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Case Analysis: Replacing the Police Chief

a. Background

1. Dover is a small New England community, that has recovered from financial trouble after the City Manager made difficult decisions to reduce Dover's staff, at times causing friction with local unions. City staffing has now rebounded, and the City Manager is focused increasing Dover's economic base.
2. Dover's police agency was small and professional but had difficulty fulfilling the role of Police Chief after Will Spanning was hired as City Manager. The role was eventually filled by a young supervisor, Charles Johnson, from the County Police.
3. Spanning and Johnson had a close professional relationship, worked together on tactful decisions for both Dover and the Police Force, and overall presented a unified team, before Johnson resigned to become an MPA/MBA student.
4. Dover's City Charter gives the City Manager the power to hire and fire city employees, but the City Council has the power to confirm or deny department heads appointed by Spanning.
5. The current City Council was spilt into 2 factions with one politically unpredictable member.
6. Spanning designed a careful, 4 stage approach, which included a professional review committee, for hiring the new Police Chief to ensure the process was objective and the best candidate for the job was selected.
7. A faction of the of the City Council was pressuring Spanning to hire their selected candidate for Police Chief, a local resident, and subtly threatened Spanning's job if he did not comply.
8. 4 candidates were selected for the review process, 3 from outside of Dover, with decades of experience and higher education; the other candidate was local to Dover, had less experience and education, but had close relationships with several council members and the influential O'Hara family (Dover's main employer).
9. After the review, Sam Warren, a Boston Police Lieutenant, was selected as the committee's pick and was hired by Spanning with a handshake.
10. On the day of the council meeting to confirm Spanning, Council member Redmond, Spanning's biggest supporter on the council, has a family crisis.

b. Action required

City Manager Will Spanning's police chief pick, Sam Warren, does not have a majority of council support, as a faction within the council wanted a local hire instead. He must decide to continue with the council meeting to officially appoint Warren or intervene and reschedule after his largest supporter had a family crisis.

c. Stakeholders

1. Will Spanning, City Manager of Dover, who would like to hire a qualified Police Chief for the City of Dover but is facing political pressure and ethical dilemmas.
2. Charles Johnson, Police Chief of Dover, who served in the position for 4 years before resigning to begin his master's program.
3. C. Abbot White, a local attorney and chairman of the professional review committee, who helped select Sam Warren for the role of Police Chief.
4. Council Arnold Fornby and the rest of the council faction who was perceived as lacking objectivity on the council, and are lifelong residents of Dover, and were influenced by the O'Hara family.
5. Citizens of Dover and the Dover Police Force who will be impacted by Police Chief hiring decision.
6. Sam Warren, a candidate for the new Dover Police Chief, who was a retired lieutenant from Boston with decades of experience, an MPA and high praise from his former coworkers.
7. Jim Waterhouse, a State Police Trooper from Dover, who was well connected to the several members of the City Council and a local corporation (O'Hara) but had less experience than the other candidates.
8. O'Hara Family, one of the major employers of Dover, whose family members operated the O'Hara Transportation Company and several smaller businesses, who had immense political power and wealth in the area.
9. Council member Jack Redmond, who believes Spanning's hiring process is fair, supports Spanning's decision with two other council members (Marion McQueen and Jim Dixon), but whose son was arrested for arson on the day of the appointment meeting.
10. Council Member Steve Nicholson, a younger council member who was considered to be a wild card member and political ambitious, who may or may not be supportive of Spanning's hire.
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d. Issues

1. Economic
2. Political
3. Personnel
4. Service Delivery
5. Ethical/Personal

Economic Issues:

1. City Manager Spanning has previously had a rocky relationship with city employees backed by the Teamsters Union over contracts and employment.
2. The O'Hara family is one of Dover's largest employers through their multiple businesses and is deeply involved in behind-the-scenes politics.

Political:

1. The City Council is divided into 2 factions and a wild card member, creating issues for objectivity and decision-making.

2. Jim Waterhouse, a candidate for Dover Police chief, was picked by 3 members of the council, because he was local. He is also supported by the O'Hara's, a powerful business family in Dover, whom he also works for, is in favor of him. There are concerns he might turn a blind eye for them.
3. The O'Hara family is influencing council members, Waterhouse, and staff in their employment.
4. Spanning's job as City Manager may be at stake if the council decides to fire him over his hire.
5. Council member Steve Nicholson is politically ambitious, is running for state legislature, and willing to go back-and-forth on issues to make sure he gets ahead.
6. Council member Redmond is having a family crisis as his son was arrested for arson, then his wife tried to intervene but was arrested for tampering with a witness.

Personnel:

1. Before Johnson, the position of Police Chief acted independent of the City Manager, which created friction between the 2 departments
2. The new Police Chief may have difficulty in the beginning earning respect from the community if they are an outsider.

Service Delivery:

1. If the new Police Chief is not competent, service will be negatively impacted in Dover.
2. If the council members continue to be divided, objective decisions may not be made on future appointments or policies spearheaded by Spanning, impacting the citizens of Dover.

Ethical/Personal:

1. Spanning was subtly threatened by 2 council members to pick Waterhouse over any other candidates, emphasizing Spanning's job is on the line.
2. Redmond's son was arrested by Dover and State Police, and Spanning is suspicious that it is revenge for not picking Waterhouse.
3. Spanning debated intervening and asking the arrest to be moved until after the council vote to approve his hire.
4. If Spanning intervenes in the arrest or caves to threats, then he will be violating the public trust and the ICMA Code of Ethics (Lee, 37).

e. Alternative Courses of Action

1. Cave to pressure and hire State Trooper Jim Waterhouse, who was the Review Committee's last choice, but was supported by certain council members and the O'Hara family, instead of Warren.
 - a. Pros
 - i. It is likely that Waterhouse would be approved by the council faction led by Fornby.
 - b. Cons:
 - i. Waterhouse would not be qualified for the job and the level of Police service in Dover would be diminished.

- ii. It creates an ethical dilemma for Spanning because he would have given into threats on his career.
 - iii. Spanning still might lose his job.
 - iv. The decision to appoint Waterhouse instead of Warren would go against the Policing Institute's standards to ensure "that the department is in good hands" and to try and avoid politics in the decision (Kelly, 1975, p. 8).
- 2. Spanning could continue with the City Council as originally planned despite Redmond's family crisis and warnings from Fornby.
 - a. Pros:
 - i. A decision could be made swiftly.
 - ii. The new police chief could begin preparing to move to Dover and assuming his duties assuming council
 - b. Cons:
 - i. The council could be biased in their decision, especially if Redford is unable to attend or distracted because of his family crisis.
 - ii. The council could reject the hire, and the process would start all over again.
- 3. Spanning could intervene and pull a political favor from the assistant district attorney, who understood the situation and supported a well-qualified police chief.
 - a. Pros:
 - i. Redmond would be able to attend the council meeting and help secure Warren's appointment.
 - ii. Spanning would likely keep his job as City Manager following the vote.
 - b. Cons:
 - i. Spanning's intervention has the potential to be seen as unethical because he used a political favor to secure his appointment. As a city manager, the ICMA Code of Ethics forbids managers from seeking favors or leveraging the position for personal gains (Lee, 37).
 - ii. Warren would have been appointed under an unethical inference, casting doubt on his tenure as Police Chief if the public found out.
- 4. Spanning could ask the mayor to postpone the confirmation meeting, reevaluate the situation, and give the City Council fair time to evaluate and appoint Warren to police chief.
 - a. Pros:
 - i. The situation could become less politically charged.
 - ii. The postponement of the meeting could give the council members a chance to clear their heads, particularly Redmond.
 - iii. For the City Manager, he could have taken a moment to check his emotions and "pay attention to bias clouded judgement" (Lee, 42).
 - iv. Spanning could ask the ICMA for advice on the situation or contact his former mentors (Lee, 44).
 - b. Cons:

- i. Delaying the meeting could only make the situation worse if a compromise cannot be found.
- ii. The delay could give the opposing faction in Council more time to win over Nicholson or secure additional support from the O'Hara family.

f. Conclusions

1. Sam Warren is the preferred candidate over Jim Waterhouse; Warren has more experience and education than Waterhouse.
2. The council will remain divided on the decision, with Nicholson's vote being the tiebreaker.
3. The O'Hara family is heavily invested in the council and their preferred hire, Jim Waterhouse.
4. Council member Redmond's family crisis will have an impact on the decision if he is unable to attend or abstains from voting.
5. City manager Spanning has the potential to make an unethical decision to help secure Warren as the new Police Chief.

g. Recommendation and Process to Implement

The hiring of a new Police Chief is “one of the most critical personnel decisions a city manager will make,” (Lee & Abels, 2022, p. 92). The recommendation course of action is Alternative 4: ask the mayor to postpone the meeting because of Council Member Redmond's family crisis. The postponement of the meeting would allow the City Manager and other council members a moment to reassess the situation and ensure that the vote to appoint Warren as the new Dover Police Chief is fair and unbiased from external circumstances such as Redmond's family crisis or pressure from the O'Hare family. During the postponement, Spanning should meet with council members to understand any hesitancy to appoint Warren as the new Dover Police Chief and ease any concerns. Spanning should not try to use political favors with the assistant district attorney or interfere with Randy Redmond's arson case on behalf of Redmond. Warren and Spanning appear to have a strong preliminary relationship, and Warren would reflect the values of Dover in his position. It is important that he is fairly appointed as Police Chief.

Process to Implement:

1. Spanning could go to the mayor and ask to postpone the appointment meeting citing concerns over the emotions of the council and Redmond's situation.
2. Select a new date for meeting with the mayor for 3 days after original date.
3. Spanning should discuss his situation and ethical concerns with the ICMA for guidance and advice.
4. Allow the council members to settle and give Redmond a moment to address his family crisis.
5. Spanning could meet with the faction opposing Warren to discuss why he is a good fit for Dover over Waterhouse.
6. After receiving guidance, move forward with the meeting to confirm Warren as the new Dover Police Chief.

7. If the council does not confirm Warren, the process to hire a new Police Chief will start all over, eliminating both Warren and Waterhouse from the running.
8. If Warren is appointed, then he will work with Spanning to start his duties within the month and begin relocating to the area.

References:

- Kelly, M. J. (1975). *Police Chief Selection: A Handbook for Local Government* . Police Foundation and International City County Managers Association. <https://www.policinginstitute.org/wp-content/uploads/2015/08/197411077-Kelly-Police-Chief-Selection-A-Handbook-for-Local-Government.pdf>
- Lee, Robert E., and Abels, Michael. (2022). "The Effective Local Government Manager (TELGM)." Fourth Edition. *International City/County Management Association*.