy or field training), 137 FTE professional staff (including 50 dispatchers). *Lincoln Police Department: 2021 - 2025 Recruitment Strategic Plan*, p. 3. Since the survey was administered 8 months later, there could be slight variation in the percentages represented for the response rate.

⁷ Nix, Justin, Justin T. Pickett, Hyunin Baek, and Geoffrey P. Alpert. *Police Research, Officer Surveys, and Response Rates*, Policing and Society: Vol. 29, No 5 (2019). <https://doi.org/10.1080/10439463.2017.1394300> The researchers reviewed response rates for 497 police surveys reported in 390 articles published in 15 journals from 2008 to 2017. In addition to finding the average police survey response rate was 64% (considering mail, telephone, in-person, and Internet based survey methods combined), the researchers found that in-person surveys achieved higher response rates - averaging 79% - and surveys distributed through other means, including over the Internet, averaged a response rate of 49%. The researchers note, however, that anonymous self-administered Internet surveys tend to obtain the most accurate self-reports on sensitive topics, while honesty in self-reports is more of an issue with surveys administered in-person (citations omitted).

⁸ *Lincoln Police Department Equal Employment Opportunity Plan: 2020 -2021*.

and professionals identifying as Asian, 0.4% of sworn identifying as Native Hawaiian/Pacific Islanders, and 3.6% of sworn as two or more races.⁹ 10% of sworn and 8% of professional staff indicated that they would prefer not to state their race. The Department reports that persons identifying as a minority make up approximately 8% of sworn staff and 6% of professional staff, and thus, overall minority representation among survey respondents is close to total minority representation among all sworn and professional staff in the Department.¹⁰

Half of all sworn staff who participated in the survey (111 respondents) are between 40 and 69 years old, with 30% (67 respondents) falling into the 40-49 years old age bracket. 19% (41 respondents) are aged 50-59, and 1% (3 respondents) over the age of 60. The second half of sworn employees who took the survey (110 respondents) are below the age of 40 and are comprised of the following groupings: 36% (79 respondents) are 30-39 years old, 11% (25 respondents) are 25-29, and 3% (6 respondents) are aged 21-24. In comparison, 69% (52 respondents) of the professional staff are aged 40 or older. 25% (19 respondents) of professionals fall into the 30-39 years old age bracket and 6% (4 respondents) are aged 21-29. This range in ages among sworn and professional staff has several implications. For example, the Department needs to plan for what likely will be a continuing pattern of groups of employees retiring while it simultaneously faces recruitment challenges. In developing and implementing recruitment and retention strategies, LPD will need to consider generational differences in goals, expectations, and motivations among its current employees and for future hires.

The Department benefits from having a well-educated workforce. Among sworn staff who responded to the survey, 66% (148 respondents) have bachelor's degrees and 10% (22 respondents) have master's degrees. 45% (33 respondents) of the professional staff have their bachelor's and 11% (8 respondents) have a master's degree or higher. While not all employees are entitled to the benefit, approximately 28% (59 respondents) of sworn staff who participated in the survey had received educational reimbursements from the Department, while another 13% (27 respondents) plan to use the benefit. Since 14% (30 respondents) of sworn survey respondents indicated they were not aware of the education reimbursement program, LPD might want to consider an initiative to share details about the program with staff.

⁹ While the number of survey respondents is provided in addition to percentages for other demographic data and regarding answers to other survey questions, the number of members who identified with each racial category is not listed to protect the anonymity and confidentiality of survey participants who identify with a race with a limited number of representatives in the Department.

¹⁰ Ibid.

C. Focus Groups and Individual Meetings

21CP facilitated nine virtual and four in-person focus groups with LPD staff. Staff were divided into cohorts (officers, sergeants, assistant chiefs/captains, professionals, and professional managers/supervisors) and invited to sign up for a focus group through an online platform that was managed by 21CP. In addition, two virtual focus groups were offered to the cohort of women officers only, though no women signed up. 21CP also met by phone or in person on a one-on-one or small group basis with several individuals who indicated they were uncomfortable or unavailable to meet in a group setting with their cohorts.

While individuals in each cohort could access the sign-up lists for their respective group, nobody outside of a cohort had information on the identity of those who did or did not participate in the focus groups. At the start of each group session, participants were told there would be no attributions regarding statements made during the meetings and that the names of those who signed up would be deleted from the online platform and would not be shared with others in LPD or the City of Lincoln. Like the approach used with the survey, messages were sent by the Chief and 21CP explaining the purpose of the focus groups and the sign-up process and schedule, with follow-up reminder messages encouraging LPD staff to participate. The Department and 21CP stressed that the decision to join a focus group was voluntary and LPD approved participation in either an on- or off-duty capacity. Compensation could be requested for off-duty focus group participation through a discussion with a member's supervisor.

Along with the focus groups, 21CP met with individual stakeholders who requested private meetings, either because they had scheduling conflicts with the times arranged for the focus groups or because they felt more comfortable talking on a one-to-one basis with the consultants. 21CP met with both current and former LPD staff. In total, approximately forty-six sworn and ten professional individuals provided input in the focus groups or during private meetings. While the group discussions were structured around several themes that 21CP wanted to explore further based on survey responses, staff also were invited to share whatever they felt was important for the team to know. Several individuals sent follow-up information at 21CP's request or on their own initiative.

IV. Workplace Topics Reviewed

By reviewing documents and inviting stakeholder input through the survey, focus groups, and meetings, 21CP assessed LPD's workplace policies, procedures, training, and/or practices related to hiring, assignment, promotion, retention, and development of sworn and professional staff. Specific areas of review are discussed below. 21CP provides an overview of LPD's policies and

other written material on point, notes salient themes that were gleaned from survey responses and input from focus groups and meetings, and makes improvement recommendations where appropriate. On some topics, there was little, or no commentary or concern raised by LPD staff, so 21CP's consideration of these issues was more limited relative to other matters reviewed.

It is also important to note that, while the assessment initially focused on gender impacts related to the issues evaluated, the project evolved to be broader and more inclusive. Thus, 21CP considered workplace policies and practices in terms of how they impact all LPD staff, not just women. Some issues, such as the availability of lactation facilities, may be more of a concern for women than men, and gender impacts are addressed if relevant. However, the assessment ultimately focused on improvements that could benefit all LPD employees. Where 21CP had improvement recommendations to make, they are included with the discussion of each workplace topic assessed. A list of all recommendations made also is included as an attachment to the report.

A. Recruitment, Hiring, Selection and Retention

Police organizations across the country are reporting a staffing crisis, with a decrease in the number of positions filled and an increase in resignations and retirements.¹¹ The Police Executive Research Forum (PERF) conducted a survey of 411 police departments and found that agencies with 250 or more sworn staff saw the biggest decreases in the rate of officers hired between the periods April 2019 - March 2020 and April 2020 - March 2021, with an average 29% reduction in hiring rates among agencies with 250 - 499 officers.¹² Across all agencies surveyed during this same period, resignations increased by 18% and retirements increased by an average of 45%.

Against this backdrop, it was not surprising that a consistent theme found in survey responses and comments made in focus group discussions related to LPD staffing levels and the high turnover of sworn and professional employees. 65% (134 respondents) of sworn survey respondents indicated that "general agency management issues (i.e., budget, staffing)" were challenges for them in their positions as police officers, and 54% (110 sworn respondents) included "balancing work/home life" as a challenge. Each survey question was followed by a list of possible responses, with some response lists including an "other" option, with space for respondents to provide a write-in response. Of those who included write-in responses on the question asking about challenges sworn staff encountered working at LPD, added comments at the end of the survey, or participated in focus group discussions, staffing related concerns were frequently mentioned.

¹¹ <https://www.policeforum.org/workforcesurveyjune2021>

¹² Ibid.

LPD staff are frustrated by increasing demands to take on more work responsibilities and having to work more overtime, and they see no end in sight. While some at LPD have taken pride in "doing more with less," most members who commented on staffing levels indicated that the situation has reached a tipping point and that there are significant morale issues. One sworn member commented on how hard it is to head out in response to a call for service, not knowing if there will be proper backup. Professional staff reported that excessive mandatory overtime is leading some to abuse sick leave. Along with increased workloads, stakeholders point to other explanations as to why sworn staff are separating from LPD, including heightened criticism of the policing profession in general, stress related to the pandemic, and salary/benefit differences between LPD and other agencies. LPD staff often point to the Omaha Police Department (OPD) as being an attractive alternative for sworn individuals choosing to leave Lincoln, so some comparisons between the two organizations are included below.

LPD's 2021-22 budget is \$60,240,519, 26.58% of the overall budget for the City of Lincoln (this includes items over which LPD has authority, e.g., 911 falls under LPD's authority but has a separate line item in the budget).¹³ LPD's website notes, "With an authorized strength of 358 sworn officers and 147 civilian employees, LPD has one of the lowest staffing levels of any police agency in the country for a city of our size. LPD has roughly 1.2 police officers for every 1,000 residents of our community. This is approximately half the national average. As a comparison, the Omaha Police Department has 1.8 officers for every 1,000 residents in the city of Omaha."¹⁴ The OPD budget is nearly \$160,000,000, or 38% of the City's total budget.¹⁵

As of August 1, 2021, LPD had an authorized strength of 358 sworn staff and 145.88 full time equivalent (FTE) professional staff.¹⁶ The proposed budget for 2021 - 2022 included the addition of 6 sworn and 1 professional staff (a dispatcher). While actual staffing numbers fluctuate over time, in August 2021, the Department was staffed with 348 sworn (including 31 recruits in the academy or field training at the time) and 137 FTE professional staff (including 50 dispatchers).

Like many other police agencies, LPD has experienced an increase in separations from the Department due to retirement, resignation, or termination. 69 sworn staff separated from LPD during the 3-year period 2018 - 2020, with 12 leaving in 2018, 30 in 2019, and 27 in 2020.¹⁷ Though 85 sworn staff were hired during the same period that 69 separated, there already was

¹³ <https://www.lincoln.ne.gov/City/Departments/Police/About-LPD/Transparency/Budget> The City Finance Department provided information regarding LPD's budget as percentage of total City budget.

¹⁴ <https://www.lincoln.ne.gov/City/Departments/Police/About-LPD/Transparency/Budget>

¹⁵ <https://www.vera.org/publications/what-policing-costs-in-americas-biggest-cities/omaha-ne>

¹⁶ *Lincoln Police Department: 2021 - 2025 Recruitment Strategic Plan*, 3. The *Recruitment Strategic Plan* notes that the 145.88 FTE professionals includes 57 dispatchers.

¹⁷ Copy of Authorized_2008 to Present_MASTER_742.xlsx - Recruiting and Applications.

a deficit of 11 sworn staff at the start of 2018 and, as the budget authorized a force of 358 officers by the end of 2020, overall sworn staffing numbers remained at a deficit. By January 2022, LPD's authorized sworn staff had risen to 366, though the Department began the year with only 337 sworn employed.¹⁸

Omaha also reports difficulty in retaining sworn staff, and both Lincoln and Omaha experienced a significant decrease in the number of applications received.¹⁹ The PERF survey of 411 police departments noted above found that 63% of agencies experienced a reduction in the number of applicants in 2019.²⁰ During the three month period February - April 2022, LPD received an average of 28 applications per month, after an average of 42 applications per month for the prior seven months.²¹ While LPD received an average of ten applications per month from women July - December 2021, the average number of applications from women dropped to six per month during the first three months of 2022, including a six-week period when there were only two applications from women. Some theorized that applications from women declined because of negative portrayals of the Department in the media and several recent female recruits expressed initial hesitancy about applying to LPD because of the sexual harassment allegations made against the agency. While it is difficult to determine the specific reasons LPD experienced a decline in applications in early 2022 generally and from women in particular, women applicants comprised 20% of all applications received by LPD since April 2022. The Department saw an overall 75% increase in applications during the period July 2021 - June 2022, with a 33% increase in women applicants in the same period (94 applications from women received July 2021 - June 2022, as compared to 63 from women during the period July 2020 - June 2021). Further, women made up 40% of the Academy class (7 women and 12 men) that began July 28, 2022, and one woman is in the Bridge Hiring program discussed below.

An important consideration for LPD is that 41% of the sworn staff separations 2018 - 2020 occurred among those with 1-5 years of service, with another 14% involving separations of individuals with less than 1 year working at LPD, representing a total loss of 31 sworn staff. Even with changes in the hiring process since 2020,²² it is very important for LPD to understand if hiring

¹⁸ Ibid.

¹⁹ https://omaha.com/news/local/crime-and-courts/omaha-police-grapple-with-hiring-and-keeping-officers/article_5cc283ac-b102-11ec-ae16-6398e387f45b.html

²⁰ <https://www.policeforum.org/workforcesurveyjune2021>

²¹ Information concerning LPD application numbers over time was provided by the LPD Recruitment Coordinator.

²² LPD has made many changes to address the recruitment and hiring challenges it faces, including the appointment of a Recruitment Coordinator and activation of the Talent Acquisition Team, acceptance of applications year-round, condensed applicant assessments held monthly (with the Test of Adult Basic Education, Physical Ability Test, and interview all accomplished in a 2-day period), making conditional and final offers as individual applicants qualify, and offering both Bridge and delayed hire options (rather than only one per hiring cycle). Other changes that are pending

standards and practices were appropriate during this period, whether these individuals left LPD for another police agency, or if there are other explanations for the high rate of separations among LPD's newest hires. Further, the Department would benefit from a resource allocation study directed by the City Human Resources (HR) Department, which could help LPD determine optimal staffing levels to accomplish its mission considering current and projected population growth in Lincoln.

Under a recently negotiated contract, LPD sworn staff are the highest paid in Nebraska. Annual salaries for officers will range from \$64,128 to \$90,646, and for sergeants, salaries will range from \$84,793 to \$107,369.²³ In comparison, the salary listed for new officers in the Omaha Police Department (OPD) is \$50,536.80, with officers earning up to \$85,321.60 after nine years.²⁴ It was reported that LPD officers leave Lincoln to work for OPD, but not the reverse. LPD's higher annual salaries could be attractive to applicants considering positions in both LPD and OPD, though starting and later salaries fluctuate with changes in city budgets, and it is important to consider that some officers might leave LPD for OPD for reasons other than salary.

Another important factor that makes police work in Lincoln unique, but also contributes to complaints about workload, is the generalist approach followed by the Department. Patrol officers perform a wide range of diverse tasks and follow through on incidents from start to finish. "Specialization is limited to those areas where considerable expertise is an absolute necessity. Even when specialists [such as Crime Scene Technicians with expertise in forensics] are used, their role is to work cooperatively with field officers, rather than assume responsibility for cases or incidents."²⁵ Generalists perform a wide range of tasks, but some are required infrequently. Specialists work at one or two specific tasks, but often do little else.²⁶ Individual sworn staff in Lincoln "tend to function as general-purpose practitioners who bring together both government and private resources to achieve results."²⁷

Most sworn staff who commented on LPD's generalist approach spoke of it favorably. They noted benefits such as cultivating relationships within the community, engaging with diverse groups of people, and learning a broad range of problem solving and criminal analysis skills. Sworn staff also mentioned that having a well-rounded set of policing experiences will (or has) serve them in the promotion process or if they choose to move to another agency. Criticism of the generalist

include a contract with Guardian Alliance Technologies and the move to a fully electronic submission of all background paperwork, creating a digital file that will also improve cyber-vetting capabilities.

²³ <https://www.officer.com/command-hq/news/21276976/lincoln-police-become-nebraskas-highest-paid-officers>

²⁴ <https://police.cityofomaha.org/joinopd/join/faq>

²⁵ <https://www.lincoln.ne.gov/City/Departments/Police/About-LPD/Community-Based-Policing>

²⁶ <https://law.jrank.org/pages/620/Careers-in-Criminal-Justice-Police-Issues-in-employment.html>

²⁷ Ibid.

approach was tied to staffing issues, in that sworn staff are expected to thoroughly work their cases and maintain community ties even when LPD is short staffed, and they are working a larger caseload. It also was mentioned that some shifts and patrol areas do not generate the same number or complexity of cases and may be more fully staffed (such as Team 3), resulting in patrol officers having uneven caseloads and creating a sense of unfairness.²⁸ Some indicated that LPD's failure to address the perceived inequity was an example of preferential treatment within the Department. In response to concerns about high caseloads related to staff shortages, LPD adopted a strategy in May 2022 of hiring part-time workers to support patrol officers, including six retired sworn individuals to assist with retrieval and review of surveillance video, data analysis, background investigations, and other tasks.

One expectation (perhaps related to LPD's generalist approach) is that sworn working patrol identify and develop a problem-solving project each year, to test an innovative idea that may positively impact community safety. For example, where the Department closed its investigation into an incident where there were no witnesses or evidence beyond the victim's statement, and no suspect leads, a sworn individual might develop a crime prevention strategy specifically aimed at averting the same situation from happening to other residents. As with any assignment, some individuals put more thought and energy into their projects than others, but the requirement nonetheless allows sworn staff to experiment with different problem-solving approaches and potentially have a significant impact in the community. While most staff expressed enthusiasm for the project requirement, it was reported that some captains and sergeants who have been in their positions for longer periods were resistant to projects involving coordination with other police agencies or others inside LPD but outside their scope of authority. It is also possible that some individuals were not told the reason why their project was denied or misunderstood the rationale, and a proposed project might not fit priorities for the organization or individual training and development plans. To the extent individual sergeants or captains block projects that otherwise might be viewed as innovative and worthy of a test trial, using a project approval process that involves additional stakeholders across the organization or external to LPD might avert the perception that some proposals are denied for questionable reasons. A proposal tracking system open to all LPD staff enhances transparency and potentially contributes to collaboration opportunities, though consideration should be given to the pros and cons of including rejected proposals.

The Department's *2021 - 2025 Recruitment Strategic Plan* strives for an evidence-based approach to increasing staffing levels and used, for example, input from an internal survey to identify 9 talent attributes for sworn staff to ensure LPD seeks out those who will succeed in the

²⁸ 21CP did not attempt to validate whether workloads were evenly distributed among patrol officers on different teams or shifts.

Department. The plan begins by presenting racial/ethnic and gender demographics for the City of Lincoln, LPD sworn staff, and applicants for sworn positions. There is a stated goal to represent the demographic make-up of the Lincoln community more closely.²⁹

LPD's *Recruitment Strategic Plan* notes that the applicant pool for sworn positions is more racially/ethnically diverse than the City (and by implication, the Department). There is no City residency requirement and applicants might be drawn to LPD from outside Lincoln, where the population may be more diverse. To fully understand the dynamics at play, a factor analysis of the application process from start to finish must be undertaken, allowing for more insight as to where women and minorities fall out. The Strategic Plan refers to HR's use of NeoGov, an application and hiring management software tool, which could be used to analyze potential adverse impacts more closely. 21CP concurs with the statement in the *Strategic Plan* that it is important for LPD's Recruitment Office to work with the City Human Resources (HR) Department to ensure accurate applicant data is entered into NeoGov.

21CP heard the suggestion that all LPD HR-related functions should be handled by the City HR Department and was told by the City that the City HR in fact does handle most HR related matters.³⁰ LPD sworn staff are engaged in recruitment and outreach efforts and assist with backgrounding. LPD professional staff assist the City HR with some paperwork, such as writing up personnel orders. They also calculate individual leave benefits, as needed, including helping staff who plan to take family leave determine how to optimize their paid time off. EEO complaints are handled by the EEO Sergeant working in Internal Affairs. The City HR Department handles official job postings and accepts and scores applications, before sending a list of eligible candidates to the Police Department for managing other steps in the application process. Both sworn and professional staff complained that the HR Department uses a computerized program to initially score applications that results in qualified applicants being dismissed from further processing and unqualified applicants being sent to LPD unnecessarily. 21CP was told that the HR Department is seeking funding for a more robust and reliable software program to help with the application sorting process. Meanwhile, a suggestion was made by one member that the Department work closely with the HR Department to ensure all qualified candidates, sworn or unsworn, are considered during the hiring process. Also, because LPD coordinates promotional testing, it needs the support of the HR Department or another resource to ensure that all promotional processes are objective, follow best practices, and identify individuals with the skills and aptitudes

²⁹ CCJ Task Force on Policing, *Recruitment, Diversity, and Retention*, Policy Assessment, May 2021 (citations omitted).

³⁰ G.O. 1030 (1-1-2022) provides that the "Education and Personnel Unit: Conducts employee recruitment and hiring activities. Coordinates all academy and continuing training, career development, and promotional testing. Coordinates crime prevention, public relations, community liaison and public education programs." G.O. 1039 also notes that the Chief's Executive Assistant handles personnel orders, though 21CP was told that another professional member assists with that function, too.

necessary for successful performance in a particular position. It is imperative that the Police Department have a highly professional HR system to support it in all HR related matters.

There are few rigorous studies on effective police recruitment strategies. Most have focused on more efficient application processes or making the position more attractive to desired candidates, such as sending reminder emails, texts and postcards with messages about “being up for the challenge” of serving and emphasizing career opportunities in the profession.³¹ A recent guidebook produced by the U.S. Department of Justice COPS Office provides a useful overview of existing resources for promoting workforce diversity, intended to “highlight publications that are unique, particularly insightful, or considered foundational.”³²

LPD's *Recruitment Strategic Plan* identifies a long list of hiring and recruitment practice initiatives, many of which have been implemented. The recruiting team (now the Talent Acquisition Team) has been built and trained, the Delayed Hire and Bridge Hire programs³³ have both started, a recruiting vehicle is on order, and portions of LPD's appearance and grooming policy have been updated to be more inclusive (allowing beards and religious headwear, along with eliminating gender-based differences in personal appearance standards, discussed below in section IV.L.

LPD also utilizes internships, volunteers, and the Explorers' program to familiarize individuals with the work of law enforcement and, in some cases, as a potential recruitment tool. Internships are aimed towards college students seeking academic credit for assisting in units including Records, Special Victims, Education and Personnel, Crime Prevention Mental Health Liaison, Crime Analysis, Management Services, Victim Assistance, and ID/Fingerprinting.³⁴ LPD averages 4-6 interns a semester. Volunteers also are used to support LPD operations, with community members sharing their time and unique talents with the Department.³⁵ Volunteers might assist with completing Quality Service Audits or background investigations and by supporting video used during recruit academies and projects. Law Enforcement Explorers is open to youth 14 to 20-years old who are interested in policing or related criminal justice fields.³⁶ The group meets weekly and reviews police training topics, skills, and practices.

³¹ *Id.*

³² *Recruitment and Retention for Workforce Diversity – Resource Guidebook – 2021*; CRI-TAC Spotlight, U.S. Department of Justice, Office of Community Oriented Policing Services; <https://cops.usdoj.gov/RIC/Publications/cops-w0962-pub.pdf>

³³ The Delayed Hire Program provides for successful applicants to be offered a job with hiring delayed for up to 12 months, allowing them to finish their military or educational commitments with a guaranteed job upon completion. The Bridge Hire Program allows those waiting for entry into the academy to be hired as Police Trainees, beginning their employment prior to the academy.

³⁴ <https://www.lincoln.ne.gov/City/Departments/Police/Join-Our-Team/Other-Police-Opportunities#section-1>

³⁵ <https://www.lincoln.ne.gov/City/Departments/Police/Join-Our-Team/Other-Police-Opportunities#section-2>

³⁶ <https://www.lincoln.ne.gov/City/Departments/Police/Join-Our-Team/Other-Police-Opportunities#section-3>

The Recruitment Strategic Plan notes that the City of Lincoln social media policy impacts the LPD's Talent Acquisition Team's ability to effectively use social media as a recruitment tool.³⁷ However, a social media strategy is a vital part of a police recruitment plan in today's competitive market.

The progress that LPD has made towards improving its sworn staff recruitment efforts is to be commended. In addition to the next steps LPD has set out, 21CP recommends:

- The *Recruitment Strategic Plan* notes that the Recruitment Office will assist as needed with recruitment for dispatch and professional staff openings. It's not clear if there have been the time and resources to provide such assistance, though it is important that a goal is made explicit to reach full staffing with professionals, too. It is recommended that a professional LPD employee with strong HR skills be added to the Recruitment Team or that a City HR Department employee be tasked with developing recruitment and retention plans for dispatch and professional staff positions. Professional staff often feel neglected as the Department sets up its strategic vision and initiatives, although on the staffing front, they experience and expressed the same level of frustration as sworn staff.
- The *Strategic Plan* highlights the importance of regular recruitment updates with command staff. In addition, planning for regular updates with all LPD staff is imperative. Given that so many staff feel that staffing shortages are creating challenges for them, providing information about steps being taken to address the problem, data on candidates in the hiring process, when new hires will be on board, and the like will help assure staff that leadership is diligently working on the situation.
- Creating an employee recruiting incentive, one of the initiatives listed in the *Strategic Plan*, should be a priority for LPD leadership. As many staff have expressed frustration with staffing shortages, rewarding them for helping to bring in new employees is a means to involve current staff in problem-solving. Another option might be to encourage sworn staff to work with the Acquisition Team to identify and test new recruitment strategies for their annual projects.
- LPD leadership should work with the City to resolve policy or other impediments to use of social media as a recruitment tool.

³⁷ *Recruitment Strategic Plan*, p. 13.

- The LPD Recruiting Coordinator and Talent Acquisition Team should consider prioritizing the list of initiatives included in the Strategic Plan, to assist in focusing on where efforts might have the most impact. To ensure that time and resources are focused on evidence-based practices, LPD should identify a plan to collect data on the effectiveness of each new and continuing program for attracting qualified staff.
- While the hiring process has been streamlined and programs like Delayed Hire and Bridge Hire help ensure successful candidates come to work for LPD, it is also helpful to set up a communications plan with applicants as they move through the process. LPD recruitment staff use a program called Interview Now that allows them to manage candidate contact more efficiently and helps in tracking the number of people likely to show up for each assessment.³⁸ The Recruitment Coordinator indicated that, when candidates initiate contact by text or otherwise, they typically have a response within a few hours at most. Personal contact from the Talent Acquisition Team at different points during the process helps to familiarize candidates with LPD and why it should stand out as a potential employer for them. Communicating with candidates regularly also allows for the identification of unexpected hurdles that the Talent Acquisition Team might help the candidate to address and provides an opportunity to personalize an otherwise impersonal process with encouragement for the candidate. Recording the frequency and nature of these contacts, along with lessons learned, supports applicant data tracking.
- While no applicant ranking system is currently being used, the City should consider ways it might identify and encourage bilingual applicants for both sworn and professional positions.
- For LPD to move towards its stated goal of representing the demographic make-up of the Lincoln community, the Department should examine its application and hiring data more closely. The Department needs to understand if its recruitment efforts are attracting a diverse pool of applicants and then also analyze where in the process these applicants fall out.

As one sworn member noted, LPD cannot solve its retention problem by simply hiring more sworn staff. The Department needs to study and understand if people are leaving because of issues related to pay or benefits, lack of opportunities to promote or move into specialized positions, or other concerns that can be addressed. The *Recruitment Strategic Plan* already includes the goal to conduct interviews with new recruits to learn more about what attracted them to work for LPD and exit interviews to better understand why staff leave LPD. Expanding

³⁸ <https://interviewnow.io>

those interviews to randomly sample current sworn and professional staff to learn more about why people continue to work for the Department could provide useful information for developing a strategic plan for retention. The Department would benefit from an explicit retention strategy, akin to what has been developed on the recruitment front.

B. Selection and Promotional Practices

Seventy-seven percent (77%) of all sworn staff who responded to the survey (166 respondents) indicated they had been encouraged to seek promotion at LPD, as compared to 57% of sworn women surveyed (20 respondents).³⁹ The majority had been encouraged to promote by a supervisor or a peer, with most listing one or more of the following reasons they thought they had been encouraged: their past performance/capability (72% or 149 respondents); work ethic and independent motivation (68% or 141 respondents); leadership skills (64% or 133 respondents); and personality (49% or 101 respondents). Most of the sworn respondents, 79% (169 respondents), had taken steps to enhance themselves for promotion, with the top-rated examples of steps taken including:

- Training (81% or 161 respondents)
- Volunteering for/taking on extra duties and special projects (65% or 128 respondents)
- Seeking multiple/diverse assignments for broad range of experience (57% or 113 respondents)
- Seeking/taking on community engagement opportunities (47% or 93 respondents)
- Seeking opportunities to engage with leadership (43% or 85 respondents)
- Volunteering outside of work (42% or 84 respondents)
- Formal education (40% or 80 respondents)

³⁹ Twenty-two percent (22%) of all surveyed sworn members (47 respondents) and 26% (9 respondents) of surveyed women sworn members indicated they had been discouraged from promoting in the Department. The most common reasons all sworn members understood as to why they were discouraged included one or more of the following: undesirable shifts, concerns about work/life balance, and lack of experience. Another 4% of survey participants (7 respondents) indicated they were discouraged because of express or implied bias based on gender, race, ethnicity, or sexual orientation, while 2% (4 respondents) thought their promotion would be based on gender, race/ethnicity, or sexual orientation only (preferential treatment). Of those who added write-in comments about being discouraged from promoting, several indicated that past practice was to prefer women, racial/ethnic minorities, or those identifying as LGBTQ for promotion, while others noted such factors as the pay differential was not significant, there was favoritism in decision-making, and decision-makers did not take the time to get to know them. Women sworn members who participated in the survey and indicated they were discouraged from promotion noted the following top five reasons, with 12% or 3 respondents listing each factor (respondents could check as many factors as applied): I lacked experience; bias based on gender, race, ethnicity, or sexual orientation (expressly stated); bias based on gender, race, ethnicity, or sexual orientation (implied); thought my promotion would be based on gender only; and, I had limited time in current role.

- Shadowing other sworn staff/seeking informational interviews (27% or 54 respondents)

Separating out survey responses received from sworn women, 69% (24 respondents) had taken steps to enhance their promotability, compared to 79% of all sworn respondents. Forty-one percent (41%) of the sworn women surveyed (14 respondents) indicated they had sought promotion, as compared to 43% (90 respondents) of all sworn respondents.

Whether all sworn survey respondents or just responses from sworn women are considered, 40 - 47% do not think the promotional process is fair, 50% disagree or strongly disagree the process is transparent, 45 - 47% believe the process is subjective/biased, and 59 - 63% think the process allows for favoritism. The only significant difference in responses for all sworn staff verses women who are sworn was with regards to the statement, "The promotional process includes preferential treatment of women and underrepresented minority candidates." - 43% of all sworn staff (90 respondents) agree or strongly agree with the statement, while only 9% (3 respondents) of women did. Thus, a significant number of sworn staff, both women and men, believe the promotional process is unfair, not transparent, is subjective/biased, and allows for favoritism. However, only a few sworn women who participated in the survey think bias or favoritism in the process is related to preferential treatment of women or minorities, while 43% (90 respondents) of all sworn staff believe preference for women or minorities exists. It is important to emphasize that these responses are based on perceptions of promotional processes in the past, and the survey was administered before recent changes in the sergeant's exam, as discussed below.

Professional staff who responded to the survey were evenly split as to whether they have opportunities to promote in the Department, with 45% (29 respondents) indicating they do, 45% (29 respondents) indicating they do not, and 9% (6 respondents) responding that they do not know. When asked if they have been encouraged to seek promotion, there was another almost even split in responses, with 33% (21 respondents) answering yes, 32% (20 respondents) answering no, and 35% (22 respondents) indicating promotion is not an option in their current role. Approximately 73% (47 respondents) of professional staff had not been discouraged from promoting, while the opportunity to promote was not applicable for another 20% (13 respondents).

The LPD policy on promotions was reviewed and provides for shared responsibility for the promotional process between the Department and the City Human Resources (HR) Department.⁴⁰ The LPD's Education and Personnel Unit maintains a liaison role with HR and coordinates the Department's role in scheduling various components of the process,

⁴⁰ G.O. 1255 - Promotions (1-1-2022).

identification of selection standards, selection of tests and testing methods, and selection of persons to serve on oral boards.

Under LPD's policy, written tests, oral interviews, performance evaluations, and task simulations or practical exercises may be used in the promotional process. A board will be used for oral interviews, job simulation, practical exercise, assessment center, or any other component requiring a score or ranking. The board shall consist of at least three persons and may include both community members and law enforcement staff; must be approved by the Chief of Police; must receive training in advance of its assessment on the instruments to be used and the criteria for scoring; and the announcement of the promotional process shall include a description of the makeup of the board. LPD must seek input from the Labor Management Committee in establishing the components and criteria to be used in promotional processes for sworn staff. While the promotions policy does not differentiate processes based on rank or between sworn and professional staff, much of the recent focus has been on changes and improvements to the sergeant's exam, though all promotional processes need to be reviewed for conformity with policy requirements and be objective.

Policy provides that, following promotional testing, participating employees are ranked on an eligibility list by the City HR Department, based on the scores attained, using weights assigned prior to the test announcement. Seniority is factored in as $\frac{1}{2}$ a point for each full year of continuous City service to a maximum of 10 points of the total score.⁴¹ The Chief must select off the certified ranked eligibility list received from the HR Department, following Lincoln Municipal Code and applicable labor agreement guidelines.

Officers must have a minimum of 5 years of service as a Lincoln police officer to be eligible for promoting to sergeant. Only those classified as sergeant are eligible to become captains, and only captains are eligible to promote to assistant chief, with previous time-in-grade requirements no longer applicable.

Based on feedback about the promotional process, including a sense of unfairness and favoritism later echoed by staff during 21CP's assessment, the promotional process for the most recent sergeants' promotion in Spring 2022 was changed. The prior process consisted of a multiple-choice test, essay, and oral board panel. Graduate students from the University of Nebraska at Omaha prepared the multiple-choice and essay tests. In February 2022, the City contracted with (Kathy) Swensen & Associates, Omaha, Nebraska, to oversee administration of the exam. A "day in the life" approach was used, with a 4-hour block consisting of a structured interview with 6

⁴¹ City of Lincoln, Personnel Policy Bulletin, 2006-2 (April 2006).

questions, analytical exercises, and an oral presentation and inbox exercise. Rating criteria consisted of behavioral skills, such as "communication," which was scored during the interview, and an "in-box" analytical exercise, while other behaviors were scored across all three components. The assessors were from outside of the Department – a sheriff, lieutenants, and captains from nearby agencies. Assessors got a full day of training and practice sessions, in which they had to score within 2 points of each. As with previous promotional processes, scores were ranked ordered.

The Chief of Police is to first select from the top five (5) and then candidates are banded, and selections are made from within a band. The Chief is not required to select all 5 from the top of the list. As indicated to 21CP, the current Chief will consider disciplinary history, for example, and may get input from captains before making a final selection. The current Chief also will provide feedback to anyone on the list who is passed over for selection.

Twenty-three officers initially applied for the most recent sergeants' exam, though only 20 completed the process. Swenson did a presentation ahead of time for those wanting to test. Command staff report that feedback indicates the new process was well received and comments to the 21CP team in focus groups and otherwise have been generally positive. While criticisms of the former process included a lack of transparency about how previous chiefs made selections of sergeants off the ranked list, as of the time of this writing, the officer at the top of the list was selected for promotion, but no other selections under the new process have been made. Consequently, 21CP does not have input concerning the final step in the process.

Initial feedback provided in focus groups about the new sergeants' exam was generally favorable, in line with research finding that a process using assessment center exercises simulating actual job tasks is often perceived as being very fair, i.e., having a high degree of face validity.⁴² While rating criteria were reportedly tied to behavioral and analytical skills, given the need for strong leadership by sergeants, it would be useful to clarify if the new exam was intended to measure police operational experience, leadership ability, management experience, an aptitude for developing leadership and management skills, or other characteristics. Reviewing these and other factors can help ensure that successful performance during the assessment process predicts successful performance on the job. In developing the test, Swensen & Associates surveyed sergeants about their roles and the work they perform, a means to develop a job analysis, an important step in the assessment center approach.⁴³ In addition, it would be helpful

⁴² <https://www.opm.gov/policy-data-oversight/assessment-and-selection/other-assessment-methods/assessment-centers/>

⁴³ See, International Taskforce on Assessment Center Guidelines, *Guidelines and Ethical Considerations for Assessment Center Operations*. *Journal of Management*, Vol 41 No. 4 (May 2015), 1244-1273. <https://journals.sagepub.com/doi/pdf/10.1177/0149206314567780> The Guidelines note that, along with analyzing

to determine if input from other LPD staff and representatives of the Lincoln community was considered. Also, while it is beneficial to have some or all assessors from outside Lincoln to avoid conflict of interest and other biases that can influence the assessment process, it appears that only sworn staff from other police agencies participated. In other jurisdictions, 21CP has seen the advantage of involving others without sworn police experience, who can also assist in objectively assessing areas such as leadership capacity, management ability, and interpersonal skills. A diverse group of highly credible assessors contributes to a greater sense of legitimacy among all stakeholders.

The most recent captains' promotional process in 2020 consisted of 3 components, including: (1) an evaluation of a variety of components, including three writing samples, preparation through education, training, and performance, community involvement, a writing exercise, an information retrieval exercise, report review, and a practical exercise; (2) oral board; and (3) seniority. As with the sergeants' promotional process, the captains' process is guided by City of Lincoln personnel ordinances. All command staff are involved in developing questions and anchoring points. Five captains and civilian managers sit on the panel and score each component, following established guidelines. There are five or six evaluators and at different points in the past, LPD has used civilians, City Council members, sworn staff, community organization representatives, and members from other law enforcement agencies. For the last captains' promotional process, in 2020, the assessors included two women, two minorities, an officer, and a captain from LPD. There were four people on the last captains' eligibility list, with three promoted.

The captains' promotional process was not formally validated,⁴⁴ though review of the methods used to assess candidates is necessary to ensure that LPD uses an evaluation and selection system that will lead to promotion of people best qualified for the position. At a minimum, the captains' promotional process should assess for training, experience, and aptitudes related to leadership, management (including mentoring, team building, budgeting, and data analysis), and interpersonal communications. While professional validation can be prohibitively expensive, some means of objective review is required to ensure that the promotional process reliably evaluates candidates for all essential characteristics. As previously discussed, getting support

behavioral requirements of the job, "Analysis of the organization's vision, values, strategies, or key objectives may also inform identification of appropriate behavioral constructs."

⁴⁴ There are different approaches to validating a promotional process. For example, "Criterion-related validity involves an empirical demonstration that those who do well on a promotion test are the same individuals who eventually perform well on the job upon being promoted. Content validity is established by proving that a test is a fair reflection of the content of the job. Content validity is built into a test by the job analysis of the tasks to be performed." <https://policepromotion.com/PromotionalProcessSmallAgency.pdf>

from the City HR Department or another resource to assist with legitimizing the process is needed.

In addition to the regular patrol officer assignment, LPD offers specialized position opportunities. G.O. 1250 - Career Development (1-1-2022) states that the Department will rotate assignments every 4 years in the following areas, except for designated positions: Criminal Investigations, Narcotics Unit, Education and Personnel Unit, Management Services, School Resource Officers, and others deemed necessary by the Chief of Police. Other positions do not rotate, including K-9 officers (during the career of their assigned K-9), SWAT, and Crime Scene Technicians, "due to an overriding requirement for continuity, development of professional expertise through years of experience, or need to qualify as an expert witness for the department."⁴⁵ Finally, there are rotating position assignments for less than four years (usually one or two years), "to provide experience to a larger number of personnel, and to improve the overall knowledge, skill, and ability of officers" and include: Bike Patrol, Traffic Safety Unit, Team Investigator. It appears that the unit commander for any of the rotating positions can advocate to change the selection criteria or extend the length of time for a special assignment under certain conditions.

Unless there is an unexpected vacancy for a specialized position at another point, in October each year, the captain in charge of the team or unit with specialized position openings posts available assignments, selection criteria, and a description of the testing process. Sworn staff seeking assignment to a rotated position must have at least 3 years of law enforcement experience as a certified law enforcement officer and be off probation. Sworn staff currently serving in a 4-year rotated position cannot apply for another rotated assignment and must wait one year after leaving an assignment to apply for another rotated position. Exceptions are listed in G.O. 1250. The captain who manages a particular team or unit oversees the selection process and submits a ranked eligibility list to the Chief of Police, who makes selections for open specialized position assignments. This process is used for any position outside of patrol. For those interested, the team or unit captain can provide feedback on test performance or reasons why an applicant was not selected. As with promotional processes, LPD needs a system to legitimize the selection process for each of the specialized position assignments.

In response to a survey question about the respondent's main career aspiration when they originally joined LPD, 46% (96 respondents) indicated they hoped to obtain a specialty assignment. Interest in a specialty assignment dropped to 24% (50 respondents) when asked about current career aspirations. The reason for the change was not always clear, though some

⁴⁵ G.O. 1250.II.F.

made comments along the lines of loving their work as patrol officers more than expected and realizing that continuing with it was the real reason they came into policing.

However, comments made at the end of the survey and to 21CP in focus groups indicated that selection procedures for specialized positions suffer from the same issues as promotion processes - perceptions of unfairness, favoritism, bias, and a lack of transparency. Without noting if the concern was with rotating or non-rotating positions or which specific specialized positions were involved, some LPD also were frustrated by an over-emphasis on experience as a selection criterion, which they perceive is a means to avoid the time and expense necessary for training individuals in specialized positions. It would be helpful to learn more about this concern, as selection for some specialized positions, such as with SWAT, relies on performance-based testing, while experience might be more relevant for other positions, such as with the Special Victims Unit.

Staff also expressed a frustration about non-rotating specialized positions as they perceive it difficult if not impossible for those not assigned to the non-rotating team to ever gain experience in that specialization. For example, SWAT positions are non-rotating so there will be no opportunities to apply to become a member of the SWAT team until a SWAT officer leaves LPD or for some other reason will no longer serve on that team. LPD leadership recognizes that there is tension between keeping experienced, productive people in non-rotating specialized positions and giving others an opportunity for professional growth. However, if most non-rotating specialized positions are filled by veteran sworn staff, they might be disinclined to support a change to the arrangement currently in place. There were numerous comments along the lines of, "I worked my entire career to reach a specific role in a specialized unit and would like to stay there."

In addition to wanting the experience represented by non-rotating assignments, sworn staff want more certainty about their schedules. There were a few complaints that those in rotating positions do not know what their next assignment will be, though a change is certain to come. While they know they will return to a patrol assignment and will bid on their preferred geographical team and shift, sworn staff indicated that they do not necessarily know the outcome of the annual specialized position postings, which can impact whether their preferred bid will be successful. However, as was explained to 21CP, the timelines for posting and selecting for specialized positions and bidding on assignments and schedules follows a contractually mandated process and, other than in rare exceptional cases, specialized position selections are made before other bidding takes place.

There also was a complaint that work hours for a specialized position were changed from those listed in the original posting and after the position selection was made, and that others would have sought the position had they known about the revised hours. Regardless of the rationale for the change, particularly if there was no within-Department explanation, this sort of outcome creates the sense of unfairness experienced by staff, with repercussions for the entire process of making assignments to specialized positions.

21CP recommends that the Department:

- Ensure that all promotional processes are objective and follow best practices.
- Continue to explore with staff the pros and cons of the specialized position system in place and consider alternative approaches that better address the concerns raised.
- Continue to explore with staff which selection processes for specialized positions are perceived as unfair or limit their opportunities at LPD and alternative processes sworn staff might experience as more equitable and transparent.
- Rather than waiting for employees to ask for feedback, develop a cultural norm of offering feedback to all employees who unsuccessfully vied for a promotion or applied for a specialized position.

C. Formal and Informal Evaluation Practices

Departmental policy provides that LPD will maintain an employee performance evaluation system to provide information to employees about their performance, to assist in personnel decisions, and as a means of improving work performance.⁴⁶ G.O. 1415 states that entry-level employees shall have a written evaluation during their first year of employment, all employees will be evaluated at least annually, evaluations ordinarily will be due on the employee's anniversary date of employment or grade change, and the rating period runs from the time of the previous evaluation.

LPD maintains forms for rating employee performance that include a basic job description of major responsibilities and tasks,⁴⁷ along with a priority point assignment. With notice, supervisors can change or customize a job description. Evaluations are conducted by an

⁴⁶ G.O. 1415 - Performance Evaluation (1-1-2022).

⁴⁷ The City of Lincoln Human Resources Office maintains a list of Classifications and Descriptions for all employee positions. It is not clear whether the description used in this context is also used in the form for each position that is used for conducting performance evaluations. <https://www.lincoln.ne.gov/City/Departments/HR/Classification-Compensation/Classifications-Descriptions-City>

employee's immediate supervisor, with supervisors to receive training on the rating process. Supervisors will seek input from other supervisors who are knowledgeable about the employee's performance. Supervisors are themselves rated regarding the task of evaluating subordinate employees.

At the beginning of the rating period, supervisors hold a "pre-rating interview" with employees to explain the job description, note any special upcoming performance expectations, and to discuss and negotiate any changes in the job description or priority levels of responsibility. Supervisors are expected to provide timely feedback throughout the rating period, with exceptional performances documented in an Employee Incident Report⁴⁸, and written notice if the employee's performance expected evaluation score will fall below a 71. Prior to the evaluation date, the supervisor should complete a proposed evaluation, including the numerical rating and narrative comments. When the employee is notified of a pending evaluation, they must complete and submit the annual EEO form discussed below in section IV.F.

Procedures to follow for the rating interview are covered in G.O. 1415, including the requirement that the supervisor explain the evaluation, discuss noteworthy areas of performance, and take into consideration information presented by the employee. During this meeting, the supervisor should also counsel the employee about career goals. G.O. 1250 - Career Development (1-1-2022) provides that the discussion about career goals should include helping the employee to clarify their goals, assist in identifying plans for achieving goals, and identify opportunities for development that may be available to the employee. The employee's training, education, and experience should be reviewed, along with available training and assignments that might align with the employee's career goals. Supervisors are to be trained in providing career counseling and provided the resources necessary to fulfill that responsibility.

G.O. 1415 summarizes the City HR process and time limits for contesting an evaluation with a commanding officer or unit manager, the division's Assistant Chief, and the Chief of Police. Regardless of whether the employee contests an evaluation, this same line of command must review and sign off on each evaluation and may add narrative comments themselves.⁴⁹

The City HR Department provides two performance evaluation manuals, used for different job classifications. The Employee Position Description & Performance Evaluation Manual, last revised August 2017, applies to most job classifications in the Department. There is a link to access forms used in the evaluation, though G.O. 1415 also refers to City HR forms maintained by LPD. The Manual provides instructions on creating the job description and guidelines for evaluating and

⁴⁸ To the extent it is not already occurring, recognition in the Department for employees who receive Employee Incident Reports for exceptional performance can contribute to overall employee morale.

⁴⁹ G.O. 1415 also addresses the release of personnel information.

rating employees, with a list of standard suggestions for ensuring objectivity. It also addresses recommendations or comments from the supervisor, comments from the employee, and distribution of the form once it is completed.

A five (5) point rating scale is used: Outstanding (5 pts), Commendable (4 pts), Satisfactory (3 pts), Conditional (2 pts), and Unsatisfactory (1 pt). Points are given for each action necessary to meet the major responsibility identified in the job description. For example, in evaluating a police officer, the major responsibility "Investigative Skills" has 8 associated Actions. Each of the 8 Actions is to be rated on the 5-point scale. The points for the 8 actions are totaled and that number is divided by the number of actions. Next, the supervisor multiplies by the priority points for the responsibility. These steps are followed for each of the 5 priority areas. If an officer did not have the opportunity to perform an action, then there is no score, and the total points are divided by one fewer number of actions. If an officer did not have an opportunity to perform a responsibility, then that responsibility is not scored, and its points must be redistributed into other responsibilities. It gets more complicated if the officer was in two or more assignments over the 12-month rating period, as a weighted calculation must be performed based on the amount time spent in each assignment.

An overall rating of 71 points or higher is required to be eligible for a merit increase. A rating below 50 requires a re-evaluation within 90 days.

The City's performance evaluation system is one of the more complicated systems 21CP has encountered and Human Resources is contemplating a change. The current evaluation system implies that there is a fine degree in performance that can be observed and judged, which is unlikely. Complexity also can result in rater reliability issues for a single supervisor or across all supervisors evaluating employees in the same classification. Because policy permits the supervisor to customize job descriptions at the beginning of the evaluation period, including changing the priority points and necessary actions, this could lead to disparity in how employees in the same job classification are evaluated. There is no requirement for approval by the supervisor's chain of command for such changes.

A non-essential function on which officers are evaluated includes the action of participating on department or City-wide committees. The Department provides opportunities for staff to be involved on committees covering issues including sworn and professional labor/management, wellness, safety, policy review, awards, strategic planning, and employee assistance programming. While 21% of officers (42 respondents) who responded to the survey indicated that they feel challenged in their work due to a lack of influence in decision-making, based on other input from the survey and focus groups, officers likely are referring to their frustrations surrounding staffing and funding decisions over which they have little or no control.

D. Shift and Bidding Procedures

As noted throughout this report's discussion of the various issues under review, seniority comes into play when the Department is making selection decisions for promotions and special assignments, determining work shifts and which employees will work overtime, and in making other personnel decisions. A summary of how seniority is determined and the process for bidding on the different work shifts that come available is presented below, while the role of seniority for other processes (e.g., promotions and special assignments) is noted in the sections discussing those issues. Similarly, when LPD policy addresses minimum time in service requirements for bidding purposes (e.g., officers must have at least 3 years of experience as a law enforcement officer before bidding for a rotating special assignment position), it is included in the report's discussion of the process at issue.

Special Order 96-12-1 - Seniority (effective date: July 2007; review date: September 2013) is intended to clarify how employees are ranked on a seniority list when two employees are hired on the same day. For LPD sworn staff represented by the Lincoln Police Union, Labor Agreement, Article 11, Sections 3 and 4, define how a seniority list is established and officers are given a date for seniority purposes. The Union is to provide the City with a seniority list within 30 days of signing a labor contract. For employees not shown on the list, seniority commences from the date the employee is hired (enters classification). If two employees are hired on the same date, seniority is determined by their date of application, and if that date is the same, the Department Head at the time of hire is to designate rank and seniority. The seniority list is to be updated annually by the Department Head.

Special Order 93-12-1 - Allocation of Personnel (effective date: July 2007; review date: September 2013) provides that each LPD Team/Unit is to do a workload analysis determined by work shifts and days of the week. Staff schedules are available for bid annually in December. Sworn staff select their days off and hours by seniority from the posted schedules.

Article 18 of the Lincoln Police Union agreement with the City of Lincoln addresses hours of work and duty shifts. Nine (9), ten (10), or twelve (12) hour working shifts may be made available and will be open to employees working eight (8) hour shifts. When an employee elects to change their work shift to either an 8-, 9-, 10-, or 12-hour shift, they may not again change their shift to a different number of hours without management consent. During an emergency defined by the Department Head, employees' shifts, hours, and duties may be established by the Department Head, but cannot be changed to avoid overtime payments. Article 18 prohibits split shifts, unless mutually agreed upon by the City and the employee, though the section does not apply to employees in designated units. Fifteen-minute paid break periods are to occur every four (4)

hours. Employees working 12-hour shifts are required to flex off a total of 4 hours within the two-week work period, with part or all the 4 hours taken at any time during the work period, with supervisory or management approval. If a mutually agreeable time is not identified, the needs of the Department shall take precedence.

21CP did not receive much input on shift and bidding procedures as they function generally.

E. Training Opportunities and Selection for Training

Training related requirements and opportunities are addressed in several LPD policies, with G.O. 1310 - Continuing Training (1-1-22) providing a comprehensive overview of LPD's in-service and advanced training program.⁵⁰ All sworn staff are required to attend a minimum of 40 hours of training each year, which includes mandatory sessions and may include specialized courses and opportunities outside the Department. Mandatory training topics to be addressed annually include:

- Legal updates/policy changes
- Use of control/de-escalation
- Firearms qualification
- Cultural diversity/ethics/unbiased policing
- Emergency mobilization/all hazard/hazmat
- Purists
- Mentally ill
- Less lethal impact weapons

All LPD in-service training is accompanied by a lesson plan approved through the Education and Personnel Unit, which shall include, at a minimum: a statement of learning objectives, an outline of the topics presented, a description of the instructional techniques used, and copies of any materials provided to students or tests administered. A training committee coordinated by the Education and Personnel Unit commander assists in developing and evaluating training needs.

Non-mandatory training courses addressing specialized topics also are offered, with the Education and Personnel Unit posting courses available during the year. LPD employees fill out a Training Application that includes approval from the employee's supervisor and forwards it to the Education and Personnel Unit.

⁵⁰ Also see G.O. 1310 - Field Training Program, G.O. 1330 - Firearms Training and Qualification, and G.O. 1340 - Less Lethal Control Training.

Training sponsored by LPD uses instructors meeting at least one of the following requirements: certified instructor by the Nebraska Law Enforcement Training Center; five (5) years of law enforcement experience, including specific experience or training in the topic; a bachelor's degree in the subject to be instructed or a related field and three (3) years of experience; or completion of an instruction development course. Guest lecturers approved by the Education and Personnel Unit also can provide instruction for LPD sponsored training.

The Continuing Training policy indicates that the LPD seeks to equitably provide staff with access to outside schools and conferences based on the needs of the Department and career development goals of employees. The Education and Personnel Unit maintains information about outside learning opportunities and may post notices for applicants for specific training events or employees may initiate a request to attend outside training. Training Applications must be approved by an employee's supervisor, with approval from their unit manager for any expenses involved.⁵¹ Applications for outside schools and conferences are considered by the command staff based on factors such as costs, the availability of funds, relevance of the training, quality of the course and instructional staff, and needs of the Department and employee. Compensation for attending outside training, modification of work schedules, and reimbursement of expenses is governed by labor contracts, though the policy speaks to altering duty shift times, using flex time, and compensatory overtime options. The Education and Personnel Unit is responsible for maintaining and updating employee training records.

Employees who are promoted shall receive appropriate training applicable to their new duties and LPD will make available ongoing training in topics of supervision and management. New supervisors must complete eighty (80) hours of training approved by the Nebraska Law Enforcement Training Center and most LPD sergeants take the International Association of Chiefs of Police (IACP) Leadership in Police Organizations (LPO) course. The LPD unit manager, with support from the Education and Personnel Unit, is responsible for training promoted employees, and training is to include on-the-job coaching and instruction from an incumbent.

Per policy, specialized training is required for staff with specialized assignments, including Internal Affairs, Lead Use of Force Instructor, Armorer/firearms Instructor, Education and Personnel Unit, SWAT team, Special Victims Unit, Criminal Investigator, Crime Scene Technician, School Resource Officer, Fatality Crash Investigator, Forensic Unit, FTO Officer, Narcotics Investigator, Polygraph Examiner, Motorcycle Officer, Emergency Communication Center, Public Information Officer. Unit managers are responsible for ensuring that staff receive appropriate

⁵¹ Overnight travel must be approved by the Chief of Police, with funding meeting the requirements of G.O. 1070 - Travel for Official Business.

training prior to assignment or as soon thereafter as practical, and that employees in these specialized assignments receive retraining/recertification at reasonable intervals.

When survey respondents were asked about mandatory specialized courses, 58% (121 respondents) of sworn staff who responded indicated they had taken 10+ courses, 29% (60 respondents) stated they had taken between 1 and 9 mandatory specialized courses, and 13% (28 respondents) had not taken any. 55% (115 respondents) of sworn staff who participated in the survey indicated that they had attended 10+ specialized training courses that were not required but they took at the Department's encouragement or self-initiated. Another 43% (90 respondents) of sworn staff who took the survey indicated they had taken between 1 and 9 nonmandatory specialized courses, with only 2% (5 respondents) responding they had not taken any.

Among professional staff who participated in the survey, 27% (17 respondents) reported they had attended 10+ required specialized training courses, 55% (35 respondents) attended between 1 and 9 courses, and 19% (12 respondents) had not taken any specialized training. Most professional staff, 76% (48 respondents) of those survey, attended specialized training courses that were not mandatory but encouraged by LPD or self-initiated.

Approximately 73% (150 respondents) of LPD sworn staff who participated in the survey had between 1 and 10+ of their specialized training requests denied. 53% (104 respondents) of sworn surveyed said that their training requests were denied due to issues with staffing or funding, with others indicating there was a combination of staffing and funding problems involved. 21CP heard from some staff that they did not know why their training request was denied, with 9% (18 respondents) of sworn staff indicating on the survey they had not been given a reason and others believing that the stated reason was unfair or untruthful. One survey respondent indicated his unit commander stated, "I'm paying you to take calls, not go to training."

It appears that professional staff requests to attend specialized training are granted more often than what was reported in the survey by sworn staff. 67% (42 respondents) of professional staff who responded to the survey indicated they had zero (0) requests to take a specialized training course denied, while 34% (21 respondents) had between 1 and 10+ requests denied. Staff and funding issues were most often noted as reasons why training requests were denied, though several professional staff indicated they were not given a reason.

21CP also heard from sworn staff who questioned the adequacy of the training provided to supervisors, though sergeants are required to take 80 hours of on-the-job supervisory training

plus either the Leadership in Police Organizations (LPO)⁵² program offered through the International Association of Chiefs of Police (IACP), or supervisory training provided by the Nebraska Law Enforcement Training Center, with the majority participating in IACP's LPO course. As one said, "We need to do a better job of training sergeants to be leaders." LPD staff noted that sergeants are not sufficiently trained in holding officers accountable and need training on how to respectfully listen to officers. One individual guessed that with staffing shortages, sergeants might get less on-the-job mentoring after their initial training and are not ready for effective supervision when they are thrust into the role.

There is a perception among some LPD staff that training requests are granted or denied based on favoritism and that some sworn staff seem to have many more of their requests repeatedly approved.

It is recommended that LPD consider the following improvements for its training program:

- While the training policy indicates the criteria considered in responding to requests for training, the Department would benefit from a more transparent selection process that provides explicit information to applicants about any prioritized criteria for a specific training course. The Department also should provide feedback to applicants who were not selected, as this helps to legitimize the training selection process and gives direction to employees if there are actions they could take to better position themselves before again requesting the same or a similar training course.
- Because supervisors and unit commanders serve as gatekeepers in the training request process, it could be useful to review applications that did not make it to the Education and Personnel Unit for consideration.
- An in-depth review of sergeants' training and mentorship might be advisable, for the reasons discussed above and at other points in this report.

⁵² <https://www.theiacp.org/LPO>

F. Discrimination, Harassment, Retaliation, Workplace Bullying, and Hazing Policies, along with Implementation, Reporting, and Investigations of Complaints of Violation of Policies Relating to LPD Culture

Shortly after assuming her position at LPD, Chief Ewins reviewed and reissued some LPD policies, including policies on Standards of Conduct, Internal Investigations, and Disciplinary Action.⁵³ 21CP heard from many LPD staff that Chief Ewins has also let it be known in public comments that she intends to hold all staff to the same conduct standards and to investigate complaints fairly and objectively.

As previously noted, 21CP's assessment of LPD's policies, procedures, and practices occurred at a time that the City of Lincoln and the Department are responding to allegations that LPD discriminates against and has harassed women sworn staff. While 21CP is not assessing the merits of these individual claims, efforts were made to understand the extent to which others in the Department have experienced or witnessed discrimination or harassment. 21CP summarizes some of the feedback received, along with providing an overview of policies and procedures for investigating EEO allegations and other complaints of employee misconduct.

With regards to EEO matters, LPD policy states, "The Lincoln Police Department endeavors to hire, train, compensate, assign, and promote all persons on the basis of merit. The Department will follow the City's Diversity Policy to treat applicants and employees fairly and equally, without regard to race, religion, gender, gender identity or expression, sexual orientation, color, national origin, ancestry, age, pregnancy, veteran's status marital status, handicap, disability, or other legally prohibited bases."⁵⁴ The policy includes definitions of the terms discrimination, sexual harassment, physical/mental disability, retaliation, quid pro quo, hostile work environment, and gender identity or expression. Prohibited conduct includes discrimination, sexual harassment, quid pro quo, hostile work environment and retaliation. Employees who engage in such behavior will be subject to disciplinary action up through termination of employment.

The policy provides that the Professional Standards sergeant is designated as the EEO officer for the Department, under the supervision of the Chief of Staff and Chief of Police,⁵⁵ with duties

⁵³ G.O. 1420 (standards of Conduct), G.O. 1430 (Internal Investigations), and G.O. 1440 (Disciplinary Action) all became effective 1/1/2022.

⁵⁴ G.O. 1260.I. Policy (1-1-2022). The LPD policy does not specify the City policy referred to when stating, "The Department will follow the "City's Diversity Policy..."

⁵⁵ G.O. 1260.II.B. indicates that the personnel sergeant is designated as the EEO officer for the Department, under the supervision of the commanding officer of the Education and Personnel Unit. An updated policy reflecting that

including ensuring that all LPD employment procedures conform to EEO law; providing informal consultation, counseling, and mediation with employees regarding EEO matters; coordinating and reviewing complaints; coordinating EEO training; evaluation and refinement of EEO practices; and serving as liaison to the City Human Resources Department.

Supervisors are responsible for ensuring the work environment under their control is free of discrimination and harassment and they can be held personally liable for violations. LPD's policy also provides that it is the duty and responsibility of all employees to ensure a discrimination free workplace by immediately reporting real or perceived violations of this policy. Employees who feel they have been the victim or a direct witness to behavior in violation of this policy are encouraged to initiate a complaint directly or anonymously with the Department EEO officer, their immediate supervisor, commanding officer, or unit manager, the City Director of Equity and Diversity, the Nebraska Equal Opportunity Commission, or the Federal Equal Employment Opportunity Commission. Responsibilities of supervisors and the LPD EEO officer after receiving a complaint are outlined, including handling the matter themselves, resolving the matter informally, or having it investigated, with all complaints forwarded to the Chief of Police for final resolution. The complainant is to be given the chance to review any final action to be taken and can add comments or material to the report, with the Chief providing the complainant a final disposition letter.

During each LPD employee's annual review, they are required to answer a series of questions as to whether they have any general comments about discriminatory activities within LPD, whether they have been a target of or observed an act of discrimination during the previous year, whether they want to privately discuss any matter with the EEO Sergeant, and whether there are improvements LPD can make on matters of discrimination or sexual harassment. The form is submitted directly to the EEO Sergeant, with the employee's supervisor only getting notice that the form was completed. The EEO Sergeant then follows up on any question answered "yes," encouraging the employee to provide more information and noting ways a complaint can be filed. Copies of these forms were made available to 21CP and were sampled to confirm how follow-up attempts occurred.⁵⁶

Of those who responded to the survey, 19% of all sworn staff (38 respondents) indicated they had personally experienced harassment or discrimination while working at LPD.⁵⁷ However,

the Professional Standards sergeant is the designated EEO officer, under the supervision of the Chief of Staff and Chief of Police, will be issued in January 2023, with training updates occurring earlier.

⁵⁶ 21CP's contract with the City of Lincoln includes a confidentiality agreement.

⁵⁷ As noted earlier in section II., 21CP's survey questions asked whether LPD members had experienced harassment or discrimination based on sex or any other social identity (race, sexual orientation, etc.). Thus, for members indicating they experienced or witnessed harassment or discrimination, it is not known if they had in mind sexual

focusing just on responses from women, 47% of the women sworn staff surveyed (16 respondents) reported they had experienced harassment or discrimination while working at the Department. Also, 41% (14 respondents) of women sworn staff who participated in the survey reported having witnessed discrimination or harassment. Thus, depending on the degree of overlap in both experiencing and witnessing harassment or discrimination, between 16 and 30 of LPD's sworn women responding to the survey have experienced and/or witnessed discrimination or harassment while working there. Because the survey was intended to be anonymous, we do not have specific information about the incidents involved, do not know when these women sworn staff experienced or witnessed harassment or discrimination, do not know which of them, if any, complained within the Department or to outside EEO investigation resources, and do not know if the matters were resolved.

While nearly half of sworn women who participated in the survey (16 respondents) reported having experienced discrimination or harassment at LPD, only 24% (8 respondents) listed discrimination as a challenging aspect of their work. Further, 19% of the sworn women (6 respondents) indicated that discrimination or harassment occurs sometimes, 13% of the women (4 respondents) responded that it happens very often, and 10% (3 respondents) indicated that they rarely witnessed harassment or discrimination at LPD. Any single incident of alleged discrimination or harassment should be treated as a serious event to be investigated. While some individuals indicated they handled the situation on their own, the Department should encourage employees to report all incidents to ensure the situation is appropriately addressed and to create a record in case others complain of similar experiences. The goal is to create a culture where inappropriate conduct is not tolerated, is immediately reported by the subject and witnesses, and is thoroughly and objectively investigated and addressed in a timely manner.

The Standards of Conduct policy states that employees shall conduct themselves in a manner that "fosters cooperation among members of the department by showing respect, courtesy and professionalism in their dealing with both the supervisors and co-workers. Employees shall not use language or engage in behavior that demeans, harasses, or intimidates other employees."⁵⁸ Though not widespread, both sworn and professional staff provided examples of treatment that could constitute a violation of this conduct standard. Staff pointed to instances in which sworn

harassment or gender-based discrimination or another basis such as race, sexual orientation, etc. Feedback in the comments to the survey and focus groups centered on sexual harassment or gender-based discrimination, though other forms of discrimination were mentioned on occasion. Also, no definition of sexual harassment was provided, and some members might have concluded an experience as amounting to sexual harassment though the conduct involved would not meet the legal definition of harassment. For example, being told one off-color joke might be experienced as offensive and referred to as sexual harassment but would not likely amount to illegal sexual harassment in and of itself.

⁵⁸ G.O. 1420 - Standards of Conduct (1-1-2022).

individuals were demeaned in front of other staff by commanders and times when professional staff were treated in a disrespectful and dismissive manner by sworn staff. Some expressed pessimism about whether such events would be objectively investigated, though it appears that concerns about demeaning or dismissive conduct potentially could be raised in the context of an EEO complaint, through a complaint with Internal Affairs, or pursued through other avenues of complaint noted in GO 1260 and listed above.

21CP makes the following recommendations regarding LPD policies and practices related to EEO:

- The EEO policy provides that a supervisor has 10 days to resolve an EEO complaint before it must be forwarded to the EEO office and must notify the Chief of Police about the complaint within 5 days of receipt. The EEO policy should specify time limits for all steps of the complaint process, from intake and classification through investigation, review, and disposition. Whether a complaint is moving through the investigation process in a timely manner, or an extension of deadlines is necessary, regular updates on the nature of EEO matters under investigation and their investigation status is recommended.
- To avoid even the appearance of conflict and to increase staff's confidence in the process and outcome, some or all EEO complaints might be referred for investigation outside of LPD.
- Under the EEO policy, the supervisor must resolve the complaint "unless the magnitude of the complaint exceeds their resources necessary to resolve a matter." It is not immediately apparent what is meant by this language, but in any case, it is advisable that supervisors be required to consult with the EEO Sergeant and/or the Chief of Police about how a particular matter should be handled instead of making that gatekeeping decision themselves. Providing more written guidance in the EEO policy on front-end classification decisions will help ensure that more serious concerns are not missed. Requiring that classification decisions are approved by the EEO Sergeant and/or the Chief of Police helps to ensure accountability and legitimacy for the process overall.⁵⁹
- The definitions section of the EEO policy defines sexual harassment and then separately defines quid pro quo and hostile work environment (legal theories of sexual harassment). This is an unusual approach for a personnel policy on harassment. It is more confusing than helpful. Alternatively, rather than calling out the legal theories, the policy could include practical examples of various forms of sexual harassment. Similarly, the prohibited conduct section of the EEO policy also refers to "discrimination, sexual

⁵⁹ This level of review and approval of complaint classification also allows for a check as to whether the named employee has had other complaints of a similar nature.

harassment, Quid Pro Quo, hostile work environment and retaliation," with the implication that quid pro quo and hostile work environment are something different from sexual harassment.

- The EEO policy definition of harassment should be amended as it does not include all legally prohibited bases of discrimination that are included earlier in the policy.
- Departmental policy should clarify the avenue(s) for complaining about a violation of the Standards of Conduct policy that addresses conduct expectations between employees and their supervisors and co-workers, as such complaints do not necessarily involve an EEO protected basis (e.g., race, religion, gender, etc.).

G. Discipline and Actions Taken Pending Investigations

The Internal Affairs Unit is charged with conducting thorough, impartial, and timely investigations.⁶⁰ The Chief of Police appoints Internal Affairs staff who report directly to the Chief. Internal Affairs duties include:

- Investigating community complaints
- Conducting other investigations ordered by the Chief of Police
- Conducting investigations into firearms discharge and use of force and control incidents
- Briefing the Chief of Police regarding each Internal Affairs complaint
- Completing an annual review of agency practices including community concerns and corrective measures.

The policy recognizes that some complaints arise from a lack of information or misunderstanding, which often can be more immediately resolved. If the complainant is satisfied after receiving an explanation and no further action is required, the matter is documented by an Employee Incident Report and marked "inquiry." Other complaints are classified as Level III or Level IV.⁶¹ Level III complaints are of a minor nature and are investigated by a supervisor in the employee's chain of command, with examples including: "(a) Discourtesy; (b) Minor procedural violations; and (c) Minor conduct problems." Level IV complaints are of a serious nature and are investigated by Internal Affairs, with examples including: "(a) Excessive force; (b) False arrest; (c) Harassment; (d) Discrimination and/or racial profiling; (e) Serious or criminal misconduct; (f) Commission of a criminal offense." The Chief of Police has final authority on complaint classification and criteria that may be considered include, severity of the alleged misconduct, obvious mitigating or

⁶⁰ G.O. 1430 - Internal Investigations (1-1-2022).

⁶¹ There are no Level I or Level II classifications.

aggravating circumstances, severity of the likely discipline if the allegations are proven, and past conduct of the employee involved.

The investigative steps anticipated for Level III and Level IV complaint investigations are listed in the policy, along with the procedures to follow for documenting the investigation and communicating with the complainant and named employee. The Chief of Police retains the authority to accept the recommended finding, reach another finding, or direct further investigation for both Level III and Level IV complaints.

For Level IV complaints, once the named employee receives notification of the complaint from Internal Affairs, the employee has five (5) days to contact Internal Affairs to schedule an interview, which must occur within ten (10) days of the date of notification. The policy sets out guidelines for interviews that address matters such as, when interviews should be conducted, recording LPD staff and community member interviews, attorney representation for community members, and when Garrity warnings should be provided. Other investigative actions such as reviewing reports related to the incident underlying the complaint are also addressed. All complaints alleging bias or disparate treatment based on an individual's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable groups shall be investigated, with a copy of the allegation and disposition provided to the Nebraska Commission on Law Enforcement and Criminal Justice, without identifying the complainant or sworn staff involved.

Internal Affairs is to complete a detailed investigative report concerning the complaint and recommend one of the following findings: unfounded, exonerated, sustained, or not sustained. Internal Affairs is not to make disciplinary recommendations. Once the Chief reviews the investigation and make a final determination, the employee and their commanding officer/unit manager and the division's Assistant Chief receive notice of the disposition. A disposition letter to the complainant also is prepared, though held ten (10) days or until the first court disposition if a case is pending.

If there is a recommended sustained finding, the Chief of Police schedules an administrative hearing, unless waived by the named employee. The employee may be represented by counsel and one other representative and the hearing may be attended by the employee's supervisors, the legal advisor, and others designated by the Chief. During the hearing, Internal Affairs presents its findings, and the employee has an opportunity to present evidence or make a statement. The Chief of Police then determines if the complaint is sustained and corrective action to be taken, if any.

Some basic considerations for investigating alleged criminal conduct are provided in the policy, along with requirements for safekeeping and maintenance of Internal Affairs files, and rules regarding access to the files and release of documents.

G.O. 1440 (1-1-2022) sets out the purpose of LPD's system of disciplinary action as being a "means for educating or counseling employees about their performance and professional responsibility, as well as correcting employee behavior." The policy further states that, "Disciplinary action will be thoroughly documented, fairly and impartially administered, and commensurate with the violation."

Causes for disciplinary action include violations of law, violations of supervisory orders, and violations of Department written directives. Supervisors have responsibility for initiating disciplinary action once aware of a violation and authority to discipline, though only the Chief of Police has authority to discipline an employee with suspension without pay, demotion, or discharge. Supervisors are directed that they should not delay a disciplinary action with an unneeded investigation where a violation is evident and undisputed. However, if supervisors believe an investigation is necessary, the Internal Affairs Unit can initiate it at the direction of the Chief of Police.

Five levels of disciplinary action are authorized: education, warning, reprimand, suspension, and termination. The levels move from minor, unintentional violations to violations "so grave that continued employment would affect the operational effectiveness of the department." Factors considered in determining the level of disciplinary action include, severity of the violation, the employee's past performance and work history, and action taken in similar circumstances. A progressive discipline approach is used, and mitigating and aggravating circumstances are considered, such as whether the violation was intentional or inadvertent, the foreseeable consequences of the violation, and the prevailing circumstances at the time of the violation.

The policy outlines the documentation and reports required for different types of disciplinary actions, routing and review of documentation, and maintenance of disciplinary records. An administrative hearing is required when suspension or termination is contemplated for any LPD staff, though those represented by the Lincoln Civilian Employee Association also are entitled to a pre-disciplinary hearing where reprimand is contemplated.

Many LPD staff commented on their perception of a previous pattern of inconsistent outcomes with complaint investigations and discipline. Some acknowledged they did not know all the facts or reasoning involved with a specific outcome, given confidentiality requirements. However, staff are aware of the new policies that are in place on conduct standards, investigations, and

discipline and most expressed optimism about a more equitable process under the current Chief and command staff.

21CP makes the following recommendations concerning internal investigations and discipline policies and procedures:

- The Internal Investigations policy addresses time limits for the employee named in a complaint and Internal Affairs to arrange for the employee's interview, but no other timelines are set. 21CP was informed as to other timelines that are followed (e.g., 30 days to investigate a Level IV complaint or seek an extension), though the Internal Investigations policies should specify time limits for all steps of the complaint process, from intake and classification through investigation, review, and disposition. Also, the investigative report and recommended finding are reviewed by an assistant chief, an intermediary step that is not noted in the policy.
- The Internal Investigations policy designates Level III complaints as those that are of a "minor nature," and include "minor" procedural violations and "minor" conduct problems, but no guidance is provided as to what should be considered minor, other than discourtesy complaints. Also, while the commanding officer/unit manager assigns Level III complaints to a supervisor for investigation, with a copy to Internal Affairs, it does not appear that anyone other than the supervisor or commanding officer/unit manager independently approves the Level III designation or that a completed Level III investigation could be reclassified as a Level IV case to be handled by Internal Affairs when the Chief reviews the investigation and recommended findings. There also is no independent review of the "Inquiry" classification and at a minimum, there should be periodic reviews by the Chief, Assistant Chiefs, or Internal Affairs to be sure these incidents are classified and resolved appropriately. Providing more written guidance in the Internal Investigations policy on front-end classification decisions will help ensure that more serious concerns are not missed. Requiring that classification decisions are approved by Internal Affairs and/or the Chief of Police helps to ensure accountability and legitimacy for the process overall.⁶²
- LPD issues regular reports on misconduct complaints, providing general information on the overall number of complaints filed, the number that were generated by community members verses internally filed, how the complaints were categorized, the types of misconduct alleged, and the number of complaints resolved under the different types of

⁶² This level of review and approval of complaint classification also allows for a check as to whether the named employee has had other complaints of a similar nature.

dispositions. These reports could provide more information to enhance transparency without compromising confidentiality. For example, it would be useful to discuss any trends observed over time, to highlight what might be a concerning increase or positive decrease in certain types of allegations. Since a significant number of complaints are handled by supervisors, providing more information about the nature of those allegations, particularly if generated internally, and how they were resolved (like information on Internal Affairs investigations that is reported to the Citizen Police Advisory Board), would be instructive for LPD staff. While staff often focus on complaints resulting in more serious outcomes, lower-level discipline is more common and providing more information concerning the types of conduct and outcomes involved would be instructive for sworn and professional staff, including supervisors, and commanders.

H. Mentor Programs

Older, more experienced staff in all police agencies spend time guiding younger, less experienced staff. The guidance might be structured and provided through an FTO program or other training settings, or guidance might be offered informally, as workplace relationships develop.

In survey responses from sworn staff, 79% (172 respondents) indicated they had at least one significant mentor during their policing career, though only 38% (82 respondents) had been involved in a formal mentoring program. Among sworn women, 89% (31 respondents) report having had a significant mentor. Mentors most commonly were identified as a supervisor or team leader (74% or 150 respondents), a team peer (63% or 128 respondents), a peer in the agency (46% or 93 respondents), or a supervisor or leader in the agency (45% or 90 respondents). Among all sworn staff, 53% (114 respondents) had been mentored by a woman, while 74% (25 respondents) of sworn women had been mentored by another woman. 76% (164 respondents) of all sworn staff who responded to the survey indicated they had themselves served as a mentor to another sworn individual.

Mentoring is less common among professional staff, with 55% (36 respondents) of survey respondents having had significant mentors while working at LPD and only 15% (10 respondents) having been involved in a formal mentoring program. Team peers (45% or 23 respondents) and team supervisors (43% or 22 respondents) were the most identified mentor position at LPD, with 40% (25) of professional staff indicating they had been mentored by a woman. While 76% (164 respondents) of sworn staff had acted as mentors to others in the Department, only 42% (27 respondents) of professional staff had served in that capacity.

Recognizing the value in helping sworn and professional staff first adapt to a new employment environment and then guiding them in their professional development, many agencies have developed formal mentoring programs.⁶³ One definition of mentoring used in the law enforcement environment is "a mutually beneficial relationship in which a knowledgeable and skilled veteran officer [or professional staffer] provides insight, guidance and developmental opportunities to a lesser skilled and experienced colleague (protege)." Informal mentoring occurs and is valuable, but a formal mentoring program "affords every employee the opportunity and benefit of a planned and structured mentoring process that promotes loyalty and inclusiveness with the organization."⁶⁴ A structured mentoring process is particularly useful for the younger generation of sworn and professional staff who are less apprehensive about talking to a counselor or mentor than some veteran employees. However, having a formal mentoring program in place can help integrate new employees and be part of a retention strategy for more experienced sworn and professional staff.

A central element of a successful mentoring program is confidentiality. "If officers don't trust that they can talk openly to someone, then the program is dead."⁶⁵ Whether an individual is struggling with the cultural shift involved with first moving into policing, unsure about their own or another sworn staff's conduct, or looking for career development guidance, building trust early with a mentor is invaluable. While the FTO program brings experienced sworn staff together with those newest to the agency and mentoring relationships might develop, the focus is on training and evaluation. "It is unrealistic for an FTO to establish a true mentoring relationship if the new hire...knows what is shared in confidence can be later cited in an evaluation."⁶⁶ Similarly, while developing a trusting and respectful relationship with a supervisor is important, subordinates might be reluctant to confide in their supervisors about questionable conduct out of concern it will lead to discipline as opposed to a learning opportunity.

While many of LPD's sworn and professional staff have engaged in some level of mentoring, 21CP recommends that the Department institute a formal mentoring program. LPD staff noted on the survey or through other feedback that they personally benefitted from mentoring, and some made a point of sharing how much they enjoy teaching and mentoring employees. However, other employees, both sworn and professional, expressed feelings of isolation or disconnection,

⁶³ Sprafka, Harvey and April H. Kranda. *Best Practices for Institutionalizing Mentoring into Police Departments*. NCJ 202203, International Association for Chiefs of Police (2003), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/best-practices-institutionalizing-mentoring-police-departments>. Note that one LPD member commented that it would have been useful for 21CP to provide a definition of mentoring in the survey.

⁶⁴ Ibid.

⁶⁵ <https://www.police1.com/police-products/training/services/articles/putting-experience-to-work-the-value-of-a-formal-mentoring-program-fUSyk7bjC2U40ZA8/>

⁶⁶ <https://apbweb.com/2020/03/mentoring-programs-are-a-win-win/> (citation omitted).

were fearful to speak out about negative experiences, and did not see any available internal avenues for professional development or promotion. A formal mentoring program could help re-engage those employees who are pessimistic about LPD as an organization in which they can thrive, provide a mechanism outside of the FTO program to anchor new employees to LPD's policies and procedures, support employees as they identify and work towards career goals, and encourage the development of leadership skills for succession planning.

I. Light Duty Assignments Due to Medical Limitations, Including Pregnancy

The Department's policy is to "endeavor to make short-term limited duty assignments" for employees unable to perform the responsibilities of their regularly assigned positions due to temporary disability. G.O. 1230 - Limited Duty (1-1-2018). The Chief of Police has sole discretion to make limited duty assignments, subject to the availability of suitable positions and based primarily on Department need. The length of a limited duty assignment is based on personnel policy bulletins and union contracts.

An employee who becomes temporarily disabled due to an on-the-job-injury or illness may be eligible to perform a temporary modified work assignment. The City risk manager may assist with the temporary placement and LPD can require that the employee be examined by a City physician. An employee whose temporary disability is due to a non-duty injury or illness must submit a written request to the Chief of Police requesting a modified work assignment. The employee must complete light duty paperwork and is responsible for all expenses involved. The paperwork is then submitted to the employee's physician to confirm the employee's ability to perform the modified work assignment duties and if confirmed and a position is available, a Personnel Order is prepared.

If the Chief of Police determines the Department cannot accommodate the employee's temporary medical restriction in a short-term and productive position, the employee will be required to utilize paid or unpaid leave. If the temporary disability becomes permanent, the Department will comply with the requirements of the Americans with Disabilities Act regarding reasonable accommodation.

Employees assigned temporary limited duty shall not exercise seniority rights for shift assignments or days off and will be compensated with their normal pay. No sworn staff assigned to limited duty may work an off-duty job without prior written consent from the Chief of Police. If the conditions to work limited duty have been met and the employee refuses to perform light

duty, they may be ordered to do so. Continued refusal to work limited duty after an order to do so will be grounds for removal from pay status and discipline.

When an employee receives physician approval to return to full duty, the employee should get a note to that effect and provide it to the commanding officer or unit manager. A sworn employee will be returned to a job assignment based on labor agreement provisions and professional employees will return to a position based on LPD's needs, although a reasonable effort will be made to return the employee to their original assignment.

The Lincoln Police Union Agreement, Article 13, Section 6. - Non-duty Related Temporary Disability - basically provides for the same procedures covered in G.O. 1230 and summarized above regarding temporary modified work assignments following a non-duty related injury or illness. However, the Department policy specified that the length of a limited duty assignment is based upon personnel policy bulletins and union contracts. The Union Agreement specifies that, "An employee may be assigned to limited duty for up to two hundred gen (210) days in a twelve (12) month period beginning with the initial light duty assignment."

J. Pregnancy Leave Provisions and Lactation Policies and Facilities

Lincoln Municipal Code 2.26.410 provides, "Pregnancy leave shall be subject to the same rules and handled in the same manner as personal illness. An employee shall expend accrued sick leave while such employee is unable to perform her duties because of such pregnancy, as verified by a physician's statement." The Municipal Code also provides that the City will conform to leave requirements under the Family and Medical Leave Act (FMLA). Personnel Policy Bulletin 2009-1 addresses FMLA for Lincoln employees, including those who seek leave for the birth and care of a newborn child of the employee or placement of a child with the employee for adoption or foster care. FMLA is unpaid leave and counted consecutively to other paid leave. If an employee wants to use FMLA for purposes of caring for their newborn or placement of a child with the employee, they must use all their accrued family sick leave and may use accrued vacation time, and then can request twelve (12) weeks of unpaid FMLA leave.

If "a husband and a wife"⁶⁷ are both employed by the City and both are eligible for FMLA leave, they are limited to a combined total of 12 work weeks. Intermittent or reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child with the City's approval. An employee on FMLA will not lose their seniority that accrued before the date the leave began but is not entitled to any seniority that would have accrued if not for taking leave.

⁶⁷ This provision presumably also applies to same sex partnerships.

Some staff expressed frustration related to limitations with the City's current pregnancy and parental leave policies. More states are mandating paid parental leave and, even where it is not legally required, many large and small businesses have begun offering paid leave.⁶⁸ Recent research based on surveys of for-profit businesses, non-profits, and government organizations indicates that offering paid leave tends to have strategic benefits, including the ability to attract talent, employee retention, employee health and wellness, and employee engagement.⁶⁹ A 2019 National Institute of Justice Special Report, *Women in Policing: Breaking Barriers and Blazing a Path*, identified a set of promising practices for recruiting and retaining women in policing.⁷⁰ The report notes, "Law enforcement organizations need to identify and adopt standards that promote equality and equity for all employees. Policies that have a disproportionate negative impact on a group of workers should be reviewed and changed. The long-term benefits of promising practices such as family-friendly policies (e.g., parental leave, postnatal nursing, and nonrotating shift schedules) should be explored."⁷¹

LPD 2021 Special Order 20-10-1 provides for designated lactation spaces for a birth parent to express milk for their child, in conformance with City of Lincoln Human Resources Policy 2013-2 and Federal Fair Labor Standard Act guidance on the subject. The Special Order addresses the need for designating a proper private space(s) and what is not acceptable (i.e., the space cannot be a bathroom), minimum characteristics for the space (e.g., the room must be clean and sanitary, have no windows or other means one can view the inside from outside the room, should have an internal lock, and contain a comfortable chair, a small table or shelf, and an electric outlet), and optimal but optional aspects (e.g., a sink, refrigerator, signage outside the room, trash can, and be a stress-noise free environment). The employee may opt to use other available space, such as the employee's personal office, or work with their chain of command on mutually acceptable options, including making trips to their home "if doing so would allow the employee to more efficiently perform their duties."

The Department must provide reasonable breaks for the employee for one year after the child's birth and as frequently as needed for expressing milk. SO 20-10-1 lists the lactating/pumping room at each LPD facility and includes examples of places for cold storage of expressed milk. Any conflicts concerning the space, break periods, or related issues should be brought to the attention of the chain-of-command immediately for resolution. While touring Headquarters during their on-site visit to Lincoln, 21CP consultants were shown the dedicated lactation room

⁶⁸ <https://gusto.com/blog/people-management/create-parental-leave-policy>

⁶⁹ https://advocacy.shrm.org/wpcontent/uploads/2020/09/SHRM_Paid_Leave_US_Report_Final.pdf?_ga=2.267460238.1411460321.1655168252-1847555385.1654883924

⁷⁰ <https://www.ojp.gov/pdffiles1/nij/252963.pdf>

⁷¹ Ibid.

in that facility, which appeared to meet requirements. However, a dedicated room is not mandatory, if the space can be made available as needed.

As input was collected from LPD staff through the survey and focus groups, there were a few complaints related to having to use a captain's office for breast pumping, which apparently caused some sense of embarrassment for the lactating birth parent. However, such an arrangement appears to meet the minimum requirements of the policy. If the arrangements at hand are unsatisfactory, SO 20-10-1 directs that the employee initiate a discussion to review other options with their chain-of-command.

K. Equitable Facilities Such as Locker Rooms and Bathrooms

Whether facilities such as locker rooms and bathrooms are equitable was not raised as a major concern by sworn or professional members.⁷² Some staff did mention the nongendered locker room that is planned for the new Northeast facility, but in the context of discussing ways leadership could communicate more effectively and/or as an example of an important decision that was made without input or involvement of staff from different corners of the organization. Because men are over-represented at all levels in the Department, single gender changing rooms facilitate a situation where male staff have opportunities to informally interact with and get to know men in supervisory and command positions, while women do not.

The purpose of the nongendered locker room is to allow both women and men to have these informal interactions in a common area, while maintaining separate, individual changing rooms with showers and bathroom facilities. There were some complaints that leadership did not effectively explain the reasoning behind the decision to have a nongendered locker room and a couple of specific comments along the lines of, "I won't bid for the Northeast team now."

The nongendered locker room decision illustrates another important piece of feedback from many LPD staff. There are inconsistent lines of communications among the different teams. One team might have a captain who passes on information from the Chief and Assistant Chiefs, setting clear expectations that are communicated to sergeants who in turn share the information with patrol officers. However, another team might have a breakdown in communication at either the captain or sergeant levels. As a result, some sergeants and officers across the Department receive little or inconsistent information that leadership might assume is being clearly communicated. There also are inconsistent communications up to the Chief and Assistant Chiefs. Sergeants and/or captains can act as gate keepers and potentially keep important information from the

⁷² G.O. 2040 - Police Facilities was not hyperlinked on LPD's website and 21CP did not identify any other policies specifically dealing with facilities such as locker rooms and bathrooms.

front lines from reaching leadership. Approaches to effective communication are discussed further below in section V.

L. Uniform or Clothing Policies

G.O. 1450, Personal Appearance Standards (11-19-2021) is gender-neutral and relaxes previous dress code policy in several respects, including allowing tattoos and beards (within stated guidelines) and permitting head coverings (Hijab, turban, etc.). The policy provides that skin designs shall only be visible on arms or legs and in accordance with the policy. Permanent facial make-up on the eyebrows, eyeliner, or lips that is conservative is allowed, as is a tattoo of one wedding band on a ring finger. Skin designs that depict anything in violation of the policy on Equal Employment Opportunity (G.O. 1260) or that advocate conduct contrary to LPD's Code of Ethics (G.O. 1425) are prohibited. Skin designs that depict anything reasonably associated with or symbolizing gang affiliation, supremacist ideology, extremist violence, or criminal affiliation are prohibited. The Captain of Management Services in consultation with the Chief of Police will make the final determination if an employee's tattoos comply with the policy.

For both sworn and professional employees, the policy provides that, "Hair, wigs, extensions, or similar shall be worn in a clean, natural style, treated or untreated, in a manner which does not interfere with vision, police headgear or general employee safety. While in uniform, employee's hair shall not extend beyond the top of the employee's shoulders. Employees may pull back or secure longer hair to the head, but the hair must not extend beyond the shoulders."⁷³ Facial hair must be neatly trimmed and not exceed 1/2 inch in length, though employees will need to temporarily shave facial hair to properly wear safety equipment and should have the proper tools available if shaving is necessary.

Jewelry may be worn but must be small stud earrings for uniformed sworn staff and small, non-dangling earrings for plainclothes and public service officers. No more than two earrings per ear are permitted and no other visible body piercing ornaments are permitted. Uniformed sworn staff cannot have unauthorized ornaments on their uniforms and cannot wear visible bracelets or necklaces, except for medic-alert bracelets. Accommodations for deviation from the policy can be requested and individual sworn staff can deviate from the policy during approved undercover assignments.

Department issued uniform items include headgear, shirts, neckwear, coats, high-visibility vest, trousers, gun belt (including holster, handcuff case, keepers, OC spray case, flashlight holder,

⁷³ G.O. 1450.II.B.1.

radio holder, magazine case, and baton or TASER holder), LPD patch, badge, name tag, whistle, and rank insignia. The Personal Appearance Standards policy includes directives for wearing these various uniform items. Uniformed sworn staff are expected to always wear body armor (bullet-proof vest) while on duty except if within a secure area of a law enforcement facility or if exempted by a supervisor for a specific purpose. The policy includes a list of approved uniform gear if supplied by sworn staff at their own expense and provides uniform specifications for professional uniformed employees, non-uniformed sworn staff, and professional, non-uniformed staff. Finally, G.O. 1450 sets out policy on keeping uniforms neat and clean, directing that uniforms not be worn off-duty unless approved, permitting alternative uniform items for weather comfort as long as the uniform is complete, specifies appropriate attire for court appearances, requires that equipment be readily available while on duty, and states that the LPD will provide utility wear for special duties (SWAT, K-9, Crime Scene Techs, etc.), to be worn only when performing those functions.

Where there are fundamental differences in designs between men's and women's uniforms, such as with pants and shirts, LPD issues women uniform items designed to fit them. Alterations to different parts of the uniform can be made for both men and women when necessary for appropriate fit and measurements are taken to ensure proper fit for the required bullet proof vest.

The Department's Property and Evidence Unit is responsible for storage and security of LPD property and for maintaining the inventory in a state of operational readiness.⁷⁴ The Property and Evidence Unit issues uniforms and some equipment to sworn staff, while other items, such as radios, are maintained by individual teams and checked out for each tour of duty. The Lincoln Police Union contract with the City of Lincoln, Article 17, states the City shall:

- Provide and replace sufficient uniforms.
- Provide a clothing allowance of \$55/month for non-uniformed employees to maintain civilian attire.
- Provide all authorized police equipment.
- Reimburse employees up to \$800 for new protective body armor every 5 years.
- Regularly replace articles as necessary.
- Provide a cleaning allowance of \$35/month for the purpose of cleaning and maintaining uniforms and civilian attire.

There were no significant concerns raised by LPD staff concerning the uniform and clothing policies and 21CP does not have any improvement recommendations to make on issues related to personal appearance standards.

⁷⁴ G.O. 2020 - Department Equipment and Supplies (1-1-2022).

V. Engagement and Communications for a Culture of Respect

21CP heard from many LPD staff that Chief Ewins works with her command staff to delegate duties and day-to-day decision-making responsibilities. This can be a positive attribute for the leader of a large organization, where it is necessary for the Chief and command staff to be strategic in steering the agency in its mission, but also flexible enough to respond to the unexpected and challenging events that frequently arise. Successful leaders also engage and collaborate with a variety of stakeholders including community members and organizations, elected officials, sworn and professional staff, and union representatives. Authentic engagement helps build trust and legitimacy with stakeholders, which in turn contributes to more effective collaboration. While the Department is currently recruiting a professional staff Public Information Officer (PIO) to handle external communications, Chief Ewins should continue to work with her command staff to plan for and assess LPD's internal communications strategy. 21CP team members have personally experienced the competing demands on police executives and recognize that prioritizing internal engagement can be time consuming and requires active involvement by all commanders.

Authentic engagement with internal stakeholders also can be challenging given the different cultures and generations in the workplace, along with the many competing demands leadership encounters. However, Chief Ewins has relied on a variety of internal communication methods to engage with staff, including email, video messaging, and line up visits. The Chief also instituted an "open-door Friday" practice, when at least a couple times each month, she is available to meet with any individual or group from the LPD staff who would like to discuss a concern with her. While some staff would like more of her time, the Chief's availability will fluctuate, and she should work with her command staff to involve them in all kinds of engagement efforts.⁷⁵

While it makes sense to use a written format to communicate purely factual information, the Chief and all command staff members are encouraged to emphasize "visual" communications with Department staff when verbal and nonverbal messaging is available to provide more clarity on the topic at issue.⁷⁶ Face-to-face contact is particularly effective for building familiarity and trust with staff and allows for two-way interactions. However, given the demands on the Chief and commanders, video messaging and virtual all staff meetings are examples of other ways that leaders can communicate more authentically and transparently with sworn and professional staff. In-person and virtual meetings also provide opportunities for leaders to engage in active

⁷⁵ At the same time and as one member noted, it is easy to reach a point of information overload and working to limit unnecessary communications and communicating clearly and directly help alleviate the problem.

⁷⁶ https://www.theiacp.org/sites/default/files/243806_IACP_CPE_Supporting_Culture_Change.pdf

listening with staff. When there are a variety of opportunities to observe the Chief and command staff engage in active listening and role modeling of effective communication techniques, it can help LPD staff learn important communication skills and build a sense of trust and loyalty with staff.⁷⁷

VI. Conclusion

21CP had an overarching goal of providing all stakeholders an opportunity to contribute to its workplace assessment of LPD. 21CP consultants met regularly with Department command staff and City Attorney's Office representatives, all of whom offered their perspectives on the LPD work environment and provided access to numerous documents relevant to 21CP's review. In reaching out to other Department staff, 21CP first developed a confidential, voluntary survey for sworn staff, with a slightly different version created for professional staff. The purpose in administering the survey was to collect anonymous information about staff experiences, education and training, assignments, and perspectives about working at LPD. Seventy percent (70%) of all LPD staff participated in the survey, representing a considerably higher response rate than usual for police surveys conducted by mail, telephone, or over the internet. Finally, 21CP held both virtual and in-person focus groups to follow up on information collected in the survey and met with many LPD staff who requested individual meetings.

Information collected through the document review, meetings, the survey, and focus groups provided 21CP with a basis to determine where LPD appears to be following best practices and where there is room for improvement in its workplace processes. While numerous observations and recommendations are offered throughout the report, 21CP highlights the following assessment topics as of particular concern to LPD sworn and professional staff:

- Recruitment and hiring of police staff are a challenge facing police agencies across the country. LPD has developed a recruitment strategy to attract more sworn staff and is encouraged to work with City Human Resources to also create a strategy to address professional vacancies. All LPD staff are concerned about staffing and need specific and on-going information about steps being taken to address recruitment and retention challenges.
- Both sworn and professional staff question the validity and fairness of historical promotional processes and the system used for filling specialized positions, though expressed positive comments about the most recent sergeants' promotional exam.

⁷⁷ Ibid.

Involving staff in discussions on the pros and cons of the current system of filling non-rotating specialized positions and potential alternatives could be helpful.

- While the training policy indicates the criteria considered in responding to requests for training, the Department would benefit from a more transparent selection process that provides explicit information to applicants about any prioritized criteria for a specific training course.
- Many staff believe that complaint investigations were handled inconsistently and unfairly in the past, though expressed optimism about policy and procedure improvements made under the new Chief. Clarifying the timelines involved with different steps of both EEO and IA complaint investigations is advised.
- With guidance from LPD leadership, the Department must work to strengthen a sense of community internally - among sworn staff and between sworn and professional staff. While divisions among police staff are not unique to Lincoln and are to be expected given that individuals bring different lived experiences to the work environment, LPD has an opportunity to highlight the importance of listening to and demonstrating respect for those with whom staff disagree.

21CP again offers sincere gratitude to the staff of the Lincoln Police Department who openly shared information, experiences, and perspectives throughout this assessment. The recommendations 21CP makes for improving the LPD workplace grew out of this input, with the purpose of helping the Department meet its objective to "provide employees with opportunities for meaningful work, challenging goals, and growth throughout their career." 21CP is honored to have played a role in supporting the City and the Department in its commitment to help LPD staff have satisfying, enriching professional experiences in an environment that treats all employees in a fair and equitable manner.

List of Recommendations

21CP made improvement recommendations throughout the report, in the context of discussing each topic reviewed in its assessment of LPD's workplace policies, procedures, training, and practices related to hiring, assignment, promotion, retention, and development of sworn and professional staff. The recommendations made in subsections of the report are reproduced below and numbered consecutively, for ease of reference.

Recruitment, Hiring, Selection, and Retention

1. The *Recruitment Strategic Plan* notes that the Recruitment Office will assist as needed with recruitment for dispatch and professional staff openings. It's not clear if there have been the time and resources to provide such assistance, though it is important that a goal is made explicit to reach full staffing with professionals, too. It is recommended that a professional LPD employee with strong HR skills be added to the Recruitment Team or that a City HR Department employee be tasked with developing recruitment and retention plans for dispatch and professional staff positions. Professional staff often feel neglected as the Department sets up its strategic vision and initiatives, although on the staffing front, they experience and expressed the same level of frustration as sworn staff.
2. The *Strategic Plan* highlights the importance of regular recruitment updates with command staff. In addition, planning for regular updates with all LPD staff is imperative. Given that so many staff feel that staffing shortages are creating challenges for them, providing information about steps being taken to address the problem, data on candidates in the hiring process, when new hires will be on board, and the like will help assure staff that leadership is diligently working on the situation.
3. Creating an employee recruiting incentive, one of the initiatives listed in the *Strategic Plan*, should be a priority for LPD leadership. As many staff have expressed frustration with staffing shortages, rewarding them for helping to bring in new employees is a means to involve current staff in problem-solving. Another option might be to encourage sworn staff to work with the Acquisition Team to identify and test new recruitment strategies for their annual projects.
4. LPD leadership should work with the City to resolve policy or other impediments to use of social media as a recruitment tool.
5. The LPD Recruiting Coordinator and Talent Acquisition Team should consider prioritizing the list of initiatives included in the Strategic Plan, to assist in focusing on where efforts might

have the most impact. To ensure that time and resources are focused on evidence-based practices, LPD should identify a plan to collect data on the effectiveness of each new and continuing program for attracting qualified staff.

6. While the hiring process has been streamlined and programs like Delayed Hire and Bridge Hire help ensure successful candidates come to work for LPD, it is also helpful to set up a communications plan with applicants as they move through the process. LPD recruitment staff use a program called Interview Now that allows them to manage candidate contact more efficiently and helps in tracking the number of people likely to show up for each assessment. The Recruitment Coordinator indicated that, when candidates initiate contact by text or otherwise, they typically have a response within a few hours at most. Personal contact from the Talent Acquisition Team at different points during the process helps to familiarize candidates with LPD and why it should stand out as a potential employer for them. Communicating with candidates regularly also allows for the identification of unexpected hurdles that the Talent Acquisition Team might help the candidate to address and provides an opportunity to personalize an otherwise impersonal process with encouragement for the candidate. Recording the frequency and nature of these contacts, along with lessons learned, supports applicant data tracking.
7. While no applicant ranking system is currently being used, the City should consider ways it might identify and encourage bilingual applicants for both sworn and professional positions.
8. For LPD to move towards its stated goal of representing the demographic make-up of the Lincoln community, the Department should examine its application and hiring data more closely. The Department needs to understand if its recruitment efforts are attracting a diverse pool of applicants and then also analyze where in the process these applicants fall out.

Selection and Promotional Practices

9. Ensure that all promotional processes are objective and follow best practices.
10. Continue to explore with staff the pros and cons of the specialized position system in place and consider alternative approaches that better address the concerns raised.
11. Continue to explore with staff which selection processes for specialized positions are perceived as unfair or limit their opportunities at LPD and alternative processes sworn staff might experience as more equitable and transparent.

12. Rather than waiting for employees to ask for feedback, develop a cultural norm of offering feedback to all employees who unsuccessfully vied for a promotion or applied for a specialized position.

Formal and Informal Evaluation Processes

No specific improvement recommendations were made regarding evaluation processes, though 21CP noted that the performance evaluation system is one of the more complicated systems encountered and concurs with Human Resources' consideration for a change.

Shift and Bidding Procedures

No specific improvement recommendations were identified by 21CP regarding shift and bidding procedures.

Training Opportunities and Selection for Training

13. While the training policy indicates the criteria considered in responding to requests for training, the Department would benefit from a more transparent selection process that provides explicit information to applicants about any prioritized criteria for a specific training course. LPD also should provide feedback to applicants who were not selected, as this helps to legitimize the training selection process and gives direction to employees if there are actions they could take to better position themselves before again requesting the same or a similar training course.
14. Because supervisors and unit commanders serve as gatekeepers in the training request process, it could be useful to review applications that did not make it to the Education and Personnel Unit for consideration.
15. An in-depth review of sergeants' training and mentorship might be advisable, for the reasons discussed above and at other points in this report.

Discrimination, Harassment, Retaliation, Workplace Bullying, and Hazing Policies, along with Implementation, Reporting, and Investigations of Complaints of Violation of Policies Relating to LPD Culture

16. The EEO policy provides that a supervisor has 10 days to resolve an EEO complaint before it must be forwarded to the EEO office and must notify the Chief of Police about the complaint within 5 days of receipt. The EEO policy should specify time limits for all steps of the complaint process, from intake and classification through investigation, review, and disposition. Whether a complaint is moving through the investigation process in a timely manner, or an

extension of deadlines is necessary, regular updates on the nature of EEO matters under investigation and investigation status is recommended.

17. To avoid even the appearance of conflict and to increase staff's confidence in the process and outcome, some or all EEO complaints might be referred for investigation outside of LPD.
18. Under the EEO policy, the supervisor must resolve the complaint "unless the magnitude of the complaint exceeds their resources necessary to resolve a matter." It is not immediately apparent what is meant by this language, but in any case, it is advisable that supervisors be required to consult with the EEO Sergeant and/or the Chief of Police about how a particular matter should be handled instead of making that gatekeeping decision themselves. Providing more written guidance in the EEO policy on front-end classification decisions will help ensure that more serious concerns are not missed. Requiring that classification decisions are approved by the EEO Sergeant and/or the Chief of Police helps to ensure accountability and legitimacy for the process overall.
19. The definitions section of the EEO policy defines sexual harassment and then separately defines quid pro quo and hostile work environment (legal theories of sexual harassment). This is an unusual approach for a personnel policy on harassment. It is more confusing than helpful. Alternatively, rather than calling out the legal theories, the policy could include practical examples of various forms of sexual harassment. Similarly, the prohibited conduct section of the EEO policy also refers to "discrimination, sexual harassment, Quid Pro Quo, hostile work environment and retaliation," with the implication that quid pro quo and hostile work environment are something different from sexual harassment.
20. The EEO policy definition of harassment should be amended as it does not include all legally prohibited bases of discrimination that are included earlier in the policy.
21. Departmental policy should clarify the avenue(s) for complaining about a violation of the Standards of Conduct policy that addresses conduct expectations between employees and their supervisors and co-workers, as such complaints do not necessarily involve an EEO protected basis (e.g., race, religion, gender, etc.).

Discipline and Actions Taken Pending Investigations

22. The Internal Investigations policy addresses time limits for the employee named in a complaint and Internal Affairs to arrange for the employee's interview, but no other timelines are set. 21CP was informed as to other timelines that are followed (e.g., 30 days to investigate a Level IV complaint or seek an extension), though the Internal Investigations policies should specify

time limits for all steps of the complaint process, from intake and classification through investigation, review, and disposition. Also, the investigative report and recommended finding are reviewed by an assistant chief, an intermediary step that is not noted in the policy.

23. The Internal Investigations policy designates Level III complaints as those that are of a "minor nature," and include "minor" procedural violations and "minor" conduct problems, but no guidance is provided as to what should be considered minor, other than discourtesy complaints. Also, while the commanding officer/unit manager assigns Level III complaints to a supervisor for investigation, with a copy to Internal Affairs, it does not appear that anyone other than the supervisor or commanding officer/unit manager independently approves the Level III designation or that a completed Level III investigation could be reclassified as a Level IV case to be handled by Internal Affairs when the Chief reviews the investigation and recommended findings. There also is no independent review of the "Inquiry" classification and at a minimum, there should be periodic reviews by the Chief, Assistant Chiefs, or Internal Affairs to be sure these incidents are classified and resolved appropriately. Providing more written guidance in the Internal Investigations policy on front-end classification decisions will help ensure that more serious concerns are not missed. Requiring that classification decisions are approved by Internal Affairs and/or the Chief of Police helps to ensure accountability and legitimacy for the process overall.
24. LPD issues regular reports on misconduct complaints, providing general information on the overall number of complaints filed, the number that were generated by community members verses internally filed, how the complaints were categorized, the types of misconduct alleged, and the number of complaints resolved under the different types of dispositions. These reports could provide more information to enhance transparency without compromising confidentiality. For example, it would be useful to discuss any trends observed over time, to highlight what might be a concerning increase or positive decrease in certain types of allegations. Since a significant number of complaints are handled by supervisors, providing more information about the nature of those allegations, particularly if generated internally, and how they were resolved (like information on Internal Affairs investigations that is reported to the Citizen Police Advisory Board), would be instructive for LPD staff. While staff often focus on complaints resulting in more serious outcomes, lower-level discipline is more common and providing more information concerning the types of conduct and outcomes involved would be instructive for sworn and professional staff, including supervisors, and commanders.

Mentor Programs

25. While many of LPD's sworn and professional staff have engaged in some level of mentoring, 21CP recommends that the Department institute a formal mentoring program.

Light Duty Assignments Due to Medical Limitations, Including Pregnancy

21CP did not make any recommendations for change related to light duty assignments.

Pregnancy Leave Provisions and Lactation Policies and Facilities

26. 21CP recommends that family-friendly leave policies beyond the benefits currently extended to sworn and professional staff be explored. Policies such as paid parental leave have strategic benefits, including attracting talent, employee retention, employee health and wellness, and employee engagement.

Equitable Facilities Such as Locker Rooms and Bathrooms

21CP did not have any recommendations relating to equitable facilities, per se, though noted that sworn and professional staff reported receiving different explanations concerning the rationale behind creation of a nongendered locker room in the new Northeast facility. Consistent and clear communication about such an issue of interest to staff is imperative.

Uniform or Clothing Policies

There were no significant concerns raised by LPD staff concerning uniform and clothing policies and 21CP does not have any improvement recommendations to make on issues related to personal appearance standards.

Engagement and Communications for a Culture of Respect

27. While recruiting a Public Information Officer to support external communications, Chief Ewins should continue to work with her command staff to plan for and assess internal communications strategy. This should include consideration of when it is important to communicate with staff face-to-face, when video messaging and virtual all staff meetings will suffice, and when sending written messages is the most effective and efficient means of communicating with staff.

28. With guidance from LPD leadership, the Department must work to strengthen a sense of community internally - among sworn staff and between sworn and professional staff. While divisions among police staff are not unique to Lincoln and are to be expected given that individuals bring different lived experiences to the work environment, LPD has an opportunity to enhance its internal community by highlighting the importance of listening to and demonstrating respect for those with whom staff disagree.