

Recommendations to Diversify Peoria Police & Fire Personnel

City of Peoria, Illinois

Subcommittee on Police & Fire Diversity

PRESENTATION TO COMMITTEE ON
POLICE AND FIRE DIVERSITY

October 8, 2015



RECOMMENDATIONS TO DIVERSIFY PEORIA POLICE AND FIRE PERSONNEL

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Subcommittee on Police and Fire Diversity

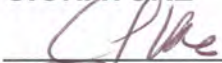


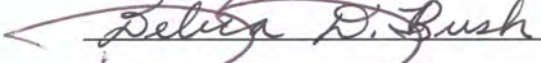


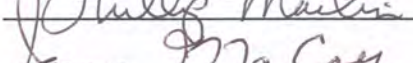
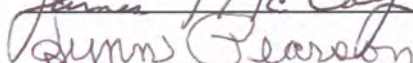


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EXECUTIVE SUMMARY

The Committee on Police & Fire Diversity appointed a Subcommittee to analyze the problem of low minority representation among commissioned police and fire personnel. The Subcommittee, consisting of an inclusive group of city and community representatives, conducted a four-month comprehensive study to explore issues relating to the lack of minority hires among commissioned police officers and firefighters in the City of Peoria. Multiple problems were identified as systematic conditions that have an adverse impact on the hiring of minority candidates: (1) ineffective recruitment and outreach processes, (2) score-based ranking systems, (3) lack of priority considerations given to City of Peoria residents or minorities, (4) no existing police or fire cadet programs, and (5) no minority participants in the Fire Department Explorers program.

The Subcommittee proposed the following 10 recommendations aimed to increase the hiring of minorities in police officer and firefighter positions.

1. Pass-Fail Examination for Police Officer Applicants
2. Develop an Ongoing, High Priority Recruitment Plan
3. Change to Semi-Annual Testing Frequency for Police and Fire
4. Reassign the 30 points in the Fire Department Selection Process
5. Peoria City Residency Points for Police Officer Candidates
6. Establish a Public Safety Explorers Program within District 150 Schools
7. Establish Police Cadet Program
8. Establish Firefighter Cadet Program
9. Annual Performance Goals, Monitoring, and Reporting
10. Diverse Interview and Criteria Panels

The Subcommittee identified annual goals for achieving a 10-year vision to create a diverse workforce which mirrors the demographics of the city for commissioned police and fire personnel. The need to act on these recommendations with a sense of urgency is highly encouraged.

INTRODUCTION

The Subcommittee was charged by the Committee on Police and Fire Diversity to conduct due diligence in examining the concerns and returning with recommendations for increasing the racial diversity among Peoria police and fire personnel, particularly commissioned officers and firefighters.

The Subcommittee was comprised of several members of the Committee on Police and Fire Diversity, as well as, additional individuals that serve as key stakeholders in the workforce selection process. The Subcommittee was balanced in terms of race and ethnicity, gender, age, department and community representation. The inclusivity of the Subcommittee contributed to its ability to function as a team and render unanimous support for the recommendations listed in this report.

The Subcommittee held several meetings and retreat sessions beginning May 2015 through September 29, 2015. A City of Peoria Public Safety Career Fair was also conducted at the Peoria NAACP Office on July 30, 2015. Approximately 65 applicants / interested individuals (95% minorities) attended the event. Several process adjustments were also made throughout the review period. Data collection and analysis was a key function of the Subcommittee. This included a review of workforce demographic data and trends, current practices for workforce selection and promotion, city and departmental policies and procedures, and a review of best practices across the nation.

The findings and recommendations, herein, are the result of in-depth analyses of the current situation, expanded knowledge of what works in diversifying police and fire personnel, and a sincere commitment to make a positive difference in creating a more diverse workforce.

The Subcommittee's key focus areas were Outreach and Recruitment and Policies and Procedures. They adopted the following Vision:

Hiring pools and selection processes are in place that consistently provide a qualified, diverse workforce that mirrors the city's demographics for the Police and Fire Departments.

PROBLEM IDENTIFICATION

The Police and Fire departments have 18.6% and 14% minority representation¹, respectively, among the commissioned workforce. Census data shows the city of Peoria is approximately 40% minority². As requested by the Subcommittee on Police and Fire Diversity, we have conducted in-depth analyses of the city of Peoria current employment results and the process for the selection of Peoria police officers and firefighters. We were asked to identify those issues that contributed to the minority gap between the Census and Peoria Police and Fire departments data and to make recommendations to solve this disparity. Based on our review, the following problems have been identified as significant barriers to increasing the representation of minorities among Police and Fire departments' commissioned personnel.

1. Recruitment processes and community outreach efforts do not achieve sufficient minority representation in the Police and Fire Department candidate selection pools.
2. The candidate selection process from the Police and Fire departments' pools emphasizes a score-based ranking system that has negatively impacted minority candidates.
3. The Fire Department selection process has resulted in the hiring of only one African American out of the 74 firefighters hired in the last ten years. Notably, the one African American was hired only after a lawsuit was filed against the City of Peoria.
4. The Police and Fire Departments' candidate selection processes do not grant priority considerations for City of Peoria residents or minorities.
5. The Fire Department's candidate points system, as previously implemented, negatively impacted minority applicants. (Points System recently changed, as a result of this due diligence project, to minimize this problem).
6. The Fire Department Explorers Program does not include minorities or Peoria youth. The Police Explorers are 68% minority.

¹ Police Department Employee Report, July 2015; Fire Department Employee Report, March 2015.

² U.S. Census, 2010.

RECOMMENDATIONS

The following recommendations, according to the Subcommittee, represent the City's best opportunity for reaching the ten-year vision of having a commissioned police and fire workforce that mirrors the demographics of the City of Peoria.

Recommendation #1: Pass-Fail Examination for Police Officer Applicants

For police officer applicants, the written test will be scored for a passing score and will no longer be rank ordered. Applicants who pass the written test, with a passing score predetermined by an inclusive police management team and the city's Human Resources Department, will be placed in the candidate pool with no rank order. Actual scores will remain confidential and will not be released to applicants or the police agency.

Due to state statute which requires rank order selection of firefighters, a pass-fail examination will only apply to police officer applicants.

Recommendation #2: Develop an Ongoing, High Priority Recruitment Plan

Detailed recruitment plans will be created or enhanced for both Police and Fire with high priority given to the recruitment of minority applicants. The plan will describe aggressive outreach and recruitment methods and include interview training for screening committee members. The Police Department's new 2015 Recruitment Plan was developed specifically to attract minority and protected class individuals. It incorporates diverse hiring best practices and serves to jump start this recommendation. See Exhibit F & J.

Recommendation #3: Change to Semi-Annual Testing Frequency for Police and Fire

Testing twice a year will give candidates more opportunity to be placed in a hiring pool. It will also allow the Departments to refresh candidate pools more frequently. Minority and protected class candidates who have recently entered the job market are in high demand and it is necessary for departments to act quickly when hiring. Individuals who are left on a list for an extended period of time are likely to find another employment option.

Recommendation #4: Reassign the 30 points in the Fire Department Selection Process
The firefighter selection process allows for the assignment of up to 30 points to criterion categories for which a slight advantage would be granted. A maximum of five (5) points may be awarded per category (veteran status, etc.) As part of this due diligence project, an adjustment was made to the process to grant five (5) residency points to applicants that reside within the City of Peoria. This process change was approved by the Police and Fire Commission.

Recommendation #5: Peoria City Residency Points for Police Officer Candidates
Police Officer applicants shall have added to their composite score, which includes both the interview conducted by the Police Department and Fire and Police Commission, five (5) points if they have an established residence in the City of Peoria. Applicants must have resided in the City of Peoria for no less than a one year period (365 days) at the time of the police applicant test. Currently the physical agility and written tests are offered on the same date; if in the future the test is offered over a period of more than one day then the first date the test is offered will be used to calculate the one year time period.

Recommendation #6: Establish a Public Safety Explorers Program within District 150
This program will explore careers within both police and fire (including firefighters, police officers, dispatchers, etc.). It is a continuation and broadening of the Police Department "City Youth" Explorers initiative which has 68% minority participation. The Fire Department's Explorers group, which currently has no minority participants, will be modeled after the Police department group. The Public Safety Explorers Program will be similar to Houston's C.A.S.E.Y. Program. See Exhibits D & I for more detail.

Recommendation #7: Establish Police Cadet Program
The Police Cadet Program is an extension of the current Police Explorer Program. The Explorer Program has been very successful recruiting minority and protected class students from Peoria Schools. The program averages a makeup of approximately 70% minority and/or protected class. Current Explorers who demonstrate talent, initiative, and drive to become a Peoria Police Officer, will be given an opportunity to apply for a paid civilian part-time position. Once hired, Cadets, will work in various units at a multitude of tasks on the Department. They will learn the job while performing basic police functions such as traffic control, crowd control and record keeping. The Cadets will also attend college classes at ICC. See Exhibit H for further detail and estimated cost.

Recommendation #8:

Establish Firefighter Cadet Program

The Firefighter Cadet Program will be similar to the Police Cadet Program. Peoria Explorer's Program will graduate into Firefighter Cadet Program to assure minority participation. The redesigned program will focus on high school youth within the City of Peoria, specifically those attending District 150 high schools. See Exhibit G for further detail and estimated cost.

Recommendation #9:

Annual Performance Goals, Monitoring, and Reporting

Performance goals will be established, measured, and monitored to assure that the 10-year vision can be fulfilled. Semi-annual progress reports to the public and City Council will be required from the Police & Fire Commission, with support from police and fire agencies. The first report will be due in June 2016. To assure progress and accountability, placement goals will be incorporated to the management evaluations of departmental chiefs and the city manager.

Recommendation #10:

Diverse Interview and Criteria Panels

All interview and criteria panels will be diverse and inclusive in terms of race, gender, and rank.

PLACEMENT GOALS

The 10-year vision of creating a diverse workforce that mirrors the demographics of the city can only be achieved through the establishment of annual placement goals which adequately recognize and address the underrepresentation of minorities. These goals are permissible by law³ and aim to correct adverse impact whereas minorities are underrepresented, despite their availability, within specific job groups (also see Exhibits K & L regarding legal decisions and cases). The following should be understood about placement goals:

1. Placement goals are not used to supersede merit selection principles, nor do they require the City to hire a person who lacks qualifications to perform the job successfully or hire a less qualified person in preference to a more qualified one.
2. Placement goals are not quotas that must be met, nor are they to be considered as either a ceiling or a floor for the employment of particular groups.

In establishing placement goals, the Subcommittee applied the following principle:

1. Establish a percentage annual placement goal commensurate with a ten-year goal to have a police and fire workforce which mirrors the demographics of the City of Peoria (by 2025).

The Subcommittee proposes the following annual placement goals:

Police Department:

The Police Department commissioned ranks are currently 18.6% minority. The minority percentage should increase at a minimum of 8% annually to achieve 40% by 2025⁴.

Fire Department:

The Fire Department commissioned ranks are 14% minority. The minority percentage should increase at a minimum of 11% annually to achieve 40% by 2025⁵.

These goals will be achieved by improving processes, holding administrators accountable and monitoring and measuring performance regularly. The process should be reviewed, and improved, annually to track and assure progress.

³ Affirmative Action Fact Sheet, U.S. Dept. of Labor, <http://www.dol.gov/ofccp/regs/compliance/aa.htm> .

⁴ Goals for police diversity will be adjusted according to new demographic data from US Census.

⁵ Goals for firefighter diversity will be adjusted according to new demographic data from US Census.

CONCLUSION

The adhoc Subcommittee on Police & Fire Diversity concluded its work on September 29, 2015 with unanimous support for the recommendations proposed herein. The group encourages city leaders to give serious and urgent attention to the problem that has been identified, whereas, significant gaps exist in the hiring of minority candidates for City of Peoria commissioned police and fire positions. Notably, significant gaps also exist in the hiring of female candidates. Ideally, the workforce of the city should mirror the demographics of the residents of that city. Among commissioned police and fire personnel, there is a misalignment with this ideal scenario.

Implementation of the proposed recommendations represents an important leap in addressing systematic issues that have negatively impacted the hiring of minorities as police officers and firefighters. Much time has passed without a concentrated, methodical, and effective effort to turn this situation around. Yet, there is no time like the present to take the necessary steps toward progress in this area.

Our vision is that the City of Peoria can put in place hiring pools and selection processes that consistently provide a qualified, diverse workforce that mirrors the city's demographics for the Police and Fire Departments. We believe that, given sufficient commitment to this goal, the vision can be realized over a ten-year period (by 2025).

Peoria is a great American city. Inclusive representation among Police and Fire will make it even greater. A sense of urgency and priority is required.

LIST OF EXHIBITS

- Exhibit A City of Peoria Employment Analysis
- Exhibit B Percentage Employed vs. Percentage City (Police & Fire)
- Exhibit C Public Safety Career Fair
- Exhibit D C.A.S.E.Y. Fire Ops Program – Houston (Best Practice)
- Exhibit E Frequency of Fire Department Testing / Interview Panel
- Exhibit F City of Peoria Police Department Recruitment Plan
- Exhibit G Peoria Fire Department Cadet Internship
- Exhibit H Peoria Police Department Cadet Program
- Exhibit I Current Police Explorer's Program
- Exhibit J Peoria Fire Department Recruitment Proposal
- Exhibit K *Schuette v. Coalition to Defend Affirmative Action, et al*
- Exhibit L *Majeske v. City of Chicago – Affirmative Action Case*

EXHIBIT A

City of Peoria Employment Analysis

CITY OF PEORIA
EMPLOYMENT ANALYSIS

Firefighters Hired 2005 to 2015

2005 – 10 Hired

6/6/2005 7 White Males
12/12/2005 3 White Males

2006 – 14 Hired

5/8/2006 8 White Males
10/16/2006 6 White Males

2007 – 2 Hired

5/21/2007 2 White Males

2008 – 17 Hired

6/16/2008 12 White Males
6/18/2008 3 White Males
10/20/08 1 Black Male
1 White Male

2010- 10 Hired

4/19/2010 10 White Males

2011 – 9 Hired

8/8/2011 9 White Males

2012 – 9 Hired

3/12/2012 3 White Males
9/17/2012 5 White Males
10/1/2012 1 White Male

2014 – 6 Hired

4/11/2014 6 White Males

**FIREFIGHTERS HIRED
2005 TO 2015**

<u>Position</u>	<u>Hire Date</u>	<u>Termination Date</u>	<u>Termination Reason</u>	<u>Race</u>	<u>Sex</u>
FIRE ENGINEER	06/06/05	00/00/00		WHITE	M
FIRE ENGINEER	06/06/05	00/00/00		WHITE	M
FIRE ENGINEER	06/06/05	00/00/00		WHITE	M
FIREFIGHTER	06/06/05	00/00/00		WHITE	M
FIRE ENGINEER	06/06/05	00/00/00		WHITE	M
FIRE ENGINEER	06/06/05	00/00/00		WHITE	M
FIRE ENGINEER	06/06/05	00/00/00		WHITE	M
FIRE ENGINEER	12/12/05	00/00/00		WHITE	M
FIREFIGHTER	12/12/05	00/00/00		WHITE	M
FIRE ENGINEER	12/12/05	00/00/00		WHITE	M
FIREFIGHTER	05/08/06	00/00/00		WHITE	M
FIREFIGHTER	05/08/06	00/00/00		WHITE	M
FIREFIGHTER	05/08/06	00/00/00		WHITE	M
FIREFIGHTER	05/08/06	06/02/07	RESIGNATION	WHITE	M
FIREFIGHTER	05/08/06	02/24/07	RESIGNATION	WHITE	M
FIREFIGHTER	05/08/06	00/00/00		WHITE	M
FIREFIGHTER	05/08/06	00/00/00		WHITE	M
FIREFIGHTER	05/08/06	00/00/00		WHITE	M
FIREFIGHTER	10/16/06	00/00/00		WHITE	M
FIREFIGHTER	10/16/06	00/00/00		WHITE	M
FIREFIGHTER	10/16/06	00/00/00		WHITE	M
FIREFIGHTER	10/16/06	00/00/00		WHITE	M
FIREFIGHTER	10/16/06	00/00/00		WHITE	M
FIREFIGHTER	10/16/06	00/00/00		WHITE	M
FIREFIGHTER	10/16/06	00/00/00		WHITE	M
FIREFIGHTER	05/21/07	00/00/00		WHITE	M
FIREFIGHTER	05/21/07	00/00/00		WHITE	M
FIREFIGHTER	06/16/08	00/00/00		WHITE	M
FIREFIGHTER	06/16/08	00/00/00		WHITE	M
FIREFIGHTER	06/16/08	00/00/00		WHITE	M
FIREFIGHTER	06/16/08	00/00/00		WHITE	M
FIREFIGHTER	06/16/08	00/00/00		WHITE	M
FIREFIGHTER	06/16/08	00/00/00		WHITE	M

E-3

FIREFIGHTERS HIRED
2005 TO 2015

FIREFIGHTER	06/16/08	00/00/00	WHITE	M
FIREFIGHTER	06/16/08	00/00/00	WHITE	M
FIREFIGHTER	06/16/08	00/00/00	WHITE	M
FIREFIGHTER	06/16/08	00/00/00	WHITE	M
FIREFIGHTER	06/16/08	00/00/00	WHITE	M
FIREFIGHTER	06/16/08	00/00/00	WHITE	M
FIREFIGHTER	06/16/08	00/00/00	WHITE	M
FIREFIGHTER	06/18/08	00/00/00	WHITE	M
FIREFIGHTER	06/18/08	00/00/00	WHITE	M
FIREFIGHTER	06/18/08	00/00/00	WHITE	M
FIREFIGHTER	10/20/08	00/00/00	BLACK	M
FIREFIGHTER	10/20/08	00/00/00	WHITE	M
FIREFIGHTER	04/19/10	00/00/00	WHITE	M
FIREFIGHTER	04/19/10	00/00/00	WHITE	M
FIREFIGHTER	04/19/10	00/00/00	WHITE	M
FIREFIGHTER	04/19/10	00/00/00	WHITE	M
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FIREFIGHTER	04/19/10	00/00/00	WHITE	M
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FIREFIGHTER	08/08/11	00/00/00	WHITE	M
FIREFIGHTER	08/08/11	10/06/13	WHITE	M
FIREFIGHTER	08/08/11	00/00/00	WHITE	M
FIREFIGHTER	08/08/11	00/00/00	WHITE	M
FIREFIGHTER	08/08/11	00/00/00	WHITE	M
FIREFIGHTER	08/08/11	00/00/00	WHITE	M
FIREFIGHTER	08/08/11	00/00/00	WHITE	M
FIREFIGHTER	08/08/11	00/00/00	WHITE	M
FIREFIGHTER	08/08/11	00/00/00	WHITE	M
FIREFIGHTER	03/12/12	00/00/00	WHITE	M

RESIGNATION

E-4

**FIREFIGHTERS HIRED
2005 TO 2015**

FIREFIGHTER	03/12/12	00/00/00		WHITE	M
FIREFIGHTER	03/12/12	03/21/12	RESIGNATION	WHITE	M
FIREFIGHTER	09/17/12	00/00/00		WHITE	M
FIREFIGHTER	09/17/12	00/00/00		WHITE	M
FIREFIGHTER	09/17/12	00/00/00		WHITE	M
FIREFIGHTER	09/17/12	00/00/00		WHITE	M
FIREFIGHTER	09/17/12	00/00/00		WHITE	M
FIREFIGHTER	09/17/12	00/00/00		WHITE	M
FIREFIGHTER	10/01/12	00/00/00		WHITE	M
FIREFIGHTER	04/11/14	00/00/00		WHITE	M
FIREFIGHTER	04/11/14	06/03/14	RESIGNATION	WHITE	M
FIREFIGHTER	04/11/14	00/00/00		WHITE	M
FIREFIGHTER	04/11/14	00/00/00		WHITE	M
FIREFIGHTER	04/11/14	00/00/00		WHITE	M
FIREFIGHTER	04/11/14	00/00/00		WHITE	M
FIREFIGHTER	04/11/14	00/00/00		WHITE	M

Police Recruits Hired 2005 to 2015

2005 – 21 Hired

4/25/2005	2 White Males
5/2/2005	1 Black Male
	6 White Males
6/13/2005	1 White Female
	7 White Males
10/17/2005	1 Hispanic Male
10/17/2005	3 White Males

2006 – 17 Hired

2/6/2006	1 Black Female
	1 White Male
3/21/2006	1 White Female
	3 White Males
5/1/2006	1 White Male
5/4/2006	1 Black Male
	3 White Males
6/12/2006	5 White Males
7/24/2006	1 White Male

2007 – 13 Hired

2/12/2007	1 White Male
3/26/2007	2 White Males
4/9/2007	1 White Male
6/18/2007	4 White Males
9/24/2007	1 White Male
10/22/2007	1 Black Female
	3 White Males

2008 – 13 Hired

2/11/2008	1 Black Male
	2 White Males
6/16/2008	2 White Males
7/28/2008	1 Black Male
	1 White Male
9/8/2008	1 White Female
	2 White Males
10/20/2008	2 White males
12/29/2008	1 White Male

Page 2
Police Recruits Hired

2009 – 3 Hired

5/7/2009 3 White Males

2012 – 1 Hired

3/26/2012 1 White Male

2013 – 10 Hired

1/4/2013 4 White Males

2/18/2013 1 White Male

4/1/2013 3 White Males

9/25/2013 1 Black Male

1 White Male

2014 – 24 Hired

2/10/2014 6 White Males

2/11/2014 1 White Male

3/31/2014 1 Hispanic Male

6 White Males

6/30/2014 1 Hispanic Male

1 Black Male

4 White Males

9/22/2014 3 White Males

12/29/2014 1 Black Male

2015 - 9 Hired

3/9/2015 1 White Male

3/23/2015 1 White Male

4/27/2015 1 Asian/Pacific Islander Male

3 White Males

6/22/15 2 Black Males

1 White male

POLICE RECRUITS HIRED
2005 TO 2015

<u>Position</u>	<u>Hire Date</u>	<u>Termination Date</u>	<u>Termination Reason</u>	<u>Race</u>	<u>Sex</u>
POLICE SERGEANT	04/25/05	00/00/00		WHITE	M
POLICE OFFICER	04/25/05	00/00/00		WHITE	M
POLICE OFFICER	05/02/05	00/00/00		WHITE	M
POLICE OFFICER	05/02/05	00/00/00		BLACK	M
POLICE RECRUIT	05/02/05	12/28/05	RESIGNATION	WHITE	M
POLICE OFFICER	05/02/05	00/00/00		WHITE	M
POLICE OFFICER	05/02/05	05/18/10	RESIGNATION	WHITE	M
POLICE SERGEANT	05/02/05	00/00/00		WHITE	M
POLICE RECRUIT	05/02/05	05/05/05	RESIGNATION	WHITE	M
POLICE OFFICER	06/13/05	00/00/00		WHITE	M
POLICE OFFICER	06/13/05	00/00/00		WHITE	F
POLICE OFFICER	06/13/05	00/00/00		WHITE	M
POLICE OFFICER	06/13/05	00/00/00		WHITE	M
POLICE OFFICER	06/13/05	00/00/00		WHITE	M
POLICE RECRUIT	06/13/05	03/24/06	RESIGNATION	WHITE	M
POLICE OFFICER	06/13/05	07/07/08	DISABILITY RETIREMENT	WHITE	M
POLICE OFFICER	06/13/05	00/00/00		WHITE	M
POLICE OFFICER	10/17/05	00/00/00		WHITE	M
POLICE OFFICER	10/17/05	00/00/00		WHITE	M
POLICE RECRUIT	10/17/05	11/28/05	DISMISSED/TERMINATED	WHITE	M
POLICE OFFICER	10/17/05	00/00/00		HISPANIC	M
POLICE OFFICER	02/06/06	00/00/00		WHITE	M
POLICE OFFICER	02/06/06	00/00/00		BLACK	F
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POLICE OFFICER	03/21/06	00/00/00		WHITE	M
POLICE OFFICER	03/21/06	00/00/00		WHITE	M
POLICE OFFICER	03/21/06	09/16/07	RESIGNATION	WHITE	M
POLICE RECRUIT	05/01/06	06/08/07	RESIGNATION	WHITE	M
POLICE RECRUIT	05/04/06	01/23/07	RESIGNATION	WHITE	M
POLICE RECRUIT	05/04/06	05/10/06	RESIGNATION	WHITE	M
POLICE OFFICER	05/04/06	00/00/00		WHITE	M

POLICE RECRUITS HIRED
2005 TO 2015

POLICE OFFICER	05/04/06	00/00/00				BLACK	M
POLICE RECRUIT	06/12/06	06/21/06	RESIGNATION			WHITE	M
POLICE RECRUIT	06/12/06	03/13/07	RESIGNATION			WHITE	M
POLICE OFFICER	06/12/06	00/00/00				WHITE	M
POLICE OFFICER	06/12/06	00/00/00				WHITE	M
POLICE OFFICER	06/12/06	00/00/00				WHITE	M
POLICE RECRUIT	07/24/06	05/07/07	RESIGNATION			WHITE	M
POLICE RECRUIT	02/12/07	10/10/07	RESIGNATION			WHITE	M
POLICE OFFICER	03/26/07	00/00/00				WHITE	M
POLICE RECRUIT	03/26/07	01/03/08	RESIGNATION			WHITE	M
POLICE SERGEANT	04/09/07	00/00/00				WHITE	M
POLICE OFFICER	06/18/07	00/00/00				WHITE	M
POLICE OFFICER	06/18/07	00/00/00				WHITE	M
POLICE OFFICER	06/18/07	00/00/00				WHITE	M
POLICE RECRUIT	06/18/07	12/10/07	RESIGNATION			WHITE	M
POLICE OFFICER	09/24/07	00/00/00				WHITE	M
POLICE OFFICER	10/22/07	01/03/12	RESIGNATION			BLACK	F
POLICE OFFICER	10/22/07	00/00/00				WHITE	M
POLICE OFFICER	10/22/07	00/00/00				WHITE	M
POLICE OFFICER	10/22/07	10/26/09	RESIGNATION			WHITE	M
POLICE RECRUIT	02/11/08	11/18/08	RESIGNATION			WHITE	M
POLICE RECRUIT	02/11/08	11/07/08	RESIGNATION			WHITE	M
POLICE OFFICER	02/11/08	00/00/00				BLACK	M
POLICE SERGEANT	06/16/08	00/00/00				WHITE	M
POLICE OFFICER	06/16/08	00/00/00				WHITE	M
POLICE OFFICER	07/28/08	00/00/00				WHITE	M
POLICE OFFICER	07/28/08	00/00/00				BLACK	M
POLICE OFFICER	09/08/08	09/15/12	RESIGNATION			WHITE	M
POLICE OFFICER	09/08/08	00/00/00				WHITE	F
POLICE OFFICER	09/08/08	00/00/00				WHITE	M
POLICE RECRUIT	10/20/08	09/01/09	RESIGNATION			WHITE	M
POLICE RECRUIT	10/20/08	12/31/09	LAYOFF			WHITE	M

POLICE RECRUITS HIRED
2005 TO 2015

POLICE OFFICER	12/29/08	00/00/00		WHITE	M
POLICE OFFICER	05/07/09	00/00/00		WHITE	M
POLICE RECRUIT	05/07/09	12/29/09	RESIGNATION	WHITE	M
POLICE OFFICER	05/07/09	00/00/00		WHITE	M
POLICE OFFICER	03/26/12	00/00/00		WHITE	M
POLICE OFFICER	01/04/13	00/00/00		WHITE	M
POLICE RECRUIT	01/04/13	03/29/13	RESIGNATION	WHITE	M
POLICE OFFICER	01/04/13	00/00/00		WHITE	M
POLICE OFFICER	01/04/13	00/00/00		WHITE	M
POLICE OFFICER	02/18/13	00/00/00		WHITE	M
POLICE OFFICER	04/01/13	00/00/00		WHITE	M
POLICE OFFICER	04/01/13	00/00/00		WHITE	M
POLICE RECRUIT	04/01/13	09/09/13	RESIGNATION	WHITE	M
POLICE OFFICER	09/25/13	00/00/00		WHITE	M
POLICE RECRUIT	09/25/13	06/10/14	RESIGNATION	BLACK	M
POLICE OFFICER	02/10/14	00/00/00		WHITE	M
POLICE OFFICER	02/10/14	00/00/00		WHITE	M
POLICE OFFICER	02/10/14	00/00/00		WHITE	M
POLICE OFFICER	02/10/14	00/00/00		WHITE	M
POLICE OFFICER	02/10/14	00/00/00		WHITE	M
POLICE OFFICER	02/10/14	00/00/00		WHITE	M
POLICE OFFICER	02/10/14	00/00/00		WHITE	M
POLICE OFFICER	02/11/14	00/00/00		WHITE	M
POLICE OFFICER	03/31/14	00/00/00		HISPANIC	M
POLICE OFFICER	03/31/14	00/00/00		WHITE	M
POLICE OFFICER	03/31/14	00/00/00		WHITE	M
POLICE RECRUIT	03/31/14	01/26/15	RESIGNATION	WHITE	M
POLICE OFFICER	03/31/14	00/00/00		WHITE	M
POLICE OFFICER	03/31/14	00/00/00		WHITE	M
POLICE OFFICER	03/31/14	00/00/00		WHITE	M
POLICE RECRUIT	06/30/14	05/28/15	RESIGNATION	WHITE	M
POLICE RECRUIT	06/30/14	00/00/00		WHITE	M
POLICE RECRUIT	06/30/14	05/22/15	RESIGNATION	HISPANIC	M

POLICE RECRUITS HIRED
2005 TO 2015

POLICE RECRUIT	06/30/14	00/00/00		BLACK	M
POLICE RECRUIT	06/30/14	00/00/00		WHITE	M
POLICE RECRUIT	06/30/14	00/00/00		WHITE	M
POLICE RECRUIT	09/22/14	07/29/15	RESIGNATION	WHITE	M
POLICE RECRUIT	09/22/14	00/00/00		WHITE	M
POLICE RECRUIT	09/22/14	00/00/00		WHITE	M
POLICE RECRUIT	12/29/14	03/20/15	RESIGNATION	BLACK	M
POLICE RECRUIT	03/09/15	00/00/00		WHITE	M
POLICE RECRUIT	03/23/15	00/00/00		WHITE	M
POLICE RECRUIT	04/27/15	00/00/00		WHITE	M
POLICE RECRUIT	04/27/15	00/00/00		WHITE	M
POLICE RECRUIT	04/27/15	00/00/00		WHITE	M
POLICE RECRUIT	04/27/15	00/00/00		ASIAN\PACIFIC ISLANDER	M
POLICE RECRUIT	06/22/15	00/00/00		BLACK	M
POLICE RECRUIT	06/22/15	00/00/00		WHITE	M
POLICE RECRUIT	06/22/15	09/02/15	DISMISSED/TERMINATED	BLACK	M

PEORIA DEMOGRAPHICS

2010 CENSUS

WHITE	60.4%
MINORITY	37.6%
AFRICAN AMERICAN	26.9%
HISPANIC	4.9%
ASIAN	4.6%
NATIVE HAWAIIAN	<.5%
TWO OR MORE RACES	3.6%

PEORIA WORKFORCE

June 2014

<u>Workforce</u>	<u>Total</u>	<u>%</u>
White	519	81.86%
Minority	115	18.14%
Black	94	14.83%
Hispanic	11	1.74%
Asian	9	1.42%
American India	1	0.16%
Male	519	81.86%
Female	115	18.14%

**CITY OF PEORIA
NEW HIRES FROM 1/1/11 THRU 5/31/14**

SALARY RANGE (THOUSANDS \$)

	0 - 30	30 - 60	60 - 90	90
WHITE	14	142	29	7
BLACK	4	13	4	2
HISPANIC	1	2		1
ASIAN		2		

Terminated Employees

	Death	Disability	Terminated	End Temp	Layoff	Resignation	Retirement	Total
Black			4	5	6	11	24	50
Hispanic					1	1	1	3
White	2	7	16	26	17	54	88	201
Total	2	7	20	31	24	66	113	254
Black % Total			20%	16%	25%	17%	21%	20%
Hispanic % Total					4%	2%	1%	1%
White % T	100%	100%	80%	84%	71%	82%	78%	79%

EXHIBIT B

**Percentage Employed vs. Percentage City
(Police & Fire)**

Police Employment July 2015

RACE	NUMBER	%	CENSUS %
White	179	81.4	60.4
African American	29	13.2	26.9
Hispanic	5	2.2	4.9
Asian	6	2.7	4.6
Other Mixed	1	0.45	3.6
Native American	0	0	0.3

Source: Christy Williams, Police Administration July Employee Report

Fire Personnel March 2015

Race	Number	%	Census %
White	173	86.1	60.4
African American	23	11.4	26.9
Hispanic	2	0.9	4.9
Asian	3	1.5	4.6
Other Mixed	0		3.6
Native American	0		0.3

Source: Sherry Doran March 23, 2015 Employee Report

EXHIBIT C

Public Safety Career Fair



ANNOUNCING CITY OF PEORIA PUBLIC SAFETY CAREER FAIR

Sponsored by the NAACP

Thursday, July 30, 2015

5:00 p.m. – 8:00 p.m.

101 N. MacArthur Highway
Peoria, IL 61605

We will be taking applications for the positions listed below. Representatives from each department will be available to answer any questions during the Career Fair.

Firefighter Examination Process

AGE: Minimum age at the time of hire is 21 years old. Maximum age at the time of application is 34 years old except: Applicants having previous full-time employment on an Illinois Fire Department or with an Illinois Fire Protection District; or applicants who have served the hiring department (as volunteer, paid-on-call, or part-time) for the five (5) years preceding the time the Department begins to use full-time firefighters.

EDUCATION: Minimum: Graduation from High School or GED equivalency accepted. Prefer candidates with Fire Science college courses or degree in Fire Science or related field, and emergency medical technician (EMT) certification.

APPLICATION DEADLINE: Applications must be received by 5pm., Friday, August 7, 2015, or postmarked or faxed by August 7, 2015. Application must include a copy of the applicant's certified birth certificate, (copy of registered certificate, not hospital copy with footprints), copy of driver's license, and a copy of high school diploma, high school transcript, or GED certificate (Even if you have a college degree).

Police Recruit Examination Process

AGE: 21 years old by date of written examination, or 20 years old, if successfully completed two (2) years of law enforcement studies at an accredited college or university. Cannot have attained age 35 when the application is submitted. (By State statute, exceptions made for individuals with prior municipal police experience. See the Human Resources Department for additional information).

EDUCATION: Minimum: Graduation from High School or GED equivalency accepted. Prefer candidates with Associate's Degree or hours toward Bachelor's Degree.

MILITARY: A Veteran shall be allowed to exceed the maximum age provision by the number of years served on active military duty, but by no more than 10 years of active military duty. (45 years old)

APPLICATION DEADLINE: Applications must be received by 5:00 p.m., Friday, October 30, 2015 or postmarked or faxed by October 30, 2015. Application must include a copy of the applicant's certified birth certificate, (copy of registered certificate, not hospital copy with footprints), copy of driver's license, and a copy of high school diploma, high school transcript, or GED certificate (Even if you have a college degree).

9-1-1 Dispatcher

\$15.95/hour; Days Off, Shifts and Hours Varies – Monitor radio-telephone messages concerning police, fire, and medical emergencies; monitors all transmissions of emergency communications center user agencies; responds to citizens calls; performs emergency medical dispatching and perform call-taking functions.

REQUIREMENTS: High school diploma or GED; typing speed of 45wpm; radio or telephone communication courses helpful; prior related dispatching experience desirable; experience in multi-tasking jobs a plus; equivalent combination of education and experience considered; must pass computerized telecommunicator test and oral interview; selected candidate must successfully pass background investigation conducted by the Police Department.

APPLICATION DEADLINE: Open Until Filled.

EXHIBIT D

C.A.S.E.Y. Fire Ops Program – Houston, TX

WHAT DOES IT MEAN FOR YOU, THE STUDENT?

- Empower yourself to take charge of your career and future
- Be eligible for Fire and EMS School funds/scholarships
- Be recognized as a great citizen and role model
- Become a member of a Firefighting and EMS family
- Go on exciting field trips
- Attend day camp
- Earn C.A.S.E.Y. Fire Ops giveaways
- Earn valuable volunteer hours & experience
- HAVE LOTS OF FUN!

Scholarships provided by Popeye's Louisiana Kitchen



HFDcareers.org CASEyFireOps.org
[#caseyfireops](https://twitter.com/caseyfireops) [@caseyfireops](https://www.instagram.com/caseyfireops)

"Be SAFE, Be NICE, Be ACCOUNTABLE"

**CULTIVATE
ADVISE
SUPPORT
EMPOWER
YOUTH**



C.A.S.E.Y.



FIRE OPS

Human Resources Department & Houston Fire Department
High School Mentorship Initiative

PURPOSE

To create and foster a career path to become a Firefighter/EMT in high school sophomores, juniors and seniors

BACKGROUND

There was no branding nor was there a structured program created to concentrate on groups of diverse students about to graduate and embark out in the world

INITIATIVE

To implant a brand and a structured program and to remove the myth that firefighters only fight fires, and we will be able to highlight all areas of a career path in the fire service.

To consistently engage with students to find interested candidates to build self-esteem, social and behavioral skills, encourage and foster students to be good citizens and great role models amongst their peers.



2015-2016 TIMELINE: 7 - 8 MEETINGS PER SCHOOL PER YEAR

Fall 2015

- Overview of what C.A.S.E.Y. Fire Ops is all about
- What it takes to be a firefighter/EMT and the expectations
- EMS Camp
- Stocking Stuffer Toy Drive
- Station or Houston Emergency Center Visit and Tour

Spring 2016

- Fire Gear Races and Skills
- AED Training
- Introduction to other areas of the Fire Service Career
- FIRE Camp
- HS Career and Fitness Experience
- Tour of Val Jahnke Training Academy

PARTICIPATING SCHOOLS AND LOCATIONS

Houston ISD

- Austin HS
- Barbara Jordan HS
- Chavez HS
- Furr HS
- HS for Law Enforcement and Criminal Justice (LEcj)
- Middle College HS

- Milby HS
- North Forest HS
- Sharpstown HS
- Sterling HS
- Westbury HS
- Worthing HS
- Yates HS

- Aldine ISD
- Carver HS
- Mac Arthur HS
- Fort Bend ISD
- Ft Bend Career and Tech HS
- Marshall HS

- Willowridge HS
- Pasadena ISD
- Career and Tech HS
- Dobie HS

- Houston Community / Multi-Service Centers
- 5th Ward Enrichment/Center
- 5th Ward Multi-Service Center
- Candlelight Community Center

- Judson Robinson Community Center

If your school would like to participate in the C.A.S.E.Y. program, please contact Tanya Cleveland at: 832-609-3571 or by e-mail: caseyfireops@houston.tx.gov

EXHIBIT E

**Frequency of Fire Department
Testing / Interview Panel**

Frequency of Fire Department testing

- 4 times per year for CPAT
- 2 times per year for written examination

The written examination component shall be administered twice a year. Once in April and again in October. The April exam provides College and University based students to participate in the process right before graduation. A second examination in October provides an additional opportunity for participants in the event of a less than desirable outcome is obtained in the first examination.

Due to the Peoria Fire Department's CPAT certification level; applicants taking this agility test in Peoria can utilize the successful completion statewide. Additionally, this program is designed to generate revenue for the City of Peoria. Testing four (4) times a year is recommended.

Interview Panel Recommendation

The Fire Department interview panel shall consist of five (5) members, two (2) members from management, the President of Peoria Firefighters Union Local 50 or his/her designate, the President of the Afro American Fire Fighters Association of Peoria (AAFFAP) or his/her designate and one (1) protective class member from the local 50 body.

The Presidents of Local 50 and the AAFFAP shall select the member from the body. If the Presidents from each organization are unable to come to a joint decision regarding the member from the body, then the Fire Chief shall break the tie by casting his/her vote if the Presidents are unable to agree.

EXHIBIT F

**City of Peoria Police Department
Recruitment Plan**

The City of Peoria Police Department Recruitment Plan

Recruitment Efforts

The Police Department is scheduling the next Police Entry Exam tentatively for the month of October 2015. During 2014, in anticipation of the January 2014 test; a new recruitment strategy was implemented. This recruitment plan was developed specifically to attract minority and protected class individuals. It is the goal of the Police Department to employ a diverse group of police officers who are representative of the city's population. The 2014 recruitment plan will be utilized for the current recruitment effort. The 2015 plan will included the following strategy components:

- Minority and protected class officers attending job fairs at surrounding universities, community colleges, and community employment events
- Minority and protected class officers visiting criminal justice classes at universities and community colleges to discuss the testing process and career opportunities
- Minority and protected class officers attending local church services and events to discuss job opportunities. The officers will attend churches with a predominately minority congregation.
- Posting billboards throughout the city to advertise the position and attract qualified candidates
- Advertising the position on career specific web pages
- Advertising the position on the city web page
- Running commercials on television, radio and in the local movie theaters
- Utilizing the newly created Peoria Police Department Facebook page to advertise the testing process and career opportunities
- Making calls to qualified minority and protected class applicants encouraging them to stay in the testing process and offering mentoring by current officers
- Working with the NAACP to hold a career fair to attract minority candidates to both the police and fire applicant process

- Sending out reminders to current officers and employees requesting assistance with recruitment efforts
- Make additions to the police applicant orientation which include interviewing tips, a presentation by a recently hired officer about preparing for the process, and more discussion about the hiring process

A long term recruitment strategy is to continue to grow the Police Explorer Program. We feel that young people who spend time in the program will develop a strong interest in the policing profession and will be more likely to apply for a full time position when they reach the appropriate age. The program is focused on teaching policing techniques and growing a social conscious for our area youth. Those individuals who choose to apply and are hired by Peoria will be better prepared for the rigors of law enforcement and those who choose another career path will have a better understanding of the commitment and challenges associated with being a police officer, which ultimately helps build a positive relationship between the police and citizens.

A great deal of effort has already been put forth to build a solid foundation for a recruitment strategy; however, we are very open to ideas and suggestions which will increase the number of qualified minority and protected class applicants and help those applicants succeed in the process.

EXHIBIT G

Peoria Fire Department Cadet Program

Peoria Fire Department Cadet Internship

**Proposal to the Joint City of Peoria and NAACP
Sub-Committee on Fire and Police Hiring Practices**
September 9, 2015



Prepared by:
President Peoria Firefighters Union Local 50 Fire Captain Tony Ardis
President Afro American Fire Fighters Association of Peoria Fire Captain James McCoy
Peoria Fire Department Fire Administration Division Chief Phillip Maclin

Peoria Fire Department Cadet Internship

PEORIA FIRE FIGHTERS UNION LOCAL 50 – PEORIA FIRE ADMINISTRATION- AFRO AMERICAN FIRE FIGHTERS ASSOCIATION OF PEORIA

This proposal reintroduces the cadet program. The cadet program was disbanded from the Peoria Fire Department well over twenty years ago. The cadet program served as an active component of the Peoria Firefighter professional developmental process. To this date three of the five cadets are gainfully employed by the City of Peoria as professional firefighters. Those cadets each, have over 21 years of dedicate service to the community.

WHY THE REINTRODUCTION OF THE CADET INTERNSHIP PROGRAM?

- The fire department has a commissioned staff of 201 highly trained and skilled personnel. Over 70 % of those hired, were not residents of the City of Peoria. Taking into consideration the staff allotment for the fire department of 201; 128 fire department employee's (*representing 64% of the fire department workforce*) resides within the geographical boundaries of Peoria. 73 fire department employee's (*representing 36% of the fire department's workforce*) currently reside outside of the geographical boundaries of Peoria.
- Lack of protective class representation within the fire department staffing levels. The fire department's current demographic level does not reflect the demographics of the City of Peoria.

Demographic	City of Peoria	Peoria Fire Department
Caucasian	62.4%	86.47 %
Black or African American	26.9%	12.0 %
Hispanic	4.9 %	.001 %
Asian	4.6 %	.01 %
Native American	0.3 %	0.0 %
Other	2.2 %	0.0 %

Current staffing level reflects commissioned staff of 171 Caucasians, 23 Black or African American, 3 Asians, 2, Hispanics, 0 Native American and 0 other. Only 2 females are represented from the 201 commissioned personnel. The last hired member from the protective class occurred seven (7) years ago. The last female hired, occurred seventeen (17) years ago.

- A disconsolate feeling among many inner city youth due to a lack of tangible opportunities upon completion of high school. It is our position that this disconsolate feeling is a contributing factor in the eruption of an increased crime rate occurring in neighborhoods throughout the City of Peoria.

According to the 2012 State of Illinois Department of Employment Security 2012 Annual report on Women and Minorities in the Illinois Labor Force, the executive summary presented the following: "Recent research from the U.S. Department of Labor points to several barriers to higher employment and earnings for minorities, particularly African Americans in the U.S. Such barriers included lower educational attainment, prolonged unemployment status, under-representation in high growth job sectors and lower access to jobs."

WHY A LACK OF DIVERSITY WITHIN THE STAFF STRUCTURE OF THE PEORIA FIRE DEPARTMENT?

- A substantial number of hires have been outside of the City of Peoria.
- An inner departmental policy (*introduced by a prior fire department administrator the late retired Fire Chief Ernie Russell*) that places a weighted emphasis on experience. To obtain experience a Peoria resident would have to relocate outside of the City of Peoria; and become aligned with a volunteer fire department. The Peoria Fire Department does not offer volunteer opportunities.
- Current Explorer Post 50 has catered to non-Peoria residents. This program has not been marketed to Peoria District 150 students. This lack of marketing has created a level of alienation, due to a lack of awareness. The Peoria Explorer Post 50 Program that focuses on the targeted age group from 14 to 21; has been ineffective in attracting inner city youth.
- As indicated in the 2013-2016 collective bargaining agreement; "employees that were hired after June 21, 1988 shall establish and maintain their principal place of domicile in the City of Peoria by the end of their one year probationary period. At the conclusion of five full years of active service, they may establish and maintain their principal place of domicile within the City of Peoria or outside the City within a twenty (20) mile radius from the Peoria Fire Central headquarters. This residency clause has caused over one-third (1/3) of the Peoria Fire Department workforce to relocate outside of the City of Peoria." It is our position that persons being birthed, attending academia, acquiring a living space and obtaining sustainable employment; will remain within the City of Peoria due to a well- established historical connection.

PROPOSAL

- The Peoria Explorer Post 50 program shall be redesigned. This restructuring will focus on high school youth within the City of Peoria. The focus will to seek out an identify youth that are interested in pursuing a career in fire service. An initial discussion with Interim Peoria School District 150 Superintendent Dr. Sharon Desmoulin-Kherat; indicated that she is willing to assist the Peoria Fire Department in establishing a fire base curriculum within District 150. Dr. Sharon Desmoulin-Kherat stated that she envisions the "fire based curriculum as serving as a pathway to success." The Peoria Explorer Post 50 program will additionally be utilized as a feeder program for the Peoria Fire Cadet Internship Program.

According to the 2015 Niche Rankings; Peoria School District 150 currently has an average dropout rate of 19.8% an average graduation rate of 71.0% from its population of 13, 796 students. The student diversity reflects the following: 56.4 % African American, Caucasian 24.3%, Hispanic 9.3%, other 8.0%, Asian 1.7 %, Native American 0.4%, and Pacific Islander 0.2%.

- Reintroduction of the Peoria Fire Department Cadet Internship Program shall specifically focus on persons residing within the geographical boundaries of the City of Peoria.
- Recruiting for the Peoria Fire Cadet Internship Program shall target an age group between the ages of 18-and 21.
- Cadets will be enrolled in Illinois Central College so that they can obtain an Associates in Applied Fire Science Technology Degree. Discussion will ensue with Mayor Jim Ardis and the Peoria Promise Board of Directors regarding the Peoria Promise educational stipend. Currently Peoria Promise reimburses students upon successful completion of courses. Our goal is to have the cadet's upfront educational costs covered by the City of Peoria. The upfront cost will then be reimbursed by the Peoria Promise program for qualifying students.
- Due to the fact that cadets will be employees of the City of Peoria; we will have the opportunity to obtain State of Illinois certification in emergency medical services and fire service. These courses shall be provided by Peoria Fire Department certified instructors.
- The cadet internship will also involve actual occupational experience in the Division of Fire Operations. This portion of the cadet experience will make provisions for the cadets to actually perform the duties of Peoria firefighters by being assigned to a fire company for a full twenty-four (24) hour shift. The cadet will obtain hands on experience while under the direct supervision of a company officer. Additionally cadets will also have the opportunity to experience the inner workings of the Division of Fire Prevention and the Division of Fire Training.
- We have identified six of our busiest fire companies (Engine 1, Engine 2, Engine 3, Engine 4, Engine 10 and Rescue 1) in which the cadets will be assigned. This assignment will assist the cadets in gaining valuable knowledge regarding the firefighter shift schedule and actual job related duties.
- A mentor will be assigned the cadet. The mentor's responsibility will be to ensure the overall success of the cadet. A daily log will be maintained by the cadet for quarterly review by the mentor.
- The State of Illinois preference points (up to 5 points) for cadet experience can be used during the hiring process.
- Upon successful completion of the cadet program. Cadets shall have the written examination waived. They will be required to successfully complete the CPAT (Candidate Physical Ability Test) and will be subject to any other hiring provisions; when an opening occurs in the rank of firefighter.
- Recruitment. The program will utilize the Department of Human Resources marketing capabilities to attract applicants to the Peoria Fire Department Cadet Internship Program.
- Selection of applicants will occur by an established interview panel, consisting of City of Peoria personnel.

COST

- An hourly wage of \$10 per hour, with an annual increase of \$1 after a job performance evaluation is completed. The maximum hourly rate will be \$15. Cadets will be responsible for working one twenty-four (24) hour shift per week during the school days and two (2) twenty-four (24) hour shifts during school breaks (Thanksgiving break, winter break, spring break, and summer break if not attending class). Estimated 1344 hours X \$10 = \$13,440 first year wages.
- Benefit rate for part-time employee's exceeding 1000 hours factored at 25% of salary (15.79% IMRF, 7.65% FICA and Medicare and 1.56% for workers compensation and unemployment) \$3,360.00
- Tuition cost for Associate in Applied Science Fire Service Technology \$135 credit hour at minimum 12 hours per semester \$1,620 x 2 semesters annually = \$3,240.
- Personal protection equipment \$2,445.00 includes bunker coat, bunker pants, helmet, SCBA facepiece, suspenders, boots, gloves, nomex hood. One time cost.
- Uniforms which shall include the following: (2) cadet pants, (2) cadet uniform shirts long sleeve shirts and (2) cadet short sleeve shirts, (1) cadet jacket, (1) cadet name plate, (2) cadet t-shirts, (1) black belt. \$566.35
- 30-day Citylink punch pass (3 months only) \$40 per month x 3 = \$120

Projected annual cost first year. \$23,171.35 per cadet.

SUMMATION

This proposal is designed to accommodate up to eighteen cadets. Note, we will reserve slots for the Peoria Fire Explorer Post 50 program participants. Again the explorer program will serve as a feeder program for the cadet internship program.

Again referring to the 2012 State of Illinois Department of Employment Security 2012 Annual report on Women and Minorities in the Illinois Labor Force, the executive summary states "... a recent study from the Center for Labor Market Studies of Northeastern University revealed that high school dropouts has disproportionately high incarceration rates, and that black male dropout had the highest incarceration rate among the three major race-ethnic groups."

The Peoria Fire Department Cadet Internship program and Peoria Explorer Post 50 program; will provide area students with an additional opportunity to achieve success. These programs will assist in removing barriers in educational attainment and the underutilization in a profession that produces sustainability within the community. Additionally, it coincides with one of the City of Peoria 2019 goals of "Grow Peoria Business, Jobs and Population." This proposal provides not just jobs but careers for our youth; keeping them in Peoria which stabilizes our population.

The first year costs are nominal in comparison to housing an individual in the State of Illinois prison system, which according to the Vera Institute of Justice has an average annual cost of \$38,268.00 per inmate.

An endorsement of this program is an endorsement in Peoria's future.

EXHIBIT H

Peoria Police Department Cadet Program

City of Peoria Police Department

Recruitment Recommendations 9/19/15

1 ADDENDUM TO RECRUITMENT COMMITTEE REPORT TO CITY COUNCIL

In June 2015 the Peoria City Council formed a sub-committee to explore increasing the numbers of minority and protected class individuals being hired by the Police and Fire Departments to commissioned positions. The committee; consisting of representatives from Police, Fire, and NAACP, has met on several occasions to explore the current practices, process, and ideas for increased recruitment and hiring. The following recommendations are the result of the committee meetings and are to be included in the final Report to Council.

Creation of a Police Cadet Program

A Police Cadet Program is an extension of the current Police Explorer Program. The Explorer Program has been very successful recruiting minority and protected class students from Peoria Schools. While the numbers in the Explorer program vary due to attrition and applicant numbers, the program averages a makeup of approximately 80% minority and/or protected class. The Explorers in our program have already shown an interest in the field of policing. It is a natural progression to nurture their interest and transition them to full time officers when they have reached the age of 21 and have pursued or completed a college degree.

In the proposed Cadet Program, current Explorers who demonstrate talent, initiative, and drive to become a Peoria Police Officer will be given an opportunity to apply for a paid civilian part time position. Once hired, Cadets, will work in various units at a multitude of tasks on the Department. They will learn the job while performing basic police functions such as traffic control, crowd control and record keeping. The Cadets will also attend college classes at ICC. The City of Peoria will pay for the tuition in a related field an Associates Degree. Cadets will be required to maintain a minimum GPA and will be encouraged to pursue a Bachelor's degree from an accredited college.

The current full time police staff will evaluate the Cadets on the job and rate their performance allowing the department to observe their potential for a law enforcement career with Peoria. Cadets who are approved by the Chief will be required to pass the written and physical agility tests along with successfully completing the background investigation, psychological

examination and medical at which time they will be placed on the hiring list to be approved by the Fire and Police Commission. As known employees, the Cadets will bypass the police interview process and will not be required to be selected from a hiring pool. This will give Cadets a much better opportunity of being hired. Some of the added benefits to the city will be the fact that the recruitment is done locally, the department will have a chance to know the officers long before they are hired, and due to the nature of the program, loyalty to the department and city is expected to be high in the Cadets turned Officers. The Cadet Program will be limited to a 3(?) year time period for each candidate. The Police Department is proposing having a staff of 10 Cadets.

Estimated Cost of Cadet Program

Uniforms and equipment; per Cadet	\$1893.24
Insurance/IMRF; per Cadet	3120.00
Salary \$12.00 per hour; per Cadet	12480.00
<u>Tuition ICC 60 credit hours (Associates Degree) per cadet</u>	<u>8100.00</u>
Total for 1 cadet	25,593.24
X 10 Cadets	\$255,932.40

Changes to the Current Police Testing Process

Increasing the number of tests from one test per year to two tests per year. Testing twice a year will give candidates more opportunity to be placed in a hiring pool. It will also allow the Department to refresh the pool more frequently. Minority and protected class candidates who have recently entered the job market are in high demand and it is necessary for interested departments to act quickly when hiring. Individuals who are left on a list for an extended period of time are likely to find another employment option.

The written test will be scored for a passing score and will no longer be rank ordered according to score. Candidates who pass the written test with a passing score predetermined by the Police Management Team and Human Resources will be placed in the pool with no rank order.

EXHIBIT I

Current Police Explorers Program

POLICE EXPLORERS' PROGRAM

	NUMBER
WHITE	- 7
MINORITY	- 15
AFRICAN AMERICAN	- 10
HISPANIC	- 4
ASIAN _n	- 1

This report provides information on the current Peoria Police Department Explorers Program. PPD Explorers program was reactivated by Assistant Chief Eddlemon in the winter of 2013 after being dormant for 20 years. The Explorers program was created by the Boys Scout of America. The sole purpose of the Explorers program under the Boys Scout of America is to broaden young adults understanding and have first-hand knowledge of the challenges and job skills that make up police work. PPD has added an additional component with our Explorers which places a strong emphasis on "community policing". The goal of this component is to teach future officers and members of society to be more community oriented while developing relationships with those in the community they serve or live.

To be involved in the Explorers program individuals must have reached the age of 14 years old and have graduated from primary grade school. Students can remain in the Explorers program until they reach the age of 21 in which the option to remain in the program as an advisor is a case by case selection by the sponsoring organization.

Recruitment for the Explorers is done in several ways such as recruiting during lunches and job fairs at all district 150 high schools as well as all local colleges. During these events PPD will have one Explorer and a PPD Explorers advisor present to hand out brochures and speak on the program. PPD have found that recruiting has been most successful by word of mouth by other Explorers. Just recently PPD has purchased a banner to be used for future recruiting events of the program.

PPD Explorers meetings are mainly held at the police headquarters unless otherwise noted. The meetings are scheduled for every Tuesday starting at 1800hrs. The duration of the meeting go no longer than two hours during the school year but in summer months tend to run longer due to school being out. At all meeting Explorers are required to wear PPD issued uniforms.

Cost for each Explorer to be in the program is zero. PPD pays for the insurance through Boys Scout of America for each Explorer and the charter fee as well. Explorers are asked to pay a monthly five dollars in dues which is used for additional small items or food to be purchased during events or class. If an Explorer is unable to pay the monthly dues no stress is placed on them at all. At times when PPD purchases special tee shirts for Explorers they are asked to cover the cost of each individual shirt but once again if they can't purchase it PPD covers the cost.

Explorers have numerous activities they are involved in that varies week to week on need, training, or special requests from community organizations. Some of the events in which Explorers assist PPD officers are Fourth of July fireworks, Steamboat, Heart Illinois Fair, and race events throughout the year. Other community activities they assist with are community gardens, neighborhood cleanups, and other beautification projects throughout the city.

PPD has maintained a core committed group of at least 20-25 Explorers, in which 11 have actually been with the program since the reactivation in 2013. These Explorers represent students from Manual, Central, Richwoods, Dunlap, Bradley, ICC, Western Illinois University, Aurora University, and Carl Sandberg College. Part of the responsibility of the advisors in the program is to go to the schools of the Explorers and check on their academics and offer help where assistance is needed. This is mainly done on the high school level but tutoring is offered for both high schools and college students. Explorer Tom Keenan, who is a second year student at ICC, recently spoke at a community event in which he expressed that since being involved in the Explorers program for the last two years, it has made him a better son, student, and person altogether. In my opinion we have numerous Explorers in the program that would be failing academically and struggling socially as well if not active in the program. PPD advisors offer the Explorers more than just exposing them to the job, but teach life skills needed to help each of them, whether they choose careers in law enforcement or not.

In conclusion, I was asked was the success of the Explorers program based on whether the Explorers were hired by the Peoria Police Department, and I advised them it wasn't. In my opinion, success of the program is first meeting the basic requirement of exposure to the job, and second helping Explorers obtain life skills and achieve individual life goals. I believe we are on the right path to accomplish these things.

EXHIBIT J

Local 50 Recruitment Proposal

May 18th, 2015

LOCAL 50 RECRUITMENT PROPOSAL

ISSUES

- * Employees living outside of the city
- * Lack of minority employees
- * A feeling of hopelessness among many inner city youth due to lack of opportunities after high school. This feeling of hopelessness we feel is a major contributing factor to the high crime rate in the inner city neighborhoods these youths reside and frequent

CONTRIBUTING FACTORS

- * 70% OF PFD hires come from outside of the City of Peoria
- * Chief Russell was the best chief this department has had. However one policy he had added to the problems mentioned above. Chief Russell put a renewed emphasis on "experience" when hiring. There are two problems with this policy. First, in order to get "experience" a candidate would have to move outside of the City of Peoria which is in direct contradiction to the desires of many city leaders. Second, this "experience" they are getting is not the kind of experience we want as a professional fire department. Picture the young man playing JFL for a coach who had never played football. Would an experienced high school coach rather have the young man who he can teach correct techniques or the young man who has learned all of the wrong things yet thinks he's experienced?
- * The Peoria Fire Department Explorer program under the direction of D/C Walters focused recruitment on the volunteer ranks. We already discussed the problem with hiring volunteers. The other issue with this is now the Peoria kids are getting short-changed for a second time since the explorer spots are being filled by volunteers living outside the city. Local 50 asked D/C Walters several times to make presentations and recruit in Dist 150 High Schools and it was never done.
- * Change in the Residency policy

PROPOSALS

We propose an end to the explorer program as it exists today. We would like to re-institute The Peoria Fire Cadet Program. This program would only be available to City of Peoria young people. We would continue the training as it exists now, however we would like to institute a internship program. This program would be two fold; first we would like to continue the partnership with ICC the Peoria Promise initiated. Candidates taking part in the cadet program would begin working toward their Fire Science Associates degrees while still enrolled in high school. These candidates would also be taught first responder training by PFD personnel. The second part of the internship would be having these kids spend shifts on machines in the summer months just like PFD personnel. Example; E1, R1, E3, E10, E4, E2 would each have a cadet on their machine. There would be one cadet on those machines for each of our three shifts. They will become acclimated to the fire service as well as the 24 on 48 off schedule. They will learn what is required of them if they

were to become hired. They will go through the training of catching a hydrant, search and rescue, extrication and EMS skills. A firefighter from each house on each shift will take care of picking up the cadet in the morning for his/her shift and then dropping them back off at home the following morning. Local 50 firefighters will pay for the cadet's food during their shift.

We would also like to see a change in the hiring focus of the Police and Fire Commission to reflect the new effort of hiring Peoria kids. Members who have successfully participated in the Cadet program would get preference points during the hiring process regardless of whether they have a Paramedic license or have completed their Associates degree.

Gentlemen we feel these changes are vital not only to give these inner-city kids some hope, but also to stop the overwhelming practice of hiring outside candidates only to have them move outside the city after five years. We want candidates who appreciate this job. Who appreciate the opportunity they have been given. Who do not consider this job a source of insurance. Who just want to be off two days. We want our members to live in this great city. Lastly, we see the destruction and desperation in the inner-city youths faces every shift. Shame on us if we don't make every effort to give these kids some direction, some hope and purpose in their lives. We must give them an attainable goal during their high school years or we feel the cycle will simply continue.

EXHIBIT K

*Schuette v. Coalition to
Defend Affirmative Action, et al*



U.S. Department of Justice
Civil Rights Division



U.S. Department of Education
Office for Civil Rights
Office of the General Counsel

May 6, 2014

Dear Colleague:

We are writing to confirm that the decision of the United States Supreme Court issued on April 22, 2014 in *Schuette v. Coalition to Defend Affirmative Action, et al.*, leaves intact the Court's prior holdings recognizing that institutions of higher education and elementary and secondary schools may use all legally permissible methods to achieve their diversity goals. These include, absent any restrictions in state law, appropriately tailored programs that consider the race of individual applicants as one of several factors in an individualized process to achieve the educational benefits that flow from a diverse student body.

The Departments of Education and Justice strongly support diversity in elementary, secondary, and higher education, because racially diverse educational environments help to prepare students to succeed in our increasingly diverse nation. The educational benefits of diversity, long recognized by the Court and affirmed in research and practice, include cross-racial understanding and dialogue, the reduction of racial isolation, and the breaking down of racial stereotypes. Furthermore, to be successful, the future workforce of America should transcend the boundaries of race, language, and culture as our economy becomes more globally interconnected.

In 2011, the Departments issued "[Guidance on the Voluntary Use of Race to Achieve Diversity in Postsecondary Education](#)" and the related "[Guidance on the Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools](#)." Additionally, in 2013, after the Supreme Court issued its decision in the *Fisher* case, we issued further guidance in the form of "[Questions and Answers about Fisher v. University of Texas at Austin](#)." All three guidance documents remain in effect after the *Schuette* decision and are available at www.ed.gov and www.usdoj.gov. In a State with a provision like the one in effect in Michigan, which was upheld in *Schuette*, you should consult with an appropriate legal official, such as your State's attorney general, with regard to your institution's or agency's ability to take actions consistent with these guidance documents.

We appreciate your interest in these matters and your commitment to help students succeed. Our offices stand ready to provide technical assistance should you or your colleagues need it on this important topic.

Sincerely,

/s/
Catherine E. Lhamon
Assistant Secretary
Office for Civil Rights
U.S. Department of Education

/s/
Philip H. Rosenfelt
Deputy General Counsel,
Delegated the Authority to
Perform the Functions and
Duties of the General Counsel
U.S. Department of Education

/s/
Jocelyn Samuels
Acting Assistant Attorney
General
Civil Rights Division
U.S. Department of Justice

EXHIBIT L

Majeske v. City of Chicago
Affirmative Action Case

218 F.3d 816
United States Court of Appeals,
Seventh Circuit.

Carol MAJESKE, et al., Plaintiff–Appellants,
v.
CITY OF CHICAGO, Defendant–Appellee.

Nos. 99–1411, 99–3639. | Argued April 21,
2000. | Decided July 10, 2000. | Rehearing
and Rehearing En Banc Denied Sept. 1, 2000.*

White police officers and former officers sued city alleging racial discrimination in promotions process, in violation of equal protection. The United States District Court for the Northern District of Illinois, 29 F.Supp.2d 872, George W. Lindberg, J., entered judgment for city, and officers appealed. The Court of Appeals, Bauer, Circuit Judge, held that: (1) city had compelling interest in remedying past racial discrimination in promotions; (2) promotion of some African-American and Hispanic officers out of rank order of their scores on detective exam was narrowly tailored remedial measure; and (3) city's transcript and witness lodging expenses were properly taxed to officers as costs.

Affirmed.

West Headnotes (19)

- [1] **Constitutional Law**
☞ Race, National Origin, or Ethnicity
Governmental preferences based on either race or national origin are subject to same equal protection analysis. U.S.C.A. Const.Amend. 14.

Cases that cite this headnote

- [2] **Constitutional Law**
☞ Race, National Origin, or Ethnicity
To survive strict scrutiny on equal protection challenge, race-based governmental classification must promote a compelling governmental interest. U.S.C.A. Const.Amend. 14.

2 Cases that cite this headnote

- [3] **Constitutional Law**
☞ Affirmative Action in General
Governmental agency has a compelling interest in remedying its previous discrimination, and agency may thus use racial preferencing to rectify that past conduct under equal protection clause; however, government must show real evidence of past discrimination and cannot rely on conjecture. U.S.C.A. Const.Amend. 14.

2 Cases that cite this headnote

- [4] **Constitutional Law**
☞ Race, National Origin, or Ethnicity
Constitutional Law
☞ Affirmative Action in General
Under strict scrutiny on equal protection challenge to governmental race-based affirmative action plan, government must come forward with evidence that plan is narrowly tailored. U.S.C.A. Const.Amend. 14.

Cases that cite this headnote

- [5] **Constitutional Law**
☞ Race, National Origin, or Ethnicity
Constitutional Law
☞ Affirmative Action in General
Affirmative action plan is narrowly tailored, as required under strict scrutiny on equal protection challenge, if, as a practical matter, it discriminates against whites as little as possible consistent with effective remediation. U.S.C.A. Const.Amend. 14.

2 Cases that cite this headnote

- [6] **Constitutional Law**
☞ Equal Protection
When governmental entity has shown acceptable proof of a compelling interest in remedying past discrimination and illustrated that its race-based affirmative action plan is narrowly tailored to achieve this goal, party challenging plan bears

- ultimate burden of proving that plan violates equal protection. U.S.C.A. Const.Amend. 14.
- 12 Cases that cite this headnote
- [7] **Constitutional Law**
☞ Questions of Law or Fact
Existence of compelling governmental interest, justifying government's race-conscious action under equal protection clause, is a question of law. U.S.C.A. Const.Amend. 14.
Cases that cite this headnote
- [8] **Constitutional Law**
☞ Questions of Law or Fact
Issue of whether governmental entity's affirmative action plan is narrowly tailored and thus comports with equal protection is question of law. U.S.C.A. Const.Amend. 14.
1 Cases that cite this headnote
- [9] **Civil Rights**
☞ Race, Color, Ethnicity, or National Origin
Constitutional Law
☞ Public Employees and Officials
Statistical and anecdotal evidence of city's past racial discrimination in hiring and promotion of police officers, resulting in significant underrepresentation of African-American and Hispanic officers in detective rank, established compelling interest in remedial action, and thus city's affirmative action plan consisting of use of race-based cutoff scores in promotional exam did not violate equal protection. U.S.C.A. Const.Amend. 14.
6 Cases that cite this headnote
- [10] **Federal Civil Procedure**
☞ Construction and Operation
If there is a reasonable way to interpret inconsistent jury verdict that resolves inconsistency, verdict must be construed in that manner.
- 1 Cases that cite this headnote
- [11] **Civil Rights**
☞ Race, Color, Ethnicity, or National Origin
Constitutional Law
☞ Public Employees and Officials
City's promotion of some African-American and Hispanic police officers out of rank order of their scores on detective examination was **narrowly tailored** measure to remedy past police department discrimination, since such promotions reflected reasonable low-end estimate of number of minorities affected by past discrimination, and thus did not violate white officers' equal protection rights. U.S.C.A. Const.Amend. 14.
10 Cases that cite this headnote
- [12] **Constitutional Law**
☞ Race, National Origin, or Ethnicity
Constitutional Law
☞ Affirmative Action in General
Test for whether racially preferenced affirmative action plan is narrowly tailored, as required under strict scrutiny on equal protection challenge, is whether plan reflects plausible lower-bound estimate of a shortfall in minority representation caused by past discrimination. U.S.C.A. Const.Amend. 14.
6 Cases that cite this headnote
- [13] **Federal Civil Procedure**
☞ Prevailing Party
Taxing costs against losing party depends on: (1) whether cost imposed on losing party is recoverable, and (2) if so, whether amount assessed for that item was reasonable. Fed.Rules Civ.Proc.Rule 54(d), 28 U.S.C.A.
85 Cases that cite this headnote
- [14] **Federal Civil Procedure**
☞ Prevailing Party

There is heavy presumption in favor of awarding costs to prevailing party. Fed.Rules Civ.Proc.Rule 54(d), 28 U.S.C.A.

43 Cases that cite this headnote

[15] **Federal Civil Procedure**

☞ Stenographic Costs

Introduction of testimony from a transcript taxed as a cost against losing party is not a prerequisite for finding that transcript was necessary expense for prevailing party. 28 U.S.C.A. § 1920(2); Fed.Rules Civ.Proc.Rule 54(d), 28 U.S.C.A.

28 Cases that cite this headnote

[16] **Federal Civil Procedure**

☞ Stenographic Costs

Although courts may not tax costs of transcripts provided merely for convenience of requesting attorney, transcript need not be absolutely indispensable in order to provide basis of an award of costs. 28 U.S.C.A. § 1920(2); Fed.Rules Civ.Proc.Rule 54(d), 28 U.S.C.A.

18 Cases that cite this headnote

[17] **Federal Civil Procedure**

☞ Taxation

Whether a party obtained a transcript out of convenience or necessity, and thus whether party upon prevailing is entitled to cost of transcript, is question of fact. 28 U.S.C.A. § 1920(2); Fed.Rules Civ.Proc.Rule 54(d), 28 U.S.C.A.

8 Cases that cite this headnote

[18] **Civil Rights**

☞ Costs

City's obtaining transcripts during racial discrimination case was necessary, not for convenience of its lawyers, and thus city upon prevailing was obtained to cost of transcripts, where city used transcripts to record court's oral rulings, to prepare memoranda, to prepare for direct and cross-examination, to draft post-trial briefs, and to respond to post-trial motions. 28

U.S.C.A. § 1920(2); Fed.Rules Civ.Proc.Rule 54(d), 28 U.S.C.A.

23 Cases that cite this headnote

[19] **Federal Civil Procedure**

☞ Witness Fees

Award of costs is proper to reimburse witnesses for their reasonable travel and lodging expenses. 28 U.S.C.A. §§ 1821, 1920(3).

20 Cases that cite this headnote

Attorneys and Law Firms

*818 Kimberly A. Sutherland (argued), Chicago, IL, for plaintiffs-appellants.

Brian L. Crowe, Shefsky & Froelich, Lawrence Rosenthal (argued), Office of the Corporation Counsel, Chicago, IL, doe defendant-appellee.

Before BAUER, KANNE, and EVANS, Circuit Judges.

Opinion

BAUER, Circuit Judge.

The plaintiffs in this case are 83 white police officers who work for the Chicago Police Department ("CPD") and sought, but did not receive, promotions to the position of detective. Plaintiffs sued the City of Chicago for reverse discrimination claiming that the CPD's affirmative action plan violated their rights because it resulted in the promotion of African-Americans and Hispanics instead of them. The case went to trial before a jury which made factual findings by answering 56 special interrogatories. After reviewing the jury's findings of fact, the district court entered judgment in the City's favor and found the affirmative action plan constitutional. Plaintiffs challenge this judgment, and in a separate appeal consolidated with this one, ask us to reverse the district court's order requiring plaintiffs to pay the City's costs. We affirm the district court in both cases.

I. BACKGROUND%#H

The facts of this case date back to 1989 when the CPD administered a test to determine which Chicago police patrol officers would be promoted to the position of detective. The 1989 detective test had two components—the first was a written job knowledge multiple choice test and the second an oral examination. The CPD used the written test to whittle down the number of patrol officers that it allowed to take the oral exam. A total of 3,392 applicants took the written test, but a maximum of 650 individuals were selected to take the oral exam. This number would produce more than enough candidates to fill the expected number of vacant detective positions. The CPD also limited the number of people allowed to take the oral exam due to space limitations at the testing facility and concerns about maintaining the secrecy of the test questions.

After reviewing the results of the written exam, the CPD concluded that advancing applicants based solely on ranking in the written test would significantly reduce the number of African-American and Hispanic applicants eligible for promotion to detective. Believing that this would expose it to liability for discriminating against blacks and Hispanics, the CPD developed a plan to increase the number of minorities promoted to detective. The CPD divided all of the candidates into three groups—white, African-American, and Hispanic. The CPD then invited the individuals that scored in the top 17% on the written test from each group to take the oral exam. This approach resulted in different cut-off scores for members of each group. The cut-off score for whites was 82, while Hispanic applicants advanced to the oral exam if they scored 79 and African-American candidates advanced if they scored a 73 or higher. Using this approach, the CPD allowed 619 applicants to take the oral examination.

On June 24, 1989, the CPD administered the oral component of the detective test to the 619 candidates and determined final scores by combining the written and oral scores and weighting the two scores equally. The Department used these final scores to create a list of applicants that the CPD determined were eligible for promotion to detective (“the eligibility list”). The eligibility list ranked the individuals based on their final composite score.

More than a year after administering the oral test and creating the eligibility list, the CPD promoted 64 officers to detective in August 1990. The top 42 people on the eligibility list were promoted to detective in rank order from the list, but the other 22 promotions were made out of rank order and were given to the 18 highest scoring African-American and

4 highest scoring Hispanic candidates. In addition to these 64 promotions, the CPD also promoted 26 patrol officers based solely on merit.

The Fraternal Order of Police (“FOP”) filed grievances on behalf of patrol officers who had not been promoted, claiming that the out-of-rank and merit promotions violated the collective bargaining agreement between the CPD and the FOP. On October 31, 1991, an arbitrator found that the out-of-rank detective promotions given to the African-American and Hispanic officers violated the collective bargaining agreement, but that the merit-based promotions did not. In response to the arbitration, the CPD made 37 additional detective promotions on March 13, 1992. The Department made these additional promotions in rank order from the eligibility list and this resulted in the top 90 candidates from that list having all been promoted to detective.

Plaintiffs filed a two-count complaint in the district court against the City of Chicago claiming that the CPD's promotion of African-Americans and Hispanics out of rank order violated their rights under the Equal Protection Clause of the Fourteenth Amendment, actionable under 42 U.S.C. § 1983. Plaintiffs also asserted a supplemental claim that the promotions violated the Chicago Municipal Code. Before trial, the City stipulated that race and national origin were factors in the promotions resulting from the 1989 detective tests, but argued that the CPD's affirmative action plan was nevertheless constitutional. Based on this admission, the parties agreed to divide the trial into three phases. Phase one of the trial was limited to the question of whether the CPD's affirmative action plan was constitutional. The plaintiffs agreed that if they lost the first phase of the trial, they would not pursue the next two phases which were to address the merit promotions and damages.

As it turned out, the plaintiffs did lose phase one of the trial. After hearing all of the evidence during a lengthy trial, a jury answered 56 special interrogatories—the overwhelming majority of which were answered in the City's favor. Judge Lindberg reviewed the jury's answers and entered judgment for the City on plaintiffs' equal protection claim. The district court also denied plaintiffs' post-trial motions, dismissed plaintiffs' other claims pursuant to the agreement, and entered an order requiring plaintiffs to pay the City's bill of costs. Plaintiffs now appeal the judgment against them on their equal protection claim and the order that they pay the City's costs.

II. ANALYSIS

[1] [2] [3] Because this case concerns actions by a local government that were admittedly influenced by race and national origin,¹ we must apply strict scrutiny when reviewing the City's affirmative action plan. See *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 222, 115 S.Ct. 2097, 132 L.Ed.2d 158 (1995); *Billish v. City of Chicago*, 989 F.2d 890, 893 (7th Cir.1993) *820 (en banc). To survive strict scrutiny, a race-based classification must promote a compelling governmental interest. See *Contractors Ass'n of Eastern Pa., Inc. v. City of Philadelphia*, 91 F.3d 586, 596 (3d Cir.1996); *Wittmer v. Peters*, 87 F.3d 916, 918–19 (7th Cir.1996). It is well-settled law in this Circuit that a governmental agency has a compelling interest in remedying its previous discrimination and the agency may use racial preferencing to rectify that past conduct. See *McNamara v. City of Chicago*, 138 F.3d 1219, 1221 (7th Cir.1998); *People Who Care v. Rockford Bd. of Educ.*, 111 F.3d 528, 535 (7th Cir.1997); *Wittmer*, 87 F.3d at 918; *Billish*, 989 F.2d at 893; *Milwaukee Cty. Pavers Assoc. v. Fiedler*, 922 F.2d 419, 421 (7th Cir.1991). However, the government must show real evidence of past discrimination and cannot rely on conjecture. *McNamara*, 138 F.3d at 1222.

[4] [5] [6] In addition to showing hard proof of a compelling interest, strict scrutiny requires the government to come forward with evidence that its affirmative action plan is narrowly tailored. *Adarand*, 515 U.S. at 235, 115 S.Ct. 2097. An affirmative action plan is narrowly tailored if, as a practical matter, "it discriminates against whites as little as possible consistent with effective remediation." *McNamara*, 138 F.3d at 1222. Once the governmental entity has shown acceptable proof of a compelling interest in remedying past discrimination and illustrated that its plan is narrowly tailored to achieve this goal, the party challenging the affirmative action plan bears the ultimate burden of proving that the plan is unconstitutional. *Aiken v. City of Memphis*, 37 F.3d 1155, 1162 (6th Cir.1994); *Concrete Works of Colo., Inc. v. City and Cty. of Denver*, 36 F.3d 1513, 1521 (10th Cir.1994).

[7] [8] Whether there is enough evidence to support a finding of a compelling governmental interest and thereby justify a race-conscious action is a question of law that we review *de novo*. *Contractors Ass'n of Eastern Pa.*, 91 F.3d at 596; *Concrete Works of Colorado*, 36 F.3d at 1522. Similarly, we apply plenary review to the issue of whether the City's affirmative action plan was narrowly tailored. *Contractors*

Ass'n of Eastern Pa., 91 F.3d at 596. Finally, since the City prevailed at trial, we will view the facts in the light most favorable to the City and draw all reasonable inferences in its favor. See *McNamara*, 138 F.3d at 1223.

A. Compelling Governmental Interest

During trial, the City presented persuasive statistical evidence that past discrimination by the CPD in the hiring and promotion of African-American and Hispanic police officers reduced the number of black and Hispanic detectives on the police force in 1989. Rather than restate the extensive statistical data presented at trial, we will simply summarize the highlights of that evidence. Dr. Charles Mann, who qualified as an expert in statistics and the statistical analysis of employment matters, testified that he examined the CPD's racial composition, hiring, and promotion practices from 1950 through 1991. Using the total number of blacks and Hispanics in the available work force, as well as the number of blacks and Hispanics in the patrol officers' ranks at the CPD, Dr. Mann's study showed that the CPD's past hiring of African-Americans and Hispanics was substantially lower than it statistically would have been indicated. Dr. Mann testified that past promotions of African-Americans and Hispanics to detective were also substantially below what statistical analysis predicted. Dr. Mann created a statistical model to predict the expected number of African-American and Hispanic detectives there would have been in the CPD absent past discrimination. Based on this model, Dr. Mann calculated that in 1989 there should have been 221 African-American detectives, but there were only 57. Similarly, Dr. Mann testified that under his analysis there should have been approximately 43 Hispanic detectives, but *821 a count revealed there were only 9. Dr. Mann testified that the low number of black and Hispanic detectives was caused by the CPD's past discrimination in hiring and promotion of these two groups.

The jury also heard testimony from several minority witnesses who told of past discrimination they experienced while working for the CPD. These individuals testified about the CPD's past use of pretextual medical excuses such as flat feet and heart murmurs to disqualify African-Americans from becoming police officers. The jury learned about the CPD's past use of invalid height and weight requirements to exclude Hispanic applicants from joining the police force. In the event that the CPD did hire an African-American, those officers were assigned exclusively to African-American neighborhoods and were forbidden from patrolling white neighborhoods or arresting white

suspects. African-American officers received the most menial jobs even though they were trained to perform tasks involving much higher degrees of responsibility. For example, one black officer trained to investigate traffic accidents was relegated to directing traffic and another black patrol officer who was qualified for desk duty was assigned to starting cars. African-American officers received artificially low efficiency ratings compared to their white colleagues and were frequently transferred without notice. African-American employees of the CPD also told the jury about the climate of racial hostility and segregation they endured on the job. The washroom walls were covered with offensive, racist, and threatening graffiti, and CPD supervisors took no action to correct the problem.

After hearing the statistical and anecdotal evidence of discrimination, the jury was given a special verdict form pursuant to Rule 49(a) of the Federal Rules of Civil Procedure. The verdict form contained 56 questions, of which the jury answered "yes" to the following critical interrogatories:

Did the City present evidence to support its claim that, in the decades prior to the 1989 detective examination, black police officers were subject to intentional, unfavorable treatment in assignments (for example, segregated beats, restricted duties, and unfair efficiencies)?

Did the City present evidence to support its claim that, in the decades prior to the 1989 detective examination, black and Hispanic police officers were subject to intentional, unfavorable treatment in hiring (for example, in the use of medical and entrance qualifications)?

Did the City present evidence to support its claim that, in the decades prior to the 1989 detective examination, supervisors (for example, sergeants, lieutenants, commanders etc.) in the Police Department acted in ways that were hostile to black and Hispanic police officers?

Did the City present evidence to support its claim that, in the decades prior to the 1989 detective examination, the Police Department tolerated acts of hostility directed towards black and Hispanic police officers?

Did the City present evidence to support its claim that in 1990 the percent of black and Hispanic officers in the detective rank was significantly lower than the percent of black and Hispanic officers in the patrol officer rank?

Did the City present evidence to support its claim that it was very unlikely that there would have been as few black and Hispanic detectives in 1990 if blacks and Hispanics had been hired onto the police force and promoted to detective in the same manner as whites?

Did the City present evidence to support its claim that there would have been at least 18 more black detective and 4 more Hispanic detectives in 1990 if blacks and Hispanics had been hired onto the police force and promoted to detective in the same manner as whites?

Did the City present evidence to support its belief that the under representation of black and Hispanic detectives was *822 due, at least in part, to the Police Department's prior unfavorable treatment of black and Hispanic officers or persons?

Did the City present evidence to support its claim that use of three different cut-scores helped to address the lingering effects of the Police Department's prior discriminatory practices by providing an opportunity for a greater number of black and Hispanic officers to compete for a spot as detective?

Along with each of these questions, the verdict form posed a question asking the jury whether the plaintiffs had proved the opposite proposition by a preponderance of the evidence. In response to each of those questions, the jury said "no."

[9] Based on the evidence presented at trial and the jury's factual findings, we agree with the district court that there was sufficient proof of past discrimination by the City to warrant the affirmative action plan in this case. The statistical proof revealed that past discrimination significantly lowered the number of African-Americans and Hispanics that were promoted to detective through the years. Similarly, the jury heard extensive testimony from former minority members of the CPD about the discriminatory practices the CPD used to keep blacks and Hispanics from being hired into the department; and, if a minority did manage to get a job, how they were prevented from advancing within the CPD. We have previously held that this combination of persuasive statistical data and anecdotal evidence adequately establishes a compelling governmental interest that justifies an affirmative action plan, *see McNamara*, 138 F.3d at 1223-24, and we do so again in this case.

The only credible argument plaintiffs advance to suggest that there was not enough evidence of past discrimination to

warrant the affirmative action plan is based on two answers the jury gave to special interrogatories. Specifically, the jury answered “no” to the following two questions:

Did the City present evidence to support its claim that, in the decades prior to the 1989 detective examination, black police officers were subject to intentional, unfavorable treatment in assignments (for example, segregated beats, restricted duties, and unfair efficiencies) and that this caused black police officers to be excluded from the opportunity to become detectives?

Did the City present evidence to support its claim that, in the decades prior to the 1989 detective examination, supervisors (for example, sergeants, lieutenants, commanders etc.) in the Police Department acted in ways that were hostile to black and Hispanic police officers and that this caused black and Hispanic officers to be excluded from the opportunity to become detectives?

According to plaintiffs, the negative responses to these two questions show that the jury rejected the City's evidence that past discrimination was the reason for the unusually low number of African-American and Hispanic detectives.

We are not persuaded by plaintiffs' argument. The most compelling reason to reject this argument is that, in other questions, the jury specifically said that past discrimination had reduced the number of African-American and Hispanic detectives at the CPD. The jury responded “yes” to the following three questions:

Did the City present evidence to support its claim that it was very unlikely that there would have been as few black and Hispanic detectives in 1990 if blacks and Hispanics had been hired onto the police force and promoted to detective in the same manner as whites?

Did the City present evidence to support its claim that there would have been at least 18 more black detective and 4 more Hispanic detectives in 1990 if blacks and Hispanics had been hired onto the police force and promoted to detective in the same manner as whites?

*823 Did the City present evidence to support its belief that the under representation of black and Hispanic detectives was due, at least in part, to the Police Department's prior unfavorable treatment of black and Hispanic officers or persons?

[10] The jury's answers to these three questions are at odds with its responses to the previous two interrogatories. When a jury returns a special verdict that contains contradictory answers, “we should do what we can to save the verdict against the spectre of inconsistency.” *American Cas Co. v. B. Cianciolo, Inc.*, 987 F.2d 1302, 1306 (7th Cir.1993). Therefore, if there is a reasonable way to interpret the jury's verdict that resolves the inconsistency, the verdict must be construed in that manner. *Freeman v. Chicago Park Dist.*, 189 F.3d 613, 615 (7th Cir.1999) (quoting *Gallick v. Baltimore & Ohio R.R. Co.*, 372 U.S. 108, 119, 83 S.Ct. 659, 9 L.Ed.2d 618 (1963)).

As the district court held, the inconsistency in this verdict can be reconciled. The two questions relied on by plaintiffs asked whether the CPD's prior acts of discrimination “caused black [and Hispanic] police officers to be excluded from the opportunity to become detectives?” Because these questions asked whether discrimination “caused black [and Hispanic] police officers to be excluded” rather than whether discrimination “caused *some* black [and Hispanic] police officers to be excluded,” the jury could have reasonably interpreted the questions to ask whether the CPD's prior discrimination categorically prevented all black and Hispanic police officers from ever having the opportunity to become detectives. While this is a reasonable interpretation of these questions, this notion was contradicted by undisputed evidence at trial which clearly demonstrated that some blacks and Hispanics were promoted to detective before the 1989 detective test. Accordingly, if the jury construed these two questions as asking whether the CPD completely precluded minorities from becoming detectives, then the jury's answer of “no” is logical and supported by the evidence.

When construed in this manner, the answers to these two questions are entirely consistent with the jury's opposing responses to the later three questions. These three questions could not be construed as asking whether past discrimination completely prevented all blacks and Hispanics from ever becoming detectives. Instead, they focused on the actual and measurable impact previous discrimination had on the number of African-American and Hispanic detectives on the police force. For example, one question asked whether previous discrimination made it “very unlikely that there would have been as few black and Hispanic detectives in 1990.” Another asked whether, absent the previous discrimination, “there would have been at least 18 more black detectives and 4 more Hispanic detectives in 1990.” The other question posed the issue of whether

prior discrimination caused “the under representation of black and Hispanic detectives.” The jury responded affirmatively to each of these questions and therefore concluded that previous discrimination did reduce the number of black and Hispanic detectives at the CPD. Because the jury’s responses to the special interrogatories can be reasonably viewed as consistent, we reject plaintiffs’ argument.

B. Narrow Tailoring

[11] [12] To determine whether an affirmative action plan is narrowly tailored, the test we use is whether the racially preferenced measure is “a plausible lower-bound estimate of a shortfall in minority representation” that is caused by past discrimination. *McNamara*, 138 F.3d at 1224. The statistical evidence credited by the jury at trial indicates that the CPD’s affirmative action plan was a modest solution to a history of discrimination that caused a significant under representation of minorities in the ranks of detectives. In 1989, there were only 57 African-American and 9 Hispanic detectives at the CPD. Dr. *824 Mann predicted that, given the appropriate labor pool and absent past discrimination, there would have been 221 black and 43 Hispanic detectives on the police force in 1989. Thus, the detective ranks at the CPD have been under represented by 164 black detectives and 34 Hispanic detectives. Considering these alarming disparities, the City’s promotion of only 18 blacks and 4 Hispanics to detective easily satisfies our requirement that an affirmative action remedy reflect a reasonable low-end estimate of the number of minorities affected by past discrimination.

Aside from the stark numbers, the record contains other evidence which illustrates that the CPD’s affirmative action plan was narrowly tailored. See *United States v. Paradise*, 480 U.S. 149, 171, 107 S.Ct. 1053, 94 L.Ed.2d 203 (1987) (plurality opinion listing factors to consider when determining whether an affirmative action plan is narrowly tailored). First, the necessity for this affirmative action was firmly rooted in both the anecdotal and statistical evidence adduced at trial. The CPD had discriminated in hiring and promotion against blacks and Hispanics in the past and failure to use out of rank promotions in 1990 would have simply perpetuated minority under representation caused by past discrimination. The CPD employed this remedial measure for only one detective promotion and the preferences had a minimal impact on white officers. The evidence showed that using different cut-off scores on the written exam affected less than 5% of the white candidates who took the test and did not prevent any white officer from receiving a future promotion. In fact, all 22 white officers who were affected by

the out-of-rank promotions were later promoted to detective and received back pay. In view of these facts and the statistical evidence, we find ample proof to sustain the district court’s finding that the CPD’s affirmative action plan was narrowly tailored.²

C. Costs

After prevailing at trial, the City filed its amended bill of costs seeking \$53,302 in costs but plaintiffs contested that amount and filed a motion to review the bill of costs. The district court reduced the amount of costs by \$15,149 and awarded the City a total of \$38,153 for its litigation costs. Plaintiffs now challenge the district judge’s order. Two of plaintiffs’ arguments merit our attention.

[13] [14] Rule 54(d) of the Federal Rules of Civil Procedure provides that “costs other than attorney’s fees shall be allowed as of course to the prevailing party unless the court otherwise directs.” Taxing costs against a losing party requires two inquiries: (1) whether the cost imposed on the losing party is recoverable and (2) if so, whether the amount assessed for that item was reasonable. See *Weeks v. Samsung Heavy Indus. Co., Ltd.*, 126 F.3d 926, 945 (7th Cir.1997). “[W]e review carefully whether an expense is recoverable, but when we determine that it is, we defer to the district court, which is in the best position to determine the reasonableness of the cost.” *SK Hand Tool Corp. v. Dresser Indus., Inc.*, 852 F.2d 936, 943 (7th Cir.1988). If there is statutory authority for taxing a specific cost, “we will not overturn a district court’s decision that the cost was necessary to the litigation or its determination of what amount is reasonable absent a showing of clear abuse of discretion.” *Weeks*, 126 F.3d at 945. We review an award of costs bearing in mind that there is a heavy presumption in favor of awarding costs to the prevailing party. See *M.T. Bank Co. v. Milton Bradley Co.*, 945 F.2d 1404, 1409 (7th Cir.1991); *Congregation of the Passion, Holy Cross Province v. Touche, Ross & Co.*, 854 F.2d 219, 222 (7th Cir.1988).

*825 Plaintiffs first contend that the district court erroneously awarded the City more than \$22,000 to cover the costs of obtaining daily trial transcripts and transcripts from other court proceedings. According to plaintiffs, these costs were not appropriate because the City obtained the transcripts solely “for the convenience of counsel.”

[15] [16] [17] A court may tax as costs the “fees of the court reporter for all or any part of the stenographic transcript

necessarily obtained for use in the case.” 28 U.S.C. § 1920(2). We have long recognized that this includes trial transcripts and transcripts from other court proceedings necessarily obtained for use in the case. *Weeks*, 126 F.3d at 945; *SK Hand Tool Corp.*, 852 F.2d at 943-44; *State of Illinois v. Sangamo Constr. Co.*, 657 F.2d 855, 867 (7th Cir.1981); *Wahl v. Carrier Mfg. Co., Inc.*, 511 F.2d 209, 217 (7th Cir.1975). While the determination of necessity must be made in light of the facts known when the transcript was requested, the introduction of testimony from a transcript is not a prerequisite for finding that it was necessary. See *Cengr v. Fusibond Piping Sys., Inc.*, 135 F.3d 445, 455 (7th Cir.1998); *Hudson v. Nabisco Brands, Inc.*, 758 F.2d 1237, 1243 (7th Cir.1985). And, although “courts may not tax the costs of transcripts ... provided merely for the convenience of the requesting attorney,” *Barber v. Ruth*, 7 F.3d 636, 645 (7th Cir.1993), a transcript need not be “absolutely indispensable in order to provide the basis of an award of costs.” *Id.* Whether a party obtained a transcript out of convenience or necessity for use in the case is a question of fact that we will not disturb absent clear error. *Callicrate v. Farmland Indus., Inc.*, 139 F.3d 1336, 1340 (10th Cir.1998); *Weeks*, 126 F.3d at 945; 10 James William Moore, *Moore’s Federal Practice*, § 54.103[3] [e] (3d ed.1998).

[18] Plaintiffs claim that the district court erred in its factual determination that the City obtained the transcripts necessarily for use in the case rather than for the convenience of its lawyers. While the district court’s order does not explicitly find that the City obtained transcripts for use in the case, the facts before the trial court amply support this conclusion. The City told the district court that it used the transcripts to record the court’s oral rulings before and during trial, to prepare pre-trial and trial memoranda, to prepare direct examination questions for its witnesses, to anticipate cross-examination questions, to cross-examine plaintiffs’ witnesses, to draft its post-trial briefs, and to respond to plaintiffs’ post trial motions. The district court

must have known that the City actually used these transcripts for the case as the City attached hundreds of pages of the transcripts to memoranda filed with the district court. Because the district court was necessarily aware of facts which illustrate that the City obtained the transcripts for use in the case, we find no error in the district court’s decision to award the City its costs for trial transcripts.³

[19] Plaintiffs also challenge the costs levied for the City’s out-of-town witnesses’s hotel rooms and travel expenses. In support of this argument, plaintiffs say that the costs imposed are ones “which the statute does not allow.” Contrary to plaintiffs’ position, there is statutory authorization for these costs. Collectively, 28 U.S.C. §§ 1821 and 1920(3) authorize the *\$26 award of costs to reimburse witnesses for their reasonable travel and lodging expenses. *Holmes v. Cessna Aircraft Co.*, 11 F.3d 63, 64-65 (5th Cir.1994); *Barber*, 7 F.3d at 645; *Chicago College of Osteopathic Med. v. George A. Fuller Co.*, 801 F.2d 908, 910 (7th Cir.1986). Plaintiffs’ argument on this point is therefore inaccurate. It appears that plaintiffs probably intended to assert that the costs taxed against them were unreasonable, but they lose on this point, too. The district court expressly found the costs for these witnesses to be reasonable and the plaintiffs have failed to show us any reason why that determination constitutes an abuse of discretion.⁴

III. CONCLUSION

The decisions of the district court in both appeals are affirmed.

Parallel Citations

85 Fair Empl.Prac.Cas. (BNA) 1713, 78 Empl. Prac. Dec. P 40,141, 47 Fed.R.Serv.3d 542

Footnotes

* Judge Ilana Diamond Rovner and Judge Ann Claire Williams took no part in the consideration of the petition.
1 Although the City’s actions in this case favored African-Americans because of their race and Hispanics because of their national origin, we will use the term “race” to refer to both groups; governmental preferences based on either race or national origin are subject to the same analysis. See *Billish v. City of Chicago*, 989 F.2d 890, 893 (7th Cir.1993).
2 We have considered the other arguments raised in plaintiffs’ brief but find them unworthy of discussion other than to say that we find no reversible error in the district court’s rulings.
3 Plaintiffs also complain that the City did not need to obtain transcripts of the entire trial on a daily basis, which is more expensive than getting the transcript a few days later. This argument fails because the City established that it obtained the transcripts for use during the trial. Moreover, several courts have taxed the cost of daily transcripts where, in cases like this one, the trial was lengthy

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and complex. See *Holmes v. Cessna Aircraft Co.*, 11 F.3d 63, 64 (5th Cir.1994) (per curiam); *Galella v. Onassis*, 487 F.2d 986, 999 (2d Cir.1973); *A.B.C. Packard, Inc. v. General Motors Corp.*, 275 F.2d 63, 75 (9th Cir.1960); *United States v. Davis*, 87 F.Supp.2d 82, 88 (D.R.I.2000); *EEOC v. Sears, Roebuck and Co.*, 114 F.R.D. 615, 622 (N.D.Ill.1987).

- 4 Plaintiffs also challenge the district court's imposition of costs for photocopies, exhibits, and expenses related to the City's affirmative defenses. Having reviewed the record, we find no error in the district court's decision to tax these costs. Similarly, we are not persuaded by plaintiffs' argument that the district court applied an incorrect burden of proof because any such error was harmless.

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