

Civil Service and the Montague Police Chief Position

Key Facts and Considerations

April 30, 2018

The Town of Montague adopted Civil Service for the Police Chief position in April 1932. Removal of the position would require a vote of Town Meeting and be subject to subsequent approval of the state Legislature. Montague sought to remove the position from Civil Service, but Town Meeting rejected the initiative at Special Town Meeting in October 2002. Massachusetts Civil Service is a unit within the state Human Resources Division.

Montague is one of two Franklin County communities with a Civil Service Police Chief, with Orange having removed its chief position from that system. One source indicates these were the only Franklin County communities to have ever adopted a Civil Service Police Chief. Overall, 19% of MA cities and towns police chief appointments are Subject to Civil Service (66 of 351) and the system was historically adopted by relatively few small towns.

Under Civil Service, Montague can opt to hire from within its ranks or to look outside to sitting police chiefs who may be interested in a lateral transfer. Eligibility and hiring criteria are largely pre-defined.

- **If we choose to look for candidates from our existing force, the most likely candidates include those in the lieutenant and four sergeant positions.** If fewer than four apply for the Chief's position the candidate pool is open to patrolmen and detectives. If we choose the internal pool option we cannot consider lateral transfers from other communities.
- **If we choose to pursue a lateral transfer candidate, we may attract the interest of chiefs in other communities with Civil Service chief positions, but could not hire an internal candidate.** This option would not allow us to consider existing staff or those in non-chief leadership positions from other civil service communities. Candidates from non-civil service communities could not be considered at all, regardless of experience.

Outside civil service, Montague has the opportunity to define eligibility and hiring criteria, and the potential pool of candidates could be assumed to be much larger. This could include regional advertisement beyond Massachusetts, if desired. It is widely assumed that, with proper advertisement and screening, this would provide the Town with a greater number of candidates, including the best of our own staff, sitting chiefs, and officers serving in other roles in communities. Retired chiefs from neighboring states frequently show up as candidates in Massachusetts.

Under either system, Montague would likely hire an outside consultant to run a very professional "Assessment Center" process, which would play a substantial role in selecting among a list of top candidates. Note that the Police Chief Civil Service Exam is no longer offered. Under Civil Service, many elements of the Assessment Center process are pre-defined and additional lines of inquiry can require a

90-day study period under Civil Service, which may discourage customization. One Assessment Center firm noted that their non-Civil Service Assessment Centers routinely include a criminal law and procedure test that is made impractical in the context of the Civil Service requirement.

Depending on the level of professional consulting assistance the Town chooses to utilize, hiring outside the Civil Service system could be as much as \$20,000. The Assessment Center process required for either approach would likely be in the \$7,500 range. Extra cost associated with the non-civil service process would be for support in job design, selection criteria development, advertising, candidate screening (including graded written tests) and background checks of the top finalist.

Because Montague has not adopted “strong chief” statutes, a strong contract that includes just cause for termination and other provisions would be required to ensure candidate interest. The best candidates, who may be leaving good positions in good standing, need assurances that they will have protection from an appointing authority that could act outside of the good faith and conduct we hope and expect our Board will always aspire to. There are many models for such contracts.

Summary

The cost required to hire a Police Chief outside the Civil Service structure is almost certainly greater than it would be to hire within it; though the cost is not unreasonable. Further, the time required to advance this change through Town Meeting and Legislative review would likely extend the hiring timeline by six to nine months. It would not make it substantially easier to dismiss a chief, given the demands of a modern Police Chief contract, but should not significantly reduce the Select Board’s authority either.

Overall, the true return on investment of leaving Civil Service lies in the ability to consider a broader range of candidates than would otherwise be eligible to apply for the position of Chief of Police. This would afford the Town the same latitude to seek candidates that we presently enjoy when hiring other department head positions, but it would likely still entail a far more intensive search and candidate vetting process than exists for those positions.