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**Law Enforcement Unions**

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## Editorial

Law enforcement is a dangerous and challenging profession. Split-second decisions in use of force, pursuits, and arrests are very physically and psychologically demanding. Matters become even more complicated since police officers are increasingly the target of varied and detailed departmental protocols, policies, and administrative pressures. Some past management practices were extremely frustrating for rank-and-file members of law enforcement agencies: the requirement to attend unpaid roll call before the shift, short-notice changes in assignments, favoritism in personnel matters, and unfair disciplinary procedures. In this challenging environment, police unions represent a crucial force that must be reckoned with by law enforcement executives. There is no other major player, besides unions, in the police community that has had so deep and positive an impact in transforming the workplace environment and departmental relations. The social benefits and some of the rationales for allowing the police to be represented by unions are indisputable.

Police unions have never been more powerful and significant as they are currently, not only in protecting peace officers' job security but in the political sphere too. Protecting law enforcement officers' rights has attracted political attention and challenged some political forces. Strengthening economically motivated unionism brought predictable results—politically active associations began representing the law enforcement community in general.

This collection of articles is the product of the expertise of a number of individuals occupying both academic and professional positions in criminal justice and policing, and it has been compounded for use by public safety managers in dealing with personnel and human resource matters. This issue of the *Law Enforcement Executive Forum* explores the scope and the impact of police unions in such areas as effectiveness of unionization and peace officers' bill of rights guarantees.

Vladimir A. Sergevnin, PhD  
Editor  
*Law Enforcement Executive Forum*



# Peace Officers' Bill of Rights Guarantees: Responding to Union Demands with a Management Sanctioned Version

Wayne W. Schmidt, CEO, AELE Law Enforcement Legal Center

## History

The genesis of a uniform internal investigative procedure law was the federal "Police Officers' Bill of Rights" bill (POBR), sponsored by the late Congressman Mario Biaggi (D-New York) in the 1971-1972 session. Initially, the bill had over 120 cosponsors. Biaggi, who was wounded ten times during his 23 years of police service, was the most decorated officer in the history of the NYPD. He was a champion of police officer safety and occupational rights during his tenure in the Congress.<sup>1</sup>

The bill was reintroduced repeatedly but was not sent to the floor until 1991. In that year, it passed the U.S. Senate by a 55-to-43 margin, but the House did not vote on the bill before the session ended. By 1995, a revised and more inclusive version was sponsored in the House and Senate. To mandate compliance by recipients of federal funding, the bill would amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S. Code §3781). Currently, the POBR bills are named the State and Local Law Enforcement Discipline, Accountability, and Due Process Act (H.R. 2967 and S. 1277, 108th Cong.).

Although a federal version of the POBR has never passed both Houses of Congress, at least 17 states and one province have enacted Bill of Rights laws: (1) Arizona (2003) A.R.S. §38-1101; (2) California (1976) Govt. Code §3301; (3) Delaware (1986) Code Ann. 11 §9200; (4) Florida (1974) Stat. §112.531; (5) Illinois (1983, 2004) Compiled Stat. 50 ILCS 725; (6) Kentucky Rev. Stat. Ann. §15.520; (7) Louisiana Revised Stat. §2531; (8) Maryland (1972, 1994) Ann. Code Art. 27, §727-734; (9) Minnesota (1991) Stat. Ann. §626.89; (10) Nevada (1983, 1989) Rev. Stat. §289.020; (11) New Mexico (1978) Stat. Ann. §29-14-4; (12) Rhode Island (1976) Gen. Laws §42-28.6-2; (13) Tennessee (1989) Code §38-8-301; (14) Texas (1997) Local Government Code §143.123; (15) Virginia (1978, 1991) Code Ann. §9-1-502; (16) West Virginia (1990) Code §8-14A-1; (17) Wisconsin (1989, 1993) Stat. §164.02; and the Canadian Province of Alberta (1990) Police Act/Police Service Regulation 356/90 (1990).

In the last decade, police unions in at least 10 states have attempted to enact a POBR: (1) Hawaii, S.B. 2986 (21st Leg. 2002); (2) Kansas, S.B. 214 (77th Leg. 1997); (3) Massachusetts, H.B. 368 (182nd Leg. 1998); (4) Michigan, S.B. 25 (2001); (5) Montana, S.B. 44 (1993); (6) North Dakota, S.B. 2368 (57th Leg. 2001); (7) Pennsylvania, H.B. 376 (S. Res. 1073, 185th Leg. 2001); (8) South Carolina, H.B. 4498 (112th Leg., 1997 Sess.); (9) Utah, H.J.R. 9 §143 (54th Sess. 1999); and (10) Washington, H.B. 1850 (54th Sess. 1995).<sup>2</sup>



There is no harmony among state POBR versions. Some protect firefighters, deputy sheriffs, corrections officers, and police chiefs; others exclude some or all of those. A few require members of a disciplinary hearing or appeal board to be sworn peace officers; others do not. The laws can either supersede or be subordinate to collective bargaining agreements. Specific rights and prohibitions that are codified in some states are not mentioned in others.

## **Voluntary Adoptions**

Concerned that similar legislation would pass in their states, two state associations of chiefs of police drafted POBR provisions that management could live with. In 1990, the Colorado Association of Chiefs of Police amended its *Professional Standards* (1986) with revisions and additions that address the conduct of internal affairs investigations. In 1992, the Arizona Association of Chiefs of Police published the *Model Policy Regarding the Rights and Responsibilities of Law Enforcement Employees in Internal Investigations*. It was written in response to several legislative attempts to impose a union-sponsored version in that state.

On this premise, the chair of the Legislative Committee of the International Association of Chiefs of Police appointed an Internal Affairs Legislation Subcommittee to draft a version of POBR law that management would find more acceptable. Although there was no immediate intention to have the IACP's version introduced in the Congress, it would be available as a reference document in those states where POBR legislation might be pending.

It should be noted that the final document, though unanimously approved by the subcommittee, was never adopted by the IACP Legislative Committee itself. Divided by a single vote difference, a majority of the full committee was so opposed to any POBR legislation that it rejected the adoption of a management version, even if it was labeled a "specimen" document.<sup>3</sup>

Nevertheless, the work of the subcommittee stands, and the document has been sent to a few state associations of chiefs of police that have been faced with union versions pending in their state legislatures. The document has been in a "stealth mode" for over 8 years; it exists, but has not been widely seen until now. It should be remembered that many IACP members remain opposed to any POBR legislation, no matter how balanced it might be.

As the chair of the Internal Affairs Legislation Subcommittee, I believed then and now, that the document has value as an alternative to union-sponsored legislation. As the IACP has learned, sometimes painfully, that uncompromising opposition can lead to defeat.<sup>4</sup> The Subcommittee's document follows, as it was originally written. First, a few comments on how it was written.<sup>5</sup>

## **Content Philosophy**

Americans are captivated by sports events, where one team or athlete wins and the other team or athlete loses. A few managers view interaction with their subordinates in the same competitive way. They concede no ground, contest all intrusions, and concentrate on achieving total victory, even if it diminishes employee morale.

Although competitiveness is an innate trait that is difficult to restrain, the subcommittee approached the content in a less confrontational way. It decided that it would recognize employee rights and prohibit management practices based on the following principles:

1. **It would be a responsive statement.** Personnel handbooks often address dozens of topics. The document focused on the principal issues that have been raised in POBR legislation.
2. **Decisional law would be taken into account.** If most courts or arbitrators had generally recognized an enforceable employee right or invalidated a management practice, the document embodied those holdings. Where courts have split on a right or practice, the subcommittee offered optional provisions or guiding commentary. An example is §10, the mandatory polygraph testing of employees, which has been struck down by courts in a few states and upheld in many others.
3. **It would focus on fundamentals.** The objective of a disciplinary investigation is to gather facts in a nonbiased way. If the recognition of a right or the adoption of a practice is unlikely to impair or to unreasonably delay the investigative process, the union's position usually was accepted. An example is §5-F, allowing an employee to audio-record an interview or to promptly provide him or her with an audio copy or transcript of the interview.
4. **It would be reasonable and balanced.** Good personnel practices foster professional behavior from management and employees. Harsh methods and arbitrary practices can undermine morale. The fact that no court had yet imposed a restriction on a management practice was not viewed as determinative. An example was §5-C, setting a reasonable time limit on the duration of an uninterrupted interview session.
5. **It would recognize alternative ways of implementation.** The subcommittee was cognizant that rights can be established by statute, charter amendment, ordinance, personnel or civil service rules and through the collective bargaining process.<sup>6</sup>
6. **Civilians would be included within its purview.** Many tasks that were traditionally performed by commissioned peace officers are now fulfilled by civilian employees. Community service officers may have the authority to issue traffic and ordinance citations. The director of training and heads of other support divisions could be unsworn. A retired or injured officer might continue to work as a reclassified civilian. The lines are blurred, and if protections are afforded to some and not others, morale is undermined, and confusion in the disciplinary process can result, especially when the incident giving rise to an investigation involves both classes of employees. This approach differed from the usual POBR law.
7. **It would cover both rights and responsibilities.** Some rights are conferred on individuals by the state; others are agreed to by employees and management. Both parties have responsibilities to each other and to the communities they serve. Section 2, for example, imposed an affirmative duty to report misconduct and to cooperate in intra-agency investigations.

# **Rights and Responsibilities of Law Enforcement Personnel in Disciplinary Investigations – IACP Subcommittee on Internal Affairs Legislation (1996)**

## **Part One: Basic Rights, Responsibilities and Procedures**

1. Definitions
2. Duty to Report Misconduct and to Cooperate with Intra-Agency Investigations
3. Time and Place of a Formal Interview
4. Statement of the Reasons for a Formal Interview; Identity of Complainants
5. Conduct of Formal Interview Sessions
6. Scientific and Financial Examinations
7. Personnel Files: Access, Adverse Information, and Dispositions
8. Miscellaneous Provisions
  - Arbitration
  - No Retribution
  - Confidentiality
  - Release of Photographs
  - Waivers
  - Immediate Obedience Required
  - Criminal Charges
  - Civil Claims
  - Tenure

## **Part Two: Optional Rights and Procedures**

9. Right to Consult an Attorney or Union Representative
10. Polygraph Examinations
11. Right to Be a Candidate for Public Office

## **Prefatory Note**

This is a specimen document, and not a “Model.” It is assumed that there are alternative policies and procedures that may be better suited for a particular agency or state.

## **Method of Adoption**

The procedures that follow can be enabled in a variety of ways, including the following: a state statute, a “home rule” ordinance, a civil service rule, a labor-management “Memorandum of Understanding,” provisions in a collectively bargained agreement, inclusion in an agency handbook or employee manual, or an executive order. The appropriate method of adoption depends on state law, historical labor practices, and political considerations that may be unique to each jurisdiction.

## **Method of Compilation**

This statement is divided in two parts. The first covers those basic rights and responsibilities that are generally accepted professional practices and/or have been imposed by “mainstream” court decisions that have arisen in the course of

due process appeals and litigation. The second part contains optional practices or procedures that are operative currently in some jurisdictions but not others. They are treated separately because of their eristic nature.

## **Part One: Basic Rights, Responsibilities, and Procedures**

### ***I. Definitions***

A. *Agency* means the department or unit of government for which an officer or employee, as defined herein, provides occupational or professional services.

B. *Critical Incident Report* means a written report required to be completed and submitted by an officer to his or her superiors (or written at the request of his or her superiors) involving the following:

1. The death or serious injury of an officer, prisoner, or suspect
2. The use of a firearm or impact weapon on a suspect, prisoner, or other person by the reporting officer or by a fellow officer
3. The death or injury of a third person during the course of an arrest or while in pursuit of a fleeing suspect or prisoner
4. Such other events or incidents designated as critical by the agency that employs the reporting officer

It includes standardized format reports (such as an agency's "use of force" report) and nonstandardized narrative reports (such as an "incident report").

C. *Formal Interview* means the questioning or interrogation of an officer or employee as part of a formal investigation.

D. *Formal Investigation* means the process of investigating a complaint or allegation of serious misconduct, when the inquiry is ordered by a superior or a management representative and the results might furnish the basis for disciplinary action against an officer or employee.

E. *Informal Interview* means a meeting between an officer or employee and a superior for the purpose of learning facts or circumstances relating to an incident or event. It includes the mediation of a citizen's or supervisor's minor complaint.

F. *Officer* or *Employee* means any person, (a) who has been commissioned or certified as a peace officer, whether compensated or not, or (b) any compensated civilian employee of the agency that retains such peace officers, or (c) a civilian employee of the parent entity who is permanently assigned to an agency that retains police officers.

*Officer* does not include privately employed special officers. *Employee* does not include persons who are employed by private sector contractors that provide support services to an agency or its parent governmental entity.

G. *Serious Misconduct* means an act, omission, or other behavior that if proved, could result in a disciplinary suspension of one or more days; a punitive interruption, loss, reduction, or restriction of an officer's privileges, rights, or promotional opportunities; an involuntary transfer; a demotion in rank, pay, or status; other diminution of compensation; or termination.

## Commentary

1. *Application* – California's statute includes police chiefs, probationary police officers, and correctional officers but excludes temporary officers and recruits. Florida's statute includes full-time state and municipal law enforcement and correctional officers but not part-time officers or police chiefs. Deputy sheriffs are included within the procedural protections but lack tenure and can be terminated without cause. The Maryland statute is limited to officers with arrest powers and includes police chiefs and part-time officers. The Minnesota and Nevada statutes cover all licensed full- or part-time peace officers. Virginia excludes chiefs of police, and the Wisconsin act excludes state officers.

The Arizona *Model Policy* states that "every full-time permanent nonsupervisory police employee has a property interest in continued employment, which cannot be taken without due process of law." The procedures set forth in the policy, however, are not restricted and apply to any "employee."

The Colorado *Standards* apply to all "peace officers."

These provisions apply to all peace officers, whether full or part-time, whether tenured or nontenured, whether paid officers or volunteers, and includes the chief of the agency. It includes court bailiffs and jailers who are peace officers. It excludes private sector persons who possess a special-police commission (e.g., store and hotel detectives, railroad special agents, bail bond enforcement agents, private process servers, etc.). It also applies to "civilian" employees, except those who are paid by private contractors.

2. *Triggering Events* – Informal interviews are outside the scope of these provisions, until such time as serious misconduct is suspected. Union leaders and their lawyers have long maintained that a compelled written report can be as intrusive as a formal interrogation. An officer's responses in a written report can jeopardize his or her career and expose him or her to civil liability in the same way as the answers to questions posed in a formal interview. Written reports are addressed in Section IX of the document, as an optional right.

3. *Included Penalties* – These provisions follow court decisions that have recognized that there may be a significant penalty associated with nontraditional disciplinary action, such as a transfer to an unpopular post or unit, the denial of a secondary employment permit, a prohibition against desirable overtime assignments, or an involuntary shift change that disrupts an officer's family life. Just as the exposure to disciplinary action is a part of the professional life of law enforcement and correctional personnel, they ought to be subjected to adverse action only when basic due process has been fully accorded to them.

4. The definition of a *critical incident* may be omitted if Optional Section IX is not included.

## **II. Duty to Report Misconduct and to Cooperate with Intra-Agency Investigations**

- A. Every officer and employee has a duty to report promptly any and all information concerning any acts or events that constitute serious misconduct, or a violation of state or federal criminal laws, or a substantial conflict of interest, or a corrupt or fraudulent transaction or practice, or any other serious abuse of office, when committed by any other officer or employee of his or her agency or its parent governmental entity, by any person having business dealings with that agency or the parent entity, or by any other person possessing peace officer powers (in this state).

The knowing failure of any officer or employee to report such acts or events shall be cause for termination or such lesser sanctions that might be appropriately imposed.

Unless otherwise directed, the information shall be given in written format to the chief executive of the agency, except that criminal matters may be referred directly to the appropriate prosecutor.

An officer or employee who complies fully and promptly with the above reporting requirements shall not be subject to any disciplinary or other adverse personnel action, provided the allegations are reasonably believed to be true.

- B. Every officer and employee has a duty to cooperate fully with an internal investigation of misconduct, whether serious or minor, unless and until he or she becomes a suspect in a criminal investigation. Absent such a focus, every officer and employee must answer questions asked by a superior or investigator in a truthful and forthright manner, without equivocating or otherwise attempting to avoid disclosure of relevant information.

## **Commentary**

*Serious misconduct* is defined in Section I. The other activities contained in II-A are taken from N.Y. Executive Order No. 39 (Part IV-1) (1996), which is applicable to all executive branch officers and employees. They parallel a similar provision in the *Arizona Model Policy* (Part II-B) (1992).

## **III. Time and Place of a Formal Interview**

Whenever an officer or employee is under investigation for serious misconduct and is subjected to a formal interview at the request of management or a designated member of his or her agency, the interview will be conducted under the following conditions:

- A. It will be scheduled at a reasonable time, preferably when the officer or employee is on duty or immediately preceding or following his or her tour of duty, unless the seriousness of the inquiry is such that an immediate interview is desired. If

the officer or employee is not on duty (or is on suspension), he or she shall be entitled to usual compensation for call-back duty.

- B. The interview shall take place at the usual duty station of the officer or employee, or at the regular premises of the person in charge of the interview. When the interview is to be conducted by personnel from two or more investigating agencies, it shall take place at the premises of one of the investigating parties. Unusual circumstances pertaining to an investigation will justify scheduling the interview at an appropriate time and place that is convenient to the investigating parties, such as when the incident giving rise to the inquiry involves officers from multiple jurisdictions.
- C. Management's failure to comply with the foregoing procedures will not excuse an officer's or employee's failure to attend the interview but may form the basis of a legitimate grievance.

### **Commentary**

The Arizona *Model Policy* prohibits home interviews. Colorado standard §170.10 mandates the adoption of a written directive concerning the place, duration, conduct, and documentation of IA interviews and who is authorized to represent the accused officer.

The Colorado commentary prohibits threats, offensive language, and promises or rewards. It provides that officers are entitled to a copy of the audiotape or transcript. The Commentary also states the following:

*The interview should be conducted at a reasonable hour, preferably at a time when the peace officer is on duty, or during the normal waking hours for the peace officer, unless the seriousness of the investigation requires otherwise. If such interview does occur during off-duty time of the peace officer being interviewed, the peace officer should be compensated for such off-duty time in accordance with regular department procedures, and the peace officer shall not be released from employment for any work missed.*

### **IV. Statement of the Reasons for a Formal Interview; Identity of Complainants**

- A. An officer or employee shall be informed of the name and rank, title or position, and agency of employment of all persons who participate in asking questions at a formal interview.
- B. An officer or employee who submits to a formal interview shall be informed of the following:
  - 1. The general nature of the inquiry
  - 2. The names and identities of any and all persons who have signed statements alleging misconduct by the concerned officer or employee or alleging misconduct by another officer or person. The name of a complainant who refuses to make a public complaint, such as a confidential informant or an unrevealed undercover investigator, need not be released to the officer or

employee, provided a superior informs the officer or employee that the complainant has requested anonymity.

- C. Superiors may question an officer or employee about the contents of a letter, telephone call, or other communication made by an unknown person but must, on request, furnish the officer or employee with a verbatim copy of the letter or a transcript of the telephone call or other communication. If an exact transcript was not kept, the officer shall be provided with a written synopsis of the allegations. Management may “sanitize” the contents of the letter, call, or communication by deleting those portions of the document that do not pertain to the current inquiry or that allege misconduct by other persons not present at the formal interview.

### **Commentary**

Under subsection IV-B, management is not required to provide an accused officer or employee with a copy of a signed complaint and /or witness statement. The name(s) and identities of complainants must be revealed, if known, unless the complainant has requested anonymity or the complainant is an undercover investigator.

Under subsection IV-C, if the complaint is made by an unknown person, the concerned officer or employee must be furnished a verbatim copy of the communication. A verbatim copy can be a transcription of the letter or other communication, rather than a photocopy, to prevent the accused officer or employee from recognizing the handwriting or typewritten style of the sender.

### **V. Conduct of Formal Interview Sessions**

- A. At a formal interview, on the request of an officer or employee being interviewed, no more than two persons shall ask questions during any segment of an interview, although the interview process may involve multiple segments. If more than two interviewers are physically present at the same time, the officer or employee may decline to reply.

A person who records or transcribes an interview session is not an “interviewer.” Management may authorize additional persons to simultaneously audit an interview via audio and /or video monitor devices placed elsewhere.

- B. Officers and employees who are interviewed in noncriminal matters shall be treated with dignity and respect. They must not be subjected to angry accusations, shouts, ridicule, unlawful threats, or harassment. They shall not be improperly offered a “reward” for their responses. The persons conducting the interview, however, may remind an officer or employee that he or she has a duty to answer pertinent, job-related questions and can be disciplined or terminated for a failure to do so. An offer of immunity from disciplinary action or from criminal prosecution is not an improper reward, provided the offer is in writing or audiotaped.
- C. Unless otherwise mutually agreed upon, no officer or employee shall be questioned for more than 50 minutes, without being given a rest break of at least 10 minutes.



- D. An officer or employee is entitled to elaborate on a response, clarify or explain an answer, or refute a negative implication that arises during the interview or at a previous session.
- E. If and when an inquiry is or becomes a criminal investigation, an officer or employee is entitled to remain silent and not answer incriminating questions until and unless he or she is advised that use immunity will apply. An officer or employee who is offered limited use immunity from criminal prosecution, by those conducting the interview, shall answer fully and truthfully all questions posed at that interview, when required to do so. Even in the absence of an admonition concerning limited immunity, use immunity presumptively attaches by operation of law, whenever an officer or employee is compelled to be a witness against oneself in a criminal investigation.
- F. Unless waived by the parties, there shall be a verbatim record made of all formal interviews. The record may be by videotape, audiotape, or stenotype transcription by an independent court reporter. If the interview is being conducted by the agency that employs the officer or employee being interviewed, the officer or employee is entitled to make his or her own audio recording of the proceedings, unless superiors arrange for two simultaneous recordings to be made and to offer one copy for the officer.

## Commentary

1. Courts have annulled the punishment given officers who have been subjected to abusive internal interrogations [See *Oddsens v. Board of Fire & Police Commissioners*, 321 N.W.2d 161 (Wis. 1982)]. Moreover, when an abusive interview has taken place, judges may assume erroneously that management was politically motivated, and the court may look for a technical reason to set aside all sanctions.

Just as important, superior officers and internal investigators should reflect the same professional attitudes and demeanor that is required of their subordinates.

2. The *Arizona Model Policy* requires that an interview be conducted in a professional manner and prohibits ridicule, mockery, or outrageous conduct. The Colorado standards prohibits threats, harassment, or a promise of reward.
3. The *Arizona Model Policy* has a 90-minute interrogation period; because most people are used to a 50-minute classroom period, the lower duration was selected. The proposed federal version requires a “reasonable period” for the interview and rest breaks. Because “reasonable” is subject to wide interpretation, this document opts for a finite maximum of 50 minutes.
4. Subsection V-E restates the principles of law devolving from *Garrity v. New Jersey*, 385 U.S. 493, 87 S.Ct. 616 (1967) <<http://laws.findlaw.com/us/385/493.html>>; *Gardner v. Broderick*, 392 U.S. 273, 88 S.Ct. 1913 (1968) <<http://laws.findlaw.com/us/392/273.html>>; and *Unif. Sanit. v. Cmsnr.*, 392 U.S. 280, 88 S.Ct. 1917 (1968) <<http://laws.findlaw.com/us/392/280.html>>. The presumptive nature of the immunity was recognized in *Confederation of Police v. Conlisk*, 489 F.2d 891/

at 895 (7th Cir. 1974) and subsequent cases pertaining to the use of compelled statements.

The Massachusetts Supreme Court has held that public employees who are interrogated in a disciplinary investigation are entitled to full and final immunity from prosecution (See *Carney v. Springfield*, 403 Mass. 604, 532 N.E.2d 631 (1988), and two companion cases). No other courts have adopted the view that “transactional immunity” applies. The U.S. Supreme Court favors the limited version [see *Zicarelli v. State Investigating Commission*, 406 U.S. 472, 92 S.Ct. 1921 (1972) <<http://laws.findlaw.com/us/406/472.html>>].

5. The Arizona *Model Policy* and the Colorado standards require an officer to pay for the cost of a transcript. He or she is permitted to tape the interview him- or herself so long as the process is not disruptive.

## **VI. Scientific and Financial Examinations**

- A. An officer or employee may be required to be photographed or videotaped or participate in a lineup for the purposes of identification by witnesses or complainants.
- B. Absent valid medical or religious reasons, an officer or employee may be required to submit to a medical, laboratory, or other scientific examination at the sole expense of the agency. Unless restricted by law, an officer or employee may be required to disclose all drugs and medication he or she has taken. An officer or employee may volunteer to take a polygraph examination but may not be required to do so.
- C. When the allegation involves unlawful financial transactions or the receipt of funds obtained by illegal means, a superior or management representative may issue a written order to the officer or employee directing him or her, generally or specifically, to prepare a list of assets and liabilities, to obtain and disclose his or her bank and other financial statements, and to explain all significant entries.

## **Commentary**

1. Colorado standard §170.13 requires agencies to specify when “medical or laboratory examinations are administered.” In some cases, the Americans with Disabilities Act, 42 U.S. Code §12101-17 (1990) may restrict or prohibit an employer from requiring an employee to disclose what prescriptive drugs he or she has taken [See *Roe v. Cheyenne M.C.R.*, 920 F.Supp. 1153 (D.Colo. 1996)].
2. A financial disclosure requirement is part of the Arizona *Model Policy*. The fourth part of Colorado standard §170.13 is optional and states that “an employee may be required to submit financial disclosure statements.” The Commentary limits this power to investigations in which the data is “material to a particular internal affairs investigation.”

Designated IRS employees and persons with access to classified information are required to complete generalized federal disclosure forms [See Form SF-85P, upheld in *N.T.E.U. v. Dept. Treasury*, 25 F.3d 237 (1994) and Executive Order 12968,

published at [1995] (2) U.S. Code Cong. & Ad. News (West) B80-B91 (2 Aug. 1995)]. The requirement may be extended lawfully to local and state law enforcement personnel [See *Barry v. City of N.Y.*, 712 F.2d 1554 (2d Cir. 1983), cert. den. 464 U.S. 1017].

3. As compiled, this Section VI allows voluntary, and prohibits mandatory, polygraph examinations. Optional Section X would make them obligatory. If Section X is incorporated into Section VI, the last sentence of Subsection B should be deleted. What is now in Section X would then follow.

### **VII. Personnel Files: Access, Adverse Information, and Dispositions**

- A. While in the continuous physical presence of a predesignated monitor, an officer or employee may view the contents of his or her personnel file during reasonable business hours. No items shall be removed from the file, except for photocopying purposes.
- B. The progress of an internal investigation or inquiry shall be kept in one or more confidential case files. No materials contained in or intended for investigative case files shall be put in an officer's or employee's personnel file, until the internal inquiry concerning that person has concluded.

No other item of a negative or disparaging nature shall be put in an officer's or employee's personnel file, without promptly advising the affected person. An officer or employee can submit a written response or letter of explanation concerning the objectionable contents of the document. Such responses or letters will be kept in the personnel file as long as the adverse material is included.

- C. An officer or employee will be notified promptly of the disposition of allegations made against him or her. If an investigation will continue for the purpose of scrutinizing others, an officer or employee can be ordered to keep confidential those findings pertaining to him or her for the duration of the inquiry.

A closed investigation may be reopened when newly discovered evidence so warrants. The agency need not inform those officers and employees who were notified of the prior disposition, until such time as they are re-interviewed or otherwise involved in the reopened investigation.

### **Commentary**

In Sections O and Q, the *Arizona Model Policy* allows an officer to access his or her own files, provides for giving notice of IAD dispositions, and permits him or her to insert a statement or comment in rebuttal to any adverse or derogatory information.

Colorado has adopted an optional standard (§171.2) that regulates the inspection of a peace officer's own personnel file. The commentary to the standard allows him or her "a reasonable period of time within which to file a written response to any adverse comment . . . [which] should be attached to . . . the adverse comment." Optional standard §170.11 covers notification of results; the commentary specifies "within a reasonable time."

## **VIII. Miscellaneous Provisions**

A. **Arbitration** – An officer or employee who is a member of a recognized or certified bargaining unit shall use the grievance processes established by the enabling law and the employment agreement conferring those privileges. If the employment agreement includes final and binding arbitration, the officer or employee's right to judicially litigate any complaints or grievances is waived irrevocably in favor of the grievance process.

If there is no bargaining agreement or it does not provide for alternative dispute resolution, an officer or employee has the right to bring a civil suit against his or her employing entity seeking injunctive relief, and where appropriate, an award of damages for injuries suffered.

B. **No Retribution** – No adverse action shall be taken against an officer or employee for the exercise of his or her civil and constitutional rights, provided the officer or employee's actions are taken in a reasonable, good faith manner. Neither management nor an officer or employee shall knowingly engage in an abuse of legal procedures or maintain vexatious litigation.

C. **Confidentiality** – No management representative, superior, or other officer or employee, who has knowledge of a complaint of misconduct by another officer or employee, shall publicly release the contents of that complaint or any statements made in a formal interview until the complaint or statements become a public record or the investigation relating to the concerned officer or employee has been concluded and the officer or employee has been notified of the disposition. This subsection does not limit an accused officer's or employee's right to gain access to information he or she is otherwise allowed to receive.

D. **Release of Photographs** – Management shall not release to the news media a photograph or the home address of an officer or employee who is accused of misconduct, unless he or she has been formally charged with a criminal offense.

E. **Waivers** – An officer or employee may irrevocably or conditionally waive some or all rights, privileges, and protections accorded him or her under any part of these provisions, set forth in any statute or other law, or contained in a bargaining agreement or "Memorandum of Understanding," if any. The waiver shall be in writing, unless made in the course of a recorded formal interview.

F. **Immediate Obedience Required** – The rights, privileges, and protections accorded an officer or employee herein shall be enforced as set forth in Subsection VIII-A above. An officer or employee does not have a legal right to refuse to cooperate in an internal investigation or to participate in an interview, even if management has failed to recognize or provide those rights, privileges, and protections; the officer or employee must "obey now" and "grieve or complain later."

Admissions or confessions obtained during the course of any interview not conducted substantially in accordance with these provisions, however, may not be used by management in any subsequent disciplinary action, except for the limited

purpose of impeaching the officers or employee's credibility for truthfulness, should he or she subsequently testify at variance with those admissions or confessions.

- G. **Criminal Charges** – In the event an officer or employee is in custody or is facing criminal charges, he or she shall have all the constitutional and civil rights accorded other defendants. None of the enumerated rights, privileges, and protections provided herein shall apply to a parallel criminal investigation or prosecution, unless elsewhere provided by law.
- H. **Civil Claims** – Nothing herein shall limit the right of an officer or employee to bring a civil claim or lawsuit for damages against any private citizen or private entity for the physical injuries, financial losses, or mental suffering that was negligently or intentionally inflicted on the officer or employee as an individual, or while acting in his or her official capacity.
- I. **Tenure** – Nothing herein shall confer upon an officer or employee tenure or a "property right" to one's job or position or an expectation of continued employment. Tenure depends exclusively on any applicable laws, rules, policies, and contractual rights that might arise independent of these provisions.

## Commentary

- 1. Recently the U.S. Supreme Court has enforced arbitration agreements, which replace the right to sue by all signatories [See *Gilmer v. Interstate*, 500 U.S. 20, 111 S.Ct. 1647 (1991) at <<http://laws.findlaw.com/us/500/20.html>>]. Lower courts have enforced arbitration clauses contained in collectively bargained agreements, even if the concerned employee did not waive his or her right to sue [See *Austin v. Owens-Brockway*, 78 F.3d 875 (4th Cir. 1996), involving ADA statutory claims].

While many police chiefs complain that arbitrators are too lenient in imposing punishment for misconduct, many employers would prefer to arbitrate claims of race, origin, gender, or handicap discrimination and allegations of sexual harassment.

- 2. An officer's reputation is ruined quickly and sometimes irreparably when he or she is accused of brutality, corruption, or sexual misconduct. A limited confidentiality clause protects an officer or employee in those frequently encountered cases in which the complaint is completely unfounded or the accuser drops the allegations.

Similarly an officer or employee must be formally charged with a criminal offense before the agency can release his or her photo to the media.

- 3. Subsection VIII-F reiterates the well-recognized rule that an officer or employee must "obey now" and "grieve later." Conversely, admissions and confessions obtained in an interview that is not conducted substantially in accordance with these provisions may not be used as evidence of guilt in a disciplinary hearing, except to contradict a subsequent denial or a fabricated excuse offered at that hearing.

## **Part Two: Optional Rights and Procedures**

### ***IX. Right to Consult an Attorney or Union Representative***

A. At a formal interview, an officer or employee is entitled to the assistance of an attorney or a representative of his or her union (or association), if any. The interview shall be delayed, not more than 3 business days while the officer or employee obtains professional assistance.

A formal interview is a fact-finding inquiry and not an adversarial proceeding. An attorney or other representative shall not be allowed to formally question his or her client, call or cross-examine other witnesses, or introduce evidence favorable to his or her client. An attorney or other representative is entitled to ask his or her client to elaborate on a response, clarify or explain an answer, or refute a negative implication that arises during the interview or at a previous session.

While an attorney or representative can object to a question, if he or she advises the client to refuse to answer, the officer or employee is subject to termination or other disciplinary action for such refusal, even if the allegations against the officer or employee are without substance.

B. Unless serious misconduct is suspected, an officer or employee is not entitled to the assistance of an attorney or representative of his or her union (or association) at an informal interview.

C. When directed or otherwise required to complete a critical incident report (as defined herein), an officer or employee is entitled to the assistance of an attorney or representative of his or her union (or association), if any. The report may be delayed, for up to 3 business days while the officer or employee obtains professional assistance.

D. Notwithstanding the preceding paragraphs, for an appropriate stated reason, management may require an officer or employee to participate promptly in a brief, off-the-record interview, for the purpose of learning certain basic or preliminary information. No statements or admissions made by an officer or employee at an off-the-record interview may be used against him or her for any purpose whatsoever, and no transcription or audio recording shall be made during such interview.

Appropriate reasons shall include, but are not limited to actual or anticipated requests by the news media for information, the prevention of a potential crime or violent act, the flight or concealment of a criminal suspect, the loss or dissipation of evidence in a criminal or civil investigation, or other exigent circumstance(s).

Nothing herein shall prevent management, during a subsequent and properly constituted formal interview, from repeating any questions asked in the course of a prior off-the-record interview, except that no reference shall be made to the responses given to any questions in the course of the off-the-record interview.

## Commentary

1. In many states, legal counsel is entitled to attend disciplinary interviews of the officers and employees they represent. Florida and Maryland police chiefs have adjusted to this right since 1975. The Maryland statute requires the attempted interrogation of a police officer to be suspended for up to 10 days to allow him or her to employ “counsel or any other responsible representative.”

Also in 1975, the U.S. Supreme Court concluded that §7 of the National Labor Relations Act (29 U.S. Code §157) requires covered private employers to permit an employee’s “representative” to be present during an investigative interview [See *N.L.R.B. v. Weingarten*, 420 U.S. 251, 95 S.Ct. 972 (1975) at <<http://laws.findlaw.com/us/420/251.html>>]. As of that year, 33 states had public employee-relations laws that were identical or similar to §7. Of those states, only West Virginia declined to follow *Weingarten*.

In right-to-work states, however, a police officer does not have a legally protected right to the presence of counsel (or union representative) at a disciplinary interview. The 6th Amendment (Right to Counsel) does not apply to disciplinary proceedings [See *L.A. Police Prot. League v. Gates*, 579 F.Supp. 36 (C.D.Cal. 1984)].

Moreover, an internal affairs interview is nonadjudicatory. Since “no possibility of sanctions exists at that point,” said one court, “. . . the due process clause of the 14th Amendment provides no right to counsel at the IAD interview” [*Wilson v. Swing*, 463 F.Supp. 555 (M.D.N.C. 1978), relying on *Haines v. Askew*, 368 F.Supp. 369, aff’d 94 S.Ct. 2596 (1974)].

The Arizona *Model Policy* is silent on the “right” of an accused officer to representation during a formal interview. Colorado adopted as part of standard §170.10 optional language requiring a written directive on who shall be authorized to represent peace officers who are interviewed. The commentary to the optional provision states the following:

Upon the filing of a formal written statement of charges, or whenever an interview focuses on matters which are likely to result in punitive action against any peace officer, that officer, at his request, should have the right to be represented by a representative of his choice to include legal counsel who may be present at all times during such interview.

The commentary continues, and cautions that . . .

This section should not apply to any interview of a peace officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contract [Sic] with, a supervisor or any other peace officer, not should this section apply to an investigation concerned solely and directly with alleged criminal activities.

2. Acting “under the advice of counsel” is no defense to an officer who willfully refuses to answer a question that is narrowly related and specifically directed to his or her employment or fitness for service. The refusal is made at the peril

of an employee, although he or she might be able to collaterally challenge the question by an emergency civil action, as was done in *Buege v. Lee*, 372 N.E.2d 427 (Ill.App. 1978).

3. *Critical Incident Reports* are defined in Section 1. Some law enforcement agencies have allowed an officer or employee to consult with an attorney before completing a use-of-force report. This subsection can be omitted, as an option within an option.

A California appellate court has recognized that the assistance of counsel when completing critical incident reports is an important right, and if an agency has a past practice of allowing this, it must continue to do so during the life of a valid bargaining agreement or Memorandum of Understanding. The three-judge panel concluded also that the desire for an immediate report was not a managerial prerogative, and there was no public safety mandate which would impair or excuse the past practice [See *Long Beach P.O.A. v. City of L.B.*, 156 Cal.App.3d 996 (at 1010-11), 203 Cal.Rptr. 494 (1984)].

A federal District Court issued a similarly worded opinion in *Watson v. Co. of Riverside*, 976 F. Supp. 951, 1997 U.S. Dist. Lexis 13797 (C.D.Cal.).

Also, a Michigan arbitrator extended *Weingarten* to a written report that was requested by a police supervisor [*Lansing (City of) and Capitol City Post* 141, 106 LA (BNA) 761 (Ellmann, 1996)].

4. Police chiefs and sheriffs are well-aware that the first media reports concerning an officer-involved shooting or other critical incident can generate irreversible public opinion. Subsection IX-D allows an immediate "off-the-record" interview for the purpose of formulating a media response.

## **X. Polygraph Examinations**

When consistent with state and federal law and any enforceable employment agreements, an officer or employee may be required to submit to a polygraph examination. The results are to be kept semiconfidential; they may be considered for nonevidentiary investigative purposes by management and internal investigators.

The results shall not be made public without the consent of the person tested and shall not be disclosed to an arbitrator, member of a disciplinary hearing panel, or member of a duly constituted employment review board, or to any other disinterested person(s) who may be charged with the responsibility of adjudicating guilt on the basis of legally admissible evidence.

## **Commentary**

By statute or court decisions, compelled polygraph examinations are illegal in a few states. In other jurisdictions, they are prohibited under existing collective bargaining agreements.



The wording in this provision follows the Arizona *Model Policy* on this issue. Colorado Standard §1.714 is optional and limits polygraph examinations to those officers who consent to be tested. Colorado applicants and probationary officers are exempted and may be tested as part of the hiring process.

In this document, an agency may use the polygraph to screen applicants until they are appointed as officers or hired as employees.

### ***XI. Right to Be a Candidate for Public Office***

A. Subject to any provisions or limitations of local, state, and federal laws, an officer or employee is entitled to be a candidate for public office. If the office sought is one within the parent government-entity of the employing agency or there is a statutory or common law conflict between the elected office sought and the agency position currently held, the officer or employee shall take a special, unpaid leave of absence while serving as an elected official. No agency benefits, including seniority rights, shall accrue while on special leave.

When the term of elected office has been served or otherwise vacated, the person on leave shall, if otherwise qualified, be eligible for reinstatement with the agency of prior employment. The person returning from special leave shall be reinstated at the appropriate rank or position that he or she would be entitled to hold, based on the seniority rights held at the time the special leave of absence commenced.

“Otherwise qualified” includes any generally applicable, job-related, physical, mental, educational, or legal qualifications, including the completion of any omitted mandatory training or certifications. This means that an officer, who has been absent for a long period, might have to pass a preservice physical exam and receive extensive training before he or she is eligible for recertification and reinstatement.

B. The above right shall not apply if the leave period is for more than 4 consecutive years. No agency is required to reinstate an officeholder if he or she does not apply for reinstatement within 30 days before or after leaving office.

### **Commentary**

This subject was included as an optional section because it was one of the nine topics included by the National Association of Police Organizations on its website.

The rights of returning workers may be covered by civil service rules or is addressed specifically in a bargaining agreement, or may be a recognized past practice enforceable under the labor agreement.

The intent of this section is to prevent a person who returns, from a term as an elected official, from displacing a person who has accumulated greater seniority rights.

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## Endnotes

<sup>1</sup> Biaggi also was a founder of the *National Law Enforcement Officers Memorial Fund* (1984). In connection with the 1986 *Wedtech Scandal*, he was convicted of racketeering, extortion, bribery, filing false tax returns, and perjury. He resigned from Congress and went to federal prison. *U.S. v. Biaggi*, #87-CR-265, 705 F.Supp.864 (S.D.N.Y. 1988); *affirmed*, 909 F.2d 662 (2d Cir. 1990), *cert. denied*, 499 U.S. 904 (1991).

<sup>2</sup> Some of the legislative information is taken from Keenan and Walker (2004).

<sup>3</sup> Members of the Internal Affairs Legislation Subcommittee, at the time the document was drafted, were Wayne W. Schmidt (Chair) AELE Law Enforcement Legal Center, Chicago, Illinois; Jody M. Litchford, Chief Assistant City Attorney, Orlando, Florida; Charles R. McDonald, [then] Chief of Police, Southern Illinois University, Edwardsville, Illinois; Dana G. Schrad, Executive Director, Virginia Association of Chiefs of Police, Richmond, Virginia; and Colonel Carl R. Wolf, Chief of Police, Hazelwood, Missouri. The Legislative Committee Chair, then and now, is Chief Edmund Mosca from Old Saybrook, Connecticut.

<sup>4</sup> For example, the IACP steadfastly opposed the passage of the *Law Enforcement Officers Safety Act of 2004*, which authorizes active and certain retired officers to carry concealed firearms. In July 2004, the 108th Congress enacted H.R. 218 as 18 U.S. Code §926B and C, without including any provisions to limit agency liability that could have been offered by the IACP.

<sup>5</sup> Legal citations and website references were recently updated. Since this document was drafted, new issues have emerged. It is unlikely the subcommittee will meet to revise its work to address those matters. Readers should keep in mind that additional judicial decisions have been issued, which might supplement or modify the cases cited.

<sup>6</sup> The Arkansas legislature, for example, *recommends* but does not mandate POBR municipal ordinances [Arkansas (1992) Code §14-52-301].

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# The Impact of Public Safety Unions on Organizational Effectiveness: A California Case Study

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An assessment of the advantages and disadvantages of public safety unionization<sup>1,2</sup> depends, of course, on one's perspective. Historically, lack of management concern for employee needs and arbitrary management practices were a principal cause for the development of unions (Geller & Stephens, 2003; Wilson & McLaren, 1972). It is usually acknowledged that organizations that are well-managed and concerned with the welfare of their employees are less likely to experience organized labor activities (Sirene, 1985), which was hardly the case with early American police organizations. Union officials and members generally believe that unionization has resulted in improvements in salaries, benefits, and working conditions, and that unions continue to play an important role in labor-management relations. Unions have, no doubt, been a prime factor in forcing management to attend to employee concerns in the implementation of grievance procedures and in the institution of due process in disciplinary procedures for public safety employees. Some even claim that the effectiveness of public safety organizations is actually improved because of unions. Kliesmet (1985), for example, sees weak and transitory administration as a pervasive organizational problem in policing and claims that "police unionism is really a source of stability in a police world of extraordinarily unstable and untalented leadership" (p. 281).

There is also little doubt that unionization has created significant problems for government employers. Unionization has increased government costs (Johnson, 1996), and unions have been criticized for opposing employee disciplinary actions and protecting the jobs of incompetent and brutal officers. Often, the most vocal union militants in a police department—"the most violent and those most prone to misbehave" (Bouza, 1985, p. 273)—are those who most need the union's protection. Unions have opposed external review, promotion based on merit, and management prerogatives generally and have disrupted traditional management systems (Silverman, 2001). Illustrating union intrusion into management prerogatives, Bouza (1985) quotes an unnamed union official as saying, "The only inherent rights of management are those labor does not bargain away from them" (p. 241). The major impact of police unions, according to Walker and Katz (2005) has been to curtail the authority of police chiefs, and Johnson (1996) says that "public employee unions have the reputation, partially deserved, of protecting members' jobs and income by blocking needed improvements in government efficiency" (p. 329).

It should not be a surprise that such extremes exist in opinions about public safety unions. For the most part, the goals of unions and the goals of administrators are, if not in conflict, at least substantially inconsistent. This is not to say that administrators are not, or should not be, concerned with some of the same issues as are employees.

It is, in fact, often in the best interest of management to recognize and address employees' concerns, as well as being a principled practice: "A carefully planned and well-ordered system for the conduct of employee relations is in the public interest" (Sylvia, 1989, p. 121). Nevertheless, administrators have a responsibility to the public for the effective and efficient operation of their agencies. Employee unions do not share this responsibility, as Kelling and Kliesmet (1996) note: "Police unions have little stake in organizational effectiveness or in the production of quality goods or services" (p. 198). Kelling and Kliesmet do recognize that some line officers are interested in improving police effectiveness, and there are undoubtedly enlightened union members who realize that their long-term best interest, if not their ethical duty, may be better served by cooperating with management in meeting the organization's responsibility to the public.

Given the reality of the often conflicting responsibilities and goals of public safety administrators with those of union officials and members, it is incumbent on administrators, in their efforts to maintain the morale and productivity of their employees through negotiation of union demands, not to lose sight of their larger responsibilities. In the past, this was not much of a problem, as the history of public safety unionization reveals, but labor-management relationships have evolved over time, and public safety administrators have often become poor stewards of the public interest.

## **The History of Public Safety Unionization**

Although police officers in the late 19th and early 20th centuries had as much interest in improving their pay, benefits, and working conditions as did industrial workers in America, any early interest in developing powerful police labor organizations was impeded by the experience of the use of police to break strikes by mill workers, mine workers, rubber workers, and others (Foner, 1965). National labor organizations resented the police for their anti-union activities and generally opposed the issuance of charters for police employee organizations (Burpo, DeLord, & Shannon, 1997). Nevertheless, many big-city police fraternal and benevolent associations formed during the latter years of the 19th century and the first 2 decades of the 20th century (Juris & Feuille, 1973). These independent associations were mainly concerned with issues such as insurance for their members and organizing social activities, though some associations engaged in lobbying politicians on their members' behalf (Fogelson, 1977).

The "reform" or "professionalization" era of American policing, beginning around the 1920s, closely followed the establishment of police employee associations. August Vollmer, the first police chief of Berkeley, California; O. W. Wilson, Vollmer's protégé and later Chicago police superintendent; and other reformers reacted against traditional control of policing by ward politicians and the associated patronage system and political corruption. They sought to professionalize policing by making crime control the primary rationale for the police, incorporating bureaucratic and scientific management principles in the administration of police agencies, and improving selection and training of officers (Kelling & Moore, 1988). Police employee associations, focused on salaries and pensions and lacking political clout, were not of major concern to police reformers (Fogelson, 1977); although, Vollmer, Wilson, and others opposed police unionization as inconsistent with the professionalization of the police.

The resentment of the police by organized labor had caused the American Federation of Labor (AFL) to reject requests from police employee associations for charters in the late 1890s, but with police salaries lagging after World War I, police associations continued to push for recognition by national labor. By 1919, the ban on police charters had been rescinded (Burpo et al., 1997). Boston, Washington, and other cities established local unions. Almost immediately thereafter, the Boston police commissioner issued an order prohibiting officers from membership in any organization affiliated with outside organizations, and the officers were directed to surrender their AFL charter. Formal charges were filed against 19 officers, and when these officers were suspended, the union went on strike (Gammage & Sachs, 1972). The Boston police strike lasted 4 days, resulting in violence, including several deaths, and widespread looting. The strike dramatically reinforced the fear that the disruption of vital services by striking government employees would result in disastrous consequences (Wadman & Allison, 2004). The public was outraged, and Massachusetts Governor, later President, Calvin Coolidge made his famous pronouncement in a telegram to Samuel Gompers: "There is no right to strike against the public safety by any body, any time, any where" (Coolidge, 1929, p. 134). Approximately 1,100 striking police officers were fired, the fledgling police unionization movement was crushed, and "police unionism practically ceased to exist again until the 1960s" (Burpo et al., 1997, p. 299).

Due in part to the Boston police strike, the prevailing attitude in America over the first half of the 20th century was that unionization and public safety—and, in fact, unionization and public employment—were incompatible. In the case of police, union affiliation was seen, among other things, as dividing the allegiance of police and thus compromising their neutrality. O. W. Wilson, in his classic work on police administration, observed that "the oath taken by officers when they enter police service is their promise to serve the public unselfishly and with devotion, whereas the pledge of allegiance to a labor union binds the member to work for the good of a segment of the population and the labor movement in general" (Wilson & McLaren, 1972, p. 288).

The opposition to public safety unionization did not mean that no one was concerned about problems in public employment. During the Progressive Era, reformers sought to eliminate the spoils system in government employment and substitute a merit system. In addition, the passage of the Pendleton Civil Service Act of 1883 marked the formal establishment of a system of civil service providing some measure of job protection for federal employees. Civil service was premised on several principles, including the idea that selection of government employees should be based on the ability to perform work rather than on personal or political favoritism and that job tenure should not be dependent on changes in political executives (Hecklo, 1977). Although slow to follow the lead of the federal government, states and municipalities gradually adopted civil service systems through the 1930s and 1940s, and especially during the 1950s (Cayer, 1986). The establishment of civil service systems provided a "floor" for job protection that can be taken for granted by government employees, protection not enjoyed by workers in the private sector.

The 1950s and 1960s saw the emergence of serious recognition of the rights of public employees to bargain collectively. In the mid-1950s, the mayor of New York recognized the bargaining rights of city employees, excluding police (Fogelson, 1977); in 1960, Wisconsin became the first state to allow bargaining on the part of local



government public employees (Sylvia, 1989); and in 1962, President John Kennedy issued an executive order granting federal employees the right to organize and bargain (Cayer, 1986). After 1960, the United States experienced a dramatic growth in collective bargaining at local and state levels (Johnson, 1996), and a resurgence in police unionism occurred (Burpo et al., 1997).

In the 1960s, police unions were tolerated in a few cities, but not most, and the police rank and file perceived their pay, benefits, and working conditions as substandard. Especially with the emphasis on professionalization in policing, many officers felt that they were not compensated or treated as professionals (Fogelson, 1977). Capitalizing on this discontent, new leaders came to power in police associations, and in the late 1960s and early 1970s, fraternal and benevolent associations became more militant (Juris & Feuille, 1973), pressuring governments for bargaining rights. Recognizing that associations were becoming more politically influential and were not opposed to job actions that could put them in awkward positions, and believing it would be easier to deal with associations than organized labor organizations such as the Teamsters (Fogelson, 1977), elected officials were more receptive to unionization. In contrast, conventional wisdom and practice among police managers through the 1960s was that unionization should be resisted (Geller & Stephens, 2003), and though police reformers were still opposed to unions, their opposition was weakened by successes experienced in the unionization efforts of other public employees.

Developing later than with the police, unionization in corrections began in the 1950s (Silverman, 2001) but experienced no major gains until the 1970s (Clear & Cole, 1997). Prison management was poorly prepared for negotiations with unions early on, often leaving negotiations to personnel agencies unfamiliar with prison issues who were “willing to make concessions on policies and administrative issues (for example, the ways roles are organized) in exchange for moderation of wage demands” (Jacobs, 1985, p. 286).

Although the private sector labor movement peaked in the 1950s, climbing to 35% of the work force in 1947 (Burpo et al., 1997), public sector unionization continued to expand throughout the 1970s. Fogelson (1977) reports that “by the early 1970s, . . . the fraternal and benevolent organizations had been transformed from pressure groups into labor unions” (p. 106). Most of them were independent and unaffiliated with national unions, but by the 1970s, national police organizations, such as the International Brotherhood of Police Officers (later renamed the National Union of Police Officers) and the International Union of Police Associations, and associations increasingly affiliated with such national labor organizations were formed (Burpo et al., 1997). Police employee associations were mostly successful in their ability to bargain over management issues, in addition to pay and benefits. In most cities, “the unions prevailed on the authorities to accept an extremely broad interpretation of the scope of bargaining” (Fogelson, 1977, p. 213).

Some reformers continued to oppose unions into the 1970s, but by the late 1960s and early 1970s, most recognized that they needed the support of the unions to carry out reforms (Fogelson, 1977), although unions, in fact, often opposed attempts to improve policing. By the 1990s, the attitude of police administrators was that unions exist and must be accepted as part of the administrative environment (Geller & Stephens, 2003). Today, with recent changes in the leadership of the AFL-CIO,

police unionization may be poised for a merger of the various national police labor organizations into a single national union (Burpo et al., 1997).

As mentioned, union membership has been declining in the private sector but not in the public sector (Walker & Katz, 2005). The rate of public sector union membership is more than four times greater than in the private sector: 37% of public sector employees are union members compared to 8% of private sector employees. Thirty-nine percent of employees in protective service occupations were represented by unions in 2003, a proportion second only to employees in education, training, and library occupations (U.S. Bureau of Labor Statistics, 2004). Sylvia (1989) reports that the “uniformed services are the groups who have been the most successful in securing the right to bargain” (p. 109); although, state government employees, including public safety employees, have been the slowest public sector employees to organize and gain bargaining rights. The success of public sector unionization may be explained, at least in part, by certain structural advantages that facilitate public sector bargaining.

## **Differences Between Private Sector Unions and Public Sector Unions**

The dramatically different fortunes of public sector unions as compared with private sector unions demonstrate that it is overly simplistic to use analogies with private sector unions to explain those representing government employees. Public sector unions, and particularly public safety unions, have some distinct advantages over their private sector counterparts when it comes to bargaining.

First, there are few, if any, market forces to constrain government employers from acquiescing to union demands. As Wellington and Winter (1971, 1991) note, “the market does not discipline the union in the public sector to the extent that it does in the private” (p. 342). If private sector organizations agree to excessive union demands, there is a real possibility that such firms could go out of business, as is evidenced by the current necessity for some legacy airlines to obtain wage concessions from employee unions in order to avoid bankruptcy. Thus, private sector unions, unlike public sector unions, have a stake in the financial health of their employers in order to avoid market-imposed unemployment of their members. Government agencies, of course, usually don’t go out of business, and in times of fiscal stress, they are more likely to freeze hiring than to lay off employees. Moreover, fiscal restraint is less important to elected officials than to corporate executives. Politicians often have a short-term focus, a problem exacerbated by term limits, and are wont to simply increase spending, reasoning that it will be someone else’s problem when the bill comes due. Alternatively, policymakers can reallocate resources from politically less powerful constituencies to appease unions. Unfortunately, it is usually the most disadvantaged groups in society who suffer most in terms of diminished resources due to their lack of political influence.

In addition, there is a blurred distinction between labor and management in the public sector. The Taft-Hartley Act, which made private sector labor relations subject to federal regulation, among other things, excludes supervisors from the definition of *employee*, thus strengthening management in private firms (Sylvia, 1989). In the public sector, supervisors and managers, in some public safety organizations up to and including the chief executive, are often members of the union that represents

the rank and file, or are themselves unionized through labor organizations that represent supervisors. "Labor-management relations are adversarial processes" (Bouza, 1985, p. 241), a fact well-understood by union leaders and less well by many managers who fail to recognize the inherent contradiction of management membership in unions representing rank-and-file officers. Although the interest of management and the interest of labor are fundamentally different, the self-interest of unionized supervisors and managers is often intertwined with the self-interest of the rank-and-file officers providing little incentive for supervisors and managers to put the organization or the public first. As Sylvia (1989) claims, the inclusion of supervisors and managers in the bargaining unit may simply be inconsistent with the public interest. Even if not members of the union themselves, managers are likely to be more sympathetic to the demands of employees for increases in wages, benefits, and quality of working conditions when their own compensation and welfare is tied to that of their employees.

Lastly, and perhaps most important, is the fact that the primary context of public sector bargaining is political (Juris & Feuille, 1973). There are several implications of this characteristic. To begin with, administration in the public sector is fragmented because power is fragmented in the system. Unions may deal with negotiating committees, agency chief executives, human resource administrators, budget officials, city or county managers, and elected officials, most of whom are not authorized to unilaterally commit the jurisdiction to contract terms. Moreover, the political system provides unions with multiple points of access. If not as successful in negotiations as they would like, unions can attempt to pressure the jurisdiction's chief executive or legislators to intervene:

The argument is made that bilateral collective bargaining with a political overlay gives the police union an inordinate amount of power relative to the city: not only may the union engage in bargaining, it may leverage its bargaining with political power or engage in political activity to achieve goals denied them at the bargaining table. (Juris & Feuille, 1973, p. 177)

Unions are often not satisfied with merely negotiating. Burpo et al. (1997) view collective bargaining as inadequate per se because "it results in lukewarm negotiations, mediocre wage and benefit offers by public employers, and oftentimes, mediocre settlements mandated by third-party neutral impasse procedures" (p. 126). Furthermore, in their view of the government process, rational decisionmaking is largely a myth:

Unfortunately, the real world does not find an abundance of principled management negotiators and public leaders—decisions are more often than not made on the basis of trade-off, *quid pro quos*, business and political relationships, and other factors totally unrelated to sound public policy. (Burpo et al., 1997, p. 126)

Another aspect of the political environment in which public safety unions exist concerns the relationship of chief administrators to unions. Particularly in the case of public safety agencies, directors, commissioners, and chiefs have a strong incentive to be accommodating to unions. Chief administrators have often risen through the ranks to the top of the organization, establishing relationships with many agency employees and in general identifying with rank-and-file personnel. Rising through

the ranks, the chief administrator may have acquired some “baggage” along the way, compromising the administrator’s ability to claim the high ground in dealing with employees. For these reasons, unions often prefer inside candidates for the top job and object to the recruitment of chiefs from outside the agency. Even in the case of politically appointed chief administrators, the degree to which the chief supports the union may be seen by the employees as a loyalty test (Juris & Feuille, 1973). A chief who fails this test may face obstruction of his or her policies by employees and, in some cases, may face no confidence votes by the union, a tactic designed to publicly embarrass the chief and perhaps generate political pressure for the chief’s replacement. Chiefs must possess a good deal of moral courage to prioritize the public interest over that of a militant union.

Chief executives may also use unions to bring political pressure on elected officials to win support for budget requests or to advance department legislative goals (Clear & Cole, 1997). While such a political tactic may be effective in the short-term, it is likely that the union will expect reciprocity from the chief by supporting and lobbying for the union’s agenda. Both circumstances—support of the union in order to win allegiance and avoid threats to tenure and enlisting the union as a political ally for department political objectives—create the possibility of co-optation, a situation in which management effectively absorbs the union as part of its decision-making process in order to maintain the viability of the organization (Rainey, 1991).

Public safety unions have advantages not shared with most other public sector unions. Law-and-order politics provides police and correctional officer unions with an important source of power (Juris & Feuille, 1973). The public is typically overwhelmingly supportive of public safety officers, subscribing to, for example, the “thin blue line” argument that only the police stand between the public and social chaos. Firefighters and police officers involved in the response to the terrorist attacks in New York City on September 11, 2001, have been widely perceived as true heroes, and other public safety employees throughout the county have benefited from a halo effect, further enhancing the negotiating positions of public safety unions.

In addition, public safety unions are not typically encumbered by identification with management common to many white collar government employees. “Professional” government employees, such as teachers and social workers, often are invested in the social worth of their professions and are more concerned with public policy issues than with bargaining over economic issues, reflecting the origins of some of these unions in professional organizations concerned with advancing the state of knowledge and practice in the field (Sylvia, 1989). Public safety employees are more akin to blue collar industrial workers who see management as an adversary and whose core concerns are “wages and benefits; job security; hiring, retention, promotion, and disciplinary processes; access to ‘good’ jobs, shifts, assignments, overtime, etc.; and regulation of work practices by rules” (Kelling & Kliesmet, 1996, p. 198).

These same structural conditions (including the absence of strong countervailing forces in the persons of principled managers) that provide public sector unions in general, and public safety unions in particular, with distinct advantages in their dealings with management, can adversely affect organizational effectiveness and eventually lead to serious fiscal problems for governments. A contemporary instance of a union whose power has rendered management ineffective and created serious

organizational problems is the California Correctional Peace Officers Association (CCPOA), the labor group representing correctional officers of the California Department of Corrections.

## **The Case of the California Correctional Peace Officers Association**

### **California Department of Corrections**

The California Department of Corrections (CDC) was established in 1944. In 1980, together with the California Youth Authority, Board of Corrections, Youth Authority Board, Board of Prison Terms, and Narcotic Addict Evaluation Authority, it was placed under the Youth and Adult Correctional Agency headed by an agency secretary who has no operational authority over these entities (Hickman, 2005). Since its inception 60 years ago, the CDC has grown to become the second largest adult state prison system in the United States with nearly 47,000 staff personnel, an inmate population of 164,000 inmates, and a growing annual operating budget of over \$5.7 billion surpassing the General Fund combined budget (\$5.1 billion) of the University of California System (\$2.7 billion) and the California State University System (\$2.4 billion) (Governor's Budget Summary, 2004-2005). Much of its growth has occurred during the past 15 years, and a primary reason for the growth can be attributed to the political influence of the CCPOA.

### **History of the CCPOA**

Founded in 1957, the CCPOA, was, in the 2 decades that followed, nothing more than an "old boy's club" (Maclean, 2002). It was not until 1980 when a little known correctional officer from Folsom Prison named Don Novey won the CCPOA presidency did the organization begin to change both in style and substance. Guided by his determination to improve the conventional image of prison guards as second-class citizens of law enforcement, Novey, during his 22-year reign, transformed the 2,000-member CCPOA into a 31,000-member organization, resulting in the most powerful, intimidating, and militant political force in the state (Petix, 1999) capable of setting the legislative agenda on public safety issues, influencing election outcomes for all three branches of the state government, affecting the selection of prison wardens, and hampering efforts at prison reform (Maclean, 2002). Few politicians or corrections officials, including members of the union, dare to question, much less oppose, the CCPOA's wishes, and those who do are almost certain to see their political or professional careers come to an abrupt end (Maclean, 2002; Moran, 2004a).

The rapid rise to power of the CCPOA under the stewardship of Novey did not happen overnight; it took both skills and tactical know-how. After taking over the helm of the union, Novey introduced a master plan aimed at overhauling the administrative design of the organization. He restructured the union into labor, legislative, and legal divisions, and in his words, "then we wrapped the bacon around it" ("Guardians of the Guards," 1997, p. 3). He formed alliances with other political donors and gained control of at least seven state and federal political action committees (Moran, 2004b). He involved the union in public causes such as Boys & Girls Club and Special Olympics. To expand the union's legislative influence, Novey formed a coalition with the families of crime victims in 1991. Together, they have launched fruitful campaigns for longer prison terms

for certain convicted criminals, the passage of Proposition 184 (the three-strike initiative), and other corrections issues (Maclean, 2002). This, in turn, has led to an unprecedented boom in prison construction, from 13 institutions in 1985 to 33 in 2004, in order to house the rapidly increasing inmate population, many of whom are serving lengthy sentences (Maclean, 2002; Thompson, 2004). The price tag for these get-tough-on-crime initiatives is a hefty \$5 billion construction cost and an annual operating budget for the California Department of Corrections that reflects a 600% increase since 1985 (Maclean, 2002), and there is no end in sight to this out-of-control spending trend.

## **Political Activity**

The single most effective tool the CCPOA has used in the acquisition of influence in California politics has been money generated from its membership dues, currently at \$22 million per year of which \$7 million is spent on a variety of political causes (Clough, 2004; Moran, 2004a). In each election, local and state, the CCPOA, through its local political action committees, contributes anywhere from thousands to millions to candidates, Republicans and Democrats alike, who are sympathetic toward its causes. In the last decade alone, the union has spent in excess of \$14 million on direct state elections though the actual figure may be even higher (Moran, 2004b). Those politicians who show special support for the union often receive special recognition. When John Burton, the former Democratic Senate leader turned 70 in 2002, Novey wrote him a campaign check in the amount of \$70,000 as a birthday gift (Moran, 2004b). Since 1994, the union had given Burton nearly \$1 million in direct and indirect campaign contributions (Moran, 2004b). In appreciation of the support that Novey had given him, Burton used his position as chairman of the Senate Rules Committee to appoint Novey to the Unemployment Insurance Appeals Board, which meets once a month and pays each of its members \$114,180 a year (Moran, 2004b).

Although the union is eager to spend millions to support friendly politicians, it is equally willing to spend millions to punish those who cross it. As early as the early 1990s, the CCPOA boldly published an enemy list on a poster that proclaimed, "Felons Aren't the Only Bad Guys You're Up Against" (Maclean, 2002). On the list were Senators Richard Polanco (D-Los Angeles) and John Vasconcellos (D-San Jose), both critics of the union influence on guard brutality and prison management (Maclean, 2002). In another case, Republican Assemblyman Phil Wyman of Lancaster, an advocate for private prisons, lost to Sharon Runner in the primary after the CCPOA spent \$260,000 on her campaign (Delsohn, 2002). In Del Norte County, the district attorney resigned after the CCPOA discredited him in his 1998 reelection campaign (Maclean, 2002). More recently, the union has begun to endorse and support its members for political offices such as the 2002 election of Assemblyman Rudy Bermudez (D-Norwalk), a former state parole officer and union member (Moran, 2004b).

While the union has spent millions on the elections of state legislators, some of the largest contributions have been made to winners of gubernatorial races. In his 1990 quest for the governorship, Pete Wilson received \$1 million from the union and another \$500,000 for his 1994 reelection bid ("Guardians of the Guards," 1997). For both of his races for the governorship, Gray Davis received a total of \$3.4 million from the CCPOA (Clough, 2004).

In addition to campaign contributions, the CCPOA has also bankrolled other politically friendly activities, such as the legislative retreat at a beach resort in Maui in 2003 for members of the legislature (*State Prisons'*, 2003). When asked about the retreat, Republican Senator Jim Battin of La Quinta said it was merely "an organized opportunity for legislators to get away in a relaxed and informal atmosphere" (*State Prisons'*, 2003, p. 1). During the trial of eight correctional officers accused of staging "blood sport" fights between inmates in 1994 at the Corcoran State Prison, the CCPOA financed an infomercial depicting the tough working conditions at Corcoran. All eight officers were acquitted, and some jurors attended a party held for the defendants immediately after the jury verdict (Maclean, 2002).

## **Political Influences**

### ***Negotiations of Wage/Benefits***

The generous CCPOA contributions to each gubernatorial race winner have yielded fruitful results. The \$1.5 million contributions to the Wilson campaigns earned union members an 11% pay raise on his way out of office in 1998 (Moran, 2004a). The \$3.4 million given to Gray Davis produced an unprecedented 5-year contract that gave correctional officers a 37% pay hike over the duration of the contract along with a liberal sick leave policy and the best correctional retirement system anywhere in the nation (3% for each year of service at age 50 up to 90% of the highest earning year) at a time when the state is experiencing the worst financial crisis in its history (Thompson, 2004a). Despite tough talk by Governor Arnold Schwarzenegger to stop a scheduled 11.6% pay increase effective July 1, 2004, the union flexed its muscles and received a 15% pay raise on the condition that the raise would be dispersed in three increments. At the conclusion of the current contract June 30, 2006, a prison guard with a high school diploma will make more than \$73,000 without overtime (the same as a top step tenured full professor at California State University with a PhD and a stellar publication record), a 400% increase when compared to the average annual salary of \$14,400 in 1980 (Moran, 2004b). Compared to members of 20 other state employee unions who have received an average of 13% to 18% between July 1, 1998, and July 1, 2004, correctional officers have already received a 31.1% pay increase, more than the 29.8% awarded to the California Highway Patrol officers, during the same period (Moran, 2004b). This contract, along with a host of other CDC issues, has become the subject of intense public scrutiny and legislative investigations. Praising a state senate inquiry into the union's influence as "an act of political bravery," UC Berkeley political scientist Bruce Cain calls the CDC contract "one of the great scandals of California politics" (Fausset & Warren, 2004, p. 2).

### **Influence on the Legislature**

The financial support the union has provided to both parties in the legislature has produced huge political payoffs. Republicans have customarily opposed bills benefiting unions, but 87% have voted for the last four guard contracts at an 87% approval rate, while 88% of Democrats voted in the affirmative for those bills (Moran, 2004b). Despite the huge controversy the current contract has generated, it won a near unanimous vote in both houses of the legislature. The following table clearly illustrates the correlation between union contributions and legislative support of union interests.

## Union Contributions and Legislative Support of Union Bills (Since 1994)

Legislator	Party	District	Donations	Voting Record				Current Contract
				Total	Yes	No	Abstained	
Sen. John Burton	D	San Francisco	\$918,231	38	32	1	5	Yes
Sen. Jim Brulte	R	Rancho Cucamonga	\$317,240	38	32	2	4	Abs.
Sen. Tom Torlakson	D	Cathedral City	\$220,500	24	23	0	1	Yes
Ass. Bonnie Garcia	R	Cathedral City	\$210,894	1	1	0	0	Not in
Ass. Sharon Runner	R	Lancaster	\$209,147	1	1	0	0	Not in
Ass. Elaine Alquist	D	San Jose	\$192,193	23	23	0	0	Yes
Sen. Bob Margett	R	Arcadia	\$178,000	28	25	3	0	Yes
Sen. Jim Battin	R	La Quinta	\$165,200	25	27	1	0	Yes
Ass. Jose Simitian	D	Palo Alto	\$158,960	6	5	1	0	Yes
Ass. Barbara Matthews	D	Tracy	\$117,000	6	6	0	0	Yes
Ass. Carole Migden	D	San Francisco	\$104,000	26	22	3	1	Yes
Sen. Dede Alpert	D	San Diego	\$101,500	38	36	0	2	Yes
Sen. Sheila Kuehl	D	Santa Monica	\$95,000	28	25	1	2	Yes
Sen. Jack Scott	D	Altadena	\$92,000	26	26	0	0	Yes
Sen. Don Perata	D	Oakland	\$86,900	24	23	0	1	Yes
Sen. John Vasconcellos	D	Santa Clara	\$1,500	38	28	0	10	Abs.
Sen. Jackie Speier	D	Hillsborough	\$1,000	34	28	1	5	Yes
Sen. Tom McClintock	R	Thousand Oaks	\$0	24	8	13	3	No

Source: Moran, D. (2004b). Guards union spreads its wealth, *Los Angeles Times*. Available online at [www.latimes.com/la-me-prison20may20,1,3757056.story](http://www.latimes.com/la-me-prison20may20,1,3757056.story)

The enormous influence the CCPOA has on the legislature is crystal clear. Even those who disparage the union rarely dare do so publicly. State Senator Jackie Speier, who is holding oversight hearings on the CDC along with Senator Gloria Romero, learned first-hand that crossing the union means risking one's political future. Speier has been labeled by the union as having "crossed the line" because of her criticism of the abuse of the union in relation to guard brutality and mismanagement of the CDC—bad news for someone contemplating running for statewide office in 2006 (Moran, 2004a). In the words of campaign consultant Darry Sragow, who represents Assembly Democrats, "It is great to have CCPOA on your side. If you can't get them on your side, it is imperative that they not be on the other side. . . . Try not to get in their face" because the union has become, as Robert Stern, head of the nonprofit Center for Governmental Studies in Los Angeles observes, "untouchable" (Moran, 2004a). Robert Waste, a professor of public policy at California State University, Sacramento sums up the power of the CCPOA this way: "They are a third rail. It is you oppose them and you die!" (Halper & Warren, 2004).

### **Role in Institutional Management**

The political power that the CCPOA has acquired, particularly with the passage of the current labor contract, has produced many severe problems in the area of internal organizational management specifically with respect to the selection of top prison administrators (i.e., wardens), employee discipline, work assignments, and work assignment and use of sick leave and overtime.



## ***Warden Selection***

The union controls who become wardens. State Senator Richard Polanco (D-Los Angeles), chairman of the Legislature's Joint Committee on Prison Construction and Operations remarked, "It doesn't surprise me they can block appointments. . . . More and more you are seeing wardens who want the job employing whatever strategy they need" to win union approval (Maclean, 2002). The end result, as testified by former Inspector General Steve White before the senate oversight committee of Senator Speier, is the existence of a "vacuum of leadership" in the CDC that has allowed the union to exert extraordinary influence over everything. . . . to include how the prison is run (Maclean, 2002; Warren, 2004c). Speaking on the condition of anonymity, a high-ranking CDC official described the union's role in the CDC management this way: "They dictate basically every move any warden that I have ever associated with makes. . . . There is not a policy at the local or headquarters level that isn't reviewed by the CCPOA. . . . It hampers the managers' ability to run the prisons efficiently" (Moran, 2004a). Catherine Campbell, a Fresno lawyer who has represented hundreds of female prisoners in sexual abuse cases against guards agrees that "the CCOPA does everything it can, and it can do about anything, to stop oversight, supervision, and discipline of staff" (Petix, 1999). Not surprisingly, many wardens are afraid to do their job and in some cases, find it easier to simply turn a blind eye on things, including officer misconduct.

## ***Employee Discipline***

Officer misconduct is not unique to the CDC. It is the manner in which such misconduct is handled that has brought this problem to the forefront of the list of challenges facing CDC. Shielded by what a federal court investigator calls a "code of silence" that is condoned by the union as well as the highest level of management within the CDC, officer misconduct, including guard brutality, sexual abuse of inmates, and killing of inmates, is committed more frequently and in larger volume than any other prison system in the nation. For instance, between 1989 and 1994, officers in California prisons killed more than 30 inmates while only six inmates were killed in the rest of the nation's prisons, five of whom were killed while attempting to escape (Maclean, 2002). Likewise, countless sexual assaults against female prisoners and other instances of misconduct go unacknowledged, unresolved, or unpunished (Clough, 2004; Warren, 2004c).

In cases in which an act of misconduct is reported, the union takes a militant approach to protecting the accused. Would-be investigators of officer misconduct quickly encounter the union's 23 full-time attorneys and a staff of 15 support personnel (Maclean, 2002; "State Prisons," 2003). When interviewed by investigators, witnesses would either refuse to talk or give false information in favor of the accused officer(s) as was in the case of a dialysis patient inmate who bled to death in his cell after having screamed for help for hours and was ignored by officers on Super Bowl Sunday at the Corcoran State Prison. Only 12 of the 50 officers would talk to investigators about the incident ("Prison Guard Abuse," 2003; Thompson, 2004c). In a separate investigation into the beating of two youths at a youth facility in Stockton, all four witnesses gave false information to the investigators ("Prison Guard Abuse," 2003). This "code of silence," admitted Secretary Roderick Q. Hickman of the Youth and Adult Correctional Agency, has created "an environment where people will turn a blind eye" to misconduct (Warren, 2004c). For those who are brave enough

to challenge the status quo, the consequences are severe and swift. D. J. Vodicka, a well-decorated officer who blew the whistle on what was known as the “Green Gang” at Salinas Valley State Prison became the subject of immediate retaliation and had to request a transfer to another prison in fear for his life (Arax, 2004) because a memo he wrote to the warden was leaked to the guards by a captain (Arax, 2004). In a subsequent incident, Lieutenant Greg Lewis reported to the warden that some members of the Green Gang brought knives into the prison to award officers who had recently been promoted (Arax, 2004). The warden flatly refused to deal with the complaint. Eventually, Lewis got the attention of Internal Affairs only to see an investigator appear at the prison accompanied by a union representative to make sure that no one would talk about the case (Arax, 2004). Lieutenant Sam Cox, who refused to erase a videotape of guards beating inmates at Folsom after being ordered to do so by his superior, was demoted and transferred to another unit by the warden after he complained to her (Arax, 2004). The worst tragedy involved Captain Evette Pieper who was demoted by the warden at Folsom after blowing the whistle on an associate warden who was responsible for a riot that could have been prevented (Arax, 2004). Haunted by guilt and frustration, Pieper committed suicide one year later.

While the “code of silence” is primarily responsible for the frequency and severity of officer misconduct, an equally important factor is the lack of will or courage on the part of CDC management to deal with this problem. Former Inspector General Steve W. White (2001) found that the CDC had blown the one-year statute of limitations for disciplinary action in more than 40% of the cases sampled. What is worse, the union’s influence over disciplinary matters goes directly to the top. Former Director of Corrections Edward S. Alameida, who rose through the ranks, resigned in 2003 after Special Master John Hagar threatened contempt charges against him for shelving a perjury investigation (lying in court to protect abusive officers) of two guards after receiving a phone call from the union (Warren, 2004a).

### ***Work Assignment, Sick Leave, and Overtime***

The new contract signed by former Governor Gray Davis stipulates that 70% of the work assignments and overtime for correctional officers are to be based on seniority (Benson & Delsohn, 2004). The same agreement, negotiated on behalf of CDC by the Department of Personnel Administration, also liberalizes the policy on sick leave by removing the tracking system designed to prevent abuse. In the first year of the contract, officers claimed 500,000 more hours (a 27% increase) in sick leave than in the previous year (Chorneau, 2003; Moran, 2004a).

As claims for sick leave rise, so too does the need for overtime. In all, annual costs for overtime at CDC have tripled during the past 6 years (Benson & Delsohn, 2004). Records provided by the state controller reveal that in 2002, more than 110 prison guards used overtime to make more than \$100,000 while one made \$145,000, more than the annual salaries of the Director of Corrections or the Secretary of the Youth and Adult Correctional Agency (Benson & Delsohn, 2004). Elsewhere, an audit by the Inspector General shows that one investigator in the Bakersfield office of the Office of Investigative Services was paid more than \$160,000 in 2000 of which \$81,940 for working 1,572.5 overtime hours despite the fact that her case load was the same as any other agent in the office (White, 2001). All together, CDC officers earned over \$200 million in overtime in 2002 (Benson & Delsohn, 2004). Along with other cost

overruns, the CDC has overspent its budget by more than \$1.6 billion since 1999 (Thompson, 2004a, 2004b). In the words of Senator Speier, CDC has become an “out-of-control spending machine” and will “spend it however they want” (Halper & Warren, 2004; Rabin, 2004). Testimonial to this claim is the discovery of 1,000 new officers the prison system has recently hired (at the urging of the union) without proper legislative authorization or budgeted funds (Rabin, 2004).

## **Consequences of Union Influence**

The awesome power CCPOA has over all three branches of the state government has produced far-reaching and catastrophic consequences. In January 1995 at the conclusion of the *Madrid v. Gomez* [(ND Cal) 889 F Supp 1146, 1255] trial, Federal Judge Thelton E. Henderson of San Francisco placed Pelican Bay State Prison under the federal mastership of John Hagar citing “a pattern of needless and officially sanctioned brutality” against inmates as the reason. In a 78-page report to Judge Henderson in 2003, Hagar lashed out at top CDC officials for yielding to union pressure to not discipline officers who attack inmates or engage in other misconduct (Warren, 2004a). In response, Judge Henderson has threatened CDC with federal receivership (Warren, 2004d). Meanwhile, CCPOA remains an 800-pound gorilla roaming freely through the halls of the CDC doing whatever it wishes however it pleases. Although calls for reform have been made from the governor to the legislature, few efforts, including a number of recently proposed bills designed to limit union influence over CDC internal operations, have succeeded in the face of union opposition (Another view: Prison reform, 2004). Dan Macallair, executive director of the Center on Juvenile and Criminal Justice in San Francisco puts it best: “I’m afraid the corruption is so deeply entrenched that neither the governor nor the legislature can fix the prison system. The biggest problem is the union” (“Another View,” 2004, p. 1).

## **Conclusion**

The case of the California Correctional Peace Officers Association is a dramatic example of the deleterious consequences of a union grown too powerful and operating in a political system that preferences powerful special interests. The CCPOA experience, although certainly extreme, is unfortunately not unique.<sup>3</sup> As this case study shows, unions can be astute in capitalizing on the structural advantages provided them in the public sector, especially the acquisition and use of political power. When such political power is not countervailed by strong and courageous managers and elected leaders, organizational effectiveness, and even public policy, can be adversely compromised.

The CCPOA has shown little concern with the overall effectiveness of the corrections department resulting in an organization with co-opted management and an organizational culture that prioritizes the interests of the union members over the public interest, and facilitates corruption and abuse. The power of the union also impacts state government by contributing to the state’s fiscal crisis and ineffective correctional policy.

The final chapter on the CCPOA remains to be written. The California governor has installed new management in the corrections department and its parent agency who have publicly acknowledged problems related to the union’s power, but these

are insiders, and it remains to be seen whether they are truly committed to reform and, if so, possess the courage and skills to accomplish needed change. Some elected leaders express outrage over the union's excesses, yet meaningful change has not yet been forthcoming. If CCPOA power continues unchecked, a dangerous model will be established for other public safety unions to emulate.

## Endnotes

- <sup>1</sup> Public safety unions include labor organizations that represent police officers, correctional officers, and firefighters. Firefighters, whose local unions are affiliated with a single national organization—the International Association of Fire Fighters—and who have generally had less tumultuous relations with their government employers than police and correctional officers, are not discussed in this article.
- <sup>2</sup> Burpo, DeLord, and Shannon (1997) note that the terms *unionization* and *collective bargaining* are not synonymous, as employees may be represented by a union but not be subject to a collective bargaining contract. The authors also note that the terminology of labor organizations vary: *union*, *association*, and *lodge* are common names for police labor organizations.
- <sup>3</sup> See Bouza (2001) for a description of the problems experienced in the Minneapolis Police Department because of the extraordinary political power of the police union.

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# Law Enforcement Standards: An Evolutionary Process

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The law enforcement profession first considered the concept of accreditation standards almost 4 decades ago. Since then, significant advancements have been made toward professionalizing law enforcement agencies and their personnel through the use of standards to guide and direct both management and operational strategies and activities. This article traces the development of law enforcement standards from the creation of the Commission on Accreditation for Law Enforcement Agencies (CALEA) in 1979 to its 2004 effort to upgrade the standards.

## The Early Years

During the 1970s, the International Association of Chiefs of Police (IACP) became the first official body to formally discuss the need for developing a body of national standards designed to improve police operations and the effectiveness of police organizations. Shortly after organizing early in that decade, the Police Executive Research Forum (PERF) voiced its support for professionalizing law enforcement by conducting research and providing direction and guidance to police executives in managing their agencies. As police executives of the IACP and PERF jointly discussed the development of standards that would strengthen the criminal justice system, the seed of law enforcement accreditation was planted.

The need to professionalize law enforcement had been discussed for many decades. Actions during the 1960s, however, had stimulated major change. Reports from several national commissions, such as the President's Commission on Law Enforcement and Administration of Justice in 1965 and the National Commission on Law Observance and Enforcement as far back as 1931, depicted law enforcement unfavorably due both to improper tactics used when responding to minority communities and the escalation of corruption issues. Each report reinforced the critical need to professionalize law enforcement by strengthening the education and training of police officers. Although none of these commissions specifically called for law enforcement accreditation, they laid the groundwork for future improvements in policing and the move toward accreditation.

The National Organization of Black Law Enforcement Executives (NOBLE) and the National Sheriffs' Association (NSA) subsequently joined IACP and PERF to create a formal law enforcement accreditation process. These organizations, along with support from many law enforcement executives and organizations throughout the country, founded CALEA in 1979. CALEA, a private, not-for-profit national commission, was the first organization in the United States to accredit law enforcement agencies formally. The founders of CALEA intended to avoid past mistakes and to instead build upon the knowledge and innovation that would improve American policing.

## **CALEA's Purpose and Goals**

Since its creation in 1979, CALEA remains the only national organization in the United States that is responsible for accrediting law enforcement agencies. CALEA's purpose is . . .

To improve delivery of law enforcement service by offering a body of standards developed by law enforcement practitioners covering a wide range of up-to-date law enforcement topics. It recognizes professional achievements by offering an orderly process for addressing and complying with applicable standards. (CALEA, 2000)

Many of CALEA's standards and goals are directly related to the *Report on Police* issued by the National Advisory Commission on Criminal Justice Standards and Goals in 1973. As found in the *CALEA Standards for Law Enforcement Agencies* (2001), the goals for law enforcement accreditation are to . . .

- Improve crime prevention and control capabilities.
- Formalize management procedures.
- Establish fair and nondiscriminatory personnel practices.
- Improve service delivery.
- Improve interagency cooperation and coordination.
- Increase confidence in the law enforcement agency.

To meet these goals, the organization's accreditation standards address six major topics:

1. Agency Role and Responsibilities
2. Organization and Administration
3. Personnel Administration
4. Operations and Support
5. Prisoner and Court-Related Issues
6. Auxiliary and Technical Services

Standards apply to a specific agency based on its law enforcement mission and size. Once they know the standards, an individual agency has considerable latitude to decide how best to meet them (CALEA, 2001).

## **Purpose of the Standards**

Within CALEA's six major topics, the standards apply to almost every facet of police operations, including use of force, pursuit, holding facilities, prisoner transportation, collection and preservation of evidence, crime analysis, victim and witness assistance, criminal investigations, traffic enforcement, recruitment, selection and training, internal affairs, and many others. The number of standards in each area varies, for instance 13 in use of force, 45 in holding facilities, and 14 in criminal investigations. It is significant that these standards focus on a member agency's key operations, management, and service-delivery issues that can be documented and evaluated, rather than on intangible elements, such as the openness of internal communications, management style, or camaraderie in an agency.

Accreditation standards define, guide, and control how police agencies conduct their business. Ultimately, every facet of law enforcement, from administration to personnel issues and delivery of service, is affected. For instance, standards govern minimum qualifications and specify selection criteria for police officers. Mandatory standards deal with life, health and safety issues, legal requirements, and essential police practices (Baker, 1995). An example of a mandatory standard is 1.3.1, which requires a written directive that personnel use only the force necessary to accomplish lawful objectives (CALEA, 2001). Other-Than-Mandatory standards deal with important or desirable law enforcement practices and exemplary activities (Baker, 1995). One nonmandatory standard, 11.5.2, determines whether an agency has a system for evaluating the progress made toward the attainment of its goals and objectives (CALEA, 2001).

## **The Standards Development Process**

More than 30 years ago, the four founding agencies accepted the responsibilities of developing CALEA standards that were unique to each of their missions and objectives. PERF focused on municipal police departments in communities that served populations between 100,000 and 500,000. NOBLE looked at all areas of police jurisdiction, including sheriffs, independent counties, and state police organizations, focusing on development, advancement, recruitment, and selection policies. The NSA directed its efforts exclusively toward the nation's sheriffs' departments.

IACP developed standards for those areas that were not covered by other groups in all jurisdictions as well as standards for topics such as community resources, employee relations, support services, and internal discipline. In addition, the IACP provided program coordination and administrative services. In the early concept-and-development stages of the accreditation program, the commission was named the Commission for Accreditation of Police Agencies (CAPA). This was changed to the Commission on Accreditation for Law Enforcement Agencies (CALEA) after the Law Enforcement Assistance Administration, which was funding the development process, requested that other notable organizations, such as NSA, NOBLE, and PERF, become involved (Bowman Dissertation, 2001).

## **Pilot Testing the Standards**

In 1983, CALEA announced the selection of five law enforcement departments to pilot test the law enforcement agency accreditation program. These pilot agencies were selected on the basis of their availability and willingness to accept and work with the standards. Consideration was also given to agency size and regional locations in order to broaden the experience base. Those pilot test sites were Elkhart County, Indiana, Sheriff's Department; Hayward, California, Police Department; Mt. Dora, Florida, Police Department; Elgin, Illinois, Police Department; and the Baltimore, Maryland, Police Department.

During a 5-month period, the pilot tests combined the standards for accreditation with the processes to apply the standards. These pilot tests evaluated how key components of the process worked in concert with the standards, the application procedures, self-measurement materials, and those processes that CALEA would use on-site to verify compliance with the standards.

Field tests followed the pilot testing. There were two main components of the field-test methodology:

1. A package of 1,012 standards was mailed to 56 agencies, along with appropriate cover documents requesting feedback. These agencies, located in the four main regions across the country, were chosen based on size and police function.
2. Additionally, mailings consisting of four chapters of standards and cover documents requesting feedback were mailed to between 240 and 820 agencies; the number of reviewing agencies was based on the standard topics included in each mailing. The goal for this testing component was that every chapter would be reviewed by at least 20 separate agencies (CALEA, 1985).

## **Alternative Funding Sources**

The National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation made an important decision in 1980 that also contributed to standards development. It awarded a grant to IACP earmarked for the research and development of traffic standards to be included in the accreditation program. NHTSA's interests were to develop standards that would govern the handling and management of traffic in law enforcement jurisdictions.

This unique working relationship between NHTSA and CALEA developed into an interagency agreement with the Law Enforcement Assistance Administration (LEAA), which was providing federal grant funding to underwrite the standards-development efforts of the IACP in the area of traffic. Standards relating to the control of traffic constituted a significant component of the accreditation process and heavily involved various interest groups such as the Northwestern University Traffic Institute and the NSA. NHTSA expanded the scope of their original funding to encompass projects that addressed performance measures for each standard as well as policies and guidelines for standards implementation. The goal was to provide a comprehensive model, along with supporting performance measures and policies and guidelines, for agencies seeking to implement police-traffic-services standards.

## **Former Editions of Standards**

More than 1,000 standards made up the first generation promulgated by CALEA; the second edition of the manual included 897 standards. CALEA recognized in the early 1990s that more small agencies needed to become involved in the accreditation process. Based on this awareness, 18 chiefs from small police departments conducted a survey to identify ways in which the accreditation process might attract a larger segment of the law enforcement community, especially agencies with fewer than 25 officers. The survey's findings, based on responses from 423 agencies in the accreditation process and 597 not in the process, reinforced the need for standards reform. The results also pointed to the need for a revised fee structure and for improved marketing to inform a wider audience of the availability and benefits of accreditation (CALEA, 2000).

The standards evolution process involved much more than a mere reduction in number. It incorporated a thoughtful and deliberate attempt to make the

accreditation process more attractive to the law enforcement community by streamlining the bureaucratic requirements that many thought were inherent in the design of the standards and the accreditation process itself. One of the primary goals at this time was to market the process actively to a larger population of agencies that otherwise would not have considered accreditation. Additionally, mounting evidence indicated that risk management and insurance companies were paying notice to accredited agencies, seen as lower risks since their policies and practices were based on nationally tested standards. For instance, the Intergovernmental Risk Management Agency (IRMA) for the state of Illinois reimburses an applying agency 50% of its application fee, thus offsetting some of that agency's accreditation expenses (Bowman, 2001).

While the small-agency review committee was conducting its study, CALEA was planning for dramatic changes that would address the accreditation program's most pressing problems. Issues such as CALEA's financial condition and the belief that fewer agencies were attracted to the process loomed as concerns for the commissioners. In terms of the standards, a major segment of the proposed changes included a one-year comprehensive review of the 897 second-edition standards. CALEA formed a 35-member standards review task force representing the diversity of law enforcement agencies in the United States and Canada. Several Canadian agencies had also been accredited, becoming role models for agencies in other foreign countries.

Every existing accreditation standard was scrutinized to ensure its substantive importance, relevance, and clarity. New standards were also considered. Nine months after launching its sweeping study, the task force presented its final report and recommended adoption of 436 revised standards. With its unanimous adoption of these recommendations, CALEA's board reduced the number of standards by more than 50% and eliminated additional paperwork by allowing compliance with some standards to be validated by observation rather than documentation (CALEA, 2000). These efforts were published and disseminated to the field in 1994 as the third edition of the standards manual.

## **The Contemporary Standards**

The third edition of *Standards for Law Enforcement Agencies* was met with great acceptance throughout the law enforcement community. This has been proven repeatedly as more smaller agencies enter the process and a greater number of accredited agencies remain in the process for reaccreditation. Streamlining the standards, which in part makes the process less rigid, was a significant attraction for many of the new agencies. For the first time since its inception, there was a stronger feeling among police executives and practitioners that CALEA and its standards had significant meaning and relevancy to daily policing practices and needs. This was particularly true for accredited agencies that were preparing for their on-site reaccreditation assessments.

In 1997, CALEA undertook another significant review process, leading to the fourth edition of *Standards for Law Enforcement Agencies*. The fourth-edition review was another rigorous process undertaken by a committee of 31 volunteers. They eliminated 11 standards, added 14 that dealt primarily with emerging technology

and computers, and then modified another 111. CALEA was well on its way to another comprehensive revision of its standards.

Based on some initial meetings in 2003, a focus group of 31 law enforcement practitioners concluded that significant changes should again be made so that the standards continue to reflect modern policing practices. The group also decided to seek clarification of some previous matters involving varying interpretations of several standards that were problematic to some agencies. This became another rigorous evaluation to ensure that the law enforcement profession would continue to benefit from contemporary standards addressing important and relevant issues. One such issue is civilianization, whereby nonsworn employees or new civilian workers can assume some important positions, such as call takers, in police organizations. It is unknown at the time of this writing exactly how many standards this CALEA focus group will produce. CALEA expects to disseminate the fifth edition of the standards to the field in 2005.

The new standards manual should continue to contribute to the professionalization of law enforcement by applying standards that will be contemporary in their design and will relate to a broader population of agencies. Issues such as civilianization in police departments and expanded roles of the police in community activities are being discussed as an impetus for the new standards to make a positive impact in this decade. More information from CALEA on specifics of the standards and their potential impact on the law enforcement community is anticipated in the near future.

## **Conclusion**

The CALEA standards development process has become an important part of the national and international accreditation program. It works toward assuring that law enforcement agencies of all types and sizes will be guided by the contemporary standards and state-of-the-art practices that are crucial to fulfilling CALEA's national standards and goals.

Since CALEA's inception in 1979, the organization has accredited almost 700 law enforcement agencies. The standards manual, which originally contained more than 1,000 standards has been refined to a document of about 450 standards that are highly relevant to the law enforcement profession. The standards review and development processes have included input from the field to capture the essence of law enforcement professionalism throughout the United States, Canada, and a few other countries. Many other police agencies have used the standards, even though they have not yet joined CALEA. Nevertheless, those agencies have increased their professionalism and have helped to insulate themselves from legal scrutiny and litigious accusations that have become increasingly common in American law enforcement. Additionally, more than 15 states have developed their own accrediting bodies, most of which have used the CALEA model to advance professionalism and increase their numbers of small and medium-sized agencies that otherwise might not have participated in the full national accreditation process.

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# The Twenty-First Century Detective

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## Introduction

Criminal investigators are a vital component of American law enforcement agencies. The skills required of investigators are constantly evolving as criminals discover new ways to victimize society. Investigators are helped and hindered by the ever-changing complexity of computers, science, technology, and an increasingly transient society. We examine the role of police investigators and how it has changed in recent years.

## Historical Overview

The basic function of a detective is to investigate, arrest suspects, convict perpetrators, and recover stolen property (Wilson, 1963). Many have traced the role of professionally paid detectives to Henry Field's Bow Street Runners of 1750 (Germann, Day, & Gallati, 1962; Grant & Terry, 2005; Wroblewski & Hess, 2003). Early detectives were seen as the solution to the growing crime problem, and by the 1890s, nearly all major cities in the United States had full-time detectives (Gilbert, 2004). Due to the efforts to reform policing in the 20th century, detectives are now viewed as the elite crime-fighters in police departments.

## The Investigator Within the Organization

New police officers commonly idealize their uniforms to have symbolic powers to "put away bad guys" and make the community safer. While the early years of a career can be very exciting, many officers soon seek the challenge of investigation. Trading the uniform for civilian clothes and more freedom are desirable aspects of the job of detective. There is often a great deal of prestige in being an investigator and solving crimes. Though studies (Block & Weidman, 1975) have demonstrated that most crimes are solved with information available to the first officers responding to the crime scene, police culture still credits investigators with crime solving.

Investigators enjoy many privileges not shared by uniformed officers. Investigators may receive more money (through higher wages, more overtime, and more and better allowances), better hours (day-time work schedules with holidays and weekends off), better working conditions (an office or personal desk, less direct supervision) along with higher status. As Sanders (1977) noted, . . .

Instead of having to wear a uniform and drive a black and white patrol car, the detectives could wear regular street clothes and drive in an unmarked . . . detective car. They were able to spend a good deal of time out of the office, away from direct supervision either by radio commands or by in-person orders. (p. 40)

The position of investigator may be only one step above that of patrolman, but it is a large step eagerly taken by many officers.

The media commonly romanticizes criminal investigators, and detectives become role models of effective policing. The public and officers alike revere the role of detectives. The level of status detectives acquire is often related to the crimes they investigate. Violent crime investigators often achieve the most status, and nearly all investigators receive some level of admiration except those who investigate the police themselves. Internal affairs investigators are often the pariahs of police agencies (Arnold, 1998).

The negative attitude of police officers toward internal affairs investigators is curious because the purpose of such units is to protect the reputation of the police department (Wilson, 1963). Allegations of corruption can devastate relations between the police and public and threaten the integrity of the criminal justice system (Conditt, 2001); therefore, the police need to be proactive and transparent in ferreting out any signs of wrongdoing (Walker, 2001; Wilson, 1963).

No one enjoys being the target of an investigation, so it is understandable that officers seldom embrace their colleagues in internal affairs. Though police reformer O. W. Wilson (1963) favored undercover investigations within the department to reveal wrongdoing, much of the criticism leveled at internal affairs investigators has targeted their secretive tactics (Thibault, Lynch, & McBride, 2004) or their inadequate or hostile response to all involved (Walker, 2001).

Staffing internal affairs units is a frequent concern with many units suffering excessive caseloads and understaffing (Walker, 2001). This is a particular burden for small agencies with family atmospheres (Kelly, 2003) or that lack the resources to conduct internal investigations (Courtney, 1996). In the 1990s, the Michigan Sheriff's Association moved to alleviate this problem by training sheriff's deputies throughout the state to conduct internal investigations and incorporating officers from various agencies into temporary teams to investigate internal affairs matters as needed.

Internal affairs investigators aside, most detectives do benefit from the esteem afforded their positions. The high status of the investigator has changed little in recent years. Once the position and status is acquired, however, officers face new problems. Departmental dynamics can make being an investigator very trying. Though many officers seek assignment to investigative positions, not all investigators are admired by their peers. Officers remaining in the patrol division sometimes resent the status given to investigators, their ability to take over important cases, or the manner in which some investigators operate.

Captain Kevin Mayes is a 25-year veteran of the Terre Haute, Indiana, Police Department. He noted that much of the conflict between patrol officers and investigators results from job functions and not animosity from investigators taking over cases (Kevin Mayes, personal communication, April 4, 2004). Mayes says that much of the tension between patrol officers and investigators stems from changes in status. Some officers become irritated upon receiving a memo from someone who once worked along side them. He believes most officers prefer face-to-face contact with their former peers rather than written missives. Captain Mayes feels that if

investigators are sensitive to the situation, peace and harmony can be maintained and the flow of information will not be diminished by ill feelings.

Upon promotion to an investigative assignment, officers need to adjust to their new roles as well as maintain good relations with patrol officers. The "take charge attitude" they may have found successful in patrol might not serve as well for investigation. Quiet observation at a crime scene rather than blowing in and shouting orders is the better demeanor for an investigator (Sanders, 1977).

The process for becoming a detective has become more formal and open. The patronage common in an earlier era is much less likely today. Promotion or assignment to investigations can involve a complicated point system or promotional process. Captain Mayes notes that police officers used to be men who were willing to use their nightstick liberally. Today, men and women alike are "graded" every 6 months with an all-inclusive evaluation of the level of professionalism in their work. Only after an officer acquires the proscribed number of evaluation points, and only when a position is available, can one move into an investigative assignment (Mayes, 2004).

Officers commonly advance through the rank system in progressive steps. This ensures that those promoted have the necessary background and skills for their new positions. Mayes says, "It is very rare for one to skip from the patrol unit and become an investigative lieutenant. This differs from years past when the captain's cousin's son was promoted. Politics have not completely been abolished from the promotion system, but promotions are now based on more than 'who you know.'"

Some may not find the assignment to investigation as desirable as they had hoped. The work ethic has changed in recent years says Lieutenant Thomas Greene, a 20-year veteran and chief of detectives for the Bay City, Michigan, Police Department. "It is sometimes difficult to get people to get put in a full week. Some want the money, but they don't want to be here," said Greene (Thomas Greene, personal communication, May 26, 2004). Managing investigators can be challenging.

## **Community Attitudes Toward Police and Investigators**

Much has changed for the police in the past 20 years. Technology and the media have spurred many of these changes. The workforce is more diverse with women and minorities making substantial gains. According to Captain Mayes, this has led to more females in higher-ranking positions (e.g., investigators) as they make their way up the hierarchy of the police department.

Social attitudes toward some crimes have changed. The crime of rape is a good example of how attitudes and the law have changed. Women used to hide their victimization in shame. Since the 1980s, police have . . .

. . . reappraised their thinking in four areas: the nature of the crime; the status of the victim, her rights, and her role in the process of the investigation; the function of the police investigator in relation to other agencies of society; and the duty of police to reassure the public that police attitudes and training are adequate in the light of re-evaluation of these other areas. (Blair, 1985, p. 65)

As police and society have shown more empathy toward rape victims, victims have responded by increased reporting of the crime.

An example from a criminology class demonstrates social attitude toward crimes. The professor handed out a transcript for students to read aloud. It detailed the robbery of a businessman who was wearing a nice suit, jewelry, and an expensive watch. During the trial, the prosecutor blamed the victim for the robbery because he was wearing nice clothes and jewelry (he was asking to be robbed) and he cooperated with the robber (because he gave up his money). Students found the prosecutor's comments absurd and assumed he was joking. "Of course you would surrender your money if someone threatened you!" students said. The professor then compared the prosecutor's ridiculous statements to how rape cases might be handled. The victim is blamed for where she was, what she was wearing, and cooperating rather than fighting the assailant. The comparison highlighted social attitudes toward the crime of rape and made an impression on the students.

Social movements such as women's rights and victims' rights have given voice to rape victims and changed our views of this crime. It is "clear that a change has occurred" in how the police handle rape cases (Blair, 1985, p. 65). Society once blamed the victim rather than considering her plight. This change in perception affects how investigators handle cases. Better-educated officers and prosecutors now rely more on physical evidence and advances in forensic science. Interview techniques no longer emphasize an emotionless style; they are more compassionate and recognize the interviewer's need to develop trust to overcome the trauma the victim has suffered (Bennett & Hess, 2001; Lyman, 2002).

Understanding of the motivation for these crimes has also changed. Rape is no longer seen as a sexually motivated crime but as an act of power and aggression (Blair, 1985). The training now available to officers for handling sexual assault interviews was not common 20 years ago. Police are better at assisting victims and reducing further trauma. Though rape continues to be an under-reported crime, it is more commonly reported today than it was in the past.

One of the more obvious changes in the past 2 decades has been community policing. Its impact on investigation is mixed principally because the concept lacks a universally accepted definition (Flynn, 1998; Oliver, 2000; Thurman, Bogen, & Giacomazzi, 1993) to guide its implementation and judge its success. The amount of research conducted on the role of investigators and community policing has increased only marginally since this deficiency was reported by Eck in the late 1980s (Eck, 1987). Scholars have warned that detectives are likely to feel threatened by changes associated with community policing and resist efforts to implement it (Kelling & Bratton, 1993; Meese & Kurtz, 1993; Sparrow, 1988). Singh (2001) found a taskforce approach to investigations with a close partnership between investigators and community policing officers to be very effective, but sometimes at the expense of losing detectives who would not adjust to it.

Captain Mayes does not feel that the community has changed much since he became an investigator in 1980. He sees little difference in the public's cooperation with the police. He noted, however, that the police are more visible, and the public is more aware of police practices. This he believes has resulted in smarter criminals (Mayes, 2004).

Lieutenant Greene (2004) also believes the job has become more difficult. Because of budgetary constraints, "we have fewer police officers. They want more service with fewer officers." Greene observes that "younger offenders are much more violent."

At the same time, "It is difficult to get anyone locked up. All the jails and prisons are full. We have monthly meetings with corrections officials to discuss alternatives to locking up offenders," said Greene.

## Two Decades of Technology

When looking at the role of investigator over the last 20 years, one of the most obvious changes is technology. While detectives in the 1980s had limited computer access, computers are now common throughout the department, from patrol cars to captains' desks. Detective McCoy, a private investigator and former member of the Terre Haute Police Department with 20 years' service, observes that the laptop computers officers have today were not available when he started his policing career (G. McCoy, personal communication, April 4, 2004).

Captain Kevin Mayes agrees and adds that when he investigated crimes in the past, he spent more time talking to other officers about suspects than searching department records. It was much faster to "get on the horn and talk to other officers than to rifle through the index cards to get information on John Doe. We remembered suspects; we knew them by name and recognized them on the street," Mayes notes. Now, computerized databases access extensive information about a suspect and share information among different jurisdictions. The databases for missing people, stolen property, and so many other crimes connect most of the country and much of the world. These databases have become a necessity as criminals have become more mobile.

Policing technology has had to keep up with more sophisticated and transient criminals. In the past, officers relied on previous encounters with criminals to develop suspects. Today, criminals find it easy to move in and out of an investigator's jurisdiction. A criminal can make "a score" in the morning and be across the country for dinner. Captain Mayes and Detective McCoy recall flying to California to interview a witness about a suspect's alibi for a murder in Terre Haute, Indiana. They did not have cases like that in their early years as investigators. Both feel that criminals are expanding their circles, becoming more sophisticated, and networking better. In turn, police need to do the same.

The networking of criminals is exemplified by their use of the Internet. There are chat rooms, e-mail, and instant message possibilities that have complicated the task for investigators trying to solve crimes. Twenty years ago, the Internet was in its infancy. Today, the Internet is in every classroom, and some students attend virtual universities. It has been a boon to both legitimate business and criminal enterprises. The prolific use of the Internet by children raises security and privacy issues. The Internet has opened the doors for criminals to form networks and plan crimes across municipal, state, and national boundaries, and it has spawned crimes such as Internet pornography, stalking, identity theft, computer virus distribution, fraud, and security concerns that were not a problem 20 years ago. Today, some investigators are assigned specifically to Internet crime.

Internet crime is typified by the e-mail purportedly from a gentleman in Africa who needs help transferring a large sum of money. He claims that corruption in the government or banking system threatens all his assets. He asks permission to deposit a large sum of money into the recipient's bank account, and for helping to save his fortune, the recipient may keep a sizable portion of the money deposited. Obviously, this is a scam to get one's bank account number. The sender never makes a deposit; he simply withdraws whatever money is in the account. Unfortunately, some people are taken by this story. The Internet provides new opportunities for such con games.

The rise in technology has also made police activities more visible to the public. The beating of Rodney King is just one example of how technology has been used to shape public attitudes of police practices. Today, many people have video cameras and are ready to record any incident. Captain Mayes noted that the police turned to other methods to handle uncooperative suspects, such as pepper spray and pressure point holds rather than using nightsticks, after the Rodney King incident.

Video cameras are also in patrol cars. Many cars have video surveillance to protect officers and citizens, as well as to record evidence for court. As we have seen in the instant replay of sporting events, video cameras can record things the human eye may miss in a chaotic moment. Through technology, even poor-quality images can be "cleared up" to an amazing degree.

## **The Science of Investigation: The Rise of Forensics**

One of the first major advances in the identification sciences was fingerprinting. In 1858, William Herschel began using fingerprints to ensure "pensioners who had died were not being impersonated by others" (Innes, 2000, p. 112); however, the English anthropologist Sir Francis Galton was the first to develop a system of fingerprint classification in his book, *Finger Prints*, published in 1892 (Innes, 2000). Since then, fingerprint evidence has become common, and the techniques to develop latent prints have advanced significantly. Today, technicians using forensic light sources can locate fingerprints under circumstances thought impossible in the past (Saferstien, 2004).

A criminal's identity can also be obtained through blood and hair analysis. Blood and hair have been used to identify criminals for many years; however, advances in forensic science have greatly expanded their use in identification. Blood typing today is much more exacting, and hair provides a record of the chemicals an individual has ingested. Blood or hair follicles also provide genetic identification through DNA analysis (Saferstien, 2004).

The scientific advances made in the last 20 years are significant. From DNA alone, a person's genetic make-up, unique to everyone but identical twins, can be identified. Captain Mayes points out that . . .

Twenty years ago, your average police officer wouldn't have known anything about DNA. Today, it seems as though everyone knows about it. At a crime scene 20 years ago, our officers would know to collect a cigarette butt because 80% of the population are secretors and maybe we could get a blood type from the saliva. Today, with the same cigarette butt, we know who was smoking it.

Having recognized the importance of DNA evidence, investigators now need to ensure proper collection of evidence, adequate laboratory staff, and the facilities in which to analyze it.

Lieutenant Greene (2004) concurs and observes, "Collecting evidence is more difficult today. When I began my career, we did not have the concerns we have today of collecting DNA or the health hazard of HIV and hepatitis." Collecting biological evidence is more difficult and presents new health risks for investigators.

Television programs, such as *CSI (Crime Scene Investigation)*, have increased the awareness of forensic science to the public and police alike. On college campuses, more students and potential students are expressing interest in forensics and asking, "What do I have to do to be a crime scene investigator?"

This new awareness of forensic investigations can be seen in how prosecutors present cases in court. Recently, Sonia Leerkam, Prosecuting Attorney for Hamilton County, Indiana, and Lisa Borges, Chief Deputy Prosecuting Attorney for Marion County, Indiana, spoke of the issues they face in the court systems in the Indianapolis metropolitan area. They agreed that jurors accustomed to seeing elaborate forensic techniques on television are now expecting, if not demanding, to see them in criminal trials. Jurors are reluctant to convict when forensic evidence is missing from a case. Obviously, this places new demands on investigators not only to consider forensic analysis but also to deliver it in the courtroom.

While investigators express interest in forensic investigation, "not many officers want to do CSI work," observes Lieutenant Greene. Officers often find crime scene investigation very tedious and other investigative duties more rewarding.

The ability to link a criminal to a crime scene has made advances through improved identification of shoe prints, tire prints, trace evidence, tool marks, bullets, and shell casings. Trace evidence analysis is an expanding area of expertise. Over 20 years ago, Wayne Williams was convicted of the Atlanta child murders based on analysis of fibers. "Perhaps in no other major case was the collection and analysis of fiber evidence as critical to a successful prosecution as it was in the Wayne Williams trial" (Nickell & Fischer, 1999, p. 81, Also see Saferstien, 2004). Further advances are expected, and investigators will need to keep pace.

The computer itself can now be a source of evidence. Collecting information from a computer's hard drive, tracing activity, or recovering deleted files can challenge investigators. Unfortunately, the expertise to collect such evidence is not readily available in many police departments. "We send our computer crime cases to experts outside the department for analysis. We do have one officer interested in developing the expertise, but we cannot currently afford the expense of training and equipping him," says Lieutenant Greene. It is likely that the need for such analysis will continue to grow.

Profiling is another technique that has developed in recent years. Though there are many forms of profiling, crime scene profiling is the type most familiar to police. Working from the assumption that the crime scene reflects the personality of the perpetrator (Holmes, 1998), profilers have applied their skills to a wide variety of serial crimes. Focusing on descriptions, crime scene photographs, the offender's



behavior, physical evidence, and victim information, the profiler attempts to determine likely characteristics of the offender (Hickey, 2002; O'Toole, 1999). The purpose of profiling is often misunderstood. Profiles are meant to help investigators focus on a range of suspects rather than to identify an individual suspect (Fox & Levin, 1998). After much notoriety and optimistic claims in the 1980s and early 1990s, crime scene profiling is now another tool available to the investigator.

Geographic profiling, also known as crime mapping, combines geography and environmental criminology to connect offenders to their hunting grounds (Hickey, 2002). Though plotting crime on maps dates back to 1900, today's mapping programs can put data in more meaningful forms that allow the maps to speak for themselves (Harries, 1999). Using Routine Activity Theory and sophisticated computer modeling, profilers link criminals to their home, work, and travel spaces (LeBeau & Coulson, 1996; Taylor et al., 1998). Though the ability of many police departments to use such technology is limited, there is growing interest in these capabilities (Mamalian & LaVigne, 1999).

Captain Mayes reminds us to keep in mind the fundamentals of investigation. He noted communication between the key players of an investigation is essential. The first responding officer needs to secure the scene, note the evidence, and ensure that proper procedures and sequence of events are followed so that evidence is not lost in the chaos. An investigator then needs to be assigned to coordinate with crime scene technicians, photographers, medical examiners or coroners, and other officers. After evidence is collected, it must be sent for processing to specialists such as pathologists, toxicologists, serologists, fiber analysts, firearm and tool mark examiners, fingerprint experts, etc. The investigator must document, collect, and preserve the evidence for the forensic experts and the court.

## **Conclusion**

The goals of criminal investigators are to determine whether a crime has been committed, to legally obtain information and evidence to identify the person(s) responsible, to arrest the suspect(s), to recover stolen property, and to present the best possible case to the prosecutor (Bennett & Hess, 2004). Each goal requires a different task and skill from the investigator. More and more, investigators are evidence collectors and analysts, computer analysts, managers of crime scene investigation and other officers, interviewers of witnesses, interrogators of suspects, public information officers for the community, and overall professionals working with other professionals. With the many scientific and technological advances seen in the last two decades, it is evident that investigators must be educated in a variety of subjects to perform multiple tasks. As criminals become more sophisticated and knowledgeable, investigators must rely upon science and technology to continually expand their abilities to solve crimes and bring criminals to justice.

Becoming a detective generally brings more status to the individual, but it also brings challenges. They must be sensitive in their working relationships with coworkers. They must adapt to a changing and more transient society. They must manage the challenge of new technology and the explosion of information on new investigative techniques and crimes. Though some question the work ethic of some of today's investigators, there is little question that the demands we place on investigators will increase.

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# Bias, Conflict of Interest, and Unscientific Decisionmaking

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In the course of our study, we have seen or heard numerous disturbing allegations about the way polygraph research decisions have been made, particularly in federal agencies that have supported this research. We have seen or heard reports of researchers being prohibited from presenting studies at professional society meetings (see e.g., Honts, 1994); a report of a researcher being required to remove his name from a refereed journal article, apparently because the content displeased his employer (Furedy, 1993); a report of potentially inflammatory findings being suppressed and recalled from distribution; and various reports of researchers having been removed summarily from their duties or their positions, with reason to believe that this might have been done because of the directions or results of their research. These reports are not ancient history, though they are not current either: most appear to have dated from the early 1990s.<sup>1</sup> We have not investigated these reports to determine their veracity—this was not our charge—but they appear to us to be sufficient in number and credibility to deserve mention. It is important that polygraph research be organized so as to minimize the possibility of such situations in the future.

We have also experienced difficulty in gaining access to material necessary to evaluate reports of polygraph research. We wrote to all federal agencies that use the polygraph for employee screening to request studies and other information necessary to conduct a scientific evaluation of polygraph validity, including both unclassified and classified information. In some ways, the agencies were highly responsive. We received large amounts of useful information, and we learned that the kinds of data we wanted on some topics are not collected by any of the agencies in the desired form. In other instances, though, we were left unsatisfied. Two agencies did not provide us with the specific unclassified research reports that we requested.<sup>2</sup> Also, we were advised by officials from DOE and DoDPI that there was information relevant to our work, classified at the secret level, particularly with regard to polygraph countermeasures. In order to review such information, several committee and staff members obtained national security clearances at the secret level. We were subsequently told by officials of the Central Intelligence Agency and DoDPI that there were no completed studies of polygraph countermeasures at the secret level; we do not know whether there are any such studies at a higher level of classification. Accordingly, our analyses of research on countermeasures are based only on unclassified studies.

These experiences leave us with unresolved concerns about whether federal agencies sponsoring polygraph research have acted in ways that suppress or conceal research results or that drive out researchers whose results might have questioned the validity of current polygraph practice. If the agencies have done or are doing these things, the result would be to introduce a pro-polygraph bias into polygraph research in general, as well as to raise doubts about whether it is advisable for reviewers to apply the usual practice of trusting in the accuracy and completeness of reports in

the scientific literature. In addition, any review of the literature, including this one, would be subject to question on the grounds of bias in the entire body of polygraph research.

Such bias is possible because a large segment of polygraph research in the United States has been supported by a small number of agencies that depend on the polygraph in their counterintelligence work. The effect might be something like the “file-drawer effect” commonly noted in meta-analytic research (Rosenthal, 1979, 1980). The nature of the file-drawer problem is that studies that fail to find significant effects or associations are believed to be less likely to be published because journals are disinclined to publish studies that lack clear findings. Thus, they are not submitted for publication or are rejected, and the published literature is, in effect, incomplete. This effect biases the literature in the direction of appearing to show stronger relationships than would otherwise be evident. If research funding agencies are suppressing research, the effects would be similar, though for a different reason. Studies that call the validity of polygraph testing into question, whether by failing to find accurate detection or by finding that accuracy is not robust across the range of situations in which polygraph tests are used, would fail to appear in literature searches.

We have not investigated the various allegations, so we are not in a position to evaluate the extent to which the alleged activities may have biased the literature. We do compare the polygraph accuracy estimates that come from studies with different sources of funding as a way of shedding some light on the possible effect of bias on the research literature, and find little difference; however, the distinctions between funding sources of these studies were often blurred.

Issues of conflict of interest reflect a serious structural problem with polygraph research. For the most part, the scientists involved in this area and the agencies involved in sponsoring and funding this research have a vested interest in supporting particular sets of conclusions about the reliability and validity of the polygraph (Levey, 1988). For example, U.S. agencies charged with initiating and sponsoring polygraph research (e.g., the U.S. Department of Defense Polygraph Institute) are also charged with the mission of training polygraph examiners and developing new polygraph applications. The dual mission of acting as a sponsor for polygraph research and as a sponsor for polygraph practice creates an obvious conflict of interest. Any reasonable investigator would anticipate that certain research questions (e.g., those that question the theory or logic of the polygraph) or certain patterns of results (e.g., those that suggest limited validity or strong susceptibility to countermeasures) will be less welcome by such research sponsors than empirical demonstrations that the polygraph “works.”

Because the great bulk of polygraph research has been funded by agencies that rely on the polygraph for law enforcement or counterintelligence purposes, there is a significant potential for bias and conflict of interest in polygraph research. Serious allegations suggest that this potential has at some times been realized. This possibility raises warnings that the entire body of research literature may have a bias toward claims of validity for the polygraph. Using a crude classification method, we did not see systematic differences in outcomes of polygraph validation studies between those conducted at or funded by polygraph-related agencies and those with a greater presumed degree of independence. This issue, however, remains a concern

because of the insularity and close connections among polygraph researchers in government and academia, the associations between some prominent researchers and manufacturers of polygraph equipment, and the limited accessibility of field polygraph data to researchers independent of the organizations that conduct polygraph tests. The credibility of future polygraph research would be enhanced by efforts to insulate it from such real or perceived conflicts of interest.

## Endnotes

- <sup>1</sup> In recent years, the U.S. Department of Defense Polygraph Institute has been working to put polygraph research on more of a scientific footing by adopting a number of standard procedures for scientific quality control that can only serve to improve research management at the institute and that may already be having such an effect.
- <sup>2</sup> One of these agencies informed us that it could not provide the requested report in order to protect its sources and methods. The other agency informed us that it would handle our request under the Freedom of Information Act and advised us that its response would not be received until January 2003 at the earliest, well after the scheduled completion of our study. Both of these unclassified reports have been cited in the open literature.

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# Police Inservice Deadly Force Training and Requalification in Washington State

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## Introduction

There is tension between being highly compelled to minimize police use of deadly force against persons while at the same providing police officers with immediate access to handguns to use in self-defense, defend others against criminal violence, and seize dangerous fleeing persons (Fyfe, 1982; Geller, 1985; Geller & Scott, 1992; Scharf & Binder, 1983; *Tennessee v. Garner*, 1985). To minimize deadly force, police have looked to the combination of more restrictive policies and new and/or modified training (Alpert & Fridell, 1992; Fyfe, 1982; Geller & Scott, 1992; Milton, Halleck, Lardner, & Albrecht, 1977). A logical extension of this line of research would be to closely examine police performance in *necessary* shootings so as to provide new information for meaningfully guiding policies and practices.

Aspects of inservice deadly force training activities and requalification largely have been overlooked as potentially valuable predictors of officer performance in armed confrontations (see Alpert, 1989; McGee, 1981). In turn, armed confrontations, particularly officer-involved shootings (OISs), primarily attract administrative inquiries, civil suits, and sometimes criminal investigations but little performance-related research. As a result, the introduction and evolution of deadly force training and requalification during the 20th century has been relatively free of insights that might have been systematically gathered from the field. Programs, therefore, principally rest upon what police managers and trainers perceived to be effective, practical, feasible, and affordable. This is not encouraging because the history surrounding police adoption of handguns in the 19th century and, eventually, their implementation of training during the second quarter of the 20th century, raises questions about validity and thus utility (Morrison, 1995; Morrison & Vila, 1998). Consider Matulia (1982) who noted the plight of administrators who were "inundated . . . with numerous claims of 'best' firearms training programs" (p. 177). The degree to which this circumstance has improved over the past 2 decades is difficult to gauge, but even a cursory survey of the professional police literature quickly confirms that it has grown more complicated. Popular publications marketed toward police often feature declaratory pieces about "combat proven techniques" without bothering to mention any empirical foundation that might exist for such claims.

This situation does not seem in the best interest of police and public safety since the police might well lack a suitable philosophical as well as empirical foundation for their policies and programs. Since there has been relatively little scholarly research on the broader processes, outcomes, and impacts of police deadly force programs, much about police performance in their most dangerous encounters with violent persons still is left to guesswork. Program evaluation remains virtually

unexplored territory. It is unclear precisely how police have conceptualized deadly force performance expectations, collected pertinent data in both training and field settings, and conducted analyses to aid them in measurably enhancing officer and public safety. Prior research, along with anecdotal information concerning typical police policies and practices, suggests that inservice deadly force training can be meager, requalification perfunctory, and the evaluation of OISs unsystematic or nonexistent. This article, therefore, examines three intertwined issues by way of statewide surveys of police departments and instructors in Washington state: (1) tactical and judgment training, (2) requalification, and (3) OISs as the grist for impact evaluation. The department survey queried agencies about their policies, programs, and practices, while the separately administered instructor survey sought the perspectives and opinions of the personnel responsible for delivering firearm and deadly force programming.

This article also reviews the literature on tactical and judgment training, requalification, and OIS information, and then it describes the study's methodology. Findings are presented and discussed, followed by important implications for police practitioners and their deadly force programs. This article concludes with some recommendations for future research.

## Literature Review

### Background

U.S. police essentially conducted no firearms training from the mid-19th century through the early 1900s. Beginning in the 1920s, they adopted bull's-eye target-shooting doctrine and techniques of martial origins that were utterly divorced from recorded police experience in armed confrontations (e.g., see Berman, 1987; Miller, 1977; and Richardson, 1970, as well as memoirs by 19th century police executives such as Costello, 1972; Flinn & Wilkie, 1971; Sprogle, 1971; and Walling, 1972). Nonetheless, bull's-eye target shooting remained a common basis for police training into the 1960s. The martial model emphasized questionable marksmanship expectations and techniques for police while ignoring the need for practical gunhandling such as quickly drawing the handgun, reloading under suitable time pressure when empty, and remedying malfunctions that otherwise effectively disarm the user. Field or "tactical" procedures were also neglected.

The second major model for police training was introduced by the Federal Bureau of Investigation (FBI) in the 1940s and became widely popular by 1970 (Morrison & Vila, 1998). This Practical Pistol Course (PPC) was an improvement and proved to be the basis for innumerable modifications made by local and state departments to suit their individual preferences for handgun training and, generally speaking, qualification. The dramatic rise in the felonious killing of police during the 1960s led some departments to reconsider "traditional" police firearms training and its fixation on firing range marksmanship that was gradually recognized as impractical (see e.g., Adams, McTernan, & Remsberg, 1980; Geller & Scott, 1992; McManus, Griffen, Witterroth, Boland, & Hines, 1970; Milton et al., 1977; Skillen & Williams, 1977; FBI *Uniform Crime Report* [1960-1971]; FBI *Law Enforcement Officers Killed* [1972-1981]; FBI *Law Enforcement Officers Killed and Assaulted* [1982 to present]). This ushered in highly variable forms of "officer survival" training.

## **Tactics and Judgment Training**

Officer survival training is generally intended to simulate field encounters so as to introduce, develop, and exercise tactical and decision-making skills. Though McManus et al. (1970) found few departments conducting such tactical or judgment training in the late 1960s, this changed in the 1970s. The simplest means for implementing tactical training was through adding a wider array of humanoid targets and props, such as squad cars; mailboxes; telephone poles; and building corners, windows, and doorways onto the conventional police firing range. Trainees were to incorporate the tactical advantages that these props offered them and engage perhaps several targets while avoiding uninvolved third parties or “innocent bystanders.” Another approach is role-playing in which “actors,” usually police personnel, are in the role of suspects with whom trainees must interact, while projected-image simulations have ranged from slide sequences to videos to the sophisticated computer-controlled formats available today (Geller, 1982; Geller & Karales, 1981; Matulia, 1982; Milton et al., 1977; Scharf & Binder, 1983). Skillen and Williams (1977) found that slightly more than one-third (35%) of the departments responding to their survey were conducting some form of “shoot-don’t shoot” decision-making training, though much of this could have taken place at the conventional firing range using relatively unsophisticated means for presenting officers with decision-making challenges. Even Matulia’s (1982) examination of the 54 largest municipal police departments—those likely to have the greatest resources, highest frequencies of dangerous encounters, and arguably the greatest incentives for risk-management given the costs associated with civil litigation—revealed that only eight (15%) provided inservice “shooting simulator” experience. As a result, even in the late 1970s, police placed less emphasis on tactical and/or judgment decisionmaking than might popularly be believed.

## **Inservice Requalification**

Being firearm-qualified generally is mandatory for U.S. police officers today, but this was far from universal for many decades when being *unqualified* with the handgun hardly was an impediment to carrying and using firearms (Morrison & Vila, 1998). By the late 1960s, requalification for inservice officers was common among larger departments, though McManus et al. (1970) found widely varying intervals. Annual requalification was most common (33%), but semi-annual and tri-mesterly intervals were common, too (21% each). Although McManus et al. (1970) did not specifically examine remedies for officers whose scores fell short, they generally had to practice on their own, receive additional instruction, and/or continue to fire the requalification course until passing. Skillen and Williams (1977) found that the majority of departments required semi-annual requalification, though intervals could be quarterly or even monthly. Around this same time, Matulia (1982) reported that slightly more than half (53%) of the departments serving populations over 250,000 had their officers requalify annually, a relatively infrequent interval given the perishable nature of handgun skills (e.g., see McManus et al., 1970).

## **Field Performance Evaluation**

As a result of their examination of the police use of deadly force in several jurisdictions during the mid-1970s, Milton et al. (1977) were of the opinion that . . .

The lack of systematic, centralized data collection in many departments inhibits the rational development of new policies, training programs, and enforcement procedures . . . [and that] . . . informed decisionmaking [by department administrators] requires a wider frame of reference than that offered by one particular department's experience. (p. 141)

Geller and Karales (1981) held out the promise of examining field performance given discernable programmatic differences between departments' approaches. Their recommendations included giving more attention to tactical exercises, along with increasing traditional marksmanship and gunhandling training. Scharf and Binder (1983) discerned three weaknesses to police deadly force training that had serious implications for field performance. First, they found training curricula to be focused either on the mechanics of shooting or decisionmaking in the "final frame" or moments of confrontations. Second, training in shoot-don't-shoot decisionmaking rarely reflected the most commonly encountered types of violent incidents. Third, the affective context of the training environment was starkly different from the types of pressures likely to be exerted upon officers in actual confrontations.

The foregoing suggests that significant gaps remain in our knowledge about key aspects of police deadly force training. This can be seen in the form of historical artifacts such as bull's-eye target shooting as preparation for armed encounters, a less-than-vital status for proficiency standards, requalification intervals that substantially differ, and tactics and judgment training primarily being a product of the last quarter century. Since there is some uncertainty about the degree to which police collect and dissect OIS information, it might be presumptuous to conclude that police have systematically refined and advanced their programs simply because of the danger inherent in this work. The general picture that forms from this review is one of substantially varied policies, programs, and practices that have developed and changed over the years devoid of applied research and comprehensive program evaluation.

## Methods

To closely examine these matters within one state, original data was gathered through the administration of two surveys in Washington State in the late 1990s. One survey had police departments as its unit of analysis, while the other had instructors as its unit of analysis (Morrison, 2001). Conducted with the support and assistance of the Washington State Criminal Justice Training Commission (CJTC) and the cooperation of the Washington State Law Enforcement Firearms Instructors Association (WSLEFIA), the study's broad goal was to describe police and correctional departments' contemporary firearm policies, programs, and practices across the state, along with department-based firearm instructors' impressions and opinions. This study's two instruments broadened conceptual coverage and captured additional details that previous researchers had not probed. Developed through collaboration with the CJTC's manager of skills training, Philip L. Shave, and piloted with the assistance of WSLEFIA, the surveys of instructors and departments shared the following topical areas:

- Instructors (demographics, selection, development, and responsibilities)
- Training and requalification (frequency, duration, focus, and response to failures to requalify)

- Doctrine and technique (marksmanship and gunhandling techniques and their assessment)
- Tactical decisionmaking (i.e., format and frequency)
- Resources and facilities (e.g., expenses for equipment and ammunition, along with the extent to which varied training experiences could be provided)

The 104-item department survey was mailed to the population ( $N=360$ ) of local and state police and correctional departments in Washington state in August 1998, the vast majority being police departments. Both surveys were return-mailed to the CJTC for collection and data input. A total of 120 police departments returned useable surveys for an overall response rate of 33%. The identities of these participating departments are known but confidential, so no departmental or personal identifiers appear here or elsewhere. No database was available for comparing the participating and nonparticipating departments beyond the variables on which information was collected through the surveys, though the types and sizes of departments do seem representative of the municipal and county departments found around the state. Of the total of 39 counties, over half ( $f = 21$ , or 54%) returned completed surveys. Half ( $f = 11$ , or 52%) of these participating counties were located in the highly populated western third of the state demarcated by the Cascade Range and concentrated along the I-5 corridor communities stretching from Washington's borders with Oregon to the South and British Columbia to the North. The other counties were relatively evenly distributed across the more rural eastern two-thirds of the state, with five counties each situated in the central and eastern regions. Among the responding cities ( $n = 84$ ), 20 (24%) were concentrated within the Tacoma-Seattle-Everett urban area. An additional six departments participated from along the I-5 corridor to its north and 13 from along the southern corridor. Nine cities participated from west of the I-5 corridor, including ones from the Olympic Peninsula and the region to its south ending at the Columbia River. Fully 20 cities from the center third of the state responded, and most of these were concentrated in the less mountainous southern half. Eight departments from the eastern third participated, too. The sample therefore was well distributed geographically given Washington's population centers, community types and sizes, and topological features.

The 94-item instructor instrument had previously been mailed to the same 360 local and state police and corrections departments in late December of 1996 so as to collect instructors' impressions and opinions prior to administering the department survey just mentioned. This anonymous survey's cover letter requested that the instrument be duplicated and distributed to instructors if more than one officer served in such a capacity. Although a response rate for the instructor survey is precluded because no statewide list of individual public safety firearm instructors existed, the 183 police respondents provided a useful cross-section both in terms of department types and sizes (see Table 1). Item response rates varied due to their applicability to participating departments and, presumably, the availability of certain types of information as well as perceptions about topical sensitivity.

**Table 1**  
**Distribution of Responding Departments and Instructors**  
**as to Department Type and Size**

<b>Department Type</b>	<b>Department Survey f (%)</b>	<b>Instructor Survey f (%)</b>
State	2 (1.7)	3 (1.7)
County	21 (18.1)	41 (23.3)
Municipal	84 (72.4)	125 (71.0)
Tribal	6 (5.2)	6 (3.4)
Other	3 (2.6)	1 (0.6)
Totals	<i>n</i> = 116* (100.0)	<i>n</i> = 176* (100.0)

\*Several departments (*n* = 4) and instructors (*n* = 7) either did not report level of government or provided unusable responses.

<b>Department Size (Sworn Personnel)</b>	<b>Department Survey f (%)</b>	<b>Instructor Survey f (%)</b>
250 or more	3 (2.5)	10 (5.4)
100-249	10 (8.3)	16 (8.7)
50-99	16 (13.3)	30 (16.4)
25-49	15 (12.5)	32 (17.5)
1-24	76 (63.3)	95 (51.9)
Totals	<i>n</i> = 120 (99.9*)	<i>n</i> = 183 (99.9*)

\*Does not sum to 100% due to rounding.

## Findings

The presentation of findings is divided into two parts:

1. Univariate descriptive findings from both the instructor and department surveys are drawn together under the topics of tactics and judgment training, requalification, and access to field performance information. These provide information on the nature and extent of policies and practices that give form to programs. Examples of the variables examined include indicators of the following: the quantity of programming as measured by number of handgun sessions as well as their duration in hours, the weighting of resources (e.g., time and ammunition) between the two principal activities of training versus requalification, and access to information from OISs useful for evaluating program outcomes and guiding future enhancements.
2. Bivariate correlations are used to examine relationships between aspects of training and requalification. For example, departments holding fewer sessions also might provide fewer hours and therefore engage their officers in a narrower range of activities. This could severely limit tactical and judgment training by emphasizing rote requalifying during live-fire sessions over seemingly more suitable and complex challenges that are more likely to enhance their own and the public's safety. Finally, two technical aspects of deadly force training were examined that might be correlated with departments' relative emphases regarding training versus requalification were examined. The first, percent of time shooting at one versus multiple targets, seems likely to be correlated with requalification

since this activity usually involves having officers fire at a single target, this in contrast to tactical and judgment training, which typically features several targets spanning various threat levels (including none). The second variable, percent of shots fired with one instead of two hands, might be correlated with an emphasis on training over requalification since the tendency in police training is two-handed. Since tactical and judgment training seem more likely to involve a wider range of skills than rote requalification, it might be correlated with increased percentages of one-handed firing.

### Tactics and Judgment Training

The vast majority (85.3%) of Washington state police departments indicated that they provided some degree of tactics and judgment training for their sworn personnel. Inservice deadly force training most often involved firing-range activities that included tactics (63.1%), with judgment training comprising a far smaller percentage (15.8%) (see Table 2). Some departments engaged in far more tactics and judgment training than others, and nearly half (46.0%) were using interactive, computer-based simulation equipment by Firearm Training Systems (FATS<sup>®</sup>), PRISim<sup>®</sup> or Range2000<sup>®</sup>) (see Table 3 for this and other findings in this subsection). This unusual circumstance is due to the early availability in Washington of mobile firearms training systems contained in full-length truck trailers. Role-playing, despite its appealing nature, was the primary method used by only three (4.4%) departments. When asked about the primary format for tactical and judgment training, the most common format was found to be live-fire range exercises featuring targets of varying threat levels (54.4%). Regardless of format, developing these abilities was limited in at least two ways. First, departments most often altered target threat only *sometimes* (36.3%), while a quarter (25.7%) *seldom* or *never* did so. Second, this training was infrequent since departments most often (44.3%) held one tactics and judgment session per year. Many of the remaining departments were about as likely to conduct either none (20.6%) or two sessions (17.5%). Another dimension to this issue, hours of tactics training, totaled no more than 4 hours per year for two-thirds (68.1%) of departments. Of the remaining roughly one-third (31.9%) of departments that reported providing over 4 hours of tactics training, the majority (60.0%) indicated 8 or fewer hours.

**Table 2**  
**Average Percent of Department Training Time Spent on Five Deadly Force Inservice Program Areas (N = 108\*)**

Category	Mean % (Std. Dev.)	Median %	Modal %
Legal	8.8 (11.12)	5	10
Ethical	5.2 (6.75)	5	0
Policy	8.0 (7.19)	10	10
Firing Range and Tactics	63.1 (22.89)	70	80
Judgment	15.8 (12.04)	10	10

*Each cell contains a measure of central tendency, so column percents do not sum to 100.*

\*Twelve departments either did not supply this information or else provided unusable responses.



**Table 3**  
**Department Survey Findings on Training**

	Percentage of Departments
Computer simulation used for any portion of tactical and judgment training	46.0%
Primary format for tactical and judgment training	
Live-fire scenarios	54.4%
Computer simulation	27.9
Role-playing	4.4
Other	13.3
	100.0%
Live-fire tactical training target "hostility" is varied	
Always	8.8%
Usually	29.2
Sometimes	36.3
Seldom	12.4
Never	13.3
	100.0%
Number of tactical and judgment training sessions annually	
None	20.6%
One	44.3
Two	17.5
Three or more	17.6
	100.0%
Hours of tactical and judgment training annually	
1 – 4	68.1%
5 – 8	19.1
9 or more	12.8
	100.0%
Number of individual "shoot-don't shoot" tactical or judgment training scenarios presented to officers in a typical year	
0	18.0%
1 – 3	30.6
4 – 6	29.7
7 – 9 or more	7.2
10 or more	14.4
	99.9%*

\*Does not sum to 100% due to rounding error.

Importantly, the extent of tactical and judgment training probably inflated since actual participation time by individual officers likely is far less than lesson plans suggest. Tactics training is instructor-intensive due to the close monitoring that is necessary during dynamic scenarios, so being at the range for 2 hours under such circumstances might only involve a few minutes of actual participation. A more informative measure might be the number of scenarios in which an inservice officer

participates, the most common frequency being zero (18.0%). More than half (60.3%) of the departments provided between one and six scenarios per year. Within this group, half provided between one and three (30.9%) or four and six (29.7%) scenarios. These two ranges clearly reflect quite different amounts, with few departments (14.4%) extending the number of scenarios to ten or more.

## **Requalification**

Over two-thirds (68.9%) of the instructors reported that their employing departments spent half or more of their annual live-fire hours for inservice firearm requalification (see Table 4 for this and related findings from the instructor survey in this subsection). In contrast, fewer than one in ten instructors (7.1%) reported that requalification consumed less than 25% of live-fire activity hours per year. Two in five (41.3%) instructors preferred a quarterly requalification interval for such assessments, though an interval half as frequent (semi-annual) also was quite popular (33.0%), as was the annual interval (23.5%) that yet again doubled the length of time between sessions.

The crux of re-establishing proficiency is reaching a threshold score. In only a few departments (15.5%) was there a requirement for 100% hits (not point-scores) to be eligible for requalifying (see Table 5 for this and related department survey findings in this subsection). The vast majority of officers therefore could requalify in spite of missing their target(s) with several bullets in the relative tranquility of a police firing range. Roughly one-fourth (25.6%) of departments ultimately determined an officer's requalification status through a "pass-fail" arrangement, though the more traditional approach of using point-scores or percentages was more popular (33.3%). Most, however, curiously reported using some combination of the two (41.0%).

**Table 4**  
**Instructor Survey Findings on Requalification**

	<b>Percent of Instructors</b>
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Percentage of annual live-fire hours for requalification	
1 – 24	7.1%
25 – 49	24.0
50 – 74	30.6
75 – 100	38.3
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	100.0%
Preferred requalification interval	
Annual	23.5%
Semiannual	33.0
Quarterly	41.3
Other interval	2.2
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	100.0%
Preferred response to initial failure of an officer to requalify	
Return at next regularly scheduled session	0%
Repeat the course that day until requalified	2.9
One additional attempt, followed by practice	26.4
Instructional intervention	60.7
Other	10.0
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	100.0%
Tactical exercises should be scored and comprise a formal element of inservice requalification.	
Strongly agree	19.7%
Agree	53.6
Undecided	13.1
Disagree	10.9
Strongly disagree	2.7
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	100.0%
The following should be a part of inservice requalification (percent of instructors agreeing or strongly agreeing):	
Moving targets	71.0%
Multiple	97.2%
Partial targets	84.7%
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**Table 5**  
**Department Survey Findings on Requalification**

	Percentage of Departments
Requirement of 100% hits (not points) for requalification.	15.5%
Requalification status based upon . . .	
Point-score with a threshold	33.3%
Pass-fail (no point-score record)	25.6
Combination	41.0
	99.9%*
Policy response to initial failure of an officer to requalify	
Repeat course that day until successful	40.9%
Duty status w/supplemental instruction	26.9
Duty status w/reattempt at next session	6.5
Other	25.7
	100.0%
Training and/or requalification records	
Marksmanship requalification scores	92.2%
Live-fire tactical exercises	69.5
Gunhandling assessments	59.0
Computer-based scenarios	43.2
Other tactical activities	21.0
Policy response to repeated failure to requalify following remedial training	
No specific course of action	44.6%
Permanent reassignment without firearm	.9
Dismissed from department	25.9
Other	28.6
	100.0%
Test of general gunhandling skills separately from the requalification course (e.g., loading, unloading, etc.)	36.2%
Test of general gunhandling skills separately from the requalification course (e.g., drawing, speedy reloading, etc.)	44.4%
Mean percent of training time devoted to . . .	
Firing range and tactics training activities	63.1%
Judgment training activities	15.8%

\*Does not sum to 100% due to rounding.

Upon failing to requalify on their first attempt, departments most commonly had policies or practices that resulted in their officers repeating the course that day until achieving a passing score (40.9%). Though 26.4% of instructors felt that allowing one reattempt and some self-practice was acceptable, few (2.9%) thought repeatedly firing to achieve a passing score was the most appropriate response. Instead, instructors preferred (60.7%) prompt intervention to address deficiencies, though this was a policy among far fewer departments (26.9%). In the event of chronic requalifying problems, one in four departments (25.9%) reported that they could

dismiss affected personnel from service. Although department responses could be severe, failing to requalify led departments (n = 108) to take few such actions over the 1995-1997 period; two officers were suspended; 16 were reassigned; and seven were dismissed.

Finally, approximately two in five departments also tested general gunhandling (36.2%) and/or combat-related gunhandling (44.4%), and instructors overwhelmingly agreed (95%) with periodically assessing skills beyond marksmanship. Instructors also felt (73.3%) that tactical exercises should be scored and comprise a formal element of inservice requalification, as did similar percentages with regard to demonstrating other abilities—engaging moving (71.0%), multiple (97.2%), and/or partial (84.7%) targets (see Tables 4, 5, and 6 for these department and instructor findings). This was particularly interesting given that many departments also reported that already maintained records—though no doubt in varying ways and degrees—that might be useful for such purposes. For example, over half of the departments maintained records on live-fire tactical exercises (69.5%) and gunhandling (59.0%). Many also maintained records on computer-based tactical simulations (43.2%).

### **Field Performance Evaluation**

Many instructors lack information on the performance of their trainees in police-action shootings. This is due partly to the rarity of police use of deadly force among departments serving small cities or rural counties. Overall, 115 of the departments surveyed reported 94 OISs for the 5-year period spanning from 1993 to 1997 (see Table 6 for related findings in this subsection). Nearly two-thirds (64.3%) of the departments had not experienced *any* officer-involved shootings during that period. One in five (21.7%) reported a single OIS; far fewer (7.8%) reported two; and only seven departments (6.1%) indicated three or more. Since the vast majority of departments responded that their records contained information on the personnel (86.1%), suspects (86.3%), and/or bystanders (82.2%) shot at, injured, and/or killed, it seems that a substantial amount of data could be gleaned from *across* departments.

**Table 6**  
**Department and Instructor Survey Findings on Field Performance Evaluation**

		Percentage of Departments
Number of officer-involved shootings, 1993-1997	None	64.3%
	One	21.7
	Two	7.8
	Three or more	6.1
		99.9%*
Department records on the following who are fired at, wounded, or killed as a result of officer-involved shootings	Personnel	86.1%
	Suspects	86.3%
	Bystanders	82.2%
Access to OIS information	Department provides such information to instructors.	50.9%
	Department has a prohibition in (policy or practice).	17.4%
		<b>Percentage of Instructors</b>
Instructors should be involved in OIS investigations to gather performance-related data.	Strongly agree	54.1%
	Agree	42.6
	Undecided	1.1
	Disagree	2.2
	Strongly disagree	0
		100.0%
Lack of information hinders program advances.	Strongly agree	15.9%
	Agree	48.9
	Undecided	25.8
	Disagree	9.3
	Strongly disagree	0
	99.9%*	

\*Does not sum to 100% due to rounding.

Instructors were virtually unanimous (96.7% either agreed or strongly agreed) that they should be involved in OIS investigations to gather performance-related data. Only half (50.9%) of the departments, however, provided such information or allowed access. Although half (50%) of the instructors indicated that their departments had no policy or practice that prohibited this, many were uncertain (43%). Yet intra- and/or inter-department feedback is critical to valid programming. A significant majority (64.8%) of instructors agreed that, a "lack of systematically gathered and analyzed information from officer-involved shootings" had hindered useful advances in police handgun training (48.9% agreed, while 15.9% strongly

agreed). Nevertheless, a substantial number were undecided about the value of program evaluation (26%).

## **Bivariate Correlations**

This article now turns to the exploration of correlations between 24 variables from the department survey that capture important aspects of training and requalification. For instance, relationships between numbers of activity sessions held in the typical year and total numbers of hours might indicate distinctive patterns among departments. Those at the higher end of these two respective ranges would be better able to incorporate tactical and judgment training into their programs to greater extents. In contrast, those that provided both fewer sessions and fewer hours, along with predominately engaging in requalification course firing, might be providing officers with far less variety in their experiences that could limit their performance potential. In Table 7, the four statistically significant relationships of at least moderate strength (Pearson's  $r \geq .400$ ) appear in bold along with the weaker though still statistically significant relationships that warrant attention. **Note:** The numbered variables in Table 7 appear within brackets (e.g., [V1,V2]) preceding their respective correlation coefficients and significance levels.)

## **Training**

The data shows some preference among departments for training activities over simple requalification since, as training cartridge amounts increased, the percent of resources devoted to requalification activities decreased ([V2, V11];  $r = -.290$ ;  $p < .01$ ). The number of annual activity sessions held by departments naturally was correlated with hours of training ([V4,V6];  $r = .338$ ;  $p < .01$ ) such that those holding more sessions also provided more hours. Importantly, the number of annual activity sessions was even more strongly correlated with the number of live-fire tactical training sessions ([V6,V7];  $r = .613$ ;  $p < .01$ ), as were increases in total activity hours and greater numbers of hours of tactical training ([V4,V10];  $r = .308$ ;  $p < .01$ ). Several other findings support this conclusion. Consider also that total activity hours ([V4,V2];  $r = .215$ ;  $p < .05$ ) and tactical training hours ([V10,V2];  $r = .299$ ;  $p < .01$ ) both were correlated with firing larger amounts of ammunition for training. Total activity hours were also correlated with greater emphasis upon having officers develop new and/or more advanced skills, this as opposed to simply maintaining existing ones ([V4,V12];  $r = -.260$ ;  $p < .05$ ). As mentioned earlier, a greater percentage of firing using a two-handed grip would seem more likely to be associated with an emphasis on requalification over training. The data shows that the percentage of two-handed firing (and therefore increasing percentages of one-handed firing) dropped in the presence of both higher numbers of handgun training sessions ([V6,V8];  $r = -.424$ ;  $p < .01$ ) and number of tactical training hours ([V7,V10];  $r = -.245$ ;  $p < .01$ ). In general, departments with greater resources seem to be providing a broader array of handgun program activities.

**Table 7**  
**Department Variables Correlation Matrix**

Variables	2	3	4	5	6	7	8	9	10	11	12
1. Number of OISS	-0.15 n = 96	-0.75 n = 100	-.123 n = 101	<b>-.227*</b> n = 111	.076 n = 113	.057 n = 113	-0.52 n = 108	-.166 n = 108	-.135 n = 90	-0.49 n = 102	.039 n = 102
2. Training cartridges		.170 n = 96	<b>.215*</b> n = 91	.023 n = 98	-0.029 n = 99	-0.054 n = 99	-0.50 n = 95	-0.054 n = 95	<b>.299**</b> n = 81	<b>-.290**</b> n = 91	.086 n = 91
3. Requalification cartridges			<b>.510**</b> n = 92	.070 n = 101	<b>.281**</b> n = 103	<b>.328**</b> n = 103	<b>-.300**</b> n = 99	-0.048 n = 99	.175 n = 83	.128 n = 94	-0.072 n = 94
4. Total training hours				.170 n = 105	<b>.338**</b> n = 105	<b>.206*</b> n = 105	-.140 n = 101	-0.056 n = 101	<b>.308**</b> n = 84	-.156 n = 93	<b>-.260*</b> n = 93
5. Percent resources for handgun (vs. other firearms proficiency)					.111 n = 115	.087 n = 115	-0.034 n = 110	-0.008 n = 110	-0.086 n = 93	.008 n = 102	-0.016 n = 102
6. Number of sessions						<b>.613**</b> n = 117	<b>-.424**</b> n = 112	-.179 n = 112	.134 n = 94	.060 n = 104	-0.041 n = 104
7. Sessions with tactical training							-0.049 n = 112	<b>-.439**</b> n = 112	.204 n = 94	-0.065 n = 104	-.133 n = 104
8. Percent firing two-handed (vs. one-handed firing)								.115 n = 111	<b>-.245*</b> n = 94	.036 n = 100	.053 n = 100
9. Percent fired at a single target (vs. multiple targets)									-.201 n = 92	<b>.209*</b> n = 100	.108 n = 100
10. Number of tactical hours										-.182 n = 85	-.160 n = 85
11. Percent resources for requalification (vs. training)											.146 n = 105
12. Percent resources for maintaining skills (vs. learning new ones)											1.000 n = 105

\* p < .05    \*\* p < .01



## **Requalification**

As with training, the number of firearms activity sessions was positively correlated with total training hours per year ([V3,V4];  $r = .510$ ;  $p < .000$ ), as was ammunition quantities for requalification ([V3,V6];  $r = .281$ ;  $p < .01$ ). Two other relationships, however, suggest that greater use of requalification as opposed to training has a limiting effect on programs. First, as the percentage of resources for requalification increased, so, too, did the percentage of firing at a single target ([V9,V10];  $r = .209$ ;  $p < .05$ ). Though this was not one of the stronger correlations, it does reflect the traditional police firing range practice of having each officer fire all of his or her shots at one target. This is rooted in the understandable organizational desire to maximize range efficiency so that the greatest number of personnel can be cycled through in a given amount of time. Second, there was a negative relationship between the number of sessions featuring tactics and the percentage of firing at a single target instead of multiple targets ([V7,V9];  $r = -.439$ ;  $p < .01$ ). Once again, firing at a single target was more common among departments with a greater emphasis upon requalification.

## **Discussion**

This study of inservice deadly force programs in Washington state reveals widely varying approaches among departments and differing opinions among instructors. The findings on tactical and judgment training, requalification, and field performance information lead to three general conclusions:

1. It is hard to believe that these programs produce comparable results since some departments in Washington engage in far less training than others. Although tactical and judgment training generally increased in the presence of greater numbers of activity sessions and hours, its relative infrequency and the most common format being live-fire range exercises might constrain the potential of such training for police. Participating in one or two scenarios per year might be comforting as well as wholly insufficient. The best decisionmaking and the most effective uses of firearms in field encounters require meaningful preparation that logically must feature simulation training experiences, assessment, and feedback that compels officers to reflect on legal and policy touchstones; consider alternative courses of action; decide moment-by-moment whether, when, and how best to use deadly force; take action; evaluate the immediate results; and continue to respond to unfolding developments. Officers who encounter relatively few as well as simple scenarios might be far less prepared for managing dangerous encounters than those officers who experience greater numbers of scenarios as well as those more diverse in experience. Expanding officers' useful ranges of options, refining their abilities and—importantly—having them confront their personal limitations seems central to maximizing their own and the public's safety. For example, each of the following contributes to safety: having officers appropriately maintain or re-establish advantageous distance between themselves and potentially dangerous suspects, concealing themselves whenever possible for the element of surprise, and exploiting available cover to offer physical protection. The opposites are decidedly inferior (i.e., being closer to dangerous suspects without cover or concealment). Training experiences also must realistically challenge officers' marksmanship and gunhandling abilities since requalification regimens are likely to continue to accommodate widely varying skill levels. These experiences should be useful to them in their decisionmaking and tactics in the event of field encounters that turn extremely violent.

2. The data from this study shows that some departments spend substantial portions of their resources on rote requalification as opposed to training. Given resource limitations, an over-emphasis on rote requalification necessarily reduces training opportunities and therefore program value. The division of resources between these two needs rethinking because requalification, at least in the conventional sense, is not training. Furthermore, requalification presently offers little or no insight into tactical proficiency or judgment. Heavy dependence upon requalification that cuts into instruction and practice opportunities, therefore, seems likely to lower program value for police in terms of preparing officers for managing and prevailing in dangerous encounters.

When officers fail to requalify, departments most often had them repeat the course of fire until achieving a passing score. Because struggling to requalify can trigger personal embarrassment as well as formal punitive measures including dismissal, officers can be expected to address their problems in the absence of, or in spite of, constructive instructional interventions. For example, one well-known way to compensate for low accuracy (and thus lower scores) resulting from poor technique is to simply aim high enough above the intended impact area on the target to register hits that reward the highest numbers of points. The typically fixed distances of requalification courses further encourage this since officers can aim progressively higher as target distances increase instead of benefiting from “corrective” actions designed to improve technique. This takes little experimentation, and officers for whom instructional invention would be the far better route to maximizing their own and the public’s safety can instead be satisfied with the mere appearance of proficiency. Such instances invalidate the process and threaten serious consequences when police confront armed suspects who can quickly change the general circumstances as well as their distances, angles, and speeds.

3. This study’s findings suggest that formal feedback loops do not exist in many, if not most, departments, yet instructors see the lack of such information as an obstacle to timelier program improvements and would like to have a training-oriented role in examining OISs. Only half of the departments reported that they provided information to their firearm instructors about their own OISs, and many instructors were unsure as to whether department policy or practice prohibited such information flow. On a more positive note, this study also found that the majority of departments already collected and maintained records on training and requalification that might be useful for moving analysis beyond the common practice of seizing upon individual incidents regardless of representativeness, patterns, or anomalies. This information, in combination with OIS-related data, could enable the investigation of relationships between training program outputs and officer performance in armed confrontations.

## **Future Research**

For police to perform well in dangerous encounters, the programs upon which they depend must be valid so as to usefully integrate suitable knowledge and skills. What police believe “works” has far too little empirical basis, and this raises concerns about contemporary notions of critical competencies and thus program content. As this study shows, some departments provide relatively little beyond their annual or semi-annual requalification sessions, while others engage their officers in substantial tactics and judgment training emphasizing live-fire, role-playing,

and/or computer simulations. Dissimilar approaches seem unlikely to produce similar comparable results and thus competencies, so we need to determine which ones are superior and why.

The substantial responsibilities that fall to police training managers, supervisors, and instructors can be aided by empirical research that yields valuable and applicable insights into how best to prepare police for perilous encounters and using deadly force. If academicians and practitioners can attract the interest and cooperation of department leaders and thereby gain access to training and OIS records, then program content, instructional delivery, and assessment can be advanced. Training and requalification intervals need attention since these presently are not empirically grounded in a “skill degradation scale” but, rather, various combinations of such things as convenient divisions of the 12-month calendar, tradition, trainers’ personal preferences, and/or budgets. Other key information could flow from research to impact technical matters such as firing stances, aiming, trigger manipulation, and gunhandling in an effort to identify and refine the most robust techniques. These might seem esoteric yet are by their nature fundamental to field performance. When the appropriate decision in a field encounter is to use deadly force, officers should be highly competent if they are to meaningfully perform in self-defense and the defense of others.

Studying human performance aspects of violent confrontations admittedly is complicated and therefore difficult. Since we expect police to cope with our most violent members, however, there is a compelling responsibility to ensure valid bases for deadly force programs. Researchers could usefully aid police through attention to three general goals:

1. Establish, cultivate, and utilize an empirical base of knowledge regarding officer-involved-shootings.
2. Conduct research to identify, individually and collectively, the most effective doctrines, technique collections, delivery frameworks, and instructional methods.
3. Continuously improve deadly force training, requalification processes, and outcomes through research into field encounters and resulting officer performance so as to encourage notions about “best practices” toward valid approaches.

Three-quarters of a century after U.S. police marksmanship training was initiated, the firing range remains the principal setting for determining the broad effects of deadly force training. This it cannot do. Since the intersection of training, requalification, and OIS evaluation cannot be a trivial one in the face of genuine efforts to maximize officer and public safety, research is needed so that there can be high confidence in the utility of deadly force training policies, programs, and practices. The police, and the public that they serve and protect, deserve nothing less than valid approaches that are diverse, sophisticated in both content and delivery, usefully practiced, continuously evaluated, and regularly advanced.

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# Learning Styles and the Relationship to Performance of Cadets Attending a Police Academy

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## Introduction

The purpose of this study was to examine the relationship between learning style and performance of recruits in a police academy setting. The study was conducted with two recruit classes at the Rio Hondo Police Academy in Whittier, California. The recruits learning styles were determined using the Paragon Learning Style Inventory (PLSI). The recruits' performance in the academy was based on their academic (cognitive) scores and (manipulative) portions of the academy (Shindler & Yang, 2004).

The study was designed to answer two questions:

1. Do adult learners, police cadets, learn differently, and can that learning style be identified?
2. What are the implications of learning styles regarding the delivery of curriculum to the police cadets?

## Setting

The Rio Hondo Police Academy is one of 40 academies certified by the State Commission on Peace Officer Standards and Training (POST). Rio Hondo is one of 17 academies that are offered by a community college. The remainders are departmental academies that primarily train their personnel but may allow other agencies to send recruits. Rio Hondo Police Academy ranks third in total number of recruits trained each year.

POST administers the program under the authority of the California Penal Code Sections 13500 et seq. The basic academy provides entry-level (basic) training required for peace officers listed in California Penal Code section 13500 et seq (California Commission on Peace Officers' Selection and Training, n.d.). Upon successful completion, the recruits can be assigned to a field training officer for their field work experience.

The police academy is 21 weeks long, and cadets must successfully pass 26 learning domain (LD) examinations on subjects such as law, patrol tactics, search and seizure, and evidence. They must display proficiency in other areas of training including firearms, physical fitness, weaponless defense, and emergency vehicle operations. These evaluations could be described as levels two and three in Kirkpatrick's (1998) evaluating of learning, written, and behavior performance test.

The academy coursework is divided into LDs, which are measured by both written and performance tests. To graduate, a recruit must score at least 70% in each area and an overall of 75% to graduate. All academic testing is prescribed by POST, and test items are downloaded from the POST website.

Performance-based testing is scored by using rubrics developed by POST. Each LD includes descriptions of learning needs, lists of related learning objectives, any required tests and instructional activities, and minimum hourly requirements. The training and testing specifications are updated twice per year, or as needed, and coincide with the educational objectives (EOs) listed in the student workbooks used by academies (California Commission on Peace Officers' Selection and Training, n.d.).

## Academy Environment

Within the academy education environment (classroom), there are two roles: (1) the learner and (2) the teacher. The learner's role is to absorb new information, share thoughts and ideas, question the content of material being presented, improve analytical thinking skills, master manipulative skills, and demonstrate retained knowledge. The method by which the students carry out this process is called the learning style.

The teacher's role is to provide a learning environment that takes advantage of the students' learning styles and meets the course learning objectives. This process is known as the teaching style (Lovejoy, 2002).

Recruit training is also divided into two categories: (1) cognitive and (2) manipulative. The cognitive portion of training refers to work accomplished by the student within the classroom. New information is presented and learned by the student. Then, the student is tested for learning. The curriculum is divided into individual topics, or LDs. The LDs contain the minimum required foundational information for given subjects, which are detailed in the *Training and Testing Specifications for Peace Officer Basic Courses*. The training and testing specifications for a particular domain may also include information on required instructional activities and testing requirements (California Commission on Peace Officers' Selection and Training, n.d.).

The manipulative learning consists of the training of physical abilities or skills. The program provides the remaining two-thirds of the overall GPA. Here the physical training (PT) and firearms range training (RNG) are provided.

Each LD's curriculum is pre-established by POST for the instructor. The LD completion culminates with a test that measures the content learned by the students. The LD's learning objectives and examinations are provided by POST. While instructors have access to the curriculum, they do not have access to the test questions. The student will interact with between 15 and 20 different instructors across the academic program.

The LD grades for the academic portion are displayed in Table 1. The curriculum covers a period of 16 weeks of class work over a period of 8 hours of lecture and performance-based activities per day.

## Learning Styles and Measurement

The most efficient method of teaching involves a match between the way the teacher teaches and the way students learn. Teachers who adapt their teaching styles and materials to suit the students' group learning style are more effective (Poon & Fatt, 2000).

Madonik observed that often students fail to learn not because of academic standards or the teaching methods but because of the way students learn (1990, p. 19). According to Honey (1992), elements of learning style appeared as early as 1892 in the literature. The term *learning style* was probably first used by Thelen (1954) in discovering the dynamics of groups at work. Furthermore, the concept of learning styles that has grown in management circles was based upon David Kolb's theories. Kolb (1984) saw learning as a circular process in which learning is viewed as a series of experiences with cognitive additions: concrete experiences, reflection and observations, abstract concepts and generalizations, and active experimentations.

The PLSI began with Carl Jung's theories of personality, which evolved through the research of Isabel Bring-Myers and was developed by John Shindler in 1992. The authors of the instrument propose that students with certain types of learning styles are better at some things than others. Student's preferences and styles affect how students work and what they like to do. Learning styles are often used to help students find jobs that are best suited to their abilities. For example, artists tend to be Intuitive (N) and more often Feelers (F) and Introverts (I). Most engineers are Sensate (S) and Thinkers (T). Most teachers are Feelers (F) and Judgers (J) and often Sensate Judgers (SJ). Most scientists are iNtuitive-Thinkers (NT) (Shindler & Yang, 2004).

The instrument has four dimensions: (1) Introversion/Extroversion, (2) Sensation and Intuition, (3) Thinking and Feeling, and (4) Judgment and Perception.

### Introversion/Extroversion

I and E are ways of orienting learning to ideas and people. Extroverts merge easily with the outer-world and/or people and external reality, and introverts are more inner-centered. Extroverts work more "outside in," and introverts work more "inside out."

### Sensation and Intuition

S and I are ways of making sense of ideas. Sensate people see ideas more as part of physical reality and connected to what is. Intuitive people see ideas as a world in and of themselves and perceive ideas to be as just as real as things. This area has much to do with preferences in communication; Sensates often prefer to talk about what is, and Intuitives more often talk about what is perceived and interpreted.

### Thinking and Feeling

T and F deals with the students' orientation to making decisions. Thinkers tend to make decisions based on logic and ideas; whereas, Feelers tend to make decisions based on relation to people and how their actions affect others, especially their feelings.



## Judgment and Perception

J and P deals with how one is oriented to the outer world. They use their preferences to approach their thoughts and actions. Perceivers are much attuned to incoming information, and Judgers are comfortable making judgments and decisions about things. This dimension is quite influential in one's orientation to time and physical order.

## Methods and Results

The week prior to graduation, the Paragon Learning Style Inventory (PLSI) was administered to the recruits. The purpose of the study was explained, and the recruits were asked to participate on a voluntary basis during their lunch break. All of the recruits participated in the study, 136 students from two classes.

Grades were collected upon graduation. The grades were broken down into four categories: (1) the final GPA for each student for the academic program (LD), (2) physical training (PT), (3) firearms range handling (RNG), and (4) overall average GPA. Using the overall GPA score, the 136 students were divided into two subgroups for additional study. The subgroups were created dividing the 136 students into a group with GPAs of 90% or above and a second group with GPAs of 89.9% or below. The groupings were designed to see whether the high and lower academic achievers would have different performance learning styles.

From the data in Table 1, it is evident that physical training and range training seem to follow the academic GPA. This is an interesting finding and perhaps could be studied further in greater detail.

**Table 1**  
**Display of Scores for the Two Recruit Classes**

Sample Size	Grade LD	Grade PT	Range RNG	Final GPA
Group 1 n = 52	92.7%	89.8%	92.5%	91.7% > 90%
Group 2 n = 84	90.3%	86.8%	85.5%	87.5% < 89.9%
Total Group n = 136	91.2%	87.9%	88.2%	89.1%

There appears to be a pattern between the academic (cognitive) and manipulative (physical and range training). Trainees that do well academically (cognitive skills) appear to carry over in the area of manipulative learning (physical and range training). This relationship is displayed in Table 1. Both groups show the same pattern with manipulative-oriented grades. The authors then examine the individual grades within the two subgroups. There appears to be a consistent pattern in performance between LD and PT and RNG. The grades for RNG show the most dramatic differences among the two subgroups.

In Table 2, the learning style or classification of ESTJ appears to remain stable for the two groups of students. Thus, those who are high academic achievers and those who are low have the same learning style.

**Table 2**  
**Paragon Learning Style Inventory Data**

	(E) Extrovert	(I) Introvert	(S) Sensate	(N) Intuitive	(F) Feeler	(T) Thinker	(J) Judge	(P) Perceiver
<i>Score</i>								
<b>Group 1</b>	<b>337</b>	267	<b>456</b>	168	272	<b>352</b>	<b>405</b>	219
<b>Percentage</b>	<b>54.0%</b>	46.0%	<b>73.1%</b>	26.9%	43.9%	<b>56.1%</b>	<b>64.9%</b>	35.1%
<i>Score</i>								
<b>Group 2</b>	<b>517</b>	491	<b>686</b>	322	472	<b>536</b>	<b>650</b>	358
<b>Percentage</b>	<b>51.3%</b>	48.7%	<b>68.1%</b>	31.9%	46.8%	<b>53.2%</b>	<b>64.5%</b>	35.5%
<i>Score</i>								
<b>Group Total</b>	<b>854</b>	778	<b>1142</b>	490	744	<b>888</b>	<b>1055</b>	577
<b>Percentage</b>	<b>52.3%</b>	47.7%	<b>70.0%</b>	30.0%	45.6%	<b>54.4%</b>	<b>64.6%</b>	36.4%

Table 3 compared the scores on the preferred learning styles between the two recruit classes. While there were some differences, they were not statistically significant.

**Table 3**  
**Comparison of Recruit Scores on Preferred Scales in Percentage**

	E	S	T	J	Total
<b>Class 1</b>	54.0	73.1	56.1	64.9	248.1
<b>Class 2</b>	51.3	70.0	53.2	64.6	239.1
<b>Total</b>	105.3	143.1	109.3	129.5	487.2

Degrees of freedom: 3

Chi Square = 0.047

For significance at the .05 level, Chi Square should be greater than or equal to 7.82.

The distribution is not significant.

p is less than or equal to 1.

## Learning Styles Inventory Categories

When the characteristics of Extrovert/Introvert and Sensate/Intuitive are combined, more of the student's learning needs and preferences are understood. The dominant characteristics play out in the following manner for the research group of recruits. The following descriptions are taken from the discussion of the PLSI by Shindler and Yang (2004).

### ES's Action-Oriented Realists (Study Group Characteristics Overview)

This type loves action and things happening. They like to get practical results from their work and like to work in groups. For them, too much watching is a waste of time; they want to do. They like to share what they are doing and thinking. They get impatient when things are too slow, complicated, or abstract.

## TJ's Sensible Decisionmaking (Study Group Characteristics Overview)

When sensate qualities are combined with judging qualities, the result is usually someone who is very dependable and responsible. TJs are very service-oriented and good "team players." They most like situations that are spelled-out and well organized. TJs like school, church, family. They usually do not mind step-by-step work, and they like and do well in school.

## ESTJ's (Overview) Dominant Characteristics of Study Group

ESTJs are practical, realistic, and matter of fact with a natural head for business and mechanics. They are not interested in subjects they see no use for but can apply themselves when necessary. These individuals like to organize and run activities. This group may be good administrators, especially if they remember to consider others' feelings and points of view.

They are gregarious and civic-minded, and are usually pillars of their community. They are generous with their time and energy, and very often belong to a variety of service clubs, lodges, and associations, supporting them through steady attendance, but also taking a vocal leadership role . . . in some degree their need to maintain the stability of social institutions. They worry a good deal about society falling apart, morality decaying, standards being undermined, traditions being lost, and they do all they can to preserve and extend the institutions that embody social order. (Shindler & Yang, 2004)

This seems to define the stereotypical view of police officers. The next question is how different, if at all, are the recruits from the general population. To examine the relationship, the recruits were compared to the data published on the PLSI website. While there are some differences, they did not reach statistical significance at the .05 level.

**Table 4**  
**Comparison of Recruit Scores with Population Data as Reported by Shindler and Yang (2004) in Percentages**

	E	S	T	J	Total
<b>Recruits</b>	52.3	70.0	54.0	64.5	240.8
<b>Population</b>	60.0	65.0	55.0	45.0	225.0
<b>Total</b>	112.3	135.0	109.0	109.5	465.8

Degrees of freedom: 3

Chi Square = 3.663

For significance at the .05 level, Chi Square should be greater than or equal to 7.82.

The distribution is not significant.

$p$  is less than or equal to 1.

## Conclusions

The study was designed to answer two questions:

1. Do adult learners, police cadets, learn differently, and can that learning style be identified?

It is apparent that the preferred style is Sensate (70%) followed by Judger. Thinker and Extrovert were very close in selection. Sensate describes 65% of the population; they are more realistic and practical, are more patient and steady, use their experience and common sense, like routines and order, look more for what is actual and sensible, and live in the here and now. Judger describes 45% of the population; they are more decisive than curious, like planned and scheduled activities, have very set opinions, feel good when things are completed, like order and organization, may make decisions too quickly, and learn best from doing. Thinker describes 55% of males and 35% of females. They are more interested in fascinating ideas, want things to be fair and reasonable, stand up for what they think, are tuned in to logical consistency, are cool-headed and impartial in conflict, and make decisions based on rational thought.

Extrovert describes 60% of the population; they are more at ease and confident socially, like to know how others are doing it, get energized from socializing, and readily volunteer and offer opinions. Their ideas often start from the outside in (Shindler & Yang, 2004).

While there were some minor differences, the style for the high achievers and the lower achievers was the same. In a statistical analysis using Chi Square as the inferential test, the distribution was the same.

2. What are the implications of learning styles regarding the delivery of curriculum to the police cadets?

### **ESTJ**

The ESTJ type is generally described as gregarious and civic-minded; they tend to take leadership roles. The view of society tends to include worry about society falling apart, morality decaying, standards being undermined, and traditions being lost. They do all they can to preserve and extend the institutions that embody social order. The academy training encourages civic mindedness and leadership. More effort could be made to provide more positive views of society to offset the somewhat cynical view that comes from focusing on crime and criminal behavior. In general, the academy structure seems to be appropriate for the learning styles.

### *Extroverts (E)*

*Style* – Ease and confidence defines how Extroverts relate to others. They focus on getting energy from the group and their interaction with it.

*Approach* – During the academy, the recruits are organized in a military structure, with leadership positions rotated on a weekly basis.

### *Sensate (S)*

*Style* – Using the Sensate style, the approaches that work best with recruits are those that are practical and orderly, relating to their own experiences.

*Approach* – The structure of the academy, LDs, and testing based on these LDs provides the order that the Sensate needs.

### **Thinker (T)**

*Style* – Logical consistency, cool-headed, and rational decision-maker describes the Thinker style.

*Approach* – Supporting this style, a five-step rational decision model is taught in the course.

### **Judgers (J)**

*Style* – As in the Sensate style, Judgers like order and a focus that places an emphasis on structure and well-planned-out activities with practical exercises.

*Approach* – The schedule is published on the first day of the class and regularly updated. The schedules are organized by the LDs and progress from general to specific. The last activities are those that emphasize “doing” by role playing and field problems.

## **Recommendations for Further Research**

Based on the results of this study, the authors feel that additional work should be undertaken to study the recruits who fail the basic training course. Other variables need to be studied including gender, age, and prior experience in each area tested as part of course competency.

Another area of research would include the learning styles of the instructors and how well they match those of the recruits.

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# Should Police Agencies Teach Officers to Strike Combative Subjects?

**Kenneth Zimny, Training Manager, Illinois Police Corps Academy, Western Illinois University**

Police officers are constantly thrust into dangerous situations. Whether they are called to handle a domestic situation, a fight at a bar, or any other call, police often have to control or subdue combative subjects. A police officer is much more likely to have to use his or her hands to control a person than to use a firearm. Many police agencies, however, spend more time training officers with firearms than hand-to-hand techniques.

Most police agencies have a use-of-force policy that all officers must read and obey. The policy may or may not contain a use-of-force continuum, which is a graphic illustration of the various steps that a police officer may encounter when using force to subdue a combative subject. Use-of-force continuums have been used in policing for more than three decades. They were originally designed “for unraveling the complex and inflammatory realm in which police are tasked with using force with requisite objective reasonableness” (Aveni, 2003, p. 74). A force continuum can take one of several forms, but most continuums are composed of two sides. One side represents the suspect’s actions while the other side depicts the officer’s force options that are available to subdue the suspect. Usually, there is a progression in the likelihood that a technique will cause injury to the suspect. One shape a use-of-force continuum often takes is a ladder. If a continuum is depicted as a ladder, one side of the ladder is the suspect’s actions. The other side of the ladder is the officer’s use of force. The rungs represent the techniques the officer can use. The bottom rung would be the less violent force options, such as presence or verbal commands. The top rung would be deadly force. Every force option that a police agency allows officers to use should fall in between the bottom and top rung.

Some continuums have evolved into a nonlinear format. This was done in an attempt to remove the necessity for officers to move from less violent force options to more violent options in the order they are written in the continuum. Aveni (2003) states that the . . .

perceived advantages of nonlinear continuums are that they (1) flow from the suspect’s actions directly to the most appropriate response, rather than through a linear chain of options that might not be applicable, (2) they seem to offer more latitude to officers dealing with threats that might not always be as quantifiable as we’d like them to be, and (3) the very nature of a nonlinear force continuum lends itself to incorporation of one of the most neglected force continuum options, disengagement from an untenable situation. (p. 75)

Nonlinear continuums can also take a wheel design. This type of continuum depicts the officer as the hub of the wheel. The suspect’s actions are the tire, and the force options are the spokes. This completely removes the necessity to use force options in a sequential order because as the wheel turns, the officer can select the most appropriate option.



A problem with any complicated or multi-step continuum is the number of choices available to an officer. Officers often have only a fraction of a second to make a decision. Petrowski (2002) researched officers that were feloniously assaulted and determined that a “common denominator” was often present in these assaults. The common denominator was that the “victim officer hesitated in responding with force” (Petrowski, 2002, p. 25). During Petrowski’s research, he examined the FBI’s Uniform Crime Report for the years 1991 through 2000. During these years, 644 law enforcement officers were feloniously killed. The data also indicated an average of 60,307 documented assaults on law enforcement officers. An annual average of 10,994 of those assaults involved dangerous weapons, and 49,313 involved the attacker using personal weapons. During the period of 1994 through 2000, police officers killed an average of 364 felons while in the line of duty (Petrowski, 2002, p. 28). The two averages tell a grim story, 364 felons killed by police, and 10,994 police officers assaulted by felons armed with deadly weapons.

According to the FBI Uniform Crime Report for 2003, a total of 57,841 law enforcement officers were assaulted. Of those 57,841 assaults, the suspect used personal weapons in 46,842. In other words, suspects used their hands, fists, feet, etc. in a little over 80% of all reported attacks on law enforcement officers during 2003. These numbers indicate that there is a need for law enforcement officers to learn how to fight their way out of a combative situation, not simply defend themselves.

Police academies do not have adequate training hours in basic curriculums to teach new police officers to respond instinctively to combative subjects. All state curriculums mandate some type of hand-to-hand training, but seldom is striking combative subjects (when, where, and how) detailed sufficiently to be effective. In the state of Illinois, a person must complete a 480-hour curriculum at a state-approved academy to become a police officer. Of those 480 hours, 30 are mandated for arrest and control tactics. The only place “striking” is mentioned in the curriculum is in the student performance objectives. Objective 5-a-6 of the *Minimum Standards Basic Law Enforcement Curriculum*, which is certified by the Illinois Law Enforcement Training and Standards Board, states . . .

5. Demonstrate proficiency in the following areas regarding subject control:
  - a. Subject control tactics (cooperative, resistive, and assailant).
6. Blocking, striking, and stunning techniques. (ILETSB, 1995, p. 172)

The curriculum does not mandate instruction in when, where, and how to strike combative subjects.

In these times of depleting police department budgets, inservice training is also difficult if not impossible to increase. It is likely that many agencies do not have the resources to train all officers on an ongoing basis. Like all muscle memory techniques, hand-to-hand techniques are difficult to retain if not practiced frequently.

Consider the two following incidents. The first incident involved an officer that confronted a group of teenage males in a low-income housing area. The males were reported to be drinking alcoholic beverages. As the officer approached the group, everyone walked away except one male. The officer confronted the male who was cooperative at first. The officer observed suspected drugs in the male’s hand and tried to take possession of the drugs. As the officer conducted a search, the suspect tried to

flee. The officer and the subject fell to the ground and began struggling over control of the officer's gun. The officer was a canine handler and had an automatic release mechanism on his belt. The canine was released from the patrol car and began biting the suspect just as he gained control of the officer's gun. The suspect struck the canine with the gun causing it to jam. The suspect then stood over the officer and pointed the gun at the officer. The suspect pulled the trigger, but nothing happened because the gun was jammed. The officer pulled out a back-up gun and shot the suspect.

The second incident started with a traffic stop. The officer asked the suspect to exit the vehicle to perform field sobriety tests. The suspect attacked the officer and punched the officer several times. The officer was unable to control the suspect and pulled out his gun. The suspect tried to disarm the officer, and the suspect was shot once. The officer's gun then jammed. The suspect continued punching the officer. The officer was forced to run away from the suspect; however, the suspect caught the officer and they began fighting again. The suspect took everything from the officer's belt and hit the officer with the items. Finally, more officers arrived and took the suspect into custody.

In both of these incidents, the officers appeared to be ineffective in hand-to-hand fighting. The few techniques that the officers used were apparently inadequate and ineffective in stopping the combative suspects. If the officers in these incidents had been trained on when, where, and how to strike a suspect, these incidents may have been far less dangerous to the officers.

Recently police trainers have begun to teach officers the concept of "ground fighting." Since many officer-involved hand-to-hand confrontations become ground fighting confrontations, this made sense; however, whether the officer is standing or prone on the ground, he or she still has many opportunities to strike the suspect. If the officer was familiar and comfortable with striking specific targets on the suspect's body using the proper technique, many hand-to-hand incidents could be resolved with less chance of injury to the officer. It would also reduce the likelihood that an officer would have to ultimately use deadly force because that is the only option an untrained officer has when confronted by a superior opponent.

The final issue facing police officers when using force concerns civil lawsuits. All police officers know that is possible that he or she will be sued after a use-of-force incident. This can cause officers to hesitate when using force to stop a combative subject. Police agencies have been hesitant to allow officers to strike suspects. Agencies have been much more comfortable with teaching pain compliance techniques; however, pain compliance techniques are often ineffective when a suspect is using personal weapons to injure an officer. Most pain compliance techniques involve manipulating the suspect's joints. These manipulations rely on bending joints a specific direction and stopping when the suspect starts to feel pain and complies. The officer must use fine motor skills when bending a suspect's joint in a specific direction. As Siddle (2000) states, "for fine motor skills, or motor skills which have a high degree of cognitive decision making, the research indicates that optimal performance will occur during low levels of stress" (p. 46). These fine motor techniques are easily applied in a training situation in which the participant's heart rate is not elevated. In a real altercation in which a police officer is fighting for his or her life, the officer's heart rate could be upwards of 175 beats per minute. There is significant loss of fine motor skills at 175 beats per minute (Siddle, 2000, p. 49).

Since striking a combative subject requires less fine motor skill and more gross motor skill, it is more effective in a combative situation. Also, teaching officers which targets on a suspect's body are most effective to strike will make the most of the officer's efforts. If the officer is not successful in subduing the combative subject, it may provide the opportunity to radio for backup or draw an intermediate weapon from his or her duty belt.

Police officers must make split-second decisions while they face life-or-death danger. Many police agencies use outdated use-of-force continuums that require officers to sort through many choices before he or she gets to the proper technique. This can cause some officers to hesitate when a combative subject attacks. The 2003 FBI crime statistics indicate 57,841 police officers were assaulted. Police officers were assaulted by subjects using personal weapons 80% of the time.

The first step in changing the techniques police officers are taught is to educate the chiefs and sheriffs. They should learn about effective striking the proper way and to the proper target when faced with a combative subject. Siddle's work on gross and fine motor skills should also be taught. The second step is for the chiefs and sheriffs to insist that this type of training be developed and implemented into the police academies. The third step is for the chiefs and sheriffs to educate the public reducing the likelihood of lawsuits.

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# Speed Kills . . . Precision Counts . . . Train Your Drivers to Survive

**Anthony Ricci, President, Advanced Driving & Security, Inc.**

It's your first day at one of Advanced Driver Training Classes. You have waited for this opportunity for some time and are finally ready to take the vehicle to its max. The day progresses, and you feel that you have a good handle on the technique; however, as your instructor increases the speed from lap to lap, you find out quickly that with added speed, your newly found technique has become harder and harder to perfect. While you managed to progress to a proficient speed, some laps were good some not so good, but overall you're feeling pretty confident. Your car nears the starting gate, and over the radio comes a surprising message from your instructor. The instructor says, "your next three runs are for test." You're thinking to yourself, "test, nobody said anything about a test." Oh well, you decide that you have successfully completed the slalom around 36-38 MPH several times, so you're going to attempt the perfect score. A perfect score would mean holding your speed steady at 38 MPH as you weave between four evenly spaced traffic cones. You assure yourself that you can do it. Feeling confident, your foot presses on the gas pedal, and your vehicle starts out down the runway. Everything feels good; car placement is perfect as you turn the steering wheel to the right and round the first cone. Quickly, you turn the wheel to the left and negotiate your way around the second of four cones. As your car approaches the third cone, you feel the vehicle starting to slide; you jerk the wheel back to try to correct the situation—too late. The laws of physics just took over the controls, and you find yourself seeing in all four directions without moving your head. As your car spins out of control in a series of 360s, smoke pouring from the tires as they screech across the track, your classmates look on, some in laughter and some in horror, but all wishing they weren't next in line. Finally, the car comes to a stop. From the first cone to the place where the car landed felt like forever but only took about 3 to 4 seconds. After a series of loud "STAY ON THE BRAKES" from your instructor, he says, "welcome to the spin out club. You just earned the title 'Cone Killer' for the rest of the course."

The scenario above describes "The Slalom Course," the first exercise at a typical Advanced Driving & Security, Inc. (ADSI) Protective Driving Program. Our instructors love the smell of overheated brakes and smoking tires; however, in all seriousness, proper training is extremely important. **We can make it a lot of fun, but we must remember the bottom line, which is proper training saves lives.** The harder students work in training sessions, the more proficient their skills will become for the real world; we are firm believers in the saying "practice does not make perfect, but perfect practice makes perfect."

The key to perfect practice is first good instruction. The most important element to any professional school is a solid proven curriculum and exceptional instructors. Instructors who not only know the material but have the natural ability to interpret complicated information and simplify it into a form that students can easily absorb. A successful instructor is not just a dictator of information but a true leader. A leader has the ability to understand people as well as direct, educate, and coach them. They are true visionaries who can see the students' strengths and push them

toward a successful path. Most of all, good instructors must have a genuine love for the subject matter and believe in educating their students. These traits will be recognized quickly and allow students to have faith in their instructors and willingly follow their direction.

The first criteria we look for when hiring a new instructor is a person with good people skills and the gift of being a natural teacher. Secondly, we look at “real world” skills and past job history. To allow a driving school to have a well rounded mindset, it is important to hire instructors from a variety of backgrounds such as teaching, law enforcement, military, racing, and stunt driving. To some, this hiring process may sound backwards; however, the students’ success depends on the quality of instruction given. Instruction should, therefore, be the most important element in any training school. No matter what their background, instructors should share a common interest in the subject matter, and most of all, they should take pride in helping the student reach proficiency in the specific topic being taught. (Check out our instructors’ resumes on [www.ladsi.com](http://www.ladsi.com).)

So what is the main objective that our instructors are teaching? I would like to go back to the second paragraph where I stressed “the bottom line is proper training saves lives.” When training a security driver, executive protection unit, or for that matter, anyone in need of personal security, we need to remember that lives are at stake. For whatever reason (could be many), our principal could be targeted or even worse has already been targeted—a target who if captured is worth a large amount of money or if killed could bring about detrimental changes. This is probably a good time to add the fact that if the terrorist got as far as capturing or killing the principal, the driver and protection team is not released and nicely asked to go home. Some would say that if the driver makes it out, so does the principal. In our world, the world where we have one chance to survive, we need to teach “Speed Kills . . . Precision Counts . . . Drive to Survive.” Students need to know that in the event of an attack, they may only have one chance for survival and that one chance better be successful. Knowing how to use the vehicle to its fullest potential, having the ability to sense when the vehicle is reaching its limitations, and staying within these limits is an extremely important part of driving out of the kill zone. It could be the difference between making it to a safe haven or landing in a ditch 100 feet from the attackers. After students understand vehicle dynamics and the fine line between loss of control and out of control, then we can concentrate on more advanced security techniques concerning escaping the kill zone. These techniques include time and distance and reacting to an attack. **If a driver reacts within the first 2 to 3 seconds of when he or she recognizes the dangerous situation, he or she has just increased chances of survival ten fold.** We require our students to put a minimum of 90 feet between themselves and the attacker in under five seconds. Whether performing forward or reverse 180, ramming through a barricade, or just driving around a potential attack, having enough time and distance is crucial to the result of life or death. After understanding the time and distance theory and the ability to recognize a dangerous situation whether accident or ambush, our students must perfect these techniques so that they can be performed without any hesitation, just pure instinct and muscle memory.

How do you know whether your driver has the skill to perform in this manner? It is essential when looking for a training school that one asks about testing procedures and scoring systems. An experienced and professional school will have a structured

test procedure in place so that the student can be properly evaluated. This evaluation must be based on solid evidence that can be proven. When your driver goes off to security driver training, it is nice if he or she is entertained but for the conscientious corporate security director/transportation manager or owner of a private executive protection firm, it is critical that written proof is on file that your driver was evaluated and possesses the skills required to serve as a security driver. It is one thing to say a driver went fast, drove well, or did not hit anything, but what does that really mean? A professional school must bring testing and scoring to a totally different level. A report should be sent to the client stating on this particular day, with these particular conditions, this driver was able to demonstrate the ability to utilize xx% of the car's capabilities (hopefully about 90%), and your driver proved to maintain a competent level under induced stress. ADSI's test is based on mathematics and the laws of physics. Each radius is premeasured, speeds are controlled, and we know the limitations of our cars. Any accident reconstructionist knows that when you put these variables into a lateral acceleration or rate of deceleration formula, the result will show how much of the car's capabilities were utilized to get through a particular turn or bring the car to an emergency stop. This process demonstrates the driver's understanding of the subject matter and his or her skill level in utilizing the vehicle's capabilities. Who would you want driving the CEO of your company or your family, a driver who is capable of using 30% of the boss's Ferrari or a driver who can successfully use 90% of his or her family mini-van? When there is an obstacle in your path of travel 60 feet away traveling at 45 MPH or over, you better hope that the driver can utilize at least 90% of that vehicle's performance capabilities and not exceed them.

In summary, professional drivers do not need to know how to drive fast but to control speed relevant to the situation and terrain. They will need to know how to adjust, understand, and drive within the vehicle's limitations; their skill limitations; and the environment in which they are driving.

Based on 10 years of training Corporate Security Drivers and Executive Protection Teams, here is a brief list outlining the minimal characteristics that we feel are necessary for a good security driver selection.

- Clean driving record
- Clean criminal and civil background check
- Has obtained any necessary certificates or permits pertinent to the job and/or environment (e.g., CDL, chauffeur's license, carry permit)
- Drug and alcohol free as well as sound medical condition (e.g., eyes and reflexes)
- Personality and attitude necessary to read and adapt to different corporate situations (respects boundaries between principal and driver's role)
- Willingness to follow orders
- Demonstrates traits of discretion and trustworthiness when referring to conversations and business matters that have taken place in the vehicle

- Accommodates principal's wishes, however is willing to properly advise in the event of a possible threatening situation
- Well spoken and possesses good communication skills (bilingual a plus)
- Certified in first aid, CPR, and AED
- Ability to recognize, perceive, and react quickly to a dangerous situation
- Observant to surroundings (surveillance detection skills)
- Understands company's use-of-force policy, laws, and legalities in using a car as a weapon
- Extensive knowledge of environment and dedication necessary to advance new routes
- Excellent overall driving skills and the ability to use a car to its full potential when need be (accident or ambush)

**Anthony Ricci** holds a master's degree in international business as well as a bachelor's degree in marketing with a minor in communications. He was formerly associated with The Scotti School of Defensive Driving, a world-renowned security driving school. Anthony held positions of lead instructor, marketing director, and northeast facility coordinator. Anthony has successfully trained many law enforcement agencies, government and military organizations, numerous corporations, and private executive protection specialists. While associated with Scotti, his list of trainees included executives and other senior-level corporate staff representing some 80% of the Fortune 100 companies together with heads of state of 12 foreign countries, police departments in 22 states, and a number of federal agencies. Internationally, the Scotti student body included over 750 corporations throughout 28 countries on five continents and individual students from 64 different countries. Anthony has been interviewed and quoted in *USA Today*, *The Providence Journal*, *Combat Annual* magazine, *The Robb Report*, many TV news stations, *Bottom Line Personal*, and many other publications on tactical driving and personal protection. His specialized areas of instruction include protective driving, VIP and dignitary protection, police instructor's certification, and anti-terrorist driving. He also holds instructor certification in the AAA Defensive Driving Instructor Program, National Safety Council, and The Motorcycle Safety Foundation. Anthony is currently the president and owner of Advanced Driving & Security, Inc. as well as the chief instructor for the Rhode Island Motorcycle Safety Program.

# The Theory of Presumed Compliance

Anthony Blauer, Blauer Tactical Confrontation Management Systems®

*Officer killed during a routine stop of a man riding a bicycle. The officer was killed with his own handgun.*

*Enraged state trooper drags unarmed woman from her car, violently throwing her to the ground.*

*Officer answering call for help from a battered woman gets stabbed by the same woman while attempting to control her estranged boyfriend.*

Stories like these occur daily throughout North America invoking outrage and indignation. How many tragedies must occur before administrators, trainers, and officers realize that there is something wrong with how police officers train for survival?

Over a decade ago, I realized that the only way I'd ever be able to defend myself is if I understood four things: (1) What do I fear? (2) How do I conquer those fears? (3) How do "real" attacks occur? and (4) How do I defend against those real attacks? The "truth," I discovered, was never in bigger muscles or accumulating techniques. The truth, yours and mine, was in understanding behavior, psychology, biomechanics, and violence. Sounds so simple, right? So tell me, why has this obvious process eluded most defensive tactics (DT) instructors as well as virtually every self-defense and martial art system?

DT trainers must realize that it is *only* during their class that an officer is supposed to learn how to protect him- or herself *and* control a hostile subject. If that process fails, someone may die. If half of the techniques taught don't really work, half of the training time is wasted. And sadly, most of what is taught does not address the realities of serious, aggressive resistance, which is the only time an officer is in real danger. Many street tragedies could be avoided. Presumptuous training strategies and tactics are partly to blame. There are problems with the training process; however, there is a far bigger problem than the DT curriculum. The real problem is you—the officer.

Yes, the officer is responsible for many of these tragedies. Why? Because at the end of the day, it is you and you alone who is responsible to make the call, choose the level of force, and trust your instincts and intuition. It is your responsibility alone. **During confrontations, responsibility must be read response/ability: one's ability to respond.**

As a professional police officer, you knowingly and deliberately place yourself in harm's way to "serve and protect." You must ask yourself some moral, ethical, and legal questions regarding your preparation and response/ability. Do you feel confident to contain and control violence? What areas do you feel weak in, *and why aren't you developing those areas?* Indifference is not a valid defense, nor is ignorance.



The system, the research, the analysis, and the legal aid is only at your disposal *after* the event. Until then, you are in control (or supposed to be). Being an effective police officer goes beyond the oath and attitude. On judgment day, you are either a warrior or a *worrier*. Preparation will decide.

And what is preparation? It is the truth filter through which you view your responsibilities. And if that *ability to respond* is inadequate, deficient, delinquent, or insufficient, *you fail*. If you lose a confrontation, you may lose a court case, but perhaps, you'll lose your life. *Preparation is about conscience and accountability*. If you can't motivate yourself to practice drawing and dry firing or cuffing tactics or to work on verbal skills or do 10 fingertip pushups every morning and go for a run (you get the picture), then you aren't responsible. Police work is dangerous. Period.

Coach Bear Bryant said, "*The will to win compares little with the will to prepare to win.*" In my 17 years of professional teaching, I have observed lots of "will to win," but rarely do I see the requisite preparation to match the attitude.

How many inservice officers do you know who continue to train for survival, close quarter skills, weapon retention, hands-on knife controls, contact simulations, verbal de-escalation strategies, etc.? If you think the academy DT program is all you ever need, plus the occasional seminar, forget it. It's not enough—it's never enough. It takes a microsecond of doubt or hesitation to change your life forever in combat.

How can you ensure your survival? You can't. But you sure can enhance its likelihood. And it starts with a major paradigm shift, a real attitude adjustment. It starts when you can recognize "presumed compliance."

Presumed compliance (PC) is a key component to the Behavioral Defensive Tactics™ program. It is the pervasive mindset that predisposes an officer to fail (or at a minimum, succeed under duress and with friction).

During every confrontation, there is a sequential relationship between predator and prey that transcends technique. Training must address this behavioral truth. Also, there are three distinct arsenals required for *real* survival training. The powerful synergistic qualities of the emotional, psychological, and biomechanical arsenals have not been sufficiently explored nor effectively addressed by most of the defensive tactics community.

To understand the totality of the concept, one must first appreciate the *Three-Dimensional* integrity of the *behavioral system*. Simply put, how you think (psychological) determines how you feel (emotional). How you think and feel affects what you do (behavioral). Naturally, how you think, feel, and behave will affect your choices (strategy) and your performance (tactical skill). The truth is that your thoughts and behavior will either enhance or encumber your tactical options. *The mind navigates the body.*

Let me explain: at first glance, PC appears to be a simple concept; literally meaning, you assume a "suspect" will comply, but don't be fooled. PC is quite complex and must not be summed up as simply a "false sense of security." Its origins are deeply rooted in attitude, psyche, archetype, and more. PC dulls your edge; it diminishes

the danger in your mind. It affects how you think, feel, and behave; therefore, it will affect your tactics, and you may not even know you suffer from it!

Here's a simple breakdown of the noxious effect PC has on the modern warrior's mental condition and physical readiness.

- **Overconfidence** – PC is overconfidence. PC assumes a suspect will comply. Traditionally, people comply with authority. Police officers (the badge, uniform, gun, etc.) represent authority. Authority is intimidating. It's a logical conclusion but a dangerous one.
- **Tactical Overconfidence** – PC fosters a false sense of security. The majority of DT classes use cooperative and static drills to teach the strategies and tactics you take to the streets.
- **Apathy** – PC fosters apathy, the “*It won't happen to me*” mindset. And if it won't happen to me, why even prepare for it?
- **Diminishes Motivation to Train** – PC says it's okay to skip a workout, to not wear a vest, or to miss training sessions. It is unlikely you'll motivate yourself to train for something that you believe won't ever happen.
- **Denial** – Apathy ensures you'll go right into denial, the “*I can't believe this is happening to me*” mindset. Those who do manage to shift psychological gears to exit this *inertia* stage will have consumed valuable time. Denial delays decisiveness.
- **Increases Reaction Time** – PC delays access to your strategic response system. During PC confrontations, your mind experiences sensory overload, and you must “reboot” your mental computer. During PC, you are reactive not proactive.
- **Dulls Intuition and Instincts** – PC dulls your mental edge, and it also breeds complacency. In a profession in which every call could be your last, complacency is a disaster magnet.
- **Force Option Continuum Tunnelvision** – PC creates hesitation. The psychological inertia brought on by denial and lack of preparation will create stagnation in the theoretical force option continuum. Result: loss of self-control.
- **Pejorative Ego Development** – PC tells the ego that *its* in charge, the center, the authority. It seduces the negative traits of the ego. This negative trait leads to more attitudinal problems.
- **Erosion of Communication Skills** – PC does not permit true emphatic listening. In fact, it engenders the dogmatic, myopic sort of “bureaucratic” mindset we all loathe. PC simply does not provide room for flow, spontaneity, or flexibility—three necessary components to both verbal and tactical skills.

The psychodynamics of PC in law enforcement are both fascinating and revealing. PC does not allow for personal development; it therefore, stifles training, research,

learning, and evolution. If it has no *intrapersonal* potential, it surely has no interpersonal potential. It, therefore, opposes real communication.

Communication is not simply about listening or asking questions. *Three-dimensional* communication starts within you. If you cannot coach yourself, you will not perform well. If you cannot defuse yourself, you cannot hope to defuse the opponent without a struggle.

Unchecked, PC can devolve into cockiness, arrogance, and an elitist persona. Noncompliant subjects are a threat—emotionally. They are an affront to the PC mindset, and situations that should have been handled easily turn into embarrassing events with charges of excessive force, police brutality, and more. PC and the omission of a psychological arsenal costs police departments and their cities millions of dollars each year in litigation, and worse, it has taken many good officers' lives.

Society has helped to create the PC frame of mind. Stereotyped images of authority figures possessing knowledge and power are pounded into our minds from birth. So why would it be different when you finally earn the right to wear the badge? All of the manuals and standard operating procedure (SOP) doctrines imply your successful control of every situation. You have the theoretical force option continuum; you have back-up and other tools at your disposal. Yet, nowhere does the training address palpable fear management strategies, or behavioral tactics to influence systematic de-escalation or even a street-smart approach to defensive tactics (everything works when it's choreographed).

Arrest statistics also help create PC; that is the biggest problem. The majority of subjects *do* comply; some resist a little but then give up. But ask those officers that were killed in the line of duty if the training supported their combat conditions. Ask yourself this: Did you survive your last physical confrontation because you were better trained than your opponent *or did you control it because your opponent lacked training?* Reflect on that; there's a huge difference.

In closing, remember, PC leads to overconfidence and a false sense of security. This permits us to take stupid risks in the form of a "superman" persona or by not training seriously. The debilitating combination of apathy and denial now present ensures you will not seriously prepare, which means that should something happen, you will go into denial before you even get the opportunity to react. That is how the brain is wired. The combination of the aforementioned by-products of PC actually does more (as if that weren't enough)—it actually dulls intuition and instincts. Put all that together, and you have an accident waiting to happen.

Survival training is not complicated. The "truth" is rather simple but will require a paradigm shift, which may be difficult for a community that notoriously waits for a tragedy to change SOPs and tactics. Real fighting—street survival—has little to do with a technique, martial arts, or finesse. Street survival training is about attitude, preparation, and integrity during training. Learn to discern fact from fantasy. Commit to the truth, and pursue excellence.

Please ponder deeply, the theory of PC. In fact, take it very seriously. It is not a superficial concept to be glanced at or glossed over. It is perhaps the single most

important theory for progressive officer protection, as it places the burden—the response/ability—on you, the officer. You must live with what you do and don't do. The truth is in the training. Do you need skills that work against a compliant cooperative subject or an aggressive resister? At the end of the day, it is your response/ability that determines the choices you make.

Imagine this: You're facing that motivated resister. The guy with nothing to lose. Your verbal commands bring a sneer to his face. He lunges, a clash, a clinch, and you ram him into a wall. He growls; the wall slam reminds him how much he loves violence. You thrust a quick knee allowing you to separate while you reach for your OC. He charges at you, taking a full blast in the face, but he's still coming at you, screaming; this animal has fought through OC before . . . he's still moving, too close for a full swing with your impact tool . . .

The confrontation is only over once the perpetrator has genuinely lost the will to resist. Presence, firepower, and justification mean nothing to the sociopath with nothing to lose, and it is that sociopath who is responsible for most officer fatalities. Training should be geared toward the motivated sociopath. Period. Those who choose to comply will do so. Those who don't . . . will test your mettle. The truth is the training. You can't fake endurance. You can't buy confidence. You can't buy experience. When preparation meets reality, you'll get your experience. Stay safe. Train with integrity . . . it's your duty; it's your call.

**Anthony Blauer** runs Blauer Tactical Confrontation Management Systems® (BTCMS), a consulting firm specializing in combative training for military and law enforcement groups. With over 20 years' teaching experience, Blauer is highly sought out by progressive trainers interested in advanced scenario work and close quarter tactics. His Spear System™ is used by many of the world's leading law enforcement and military trainers. BTCMS produces instructional videos as well as scenario-simulation training gear and offers self-defense courses through the Personal Defense Readiness program.

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# Learning Leadership for Continuous Improvement: Taking Implementation Seriously

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## Executive Summary

This article is an excerpt from the 2nd edition of a book that will be published early this year by Trafford titled *Every Officer Is a Leader: Coaching Leadership, Learning and Performance in Justice and Public Safety and Security Organizations* (2005).

The University College of the Fraser Valley (UCFV) in Abbotsford, British Columbia, has been equipping leaders in the criminal justice system with university-level education and competency-based training for over 2 decades in its criminal justice program. The courses that the criminology students are required to take before they receive the BA in criminal justice include most of the competencies on the competency lists that have been generated by police officers and police leaders themselves.\* There are similar competencies reflected in the job descriptions of probation and parole officers, correctional officers, and customs and immigration officers. These competencies have a high degree of alignment with those of the Royal Canadian Mounted Police (RCMP); Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia; and the FBI. More recently, UCFV has entered into an agreement to provide baccalaureate-level criminal justice education in a joint program with the RCMP.

For example, for several years, both Richmond and Surrey Detachments of the RCMP have been implementing parts of the *Coaching a Leadership and Learning Organization* process model, which identifies key leaders in the organization, enlists them in a Continuous Improvement Team, and engages them in the planning of strategy and the review of its implementation. The excellent feature of this approach is that work gets done while leadership development is taking place on the job (this is where it really happens most significantly, according to much research in leadership and most officers with whom we talk).

## Coaching the Continuous Improvement Team Process

Leaders can learn to develop other leaders and coach the Continuous Improvement Team (CIT) Process if they have a few trained, respected leaders available in their detachments to make this happen. Also, the knowledge gained from the courses at the RCMP Training Centre can be applied in the workplace if it is recognized,

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\* Anderson, T., & King, D. (1997). *Leadership training needs assessment for justice and public safety*. The Justice Institute of British Columbia.

Anderson, T., & Plecas, D. (1999, June). *An employee survey of perceived leadership competencies. A research report prepared for the San Diego Police Department.*

Anderson, T., & Plecas, D. (2000, January). *An employee survey of perceived leadership competencies. A research report prepared for the Vancouver Police Department.*

appreciated, and rewarded by senior leaders at each detachment. This is only possible if the CIT is a place where important work gets done and learning about leadership happens simultaneously. We know this is possible and highly desirable by those who have experienced or witnessed it.

In most organizations that have implemented the CIT concept, management has counted on this CIT team to . . .

- Eliminate the line-up at senior leaders' office doors of people who want them to solve problems.
- Develop leaders on-the-job while they are getting the job done of leading and participating in the CIT.
- Be the "brain trust" in the design and implementation of strategy.
- Analyze problems and future trends, and make recommendations to management.
- Engage in the prevention and management of problems.
- Be an important cross-functional advisory body in the development of policy and resolution of internal cultural and organizational problems.
- Recommend and/or make key decisions that will affect members of the police community and the community at large.

In this *Coaching a Leadership and Learning Organization* model, those who are identified as the most credible, competent, and caring leaders (regardless of their job titles) are asked by management to volunteer to serve in this advisory and problem management role. The agencies that have adopted or adapted part or all of this model and are in the process of implementing their own "spin" of how it should be rolled out are as follows:

- RCMP Surrey
- RCMP Richmond
- Abbotsford Police
- New Westminster Police
- Vancouver Police
- San Diego Police
- Folsom Police

As Dr. Anderson has assisted in the work of helping these departments develop, the need has clearly emerged to duplicate his expertise. This "duplication" has already occurred to some extent in each of the detachments in which he has served as an organizational coach.

Some chiefs, deputy chiefs, captains, and sergeants have been willing and able to assume a similar role of organization development change agent or leadership development coach in their departments or detachments and others have not . . . and many don't want to take on the responsibility and/or aren't educated or equipped to do so . . . but all agree that it is necessary and that the time to take leadership development and organizational development seriously is long overdue. Most leaders agree that they want to see it happen and appreciate its value.

Other leaders don't understand it and attempt to eliminate collaborative problem-solving and creative team approaches in their organizations. The consequences of

this preventing or occasional “dismantling” of the CITs at a few agencies that had them functioning has been, in the words of those who work there, “demoralizing, ineffective, arbitrary, and ‘old school.’” Those few leaders who have dismantled working CITs were probably not comfortable with the open and collaborative team leadership approach and wanted to return to a more rigid command and control approach. The irony of their dismantling the CIT is that the members continue to meet and make operational decisions collaboratively anyway because it works better, and once they learn to work together, they prefer doing so.

It is not necessary for success that the senior leader assume the facilitative role of making the CIT process happen successfully. On the contrary, the greatest successes have occurred in the police departments and detachments in which a few exceptionally competent leaders took the lead roles in the CIT implementation process. They modeled the way, and after the process got rolling, they moved into the role of internal coach and/or consultant, and Dr. Anderson, or other external advisors, have supported them through executive coaching sessions.

The most significant aspect of the above learning that officers have engaged in is that they have learned leadership *on the job* while they do the work of leading under the direction of those who are more experienced and competent leaders than they are (as measured by a 360-degree feedback tool on competencies that everyone in the organization has agreed are important).

## **What Are the Benefits of Leadership and Organizational Coaching?**

What are the benefits of implementing a leadership and learning organization coaching program?

- Coaching and learning is competency-specific, needs-driven, and based on the leadership learning plans that can be generated.
- Training dollars are not spent where they aren't needed; employees won't be spending time sitting in training sessions that they don't need.
- Transportation and housing during learning events becomes less frequent because most learning happens on the job and is coached by competent, respected, fellow leaders.
- Only the mentor-coaches (those who will be training other coaches) and coaches (those who will be coaching leaders or future leaders) will attend formal training sessions and possibly receive certification (a coach and mentor-coach certification program can be developed).
- These trained leaders roll out the learning to others in each geographic location and train leaders to coach others in leadership and organizational change and/or optimization skills.
- Leaders can know what competencies they are being asked to perform in order to compete successfully and be equipped to perform the responsibilities of their jobs at the next job level or rank into which they will become promoted.



- Leadership development is based on an individualized self-and-other assessment of key competencies that they agree to work on over a period of time.
- All leaders conduct their own self-assessment of leadership skills.
- All leaders get feedback from their peers via 360-degree feedback mechanisms.
- They identify and prioritize various training, education, coaching, or mentoring opportunities from a “menu” of options that they help generate.
- They discuss with one another the meaning and applications of the various competencies in their job roles.
- Discuss how any training, mentoring, or coaching might best be delivered on an individual and/or learning group basis.
- Determine which skills can be developed in coaching or mentoring sessions, learning groups, or on-the-job training.
- Explore alternative ways that they can select and get support for their learning from others (e.g., trainers, educators, captains, mentors, or coaches).
- Design a plan to measure skill development progress.
- Agree on ways to evaluate the effectiveness of the learning process and program.
- Evaluate the effectiveness of the process and the program by measuring the increases in competency ratings from their supervisors and peers.
- Evaluate the impact and outcomes of the program by measuring the extent of the success of change initiatives or innovations.

## **What Would Trained Leadership Coaches Do When They Coach So That Their Organization Becomes a Leadership and Learning Organization?**

### **Step One: Optimize the Executive and Executive Team Through Coaching and Facilitation Services.**

Questions Dr. Anderson has been asked are as follows:

- Would this work in each and every organization?
- Would every senior leader even want to optimize his or her own leadership skills and executive team?

As you read through the execution of the process, you will see that many of these questions will be answered affirmatively.

Through assessment tools and executive coaching, executive and executive team leader skills are developed, and their practical execution in the work environment is

enhanced. Leadership is optimized not only at the top of the organization, however. After assessing leadership competencies, this model develops leaders at all levels in the organization, both present and future, including a coaching process that ensures “leadership sustainability.” When viewing the model, it is important to note that it is based on the principle that “leadership is a process, not a position.”

When this step of optimizing the executive team is omitted or skipped, it is our experience that the average executive team remains average, and one having difficulties will continue to have difficulties. The executive team is as strong as its weakest leader. We have had great success helping those team leaders who are willing to make the commitment to developing their own leadership competence and their organizations’ effectiveness, especially when the senior executive is leading and negotiating a clear path toward improvement and change that is supported by most of the key leaders in the organization. The more resistance and denial there is, the more things stay the same, and the less ready organizational leaders will be to deal with the extraordinary demands for change and unexpected circumstances that appear to be on the horizon.

The primary reason that strategic plans don’t get implemented effectively is that leaders at all levels are often deficient in one or more of the leadership skill sets. Most people are reluctant to face their deficiencies at first; however, we focus on recognizing and optimizing leader strengths first. Then, leaders work on one specific skill deficit at a time until only the skills that are needed are developed.

For example, good business managers who are good at the task side of management but don’t have well-developed team leader skills, don’t execute optimally in the strategic arena. Once they are clear about areas in which they excel (as perceived by self and others), they can build upon their strengths. Once they know their areas of deficiency, they can stop doing what doesn’t work and do more of what does work. This is why coaching is objective, fast, and cuts through a lot of the time that is often wasted while taking training that is not targeted on needed competencies. The leaders who face their skill deficits and capitalize on their strengths are demonstrating their willingness and ability to make integrity-based transformations in their leadership and in their lives, and they act as powerful culture-building models for the often less experienced leaders in subordinate ranks.

Therefore, what we have found to work best to help leaders gain competence and confidence is skill coaching and action learning (that applies in your life or workplace), combined with focused and accurate feedback. This is the most powerful combination of factors that we have found to accelerate leadership development. All of the executives Dr. Anderson has coached, even those with MBAs (or other advanced degrees) and 20 years of relatively successful management experience, have told him that they learned much faster and in a more applicable way from coaching around issues in their work and personal lives than they did from their university educations. He has coached more than 3,000 people to develop leadership skills in a wide range of settings. Key leaders in each organization can learn to support their managers in the following ways.

Each executive coaching program is individually tailored so that executives and other leaders don’t waste time and dollars taking courses or focusing in areas that are not needed. In doing executive coaching with senior-level executives, however,

we have found that there are some specific things that “kick-start” the process and make “lights go on.” These first steps are as follows:

- Assess personal style with the Personal Style Indicator (PSI). This assessment assists management team leaders in appreciating their style strengths, learning versatility, and working on difficult areas that their style profile reveals.
- Assess leadership skills using the competency list for your job. Colleagues and/or subordinates can complete a 360-degree assessment on how they see a leader, and that leader reviews his or her own confidential, 360-degree, collated results. At a low cost, it is possible to adapt this existing list into an online feedback tool so that all feedback is confidential, developmentally focused, and based on individual learning targets.
- Set goals for leadership development in consultation with a coach who is selected by the manager to mentor or coach the learning process. This coach or mentor could be anyone who is qualified to serve in that role. This person could be internal or external, paid or unpaid.
- Read the portions of the book, *Every Officer Is a Leader* (2nd edition), that apply specifically to leaders’ learning goals to gain a deeper theoretical and practical insight into skill strengths and deficiencies and learn how to better develop the skills needed.

The most powerful thing about coaching is that leaders regularly (often weekly) get to discuss and plan their own performance improvement around critical incidents that occur in their workplaces. Coaches are often available in your own work environment and willing to do specific skill coaching; you just have to know precisely what skills you need to work on and approach someone you respect who is also competent in the skill. You can also seek a more formal and longer term relationship with a successful mentor who has a good reputation and ask him or her to mentor you for a year or two, etc. One agency is bringing back retired employees to act as coaches for upcoming leaders who want to get ready for a promotional competition. This has worked extraordinarily well.

### ***Additional En Vivo Learning Experiences***

In addition to a weekly coaching meeting (in person or on the phone), sometimes leaders choose to call upon their coaches’ services as problems emerge, to discuss them immediately. We have received calls from executives who want consultations while they are in the midst of facing crises in their workplaces. We have also been called in as external facilitators to resolve personnel issues before they blow up, to resolve executive team conflicts or dysfunction before morale gets too low, or to intervene in helping an executive team to correct course in a difficult political situation that is of great import. This kind of *en vivo* learning in the workplace is reported by executives to be the most powerful kind.

### ***Developing the Executive Team Through Facilitation***

As individual executives on the executive team optimize their personal effectiveness as leaders through coaching and get the support they need to more professionally

process the problems they encounter, we move into developing the function of the executive team itself. Specific team development processes are available and need to be used in conjunction with a skilled facilitator from inside or outside the organization.

For example, executive teams can learn how to make decisions and solve problems better together by having a meeting that allows them to agree on how they want to make decisions and solve problems together. In this meeting, a trained facilitator assists the executive team members to come to consensus and become practiced at how they want to go about solving problems and making decisions together. As a consequence of this developmental facilitation, management team meetings will become more effective, efficient, less frustrating, and more productive in achieving organizational objectives.

### **Step Two: Scan Internal and External Environments to Identify and Prioritize Organizational and Executive Team Concerns.**

The Organizational Assessment Review (OAR) is used to conduct a study of each organization's needs and concerns. Also, interviews and focus groups can be conducted, and the CIT is involved in reviewing data from all sources before decisions are made about setting strategy regarding problems, concerns, opportunities, and threats that are revealed from the organizational reviews.

The OAR can also be used by those who are external to the organization to elicit feedback about how the organization is being perceived by those who do not work in it. This data is included in the final analysis and recommendations. Both qualitative and quantitative approaches to this assessment process can be used. Also, an attempt is made to balance both qualitative information (through a CIT review) with quantitative information through a careful analysis of the relationship between the numeric data and subjective views of that data.

Based on rankings of the issues in this report, the executive team and CIT move ahead into the strategic planning step of the process. The OAR includes a wide range of organizational best practice areas including the following:

- Planning
- Change
- Security
- Communications
- Technology
- Hiring
- Lifestyle
- Stress
- Performance management
- Teamwork

The OAR can, however, be custom-designed to fit the exact needs of the organization, and it can be made available online for organization-wide or target group input of data.

We *strongly* recommend that such information be reviewed and proactively acted upon on an ongoing basis at monthly CIT meetings.

**Step Three: Assess and Agree on the Organization's Leadership Competencies; and Then Use Them for Assessment, Planning for Learning Leadership, Performance Management, Succession Planning, and Career Planning.**

Omitting this step can arrest the development of organizational culture and competence. Many problems are caused by vagueness and misunderstanding about what leadership is.

Once an entire organization agrees on an operationally defined, competency-based, definition of leadership that describes the behaviors and practices that are expected from leaders, then leadership development, managerial and supervisory performance management, and culture building can and do occur simultaneously.

However, when an organization has agreed about its foundational leadership competencies and does not have ways to make those competencies accessible and usable for assessment, feedback, planning for learning, performance management, succession planning, and career development, then the competencies get out of focus. Everyone gets busy, and leaders just keep on doing what they have been doing and keep on getting what they have been getting.

We have had excellent success in doing studies that articulate and elucidate exactly what all members in an organization deem to be appropriate leadership behaviors for effective communication, problem solving, decisionmaking, team development, strategic and action planning, and project management. Most supervisors and managers we have surveyed (over 1,200 of them), however, claim that they are too busy to do leadership coaching and/or mentoring. This is why several staffs have opted to spend many of their leadership training dollars on coaching and mentoring programs that are facilitated by both internal and external professionals who work on an individual basis with leaders and build their competence based on annual 360-degree feedback on how they are being perceived by their peers and subordinates. We believe that hiring external professionals to do this task of mentoring and coaching is a short-term stop-gap solution that is not preferable to having internal professionals designated to provide such services. This is especially true in unique criminal justice environments; however, many leaders say that they would prefer to have external professionals coach their leadership development because of the confidential and competitive environment of various officer cultures.

Once agreement is achieved by an organization about what leadership is, this provides all leaders and prospective leaders with avenues for achieving competence through such coaching, mentoring, and individualized leadership development plans that can include individual skill coaching sessions, courses, workshops, readings, degree and certificate programs, etc. In our work with the San Diego Police Department, they have worked out a way that supervisors and managers can receive academic credit toward degrees when they engage in a wide range of programs to develop agreed upon leadership competencies. The RCMP is doing the same now that it has its agreement in place with UCFV to offer a BA degree in police studies. The MA in criminal justice at UCFV is next on the horizon.

Clarity about competencies also results in leaders experiencing a great sense of relief and enthusiasm about knowing what is expected from them if they are to demonstrate successful leadership performance. We have done this process with a number of organizations with the same positive results. The New Westminster Police Service developed their list after considerable consultation and research. All members of this policing agency, both sworn and nonsworn personnel, agreed that these competencies were what should be expected of leaders at all levels. They also agreed that “everyone is a leader” of his or her own area. They used the competency list in their promotional process by counting the results of 360-degree feedback for a portion of the points in the promotional competitions. We have conducted similar research at San Diego and Vancouver Police Departments, and at the Justice Institute of British Columbia, that has resulted in leadership competency being taken seriously as an organization-wide strategic initiative for continuous improvement.

John Kotter, a Harvard University professor, has called continuous improvement the highest act of leadership.

#### **Step Four: Plan Strategically, and Create Business Cases for an Improved Future.**

A full planning session with a management team can be accomplished in 2 days. The strategic plan can guide all business line managers, service line managers, and senior executives as to the business cases that might be most appropriate and effective to propose in implementing strategic and operational decisions. In order to make these decisions, the CIT, with the management team, *cross-functionally* analyses and prioritizes various alternatives and options. Within the framework of an effective strategic plan, business case proposals help decisionmakers to evaluate the following types of decisions:

- Whether or not to offer a new service
- Whether or not to take advantage of an integration opportunity
- Whether or not to in-source or out-source
- Whether or not there is an opportunity to improve business processes
- Whether or not to upgrade, enhance, or build
- Whether or not to lease or buy equipment
- How to prioritize competing business initiatives or propose one

Then there can be a monthly, ongoing, CIT review of the plan’s implementation of business cases in meetings that take place for one or two hours per month, with measurable outcomes that far outweigh the time and cost of the process.

In this process, ongoing leadership development happens on the job. All of the above occurs while managers learn team leadership, strategic planning, and plan implementation skills on the job. They are accountable to one another at the monthly implementation meetings, at which a consultant often facilitates until one or more managers gain high-level strategic and facilitation skills (on average, this has taken about one year before the external consultant can be replaced by a newly trained internal facilitator). Internal coaches have been trained to facilitate these sessions as well. Supervisors who participate in this process learn how to design strategic implementation initiatives at their level with their teams and report outcomes to management.

## Step Five: Educate and Coach All Present and Future Leaders.

The foundation of culture is set into place by leadership effectiveness, and the organization's culture is built, arrested, or torn down based upon supporting this foundation with ongoing coaching and mentoring. This step of leadership development is often overlooked or sidestepped because of operational demands or budgetary limitations. Some leaders presume that leadership development has no relationship to leader, team, or organizational performance. Research on organizational optimization through leadership efficacy in the past 15 years has demonstrated the folly of these presumptions. (For a quick overview of some of the research that supports contention, see Jim Collins' book, *Good to Great*, and Kouzes and Posner's newest edition of their book, *The Leadership Challenge*; or examine the business case for emotional intelligence at <[www.eiconsortium.org/research/business\\_case\\_for\\_ei.htm](http://www.eiconsortium.org/research/business_case_for_ei.htm)>.)

CIT members engage in doing the work of solving internal organizational issues, leveraging unused opportunities, and building the organization *while they develop other leaders' skills through the team experience*. Members of this CIT address various concerns including the following:

- **Conflict Resolution, Mediation, and Negotiation** – These are recognized as basic leadership competencies. At the third stage, the assessment of the leadership competencies identifies three components: (1) the level of competency required in the organization, (2) the level of competency currently in the organization, and (3) an individual leader's level of competency as perceived by others. Developmental design matches the organizational resources to the organizational needs.
- **Facilitation (Planning, Problem Solving, and Decisionmaking)** – These are recognized as more complex leadership competencies. As well as a traditional training approach, the model envisions development of these skills through leadership and planned change teams, high performance work teams, and others under the coaching and mentoring of organizational leaders. This is particularly important in the development of strategic initiatives and the implementation of tactical action plans. This mitigates the requirement for outside interventions except in unique circumstances.
- **Building and Sustaining Effective Teams** – This flows from the "Leader" side to the "Organization" side as effective leadership is developed. These leaders then champion the processes of scanning, business case planning, and implementing and evaluating the organizational initiatives through a team-based approach. There is emphasis on a consensus approach to planning and implementation and learning.
- **Assessing Organizational Performance Problems and Recommending Appropriate Solutions** – This process is focused on the "Leader" side of the model where, through development and coaching, managers and supervisors become competent "performance managers." Where assessment under Step Two of the model identifies an organizational need for response to performance issues (performance management), collateral processes of planning interventions and internal development of staff occur.

- **Work Process Analysis, Improvement, and Redesign** – This process is a combination of the “Leader” and “Organization” side of the model. In the process of building leadership competencies, there is an opportunity for the practical application of new skills by managers and supervisors, each under the guidance of a coach and/or mentor. These skills are applied to the assessment of current processes, the design and implementation of appropriate changes, and the evaluation of outcomes.

We want to emphasize that although most people generally agree about the importance of the issue of leadership development, very few leaders in very few police organizations have designed a leadership development program that fits their needs. When they do, it is usually in the form of a separate training program and not a part of the way culture gets built and competence gets recognized and rewarded.

Perhaps more significantly, even fewer have developed a leadership development program that is linked to leader selection, placement, performance management, and career path planning. This is what we propose is most desirable and possible by taking leadership development seriously so that it can become the primary strategic success initiative for any criminal justice organization. We believe that organizations can, by implementing a leadership culture as an organization-wide strategy, become world leaders in building continuous learning for continuous improvement.

### **Step Six: Lead Strategic Plan Implementation to Hit Targets, Build Accountability, and Create Positive Work Environments.**

This step is the “make-or-break” step for organizational success and continuous improvement. The CIT, in collaboration with the management team, is the foundation of all strategic change, leadership development, plan implementation, and future trend management. Regular, monthly strategic plan review meetings are scheduled and attended by all team members, selected executive(s), and occasional outside guests, as needed. We have found this team to be the most effective vehicle and learning environment for the development of leaders (*en vivo*). This is especially powerful when combined with professional coaching. This model has been fine-tuned and implemented by organizations from corrections to police and business.

### ***CIT Development Guidelines***

The CIT will act as a cross-functional advisory body to management and, in some instances, be given authority to resolve some immediate concerns that would come to its attention through anonymous surveys, suggestion boxes, or e-mail submissions. Such authority will be considered and granted, as it is appropriate and expedient for management to do so.

Management will select the team members based on agreed upon criteria and processes. Anyone can apply or be recommended if he or she meets the criteria. Each member will represent the views and perspectives of their functional area of the organization. Future selection of new team members will be through election by existing team members, with approval of management.



The CIT will be formed to represent the concerns and ideas of all staff of the institution.

The CIT will have management representation, but the team will not be chaired by management. The chair shall be appointed by election of all team members with approval of management.

The CIT will meet on a regular, monthly basis in order to maintain consistency, drive, and accountability.

The CIT will report its initiatives, proposals, and successes on a regular basis through newsletters, Intranet, and web communications.

The CIT will consist of no more than 12 to 18 team members and their back-ups, and back-ups will attend all meetings in the event of regular team member absences. Back-up team members will, if they wish, and if they are qualified, become regular team members in the upcoming year of service.

The CIT members mentor capable and positive backup leaders to replace themselves in a one-year term.

It is understood from the outset of the team that the time members invest in the team's activities is voluntary, but nevertheless, a part of their job responsibilities in most organizations.

The team has nothing to do with "playing favorites," promoting, or fast-tracking certain people; it is for the purpose of building a better place to work and improving service to the community.

### **Step Seven: Review Outcomes Internally and Externally.**

Planning and managing change is a never-ending, recycling process, as indicated in the remainder of the model and as reflected by the necessity of having monthly review meetings. These recycling steps in the model are built on the concept of CITs. It acknowledges that there is nothing more constant than change. The "loop system" design requires constant evaluation, adjustment, and redesign based on the development of both leaders and high-performance work teams within an organization. Teams that fail to review progress monthly have consistently poor implementation rates, and the team synergy falls to a low ebb. The monthly meetings are found to be absolutely necessary!

To this point in the model, people in the organization have learned both the theoretical knowledge and practical skills to create and lead teams, assess and define critical issues, and plan and implement business cases for goal achievement. At the review outcomes stage of the CIT process, the organization uses evaluative processes, including post-testing with previously administered instruments, to determine the level of goal achievement. This is also the time for "course corrections."

### **Step Eight: Recognize and Reward Achievements.**

Continuous improvement requires the acknowledgment of achievement. This feedback loop in the model responds to both the Organization and Leader sides of the model. It acknowledges both the “we” and “I” of team performance. It recognizes the effective team building that has occurred and the resultant accomplishments of the team, but it also recognizes the individual accomplishments. It is the acknowledgement of personal growth. It is the point at which the leadership development that has occurred throughout the organization begins to “pay off.” Celebrating “wins,” no matter how small, demonstrates both progress in goal achievement and appreciation to those who contribute to organizational and personal goals. Members of CITs have consistently requested that reward and recognition programs be individually tailored to maximize the chances that recognition and appreciation will be perceived as such by recipients. They wanted to avoid the “give everyone a plaque” syndrome. A good solution to this has been to have employees themselves generate a menu of optional ways to be rewarded and recognized for performance.

### **Step Nine: Adjust and Redesign.**

The last stage of the model recognizes the need to acknowledge the “white water” philosophy of organizational change. That is, change is constant. To remain operationally efficient, change must occur and fine-tunings must take place. More importantly, however, is the learning that occurs with the application of the developmental process during Steps One through Six. The process is intended to develop a self-sustaining growth that requires minimal intervention from outside of the organization as learning leads to more learning.

## **What Might the Future of Leadership and Organization Development Look Like for Your Organization?**

### **If Building a Leadership and Learning Organization Works on a Smaller Scale, How Could It Work on a Larger Scale?**

What will be required for the long-term and larger scale success of such an endeavor as coaching a leadership and learning organization is the development of a centralized Organizational Assessment and Development Center. This endeavor could be led regionally by a university, by justice institutes, and/or police academies that would, under the consultative advisement and support from national or multi-national central agencies (e.g., RCMP, PERF, Canadian Police College [CPC], the Federal Law Enforcement Training Center, and/or the FBI) gain the benefit of larger scale research and development projects. This would serve the needs of various organizations in their regions to access the tools and expertise to equip, train, and mentor their key leaders to be able to perform all of the above tasks well at the various centers.

It is also possible that these regional centers could act as research and training centers where breakthroughs in leadership development and organizational assessment and development would be discovered, evaluated, and communicated to the professional community worldwide. At least two officers from each organization (one as the mentor-coach, and one as coach) could be trained to provide coaching,

organizational assessment, and development services to their organizations with the support and consultative assistance of staff or qualified professional coaches and consultants on contract at each center.

These centers do not have to become bureaucracies but can become linked virtual centers where most of what happens is online and available to all leaders who want to participate. Training events can become shorter, less expensive, annual or bi-annual events, with monthly support forums; coaching and mentoring can become tele-coaching and cyber-coaching. Reports of progress and breakthroughs from various police departments can be posted for the learning of all. I can envision a center in each province and state in North America. There are already organizations in which this linked synergy could occur, if the leaders of these centers could acknowledge the urgent need for expansion and linking and believe that the vision of preparing leaders is critical to long-term success.

### **How Can Your Organization Lead the Way in Leadership Development by Designing World-Class Leadership Training That Is Integrated with University Education?**

Agency leaders can communicate with one another to discuss the possibility of collaboration and the viability of the model for equipping change agents who can facilitate police leaders through the leadership and learning organization process. If the concept is worthy, then piloting it on a larger scale than my colleagues and I have must be the next step. I believe that the Internet has and will continue to facilitate dialog, discovery, and collaboration. In fact, I think what will eventually occur, is that we will be able to just accelerate the inevitable enrichment and dissemination of intelligence and learning that is a spin-off from the faster, more synergistic, networked communication that can now take place.

A keen example of the potential of the Internet to accomplish the above objectives can be seen at <[www.mentoring.ws/roducts/colaboro.html](http://www.mentoring.ws/roducts/colaboro.html)>. This online program is inexpensive and has the capabilities to facilitate knowledge transfer initiatives as defined by the organization and participants. To match corporate culture and meet organizational objectives, Colaboro is easily customizable. Colaboro is now being used by BC Hydro and the BC Ministry of Family and Childrens' Services. The real potential of the system is only being explored at this stage, as few people really understand its benefits.

Organizations can use Colaboro to develop formal coordinated mentoring pools with specific objectives and self-directed programs with sufficient structure. Colaboro facilitates the personal and professional growth of all participants while dramatically reducing administration and maintenance of the organization.

Colaboro provides a Just-in-Time Mentoring™ structure, enabling participants to self-direct their personal mentoring experience while meeting organizational objectives. Participants develop and assess skills over short or long durations.

Clients use Colaboro to implement virtually any knowledge transfer initiative including the following: Emerging Leader Development, Succession Planning, Diversity, Career Development, New Hire Orientation, and Competency Development.

Supporting face-to-face or remote location relationships, Colaboro is suitable for organizations of any magnitude and any geographic territory.

Licensing of Colaboro software includes CMSI set-up consulting and training to ensure mentoring program success.

Key benefits and features of Colaboro are as follows:

- More participants engaging in mentoring and coaching
- Facilitation of just-in-time mentoring
- Online developmental activities
- Reduced administration and costs

In this model, leadership begins at a very early stage in employees' careers:

- Constables have opportunity to become field coaches.
- First-time supervisors, usually corporals, have opportunities to lead teams of constables.
- Teams make good decisions.
- Understand jobs and know how to do them.
- Do more than necessary.
- Management listens and can be trusted.

In addition, the key issues that have been identified by your organization can deal more effectively with the need for further development in the following areas:

- Enhancement of team spirit
- Improved recognition and reward systems
- Timely information from management
- Clarity about goals and objectives
- Feedback about performance
- Understanding about change and involvement in planning for it
- More leadership training that builds teams, performance, and morale/trust
- More knowledge and skill in managing stress and change

Partnerships could be developed between your organization with key consultants and corporate coaches that include assisting management to . . .

- More effectively anticipate and manage change and develop the cultural readiness and enlistment for larger scale cultural and innovative change as the organization grows in size and service levels.
- Develop CITs that implement and review the effectiveness of cross-functional, organization-wide, solution-oriented interventions.
- Identify and develop leadership capabilities in all leaders and potential leaders through means that are identified by members of the aforementioned CITs.
- Optimize the implementation of the strategic plan through the CITs.
- Better anticipate and proactively respond to future needs and trends.

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Dr. Anderson and his colleagues will publish the 2nd edition of the book, *Every Officer Is a Leader*, in September 2005. He has personally authored and published over a dozen assessments, training and development tools, and books (including *Transforming Leadership*, 1998). Dr. Anderson completed his undergraduate and graduate work at California State University in psychology and English (BA, 1967) and post-secondary education and counselling (MA, 1973). His professional education certification was completed at the University of Victoria, British Columbia, Canada (1971). His doctoral studies were completed with Robert Marx, PhD, at the University of Massachusetts School of Management, and Allen Ivey, EdD, at the School of Counselling and Consulting, through Columbia Pacific University in San Rafael, California (1992).

# Instilling Resiliency in Law Enforcement Officers to Improve Performance

**Chris Dunning, PhD, Professor of Governmental Affairs, University of Wisconsin-Milwaukee**

The administration of law enforcement focuses on the selection, allocation, and preservation of resources used in the investigation of crime and in protecting and serving the community. The interplay of selecting the best possible combination of officers, equipment, and training is a significant management activity. The protection and development of human capital—the police officer—requires that supervisors constantly assess condition, analyze need, and acquire goods and services to maintain and improve officer performance. Administrators spend considerable time monitoring fitness for duty and attempting to ensure that officers have the protective training and gear necessary for their physical safety. Less consideration is given to determining what might be done administratively to protect the mental safety of police officers. Our workers' compensation laws for occupational health and safety place a burden on police executives to analyze and provide reasonable accommodation for the protection of mental (psychological) as well as physical and health injuries that might be incurred on the job. Not only is this a duty owed to officers, it also makes sense that administrators would consider and implement strategies that would serve to optimize the performance of police officers in accomplishing their duties.

Physical and/or psychological impairments that affect the ability to do the job (e.g., as serious cardiac ill-health, substance use, and clinical depression) generally result in some sort of management intervention. Most police agencies would readily intervene in situations in which concern for psychological status might impair job performance. Many have policies and programs for employee assistance, but few have the same type of programming that is generally in place for mental health safety, which parallels management strategies for physical safety. Police executives don't wait until the physical condition of a police officer deteriorates to intervene in issues of physical conditioning. Most offer health benefits and other strategies to maintain and improve the officer's physical status. In addition, on-site or sponsored physical conditioning opportunities are common. Protective gear such as bullet-proof vests, helmets, shield, and weapons are also provided for physical safety. Any department and its executive would be held liable civilly and possibly criminally if such attention to the physical safety of the officer were not monitored, if not for the officer's benefit, then assuredly for the public's. Managers understand the need to be proactive in assessing and responding to the physical safety needs of its police personnel, yet most programs aimed at psychological or mental health are reactive. Few departments consider the need for a proactive strategy to enhance mental well-being in officers performing high-risk duties.

One exception to this reactive stance of police management to maintaining the psychological health of its police force is in personnel selection. No administrator would want to hire an employee whose mental state might compromise his or her job performance. Police agencies have traditionally screened for issues of psychological

fitness through their background, biodata, and psychological testing screening tools. In today's employment climate, however, human capital has become an increasingly expensive commodity that requires management beyond the "original purchase." Police personnel selection and retention has become just as costly as labor costs of performing the duties of the job. Attention to conforming the selection process to meet competency and qualification as well as complying with state and federal labor laws involves great investment in time and money in order to hire and retain candidates who are not only likely to be successful in their job but in the department as well. "Best fit" means not only potential for success in performing the tasks of the position but in fitting in the department and its culture and being comfortable with the climate in which the work is performed. This situation is critical when the worksite and work duties involve high risk such as is found in law enforcement.

The best-equipped police agency is only as good as the competence of its personnel. This means selecting those who can not only perform the duties of the position but also maintain that competency in the face of extreme stress and danger. In addition, the ability of the officer and the department to recover after experiencing a high-risk, critical incident is also paramount. Administrators must take special care to ensure that only highly capable, hardy individuals are permitted to serve such departments. Failure to do so not only results in poor service and potential harm to the community and direct clients but also to the staff. Administrators of police agencies, therefore, need to be aware of the factors involved in such competencies as psychological resilience and in selection of personnel best suited to withstanding the types of mental injuries that might occur on the job. This process should be similar to the process of setting physical condition standards to reduce the occurrence of physical injuries.

Police executives know that the success of their department is dependent upon the quality of personnel not only to "do the job" but also to "withstand the rigors of the job." Quality of service is not the only indicator of a good selection process. The attrition rate due to duty-incurred disability, disciplinary action, and the costs associated with impaired officers also affect work product. As a consequence, a police personnel selection process needs to incorporate a mechanism by which candidates can be screened for their resiliency or psychological hardiness as a bona fide occupational qualification. A variety of techniques to ensure such consideration have historically been used in police services (Dunning, 2004a). Psychological instruments have been used to a varying extent throughout the United States during police applicant screening since 1917 (Territo, Swanson, & Chamelin, 1977).

At first controversial, pre-employment psychological screening has widespread acceptance in law enforcement as a useful tool in predicting job success. Long criticized for problems related to properties of validity, reliability, standardization, and utility, a few standard tests now are extensively used in police and fire selection. A number of psychological tests have been employed over the years in an effort to identify a group of psychological factors that can be found in successful police officers. Personality testing and its ability to predict stress-resistance, management, coping strategy, and resiliency is of particular interest in identifying officers with the ability to cope effectively with the conditions that produce mental injuries in policing. Psychological screening instruments that have been used in police organizations for personnel selection include the MMPI-2 (Minnesota Multiphasic Inventory-2 PSY 5), the CPI (California Personality Inventory), the TJTA (Taylor-Johnson Temperament

Analysis), and IPA (Inwald Personality Inventory). These tests provide information concerning the present competencies of candidates but are not specifically geared to inform administrators of the ability of the candidate to withstand extreme stress, frustration, and other conditions that might lead to mental injury on the police job. They cannot be used to evaluate officers already “on the job.” What is needed is a way in which candidates and police officers can be evaluated for their present and potential ability to withstand job-incurred psychological injury.

Industrial-organizational psychologists have produced a large body of research examining the predictive relationships between the Five Factor Model (FFM) personality dimensions and general job performance (e.g., Barrick & Mount, 1991; Hurtz & Donovan, 2000). Five general dimensions of personality have been identified repeatedly in the literature (Barrick & Mount, 1991; Costa & McCrae, 1992; Digman, 1990; Goldberg, 1994; McCrae & John, 1992). The Five Factor Model (FFM) or “Big Five” approach has emerged as the dominant taxonomic approach in personality research (e.g., Digman, 1990, McCrae & John, 1992; Goldberg, 1993; Costa & McCrae, 1995). In this model, personality is evident in five contexts: (1) Social, (2) Interpersonal, (3) Goal (or work-related), (4) Emotional, and (5) Experiential. Of interest is the emotional orientation—those behaviors evident in emotional contexts, such as stress and frustration.

### **Emotional Orientation**

- Tolerance for stress/frustration
- Resilience

Tendencies and preferences for behaviors within this factor subserve resilience and tolerance. The predictability and range of emotional response are also aspects of emotional orientation. At present, the most commonly used personality inventories that could be examined to determine whether reported factors could be used to operationalize competencies of stress tolerance and resilience include the following:

- California Personality Inventory (CPI) (Gough & Bradley, 1996), which reports personality characteristics including social expertise and interpersonal style; maturity, normative orientation, and values; achievement orientation; and personal interest styles.
- 16PF Fifth Edition (NCS Assessments) (Cattell, 1949), which identifies personal qualities that influence behaviors in work settings, such as problem-solving style and interpersonal style.
- NEO PI-R™ (Psychological Assessment Resources) (Costa & McCrae, 1992, 1995), whose 240 items is considered by many psychologists to be the best inventory for measuring traits within the Five Factor Model (FFM) of personality.
- Hogan Personality Inventory and the Hogan Development Survey (HDS) (Hogan Assessment Systems-HAS, Hogan & Hogan, 2002), which evaluates the strengths and competencies that enhance an individual’s career and the problematic behaviors that can impede career success; these dark side behaviors appear after prolonged acquaintance or during times of stress and heavy workloads.



- Minnesota Multiphasic Personality Inventory Personality Psychopathology Five (MMPI-2 PSY-5) (Harkness, McNulty, & BenPorath, 1995), which is composed of a set of scales designed to measure dimensions of personality disorder overlaps with the Neo-PI-R and other scales.
- Taylor-Johnson Temperament Analysis (T-JTA) (Pearson Assessment) (Taylor & Morrison, 1990), which is an assessment that measures personality traits that affect an individual's personal and interpersonal adjustment.

## Understanding Resiliency

Resiliency encompasses strengths that are mobilized in the face of stress, threat, conflict, and chaotic conditions. Its effect is to allow the police officer to persist in the face of adversity. Higgins (1994) suggested that resilience best captures the active process of self-righting and growth. By viewing resilience as a process in which the person experiences learned resourcefulness, the individual can then be seen to have the capacity to contribute internal strengths (Tedeschi, Park, & Calhoun, 1998). Tedeschi and Calhoun (1996) developed the Post Traumatic Growth Inventory (PTGI), which attempted to measure the extent to which survivors of traumatic events perceive personal benefits, including changes in perceptions of self, relationships with others, and philosophy of life. The wording of the PTGI presented possible benefits as outcomes of coping with traumatic events of positive reinterpretation, positive reframing, interpretive control, or reconstruction of events. Some empirical research currently exists to document that the process of post-traumatic growth acts to mitigate against the development of PTSD, a common mental injury sustained by police officers engaged in violent and deadly encounters (Tedeschi, Park, & Calhoun, 1998).

The term *resilience* was first used in physics to describe the property of materials to bounce back to their original shape or position after being exposed to external pressures. It has since been used to refer to the ability of complex mechanical and living systems to maintain or rebuild their balance after shocks or continued periods of stress. In recent years, it has increasingly come to mean the resistance of individuals, organizations, and communities to physical, psychological, or social trauma. It is also believed that psychological resilience results from symbolic and affective creativity that provides some persons with the capacity to give meaning to stressful situations and imagine better alternatives. While individuals may have differing core resilient dynamic capacities, all persons possess to some degree the ability to learn and grow from trying experiences. Higgins (1994) hypothesized that there are natural "holding environments" that promote the growth of these capacities. Here, Higgins defined *resilience* broadly as the ability to function psychologically at a level far greater than expected given the individual's capabilities and previous experiences. Taylor (1989) described *resilience* as a natural cognitive phenomenon to maintain one's competence by overestimating one's ability to respond to traumatic situations and to maintain an illusion of self-efficacy and self-esteem not consistent with reality in order to live with knowledge of the event. In this conception, the process of developing resiliency depends in great part on retroactive reworking of the cognition and meaning that the survivor attaches to the event and his or her response.

It is important to note that resilience in adults has been conceptualized variously by a variety of clinicians and researchers. In Higgins' (1994) dynamic conceptualization, resilient adults . . .

- Remain fiercely committed to reflection and new perspectives.
- Look at every experience as a source of emotional "mileage."
- Grapple actively with personal accountability and self-scrutiny.
- Absorb information well and take most reasonable suggestions readily.
- Believe that knowledge is power and that the future can be improved through learning and insight.
- Negotiate emotionally hazardous experiences proactively rather than reactively, thus solving problems flexibly.
- Make positive meanings out of their experiences, actively constructing a positive vision.
- Recruit other peoples' invested regard.
- Reduce their discrepant views of themselves and take a measured perspective of what happened.

All living systems—natural environments, individuals, or communities—are thus made stronger and more resilient by their internal diversity. Qualities of resilient individuals have been described as specific skills, behaviors, or competencies that are internal as well as external factors. Highly resilient people know how to bounce back and find a way to have things turn out well. They thrive in constant change because they are flexible, agile, creative, and synergistic; adapt quickly; and learn from experience. They handle major difficulties better than most people because they know how to gain strength from adversity. The roots of resiliency are a strong self-esteem, self-confidence, and a positive self-concept (Siebert, 1996). Paradoxically, resilience occurs in situations that can simultaneously cause the potential for psychological damage yet can produce strength that can result from struggling to deal with challenging circumstances. Facing challenging circumstances can engender respect and even optimism. Resilience has benefit both in helping a person to confront trying situations as well as keeping mentally healthy under stress and beyond.

Being able to identify resilience would allow supervisors to commend and support the well-deserved feeling of accomplishment that can result from persisting in stressful and trying conditions. Understanding the experience of resilience helps explain the need to celebrate the sense of pain and pleasure felt by those who have survived, even triumphed, over difficult circumstances and situations. Coutu (2002) described three fundamental characteristics that seem to set resilient people and organizations apart from others, suggesting that possessing one or two of these qualities makes it possible to bounce back from hardship, but true resilience requires all three. The first characteristic is the capacity to accept and face down reality. According to Couto (2002), individuals prepare themselves to act in ways that allow them to endure and survive hardships when assessing reality. In essence, individuals train themselves in how to survive before they ever have to do so. Second, resilient people and organizations possess an ability to find meaning in some aspects of life. Values are just as important as meaning; value systems at resilient organizations change very little over the long haul and are used as scaffolding in times of trouble. The third building block of resilience is the ability to improvise. Within an arena of

personal capabilities or organizational rules, the ability to solve problems without the usual or obvious tools is a great strength.

Researchers have debated as to whether resilience is a trait of individuals or a process (Jacelon, 1997). The ability to transform adversity into a growth experience and move forward defines the concept of resilience as process (Polk, 1997). It is important, whether a trait or process, for managers to understand the components of resiliency. Wolin and Wolin (1993) defined seven resiliencies that would be accepted by any police manager as competencies well-suited for law enforcement officers:

1. **Insight** – asking tough questions and giving honest answers. In adults, insight matures into **understanding**—empathy, comprehension of the self and others, and a tolerance for complexity and ambiguity.
2. **Independence** – distancing emotionally from the sources of trouble in one’s life. In adults, independence takes form in **separating**—taking control over the power of one’s pain.
3. **Relationships** – making fulfilling connections to other people. In adults, relationships mature into **attaching**—mutually gratifying personal ties that are characterized by a balance of give and take.
4. **Initiative** – taking charge of problems. In adults, initiative matures into **generating**—pursuing goal-directed behavior and tackling challenging situations.
5. **Creativity** – using imagination and expressing oneself. In adults, creativity matures into **composing**—serious artistic endeavors, and humor becomes **laughing**—the capacity to make something out of nothing, to minimize pain with a joke.
6. **Humor** – finding the comic in the tragic. In adults, humor matures into **laughing**—the capacity to see the absurdity in one’s own pains and troubles.
7. **Morality** – acting on the basis of an informed conscience. In adults, morality evolves from decisionmaking and principled behavior into **servicing**—a sense of obligation to contribute to the well-being of others.

As a dynamic process, resilience is highly influenced by protective factors (Dyer & McGuinness, 1996). Protective factors are specific competencies that are necessary for the process of resilience to occur. Competencies are those healthy skills and abilities that the individual can access and may occur within the individual or the interpersonal or organizational environment. Thriving is a dynamic process of adaptation, influenced by numerous individual and social factors; it emerges and changes over the life course and may be identified in behavioral, cognitive, or affective domains (O’Leary & Ickovics, 1995, 2003).

Research in resiliency and resilience development has focused on the following:

- The identification of resilient qualities involving developmental assets and protective factors

- Resilience as a disruptive and reintegrative process for accessing resilient qualities
- The force that drives a person to grow through adversity and disruptions (Richardson, 2002)

## Instilling Resiliency

Resilience is not a trait that people either have or do not have. It involves behaviors, thoughts, and actions that can be learned and developed in anyone (Sebastian, et al., 2003). Resilience has implications for longevity, continuous adaptability, and successful incorporation of change. These qualities seemed to express the power of cultivating resilience as central to the work of organizational development and, therefore, would suggest that resilience could be instilled in employees through organizational initiatives. The relationship between resilience as personal trait and external interface can be seen in the following factors that are universally accepted as promoting resilience:

- Caring and supportive relationships within and outside the peer groups and family; relationships that create love and trust, provide role models, and offer encouragement and reassurance help bolster one's resilience.
- The ability to make realistic plans and act to carry them out
- Positive view of oneself and confidence in one's strengths and abilities
- Skills in communication and problem solving
- The capacity to manage strong feelings and impulses

Reivich and Shatte (2002) argue that feelings are a result of thinking; therefore, by changing the way one thinks, one can control one's emotional reactions to stressful situations. They promote an "ABC" system:

- "A" stands for adversity ("what pushes your buttons").
- "B" is your inherent belief about life, which triggers responding actions and feelings.
- "C" ("consequences") (Reivich & Shatte, 2002)

What one thinks of adversity, one's inherent schemas, and the external consequences can be measured by supervisors. It is permissible for administrators to use assessment tools to determine training needs, and the resilience instruments currently on the market can serve that purpose. Resilience assessment tools include those developed by Shatti and Reivich and marketed by Adaptiv Systems and the Hay Group:

- Adaptiv Resilience Factor Inventory
- RQ-60 Resilience Measure – Developed for the Corporate market, this assessment rates individuals on resilience, scored for each of 7 resilience factors and an overall resilience quotient (RQ).

The seven resiliency factors used in the RFI and the RQ-60 are as follows:

1. Emotion Regulation
2. Causal Analysis
3. Impulse Control
4. Optimism

5. Empathy
6. Self-Efficacy
7. Reaching Out

Another popular instrument, the *Resiliency Map* (Orioli, 2001) explores resiliency demands, assets, and current levels of functioning. The *Resiliency Map* contains 21 resiliency factor scales and has six separate parts:

**1. Environmental Demands**

Looks at the changes, pressures, and stressors that are part of everyday work, personal, and family worlds

**2. Environmental Assets**

Determines areas of satisfaction, benefit, and support within both work and nonwork settings

**3. Resilient Beliefs and Values**

Measures four thinking and feeling patterns that help or hinder ability to build resilience

**4. Personal Coping Capabilities**

Explores five basic competencies that help bolster resiliency and manage demands

**5. Social Coping Capabilities**

Covers three major areas of interpersonal support and connection

**6. Health and Functioning**

Describes the degree to which one is free from physical, behavioral, or emotional symptoms that reflect chronic difficulty in managing life and work demands

Similar categories of assessment instruments that cover many of the same concepts of resiliency are those that measure concepts of emotional intelligence. Emotional intelligence describes a set of noncognitive skills individuals use to cope with daily demands and pressures, deal with people, and manage themselves. According to Goleman (1997), there are five essential competencies of emotional intelligence, three involving how we relate to ourselves (self-awareness, regulation, and motivating) and two involving how we relate to others (empathy and effective relationships). What is important to mental injuries is emotional intelligence that relates to people as they have insight into and can regulate their thinking, feelings, and behavior. Relating to others is important in how officers use the empathy of social support offered by others. There are four statistically reliable instruments that purport to measure emotional intelligence.

The first test developed, the *ECI* by Boyatzis and Goleman (1999), presented three clusters of 20 competencies of emotional intelligence.

Since that time, efforts to develop a construct and criterion-related test has led to two popular tests that measure emotional intelligence:

1. The *BarOn EQ-I* (BarOn & Parker, 2000) consists of 133 items and gives an overall EQ score as well as scores for the following five composite scales and 15 subscales:

### **Intrapersonal Scales**

Self-Regard  
Emotional Self-Awareness  
Assertiveness  
Independence  
Self-Actualization

### **Interpersonal Scales**

Empathy  
Social Responsibility  
Interpersonal Relationship

### **Adaptability Scales**

Reality Testing  
Flexibility  
Problem Solving

### **Stress Management Scales**

Stress Tolerance  
Impulse Control

### **General Mood Scales**

Optimism  
Happiness

2. The *Mayer-Salovey-Caruso Emotional Intelligence Test (MSCEIT™)*. The *MSCEIT* was designed to measure the four branches of the emotional intelligence ability model of Mayer and Salovey (1997). A significant difference found in the *MSCEIT* is that it is an ability-based scale that measures how well people perform tasks and solve emotional problems, as opposed to a scale that relies on an individual's subjective assessment of their perceived emotional skills (Salovey & Barrett, 2002). Responses to *MSCEIT* represent actual abilities at solving emotional problems (Mayer, Salovey, & Caruso, 1997).

While no resiliency, hardiness, or emotional intelligence test has achieved construct- and criterion-related validity in predicting job performance, much less stress and traumatization on the job affecting performance, it is a useful tool for developing improvement in personnel. It is important to note, however, that the research is well underway, and in the interim, consumers of psychological tests for determining best candidates for high-risk trauma exposure occupations should use them as descriptive, not predictive indicators of officer resilience.

## Resiliency Training

Resiliency training that can be performed with the department, work group, or unit to construct a positive reaction to adverse situations and conditions has been widely implemented in some work settings (Benard, 1999; Glantz, 1999). An understanding of resilience suggests that individuals and organizations have a basic integrity and a built-in capacity to heal, transform, modify, adapt, and survive. It opens up a way of thinking that asserts they are not passive recipients in need of outside support and intervention. If in fact it is possible to train police officers to increase the potential for the desirable attribute of resiliency, then police administrators have a tool to act proactively to enhance the mental competency of police officers. They need to provide or enhance skills to help officers bounce back quickly in the face of the pressures and adversities they encounter in the workplace. In order to facilitate growth in resilience, training programs would have to include the following:

- Learning how to analyze thoughts for accuracy
- Learning how to change to more accurate thinking
- Learning how to transfer attention to productive efforts

One such program promoted by Reivich and Shatte and marketed by the Hay Group involves the seven “Adaptiv Skills” that help people be resilient. Learning to apply the “Adaptiv Skills” in the workplace involves using them to be more productive and focused. (see [www.adaptivlearning.com](http://www.adaptivlearning.com) for details.)

Waite and Richardson (2004) investigated the efficacy of a worksite resiliency training program called PRRR (personal resilience and resilient relationships) conducted by the Department of Health Promotion and Education, University of Utah, for a large governmental agency by evaluating its impact on innate resilience/reintegration, selected resilient qualities (i.e., self-esteem, locus of control, purpose in life, and interpersonal relations), and job satisfaction. Imbuing resilience in training involves focusing on instilling a self-righting force within the officer that would drive him or her to pursue self-actualization, altruism, wisdom, and harmony with a spiritual source of strength (Richardson & Waite, 2002). The resiliency process is the experience of being disrupted by change, opportunities, adversity, stressors, or challenges and, after some disorder, accessing personal gifts and strengths to grow stronger through the disruption. The resiliency-training program is presented as a 5-day progressive program that provides experiences for participants to enhance personal resilience and to pursue resilient relationships. Improvements in resilience noted included locus of control, purpose in life, self-esteem, interpersonal relationships, and job satisfaction.

Law enforcement agencies have long embraced the theoretical efficacy of Stress Inoculation Training (SIT) as being instructive in facilitating effective and appropriate response by police officers under conditions of extreme psychological duress (Meichenbaum, 1996). In order to enhance police officers’ coping abilities and to empower them to use already existing coping skills, an overlapping three-phase training exercise is generally employed. In the initial *conceptualization phase*, a collaborative relationship is established between the officers and the trainer. This is commonly accomplished by having a trainer who has been through numerous critical incidents and is seen by the officers as an “expert” or skilled responder. A Socratic-type exchange is then used to educate officers about the nature and impact

of stress and the role of both appraisal processes and the transactional nature of stress (i.e., how officers may inadvertently, unwittingly, and perhaps, even unknowingly, exacerbate the level of stress they experience). Officers are encouraged to view perceived threats and provocations as problems to be solved and to identify those aspects of their situations and reactions that are potentially changeable and those aspects that are not changeable. They are taught how to “fit” either problem-focus or emotion-focus to the perceived demands of the stressful situation. The second phase of SIT focuses on *skills acquisition* and *rehearsal*, which follows naturally from the initial conceptualization phase. The coping skills that are taught and practiced primarily in the training setting and then gradually rehearsed *en vivo* are tailored to the specific stressors officers may have to deal with such as facing a threatening assailant, responding to a technological disaster, or being in a motor vehicle accident. The specific coping skills may include emotional self-regulation, self-soothing and acceptance, relaxation training, self-instructional training, cognitive restructuring, problem-solving, interpersonal communication skills training, attention diversion procedures, using social support systems, and fostering meaning-related activities. The last phase of *application* and *follow through* provides opportunities for the officers to apply a variety of coping skills across increasing levels of stressors (inoculation concept) to prepare them to resist the impact of persuasive messages. Such techniques as imagery and behavioral rehearsal, modeling, role-playing, and graded *en vivo* exposure in the form of “personal experiments” are employed. In order to further consolidate these skills, individuals may even be asked to help others with similar problems. These approaches are presently used by Calibre Press (Primedia Workplace Learning) and the FBI to prepare police officers to engage in violent, threatening, and horrific duty assignments.

Other resiliency training approaches that are familiar to law enforcement administrators include Hardiness Training (Maddi & Khoshaba, 2003), the Hardy Transformational Leader training in military groups (Bartone, 2003), and the development of team resilience (Pollack, Paton, Smith, & Violanti, 2003b). The South African Police (SAP) Service attempted to incorporate many of these approaches in its training program initiated in 2003. To better understand the relationships between critical incident exposure, psychological distress, coping, and resilience, a two-part study was undertaken by the Psychological Services Unit of the SAP. Part one involved a survey of 966 members of the SAP working in Gauteng Province. The second was a qualitative analysis of focus groups of SAP members who were identified by their commanding officers as having a history of being successful at work and home despite a career in high-risk duty assignments. What was discovered was the need to activate a “Switch” to turn emotional responsiveness off when exposure is expected and to turn it on again when exposure is over (Friedman & Higson-Smith, 2003). Efforts have continued to incorporate resiliency in recruit and inservice police training based on what was learned in the study.

## Conclusion

As police administrators recognize the enormous costs of lack of resilience in police officers as exemplified by the attrition of police personnel responding to the terrorist acts of September 11 through psychological disability retirement, reduced job performance, the increase in personal habits such as smoking and drinking, job absenteeism due to stress-induced physical illness, suicide, and inappropriate behavior on the job (e.g., excessive use of force due to anger management issues,



unauthorized “mental health” breaks, etc.); more attention will be given to resilience inculcation. Resilience can be facilitated through appropriate organizational structure and response, hardy leadership and management, and development of the competencies already in place due to personnel selection procedures. A key determinant of a strong police force characterized by continued psychological well-being is the implementation of assessment and training programs specifically designed to target the development of resilience. As Flin (1996) argued, training for resilience in protecting the public is not just a matter of the personnel knowing their jobs. Nor is resilience a matter of rest, diet, and exercise so frequently touted in stress management programs. Preparing for inevitable adversity in law enforcement means understanding the unique nature of the specific demands placed on police officers and organizations and their present ability to respond to these demands without reduction in performance or injury. It also involves a proactive program to increase their hardiness, fortitude, and resiliency.

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# The Formation of Prejudicial Attitudes Towards Minorities by Police Officers: A Preliminary Study

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## Introduction

Racism and discrimination by the police directed at citizens in the United States has been one of the most controversial and talked about subjects of recent history (MacDonald, 2003). The police have often been accused of abusing their power and failing to provide adequate service to blacks, Hispanics, and other minority groups due to discrimination and prejudice toward minorities (MacDonald, 2003). Prejudice for the purpose of this article shall be defined as "the tendency to have prior negative judgment toward . . . people who are different from some reference group in terms of sex, ethnic background, or racial characteristics such as skin color" (Morrison, 1992, pp. 34-35). The police are the most visible representatives in our justice system and have the ability to act on their prejudices in the form of exercising police power unfairly against minority groups. This visibility makes the police one of the most outward indicators of prejudice in the justice system (Muwakkil, 2001).

The police conduct a majority of their required functions in open view of the public. They are the first and most tangible contact citizens have with the justice system. They are often the only source upon which frustrations with the justice system can be vented. This makes the position held by the police both powerful and potentially volatile. When the actions of the police are viewed as prejudicial, a landslide effect of negative consequences occurs within communities and throughout the nation. These negative consequences manifest themselves in the form of negative opinions of the police; distrust of the justice system; open hostility toward the police; breakdown of communication within communities; and, most tragically, violence (Reinhold, 1991; Wise, 2001).

Society has reacted to this phenomena by placing sanctions on the police in an effort to make the police more accountable (Wortley & Homel, 1995; Rivera, 2001). The reaction has been to attempt to force the police to change the way they treat individuals by the threat of internal discipline or prosecution. The attempt to force the police to change does not examine the causes of police prejudice and therefore does not consider prevention as a possible option to limiting police prejudice.

## Problem Statement

When one reviews the literature, there is an abundance of documentation that prejudice does exist in the police profession and is a prevalent and driving force in decisionmaking at all levels of the bureaucracy (Muwakkil, 2001; Reinhold, 1991; Wise, 2001). Prejudicial attitudes and discriminatory practices of the police damage the fiber of our society, and much has been written about the extent of the problem, however, the reasons why these attitudes exist are less clear and much less frequently

addressed. The question of whether a prejudicial mindset came with the officer to the job or the officer formed such opinions while on the job seems to be an area in which little research has been conducted. The great reduction and/or elimination of institutional racism within police departments may lie in the prevention of such prejudicial attitudes. In order to develop a preventive strategy, we must understand the causes and not just the outcome of prejudice and discrimination by police departments.

Police discrimination is a sensitive and emotionally charged topic. It is a subject that has many complex facets and an enormous effect on law enforcement (Tizon & Forgrave, 2001). In order to be seen as sensitive to the issue of police discrimination and prejudice, police administrations take great pains to create policy and procedures to announce that they do not approve of prejudice and discrimination (Schott, 2001). The causes of police prejudice, however, are rarely examined by police administrations or researchers; therefore, anti-prejudice preventive training strategies are not created for police officers. Prevention of a problem is often the only true way of controlling and eliminating the problem at its source, yet we as a society have failed to seek prevention as a solution to police prejudice. We have failed to examine the causes of police prejudice closely to determine whether the solution lies within the problem itself.

### **Purpose of the Study**

The actions of the police have been studied, recorded, and ruled upon extensively in memorable history (MacDonald, 2003; Perlmutter, 2000). The experiences of the police are documented in the form of numerous television dramas and movies, which attempt to recreate the perceived glory, gore, and emotion of police work; however, the true inner workings of the police mind have been a domain off limits to outsiders and researchers who are often viewed by the police with mistrust and disdain. The failure to understand why the police react in certain ways has left training of the police inadequate in areas of developing preventative anti-prejudice strategies in training. The proper training of officers has long been known to be of great benefit to both the police and the public, and yet training relating to diversity for officers is almost nonexistent (Wortley & Homel, 1995). A mere 30 years ago, very few officers were trained beyond 2 to 3 weeks in a squad car with a veteran officer. Today, officers from the vast majority of departments receive extensive training of up to one year before being released from probation. They go on to receive additional training, which continues throughout their entire career in areas of officer safety, law, civil liability, interview techniques, special response team training, patrol function, etc. The idea that training is important has been established, but training in how the job will affect the opinions and emotions of the new officer is vastly under-represented and understudied (Wortley & Homel, 1995). Anti-prejudice police training could have a vast positive impact on the law enforcement community, which could translate into positive relations with the community.

In order to obtain a more clear understanding of how the police assimilate to police work and respond to the pressures placed upon their persons, they must be more closely studied beyond their actions. Supervisors, state attorneys, courts, and fellow officers explore the reactions of officers to situations. The reactions are studied from the standpoint of a crime scene investigator looking for the chronological series of events that led up to the final result; however, this chronological investigation does

not start soon enough. It begins with the event and not the years of training and experiences that contributed to the result. The momentary reaction of an officer to an event was preceded by years of training and experiences that led up to and helped form the mindset, which then formed the reaction. If we are to understand the reaction, we must look at the reaction in reverse to see and understand how the police are affected by their environment and how they formulate opinions and prejudice. The police themselves are the only realistic source of such intimate knowledge of the workings of the police mind; therefore, in order to study the police mind, one must study the police in-depth. Once we can reasonably understand the force of the experiences that shape the opinions and mindset of the police, we can begin to develop preventative training for the police.

The purpose of this qualitative descriptive exploratory study was to examine the lived experiences of police officers to how they perceive the formation of prejudice among officers, and whether they believe that their experiences on the job have changed the way they view minorities.

### **Research Questions**

The research questions for the study were as follows:

- Do police officers form prejudicial attitudes toward minority groups while at work?
- What incidents have caused police officers to form prejudicial attitudes toward minority groups while at work?
- What impact have the incidents had on police officers?
- How have the police officers dealt with the impact of the incidents?
- What is the evolution that police officers go through in forming prejudicial attitudes toward minority groups while at work?

### **Significance of the Study**

The determination of when and how police officers develop prejudice is of importance to society. Knowing when and how is imperative to the development of elimination techniques. If aggressive training strategies can be adopted during recruit training at both the academy and departmental levels, prejudice could be greatly reduced. The assumption that officers come on the job with preconceived prejudice has prompted trainers to offer diversity training to limit department liability but not to eliminate prejudice. Knowing that prejudice forms on the job could give administrators the ability to halt the growth. Prejudice should be viewed as a preventable disease. If we understand what is causing the disease (in this case, prejudice), we can actively plan preventative measures that could greatly reduce its existence.

Current training for the police in diversity is often limited to one- or two-day sessions, which offer little in the way of helping the police to develop real problemsolving skills when faced with the reality of hostile relations with minorities. Limited or



nonexistent training has led officers to interpret their experiences with only their own insight or the insight of fellow officers. This insight while highly valuable, could prove to be tainted as one-sided without the benefit of alternative explanation and cause. Individuals form comprehensive opinions when they are exposed to both sides of the issue. Significant positive changes in the opinions of officers could be produced if law enforcement trainers understood how and what opinions officers form on the job. The significance of this study is the possible development of training and preventative measures to greatly limit prejudice towards individuals of different racial or ethnic backgrounds by the police.

## **Conceptual Framework**

Police discrimination was viewed in this study from the conceptual framework of the “contact hypothesis” originally developed in the 1954 landmark publication, *The Nature of Prejudice* by Allport. The contact hypothesis states simply that individuals who have contact with members of a minority group will develop positive attitudes of a minority group if the contact is predominately positive and will develop negative attitudes if the contact is predominately negative. The contact theory forms a basis for this study under the assumption that police officers are often exposed to individuals at their worst constituting negative contact. When officers are interacting repeatedly with members of a minority group under tense hostile circumstances, according to the contact theory, they should then develop a prejudice for that minority group.

The contact hypothesis has been studied extensively since 1954 (e.g., Amir & Ben-Ari, 1985; Cohen, 1972; Desforges et al., 1991; Hewstone & Brown, 1986). The majority of these studies have focused on positive contact between groups resulting in the development of positive opinions. The contact hypothesis as it relates to positive interaction has been supported by the research; however, little research could be located in reference to how negative contact may aid in the development of negative attitudes.

The reason the contact hypothesis was chosen for the conceptual framework for this study is due to the fact that it has been explored frequently with different groups. It is also the theory that most closely matches the observations of the researcher, which led to the development of this study. The researcher is a female veteran police officer working in a city with a higher than average level of crime and a large minority population. While working in this environment, she began to notice a phenomena of changing opinions towards minorities with increased negative contact between the police and minorities. The contact theory seems to form a plausible explanation for the change or perceived change in attitudes of the police. The researcher is attempting to determine whether attitudes change in the police based on negative contact using the contact theory as a basis for the study.

The majority of researchers who have studied Allport’s contact hypothesis have studied it from the aspect that positive contact between groups should promote a positive relationship between the different groups (Nesdale & Todd, 2000). Much of the research does support the hypothesis; however, some research has failed to support the theory and in fact has indicated the reverse is true (that prejudice increased with positive contact) (Nesdale & Todd, 2000). These findings, both supportive and nonsupportive of Allport’s hypothesis, indicate that contact does

influence opinion. While it may not be true in all cases, many officers will have increased contact with minorities following their employment as officers. According to the research, this contact should have some influence on officers' opinions, given that at least a portion of this contact will be negative. The nature of police work is likely to involve negative contact and negative relations between the police and minorities. The police are not called when things are going well; when they arrive, a problem already exists. It is within this framework that the contact hypothesis was chosen as the model for the research design.

There are several other theories that relate to how individuals develop attitudes relating to other individuals. These theories were studied and considered when developing the conceptual framework for this study, from the literature theories about how attitude changes are discussed at length. The theories in reference to three central motives—(1) the self, (2) others, and (3) rewards and punishment—are central theories in the formation of attitudes (Wood, 2000). Another theory often associated with the police is that people with authoritarian personalities will develop prejudice against other cultural groups (Godfrey, Richman, & Withers, 2000). The literature discusses several theories that indicate how negative consequences or negative contact can build negative attitudes in individuals. According to Wood (2000), Cognitive Dissonance Theory states, "negative consequences are powerful inducers of dissonance (negative attitudes) because it is inconsistent with most people's self-views to act in a way that results in foreseeable aversive consequences" (p. 546).

In 1954, Allport introduced the "contact hypothesis," which states that positive or negative contact with members of a minority group promotes attitude change in individuals towards those minorities. Following Allport's landmark publication, numerous other studies have attempted to validate the contact theory. Other theories that are similar to the contact theory, such as the Motivational Theory, state that prejudice is particularly likely to develop when encounters between groups is marked by conflict or confrontation (Wortley & Homel, 1995).

Nesdale and Todd (2000) conducted research to determine whether positive contact among intercultural groups could promote positive attitude changes. The research attempted to fill gaps in the previous research, which was primarily "ex post facto with measurement being taken on ongoing contact such that inferences of causality are difficult to draw with any confidence" (p. 342). Nesdale and Todd focus on positive contact between cultural groups, as does the overwhelming bulk of literature in the area. Their quantitative research using multicultural college students found that positive contact does promote positive attitudes (Nesdale & Todd, 2000). It would then seem reasonable that negative contact between groups could promote negative attitudes.

The various theories relating to how prejudice forms have rarely been applied to the police and their unique social status. Many studies have treated the "police personality" as a unified construct and have assumed racism on the basis of finding some other authoritarian-like attribute (Wortley & Homel, 1995). The authoritarian theory when applied to the police as a group dismisses the fact that the police are extremely diverse in both personality type and cultural affiliation (Perlmutter, 2000). The assumption that the police are authoritarian and therefore prejudice seems to be a great oversight on the part of previous researchers. Researchers should not

make the assumption that only authoritarian personality types are drawn to police work or that the group share a common background leading to the development of prejudice before becoming police officers. If the police are so diverse within their group and yet are collectively prejudiced, then there must be some on-the-job trigger to the development of prejudice.

The majority of the current literature implies that the police came to their occupation with all of their prejudicial attitudes in place from their earlier upbringing. Little has been done in the way of research to determine whether the police develop additional prejudice on the job. The research is also lacking in determining whether the stress of repeated negative contact with minorities and the police provides a constant fuel for continued animosity. This study will build on Allport's contact hypothesis applying it to the police and their unique lived experience in the analysis of how and whether prejudice forms on the job.

### **Study Limitations**

This study had the following limitations:

- The study used a small population size making it difficult to generalize from the results.
- The findings of the study were based primarily on the perceptions of the study participants.
- Responses have been affected by recall errors and the possible self-serving nature of replies.

### **Methods**

The design of this qualitative research study was critical to the quality and reliability of the data collected. The research design consists of a systematic design for the collection, organization, and interpretation of the data (Merriam, 1998). This chapter will focus on the research methods that were used in this study. This chapter includes five basic sections: (1) overview of the research design, (2) descriptions of the population and sample, (3) interview guide, (4) data collection methods, and (5) data analysis procedures.

### **Overview of the Research Design**

This descriptive qualitative study was designed to obtain a deep understanding of the formation of prejudicial attitudes of police officers in the workplace using the contact theory as a basis for the design development. Specifically, one major data collection procedure, interviews, was employed for the collection of data obtained for the study. It was believed by the researcher that due to the closed society of the police profession and the public repercussion of admitting one's prejudice that this study could only be successfully completed by conducting in-depth interviews with officers after gaining their trust. Each participant brought to the table a different set of experiences and personality, which were assessed for their differences as well as their similarities to other members of the population; therefore, an on-site, in-person interview design was chosen to gain the depth of understanding of each

individual officer. The strategy was to create an environment in which officers felt safe to discuss their feelings on how they feel they have been affected by contact with minorities on the job.

The participants were interviewed by the researcher while they were working an 8-hour shift in their assigned district. The researcher rode along with each police officer for the 8-hour shift and conducted the interview in an environment comfortable for the participant. Before beginning the interviews, the researcher took several hours to talk to the participant during his or her normal duties. This time was used to build rapport between the researcher and participant and explain the purpose of the study and the confidentiality measures taken by the researcher and university. The interviews started by using the interview guide and then expanding the interview with follow-up questions determined by the researcher based upon the conversation. This strategy was utilized to allow for rich data, thorough responses, clarification of meaning, and flexibility to probe in-depth into the feelings of participants (Merriam, 1998).

### **Population and Sample**

The sampling procedures used for this study were purposeful. This procedure was chosen because the researcher wished to discover insight and gain understanding and perception. The purposeful sample participants were chosen on a criterion-based selection process. The sight was also chosen using criterion-based procedures.

The study consisted of interviews with five veteran officers. The officers chosen were four white males and one white female. The reasoning behind choosing veteran officers for this study is due to the fact that veteran officers have a richer experience base and are more likely to have experienced numerous hostile and nonhostile contacts with minorities.

The researcher chose to study only white officers for the purpose of this study. The small scale of the study does not allow for enough of a sample to make comparisons between different racial groups of officers.

The participants for the study were chosen from one larger Illinois city (serving a population over 100,000 residents), which will remain unnamed in the study. The city was chosen because of a history of higher-than-average crime levels in which police officers are assumed to have more contact with citizens due to a higher call load. The department chosen has an aggressive crime prevention strategy and is known throughout the state as being progressive in its policies and procedures.

### **Interview Guide**

An interview guide was developed for data collection in this study. The interview guide was developed specifically for the unique nature of the study to ensure that questions were asked that would help to answer the main research questions. In addition, the interview guide served to ensure that all of the participants were asked the same questions, which helped standardize the interview process to the extent to which it could be standardized. The instrument was designed to collect data during an 8-hour ride-along with the police officer.

The interview guide was developed using the research questions as a guide. Each research question was studied using a set of questions that was designed to give a comprehensive answer to the main research question. The majority of questions were designed to be open-ended and gain an in-depth response.

A pilot study was conducted with one police officer who met the criteria for the study. In this case, it was the first participant. The purpose of the pilot study was to determine content validity and appropriateness of the interview guide. The interview guide for the study was revised based on the results of the pilot study. In addition, the data analysis catalogue system was developed based on the data collected during the pilot study. The participant in the pilot study was included as part of the final study.

## **Data Collection**

The data was collected for the study by the use of in-depth interviews. The Human Subject Review Board within the University of Illinois, prior to data collection, approved data collection methods for this study. The data collection procedures for this study are described below.

### ***Interviews***

The researcher used the interview guide to form the basis of the interview. Follow-up questions to the interview guide were developed based on the response of the officer. A composite of each officer was developed from the demographic information and researcher insight. The overall picture of the officer was created using the type of experiences on the job that he or she felt personally influenced or created his or her opinions.

The responses were recorded as close to word-for-word as possible in narrative form. The researcher asked “probing” questions when responses appeared to be short or not forthcoming. The data was recorded during the interview to avoid researcher error. The researcher also had the participants read parts of their statements to ensure accuracy on the part of the researcher. In one case, the entire interview was e-mailed to a participant to ensure the researcher was accurately recording the data.

The demographic information and interview guide were combined and carried with the interviewer during the interview process. The forms were numbered to distinguish between different officers without revealing the officers’ identities. The forms then became the body of raw data used for the study.

## **Data Analysis**

A multi-step, systematic, content-analysis procedure was used to analyze the data collected in this study. Content analysis is a research technique for systematically examining the content of communications—in this instance, the interview data. Analysis procedures are described below, followed by a summary on the issues of validity and reliability.

## **Analysis Procedures**

After completion of each in-depth interview, the researcher transcribed verbatim into the computer the notes taken during the interview. Once data was transcribed into the exact words, it was cataloged and analyzed by the researcher. The data was separated using the research questions as category headings. All of the questions used to answer individual research questions were cataloged under the research question. The data from the interviews was content analyzed. Content analysis is a research technique for systematically examining the content of communications. The participants' responses to the interview questions were read and put together as complete quotations and filed according to the topic. Responses were analyzed thematically looking for emerging themes. The material was reviewed several times in an attempt to identify any emerging themes throughout the review. Patterns in the data were identified and studied. Once themes were identified, they were ranked according to their frequency. The data was analyzed both quantitatively and qualitatively. The categories were developed by the concepts indicated in the data and not the data itself (Merriam, 1998). Conceptual ideas were the main pattern examined within the content of the interview. An in-depth analysis of the statements took place in an attempt to determine whether hostile contact with minorities has had an influence on officers' level of prejudice.

Data was continuously reviewed to determine how the study should evolve and to look for new emerging themes. The interviewer was attempting to determine whether there has been a change in opinion toward minority groups since an individual became a police officer.

## **Validity and Reliability**

The validity of the study was ensured by using multiple methods. Interview summaries were given to the participants to verify that the data was interpreted accurately (Merriman, 1998). In addition, a coresearcher reviewed the data to determine whether the data was properly interpreted and check for emergent themes.

The reliability of the study was ensured by creating an audit trail detailing the data collection methods, including how the themes were developed and how decisions throughout the study were made. In addition, the theories and assumptions underlying the study and forming the basis for the study were recorded (Merriam, 1998).

## **Results**

The purpose of this chapter is to present the findings of the study. The focus of this study was to describe the formation of prejudice in police officers while in the workplace. The chapter provides a description of the police department research site; it presents a profile of the study participants; and presents the findings of the study based on each of the five major research questions: (1) Do police officers form prejudicial attitudes towards minority groups while at work? (2) What incidents have caused police officers to form prejudicial attitudes toward minority groups while at work? (3) What impact have the incidents had on the police officers? (4) How have the officers dealt with the impact of the incidents? (5) What is the evolution

that police officers go through in forming prejudicial attitudes toward minority groups while at work? Only the three most frequently discussed responses will be described in this study.

### **Profile of the Police Department Research Cite**

The police department chosen for this study has a reputation of being among the best in the state of Illinois for its level of professionalism and progressive mindset. The department serves a community area with a population of over 100,000 individuals. The department employs 119 sworn law enforcement officers. The support staff consists of approximately 50 civilian employees who staff the department 24 hours a day. The city industries include a large medical community; farm-related industry; industrial factories; technical industry; service-related industry; and a university, which employees approximately 10% of the community.

### **Profiles of the Study Participants**

All of the participants were self-classified as white. Four participants were male, and one was female. All of the study participants were assigned to 2nd shift patrol working 3:00 PM to 11:00 PM. All five were assigned permanent districts, which they had worked for a minimum of one year. All of the participants reported having worked in a predominately minority district for at least 2 years, and three reported having worked in a minority district their entire career. All of the participants reported having worked in the patrol division for their entire career.

The participants ranged in years of work experience from 6 to 12 years with an average of 8 years. The participants ranged in age from 28 to 35 years, with an average of 32 years. All of the participants grew up in Illinois with four (80%) growing up in the community where they now work and one (20%) growing up in a small Southern Illinois town.

### **Research Question One: Do Police Officers Form Prejudicial Attitudes Toward Minority Groups While at Work?**

The first research question addressed whether or not police officers form prejudicial attitudes while at work. It was answered using two sub-questions, which explored the attitudes study participants held toward minorities before becoming police officers and how attitudes changed towards minorities after becoming police officers.

#### **Attitudes Toward Minorities Before Becoming Police Officers**

Participants were asked to self-report on their view of minorities before coming on the job as police officers. Four participants indicated that they did not have negative attitudes towards minorities before starting their jobs as police officers, and one participant indicated having negative attitudes toward minorities.

#### **Reasons for Not Having Prejudicial Attitudes**

The participants who indicated that they did not have prejudicial attitudes before becoming police officers were asked to elaborate on why they felt they had not

developed prejudicial attitudes toward minorities. The various reasons given by the study participants for not developing prejudicial attitudes, included nonprejudicial parent, childhood friends who were not prejudice, positive exposure to people from many diverse backgrounds, and having a minority mother.

All of the participants who indicated not having negative attitudes towards minorities prior to becoming police officers, indicated having nonprejudicial parents as a reason. The participants related information on their upbringing that they felt prevented them from establishing prejudicial attitudes toward minorities before becoming officers. The participants discussed how they felt the strong positive influence of their parents kept them from developing prejudicial attitudes or a strong level of prejudice during childhood or early adulthood. The participants reported no known racial bias from their parents.

Four participants reported having childhood friends who were not prejudice as a reason for not having prejudicial attitudes toward minorities before becoming police officers. The participants stated that they had not had friendships in childhood with children who were prejudice.

Two participants indicated not having prejudicial attitudes toward minorities before becoming police officers because they had positive exposure to people from many diverse backgrounds. Some of the positive exposures mentioned by the participants included a high level of contact with minorities as a result of being schooled in a magnet school, having a social worker mother with multiple minority friends, and working for several years with newly arrived Asian minorities in a restaurant and developing a strong respect for their sense of work ethic and courage in the face of adversity. The participants felt that these exposures helped them from developing prejudice toward minorities.

One participant indicated having a minority mother as a reason for not having prejudicial attitudes toward minorities before becoming a police officer. The participant's mother was Hispanic, and his father was white. This participant indicated that the cultural exposure of his mother and her family was a strong influence in keeping him from developing prejudice in his early youth and adult life.

### ***Reasons for Having Prejudicial Attitudes***

One participant indicated having negative attitudes toward minorities before becoming a police officer. The various reasons given by the participant for developing negative attitudes towards minorities included negative exposure with blacks and childhood friends who were prejudice. When this participant was asked to elaborate on his negative exposure with blacks, he indicated having problems with black students in high school. These problems resulted from the perceived antisocial behavior of the minorities towards the participant and the participant's peers. The antisocial behavior was described by the participant in a variety of ways including blacks fighting with each other in school, blacks harassing whites in the halls at school, yelling and cursing in public, and drug/gang activity. The participant felt that this behavior on the part of some blacks in his high school was intimidating to him and his friends. He described how he was offended by the behavior and his belief that it interfered with his right to obtain an education in a



hostility-free environment. In addition, this participant reported having peers who were prejudice of what they perceived as the antisocial behavior of certain minorities. The participant discussed how he and his friends would discuss the behavior of blacks at school and had formed a consensus among themselves that they did not like or want to associate with the majority of blacks in the school. The participant indicated that the opinions he had established toward blacks during high school had intensified greatly and carried over to his young adulthood.

### ***Attitudes Toward Minorities After Becoming Police Officers***

Participants were asked to self-report on their view of minorities after coming on the job as a police officer. When asked specifically whether they had changed their attitudes towards minorities since becoming police officers, all participants reported a change in their attitudes. The participants described their attitude change in the following ways. Four participants believed minorities fail to think of consequences. Three participants believed that minorities have less of a work ethic than nonminorities. Three participants believed minorities lack intelligence.

### ***Minorities Fail to Consider Consequences for Their Actions***

Four participants indicated how they felt minorities fail to consider the consequences for their actions. The participants indicated that minorities often act without thinking or planning on the possible outcomes of their actions. Some of the examples of minorities failing to consider consequences included minorities engaging in criminal activity not caring or considering that they may go to jail for their behavior, minorities failing to consider the consequences of having a family before they are prepared, and minorities failing to conduct career planning and often finding themselves unemployed or living off welfare because they did not plan on how they would support themselves in the future. The participants indicated that they felt minorities were irresponsible for failing to consider the consequences of their actions and that failing to consider consequences for one's actions was a common occurrence for minorities that they saw as police officers repeatedly.

### ***Minorities Lack a Work Ethic***

Three participants stated that they felt minorities lack a work ethic. The participants indicated they had observed numerous behaviors on the part of minorities that had led them to believe minorities do not value a work ethic. Some of those behaviors mentioned by the participants included minorities failing to look for work, minorities choosing to become involved in criminal activity instead of work, minorities readily agreeing to live a life on government assistance, and minorities failing to work on the parenting of their children. The participants indicated that their observations on the lesser work ethic of minorities had led them to believe that minorities were failing to become productive members of society. It also led the participants to feel resentment because minorities would not work to improve their own quality of life.

### ***Minorities Lack Intelligence***

Three participants indicated that they felt minorities lack intelligence. The participants referred to minorities as "stupid," indicating that minorities need the police to fix their problems because they did not have the mental ability to do so

on their own. The participants indicated how they had observed minorities doing things that they considered unintelligent behavior. Some of the behaviors discussed by participants were fighting for no logical reason, lying about their guilt despite obvious proof, poorly conducted criminal activity, and calling the police when police services were not appropriate or needed. The participants expressed frustration in being forced to deal with minorities who lacked intelligence, and in their view, those minorities created unnecessary work for the police taking them away from more important police-related activities.

## **Research Question Two: What Incidents Have Caused Police Officers to Form Prejudicial Attitudes Toward Minority Groups While at Work?**

The second research question explored the incidents that have caused police officers to form prejudicial attitudes toward minority groups while at work. To address this area of the study, participants were asked specifically to relate incidents that stood out in their minds as having influenced their attitudes toward minority groups while at work. In addition, the impromptu statements about incidents made during the course of the interview brought out by the participants as having a negative influence during their work time were also included. The various incidents discussed were divided into a series of theme-related categories. The categories and number of participants who identified the various types of incidents are as follows: five participants noted incidents involving the perceived abuse or neglect of children; five participants noted incidents involving minorities treating the participants with hostility and disrespect; three participants related incidents in which minorities lacked a work ethic.

### **The Perceived Abuse or Neglect of Children**

The type of incident most frequently identified by participants as having contributed to their attitude toward minorities was the abuse or perceived neglect of children. All of the participants used examples of children being mistreated by their parents in minority households as having influenced their opinions in a negative way. The participants discussed a total of 11 incidents involving children.

The majority of incidents as they were related by the study participants followed a very similar pattern. The participants found that they were personally offended when they came into contact with minorities who were not caring properly for their children. On seven occasions, participants discussed children being up during the early morning hours on school nights watching TV and observing disturbances that required the police be called to the residence. The participants indicated seeing children living in filthy conditions and eating junk food for dinner while their parents were absorbed in their own problems, such as substance abuse and domestic disturbances. All participants indicated seeing this type of behavior from minorities and that they found the upbringing of children in such a manner to be personally offensive. The participants noted that they had seen this type of behavior on a routine basis.

The participants related several other specific incidents including observing domestic disputes in which children were involved and/or left unattended by parents who were fighting, seeing minority parents who do not establish a healthy

routine for their children, putting personal priorities above the needs of children, failing to discipline or set boundaries for children, failing to look out for their children's future, and failing to conduct family planning. All of the participants expressed anger and disgust when discussing incidents in which children were neglected in some form.

### **Minorities Treating Police Officers with Hostility and Disrespect**

All the participants discussed incidents in which they felt undeserved hostility directed towards them by minorities. The types of incidents included having verbal abuse directed at them by minorities, being referred to as a racist while attempting to conduct routine police activity, and enduring the hateful stares of minorities while on duty. According to the participants, being repeatedly subjected to this type of abuse at the hands of minorities in situations in which the participants feel the hostility is undeserved begins to damage their attitudes about minorities. The participants were particularly disturbed by accusations of racism, which they felt were unjustified. The participants used examples of traffic stops in which they did not know the race of the individual until they had approached the vehicle, and they were still accused of a stopping based on race. The participants implied how this occurs so often that the accusation of being a racist was a part of the job. The participants noted how officers needed to learn how to handle verbal abuse by minorities, as it was a routine occurrence. The participants also noted how this abuse was unexpected when they were new officers and how they had to learn to deal with animosity from minorities. One participant described how he did not blame the minorities as they were reacting to a history of perceived abuse at the hands of the police, but it was still a shock to be confronted with the anger. The participants felt that accusations of racism were attempts by minorities to keep from being held responsible for criminal activity. The participants indicated that these types of accusations often lead to investigations and that with any investigation against the officer, there is unneeded stress added to an individual's life.

The participants indicated how they felt angry when they had observed other officers being falsely accused of racism. The participants noted how they had observed officers having their lives upturned by accusations that they were racist following an incident involving minorities. They indicated how the accusations were made simply because the offender was a minority without any basis of fact. One participant related an incident in which he and other officers had arrested a violent individual who had died during the arrest from heart failure. The participant and other officers had felt grateful that the offender was white because had the offender been a minority, much more criticism would have been directed at the officers by the press. The participant felt that the outcome of the arrest would have been identical whether the suspect had been minority or white, but the press and public would have felt the incident was racially motivated if the offender was a minority despite the actions of the offender, which led to the arrest. The participants related this type of occurrence as a great injustice towards the police and how they felt it complicated their duties sometimes to the point of wondering why they chose the profession. The participants indicated they were not prepared for the stress and negativity directed at them due to racial tension and how they felt animosity towards minorities because of the accusations.

Officers also were critical of the hostilities directed at them because of racial allegations by the press. The participants indicated feeling helpless against the accusations of racism from the press. The participants are prevented from responding publicly to accusations set forth by the press. They are not allowed to vent frustrations by having the opportunity to present the facts and defend themselves. The participants indicated that their perception of the unfairness in accusations of racism against white officers has also led to feelings of animosity against minorities.

### **Minorities Having a Lack of Work Ethic**

Three participants discussed incidents in which they found minorities to have a lack of work ethic. The implication of minorities having a lack of work ethic occurred during a variety of incident types including laziness on the part of mothers during the lack of care for their children, minorities refusing to get jobs and taking advantage of the welfare system, and minorities who would not commit themselves to the work necessary to improve their quality of life.

The participants found it offensive that people who were able-bodied and could work would be on welfare and take state aid rather than get a job. The participants referred to the LINK card, which is a welfare card used to purchase groceries and incidents in which they found minorities abusing the cards attempting to use them to purchase cigarettes or trade them for drugs. One participant noted how he felt like telling individuals who like to bring up how they pay his salary that he is paying for their LINK card. The participants implied that minorities have learned a system for avoiding work and still managing to get their housing and food from the government. The participants implied their disgust for minorities who engage in this practice and felt that the welfare system should be eliminated in its present form to stop minorities from getting a free hand out.

The participants noted incidents in which they had observed minorities who were in positions to make changes for the better in their lives but were unwilling to help themselves. They noted how minorities have the means to improve themselves but lack the motivation to make the change and perceived this behavior as being lazy and counterproductive. The participants compared themselves to minorities, did not see themselves acting in such a manner, and could not understand why the minorities did not simply take action to improve their lives. The participants implied that they are tired of seeing minorities unwilling to help themselves and that they now feel reduced sympathy for minorities who find themselves in unfavorable life circumstances.

The participants' observations that minorities have taken advantage of the welfare system or have failed to take advantage of opportunities to improve their lives have left an impression on the participants. The participants have seen behavior they perceive as lazy on a routine basis. Two participants are so soured by what they have seen as abuse that they no longer think the welfare system should be kept operational. These same two participants indicated that they once thought of welfare as valuable to our society, but after what they have seen as officers, they have changed their minds. This complete turn-around in opinion is, according to the participants, a direct result of the incidents they have observed as officers.

### **Research Question Three: What Impact Have the Incidents Had on the Police Officers?**

The third question addressed how police officers were impacted by the incidents involving minorities. The question was answered by the interviewer asking probing questions during and after participants described the incidents that had led to the formation of negative attitudes towards minorities. In addition, the transcripts were reviewed for further information relating to the impact the incidents had on participants.

#### **Impact of Incidents Involving Minorities on Police Officers**

The participants were asked questions about the incidents involving minorities; whether they felt those incidents had affected them; and if so, how they were affected. All of the participants indicated that they had been impacted emotionally by the incidents. The participants were affected by the incidents in a number of ways. Four participants indicated that they had changed their attitudes about the reality of crime and poverty involving minorities. Four participants indicated that they have become emotionally hardened as a result of the incidents they have seen. Two participants have found themselves becoming increasingly negative about life and society.

#### ***Change in Attitude About Crime and Poverty Involving Minorities***

Four participants implied that they had changed their attitudes about crime and poverty due to the incidents they had seen involving minorities. Two participants noted how before becoming police officers, they had viewed poverty and crime with less of a realistic understanding. The study participants had previously thought crime and poverty were contained in large cities in urban environments, that only a small number of people were victims of crime, that minorities did not commit crimes against each other so frequently, that only a small section of minorities were impoverished, that all minorities who were impoverished were poor because of reasons beyond their control, and that crime was a way of life for only a very few individuals. The participants now believe crime and poverty involving minorities reach far beyond urban settings. The participants noted being surprised to see the poor living conditions of many minorities within the city. They described inadequate housing, lack of furniture necessities, and lack of cleanliness. The participants were surprised to learn the extent of crime within minority neighborhoods. They described going on call after call involving a multitude of crimes that minorities commit against each other on a daily basis. Some of the participants implied that they had been led to believe before becoming police officers that minorities committed a majority of crimes against nonminorities rather than to each other.

The participants also noted how they used to view poverty as a situation beyond the control of its victims. The participants now believe that many minorities play a direct roll in maintaining a status of poverty by refusing to do anything to help themselves rise above poverty preferring instead to blame others for the situation. The participants implied that they had become more conservative on their views of welfare and public assistance programs directly because they are no longer naïve about the causes of poverty, and they now find fault in the programs enabling minorities to continue to fail to help themselves.

### ***Emotionally Hardened***

Four participants indicated they had become emotionally hardened as a direct result of observing incidents involving minorities. The participants noted their harder emotional perspective in the following ways: feeling less sympathy towards minorities, becoming accustomed and complacent to violence, no longer feeling that people are mostly good, failing to feel moved emotionally because of social problems, no longer feeling offended when being verbally attacked by minorities, finding it easier to blame minorities for their own problems, and finding it easier to walk away from disturbing incidents without feeling any emotions. The participants noted that they felt their personalities had changed, and they were no longer as emotionally vulnerable as they were before they became police officers. The participants also felt that this change differentiated them from other individuals in society. One participant noted how other individuals who are not police officers do not experience the same process of gradual emotional detachment, and because of this, police officers begin to feel more separated from the rest of society and even more hardened.

### ***Increased Negative Feelings***

Two participants indicated that they now feel a pattern of negativity emerging in their thought process as a result of their negative experiences with minorities. Some of the examples of increased negativity are referring to minorities in derogatory terms with speaking with coworkers, feeling disgusted about working with minority coworkers, feeling resentment about the work minorities produce for police officers, finding little value in working in minority neighborhoods, feeling minorities are the cause rather than the victims of society's problems, and losing the enthusiasm and desire to be a police officer. The participants expressed that they once felt much more positive about minorities and about being a police officer; however, they now feel much more negative to the point where other significant people in their lives have noticed the negativity.

## **Research Question Four: How Have the Police Officers Dealt with the Impact of the Incidents?**

This question addressed how police officers dealt with the impact of the incidents involving minorities. The question was answered by the researcher asking probing questions both during and after the participants' discussion of the incidents.

### **Methods for Dealing with the Impact of the Incidents**

The impact of the incidents was self-reported by the study participants. The participants have dealt with the impact of the incidents involving minorities in a number of ways. Five participants noted they had learned to become hardened to offensive comments by minorities. Five participants indicated they had learned how to conform and adapt to the minority neighborhoods. Five participants implied that they dealt with negativity by trying to find hope in the children's future.

### ***Hardened to Offensive Comments***

Five participants noted that they had had to learn to overcome being affected by minorities who were verbally attacking them during the course of their duty. The participants indicated that learning not to react to these attacks was an important lesson for all new officers, and each of the participants had been affected emotionally by such attacks. The participants indicated that they had initially taken such attacks personally, but with time and experience, they have learned that anyone in a police uniform is subject to such verbal abuse at the hands of some minorities. One participant discussed that he was so disturbed by accusations of racism when he was performing his duty that he asked a minority officer to observe him on calls. The participant noted that after he had been observed by the minority officer, they discussed the incident and he was told he was doing nothing wrong and the reaction was based on his being a police officer not on his actions. The participants also noted that minority officers are also the victims of verbal abuse by minorities being called names like "Uncle Tom" or "Sell Out." The participants noted that learning not to take such abuse personally is a good coping method and is necessary for survival on the job.

### ***Learned to Adapt to a Minority Culture and Environment***

Five participants indicated that an important part of coping with the incidents they encounter is to learn to become accustomed to a new environment. The participants indicated that much of the challenge they face when dealing with negative incidents is being unfamiliar with the environment and cultural morays of the minority groups. The participants indicated that as they became more accustomed to the culture, they began to know what to expect from the calls, and the shock of the new experiences began to lessen. The participants noted that each minority neighborhood has a personality and customs specific to that environment and that learning to understand and in some way conform to the environment was helpful in coping with the incidents. The participants also stated that as they became more familiar, the minority citizens also became more familiar with them, and they gained more control on incidents, which was also helpful in coping with incidents.

### ***Focused on Helping Minority Children***

Five participants indicated that they cope with negative incidents on the job by focusing on trying to help the minority children in less fortunate situations. The participants noted that they often feel they have no power to correct quality-of-life issues for many minorities and have learned through experience that their efforts are often without success due to a lack of cooperation by the minorities. All of the participants stated that they take great offense when they see children being abused or neglected and always make an effort to correct those problems through the means available through their position. The participants took particular offense to seeing minority children who were living in environments where they did not have enough food, were the victims of physical abuse, or were not being properly supervised. The participants indicated that they find hope and motivation when they are able to help these minority children. The participants indicated that being able to help children makes them feel that all of the negativity they deal with on a daily basis is somewhat lessened.

## **Research Question Five: What Is the Evolution That Police Officers Go Through in Forming Prejudicial Attitudes Toward Minority Groups While at Work?**

This question was answered by the researcher completing a thorough analysis of the data looking for data specific to how prejudicial attitudes are formed in police officers while at work. In addition, participants were asked to self-reflect on how they perceived the process of the formation of prejudicial attitudes within themselves. The data collected in this study was used to create a model of the formation of prejudicial attitudes toward minorities in police officers while at work.

In order to better understand and explain the model, it will be broken down into components and explained in sections.

### **Police Officers Are Hired**

Individuals from diverse backgrounds and life experience levels strive to be police officers. The participants reported that they chose the profession of police officer due mainly because they felt a desire to help people and take an active role in the service of society. Police candidates go through a multi-step testing procedure including written testing, interviews, psychological testing, background investigations, polygraphs, and physical testing. The top candidates are then sent to a police training academy where they receive training in how to perform the functions of police work. Following this training, the new officers are sent to their department and evaluated during a field training program for up to one year before becoming nonprobationary officers.

### **Police Officers Start Job with Some or No Reported Prejudice**

Upon being hired on a police department, new officers bring with them perceptions and attitudes about minorities. Four of the study participants self-reported that prior to coming on the job, they had no prejudicial attitudes toward minorities, and one study participant reported a slight level of prejudice towards black minorities. It was an important factor in the study to attempt to determine what preconceived attitudes about minorities were in existence when the study participants started as police officers in order to determine whether those attitudes changed upon coming on the job.

### **Police Officers Are Assigned to Minority Neighborhoods**

Once police officers complete the field training program, they are assigned to districts within the community. New officers are routinely assigned to minority districts. All of the study participants reported that they had served in minority districts immediately following their release from the field training program and in the minority districts exclusively until they had acquired enough seniority to request out of the district. The study participants reported that they felt they had been assigned to these districts in part because it was the least favorable job assignment and in part because it is an excellent place to gain police experience. Upon being hired and trained, all of the participants were assigned to minority districts where they remained from 2 to 12 years. During this time period, the participants spent a majority of their work shift dealing with minorities. The areas where the participants were assigned were areas



of high crime and high levels of poverty. The participants experienced a high call load during this time period, which gave them more opportunities to be exposed to minorities. Some of the participants were also exposed to minorities as coworkers for the first time in their careers. The participants indicated that they had not been exposed to a ghetto environment first-hand prior to starting police work. Under these conditions where an established dislike for the police was previously in place, the participants did not find a warm, friendly welcome from the minorities. The participants found themselves viewing life conditions and behaviors that they had never been previously exposed to first-hand.

### **Police Officers Are Exposed to Negativity with/by Minorities**

Police officers working in minority neighborhoods find themselves exposed to high levels of poverty, repeated crimes by minorities, and negative incidents with minorities. The participants indicated that they formed negative attitudes towards minorities on the job while in direct contact with minorities. The two main precipitating factors in the formation of prejudicial attitudes established in the data are (1) direct contact with minorities and (2) contact involving minorities engaging in behavior that the police officers find contrary to their personal morals and values. The data indicates that the participants did have a change in attitude towards minorities. The participants themselves reported that their attitudes had changed.

The data reflects that the participants repeatedly saw behaviors by minorities that they found offensive and threatening, and they began to react to those conditions in negative ways. The participants gave repeated examples of behavior they found offensive and contrary to their own morals and upbringing. The participants repeatedly discussed how they had observed minorities mistreating and neglecting their children, committing crimes, having no work ethic, failing to take action to help themselves, taking advantage of the welfare system, and acting in verbally and or physically abusive ways towards the participants. The participants indicated that they observed this type of behavior on a repeated basis in the neighborhoods where they worked, and according to the data, it is under these conditions of repeated exposure to negativity that prejudicial attitudes began to form in the officers.

### **The Impact on Police Officers**

The data illustrates that the negative incidents observed by the participants had a tremendous impact on them. The participants suffered from stress and anxiety due to their exposure under negative circumstances to minorities. The participants were also exposed to repeated hostility directed at them by minorities. This repeated stress and hostility appears to have grown in intensity until the participants began to associate their distress with the minority group as a whole.

The participants began, through negative contact, to build negative attitudes towards the minority group. The major contributing factor evident from the literature in the formation of prejudicial attitudes is the behavior on the part of the minorities that the study participants found contrary to their upbringing and beliefs. The participants were offended by the behaviors. The study participants did not report obtaining their negative attitudes by listening to others' opinions or from the media. They formed their attitudes based upon first-hand observations and immediate involvement in incidents in which minorities behaved in ways that were negative, offensive, or

threatening. The participants reported that they began to suppress their feelings and emotions during and following negative incidents with minorities. Participants also reported that they found themselves deviating from core values following repeated negative exposure to minorities.

## **Result**

The participants self-reported having little to no prejudice before beginning their careers as police officers. While levels of prejudice were not scientifically measured in this study, obvious differences in self-reported opinions were taken into consideration. The existence of prejudicial attitudes following the time spent in minority neighborhoods was also determined using self-reporting as a determinant. The participants reported having developed prejudicial attitudes towards minorities following their exposure to minorities in negative hostile circumstances.

This study indicates that the main contributing factor to the formation of prejudicial attitudes towards minorities by police officers is the behavior of the minority group with which they work on a regular basis. These minority groups engage in behaviors the officers find offensive. The police officers begin to associate the behavior with the minority group and therefore have developed prejudicial attitudes against the minority group.

## **Coping Methods**

Once the participants began to recognize their change in attitudes toward the minority groups, all of the study participants found these changes in attitudes to be contrary to their beliefs and upbringing and made attempts to cope with their attitudes and the affects of the incidents. The attempts of the participants to cope with the incidents may help to stabilize the extent of their attitude change to keep it from getting worse with time. The participants used various coping methods to deal with the stress and anxiety caused by repeated negative contact with minorities. The participants for example, coped by hardening their emotions, learning to adapt to a new environment, focusing on other interests, venting with coworkers, and seeking professional counseling.

The efforts to cope do not appear to have much effect on lessening their negative attitudes towards minorities. The participants indicated that they found their attitudes had leveled off as they became experienced officers and have not lessened or increased.

## **Discussion**

The formation of prejudice in the police has been shown in the literature to be highly under-researched when compared to the impact prejudicial attitudes in the police are alleged to have caused society. The literature represents an abundance of documentation that prejudice in law enforcement does exist and is viewed by the public to be a major societal problem (Muwakkil, 2001; Reinhold, 1991; Wise, 2001). The police are the publicly visible representatives of the justice system. This visibility makes the police one of the most outward indicators of the levels of prejudice in the justice system (Muwakkil, 2001). The small amount of research devoted to the police and how they form prejudice represents a gap in the knowledge, and quite

possibly within this gap exists a means to help limit the formation of prejudicial attitudes in the police. The majority of the literature relating to the police and prejudice indicates that police come on the job with pre-existing prejudicial attitudes and maintain those attitudes at a consistent level throughout their careers (Arnson, 1992; Fishbein, 1996). Based upon this study, it can be argued that police officers may come on the job with little to no self-reported previous prejudicial attitudes towards minorities and develop prejudicial attitudes towards minorities during their careers as police officers. The findings of this study stand in stark contrast to the positions and opinions of those who have previously contributed to the literature relating to prejudice in law enforcement. Other research relating to the formation of prejudicial attitudes in the general population indicated that people can and do develop prejudice throughout their lifetime, and based upon this research study, the police appear to be no exception (Allport, 1954; Amir & Ben-Air, 1985; Cohen, 1972; Deforges et al., 1991; Hewstone & Brown, 1986).

The police as a group have been separated from society by the mainstream media, and as represented by the literature, the police have not been given the consideration that they may feel the effects of the negative incidents. The police are expected by society to be above having feelings and are looked at as narrow-minded racists who have always been racist both as a group and as individuals (MacDonald, 2003). This study demonstrates that the police are, in fact, affected by the negative incidents involving minorities while on the job. The study participants came on the job with little to no prejudice and gradually during exposure to negativity involving minorities began to develop prejudice. The police need to be examined as a group using theories on the formation of prejudice rather than operating under the assumptions that all officers came on the job as racist.

This study demonstrates that the formation of prejudice in the police does not fit clearly into any of the models and theories previously discussed in the literature. The literature does, however, support the idea that the formation of prejudice cannot be explained from only one cause or source (Arnson, 1992). The two models that have the closest association with the experience of the police based on the findings of this study are the Cognitive Theory (Wortley & Homel, 1995) and Allport's Contact Hypothesis (1954). The fact that the participants repeatedly discussed the change in their opinions toward minorities based upon their observations of minorities engaging in behavior in direct contrast to what the participants believe to be morally ethical behavior, seems to match closely with the Cognitive Theory. In the Cognitive Theory, perception is associated with socially unacceptable acts performed by certain groups with the perception being formed based on second-hand information, such as hearing others' opinions. The association of the officers to negative opinions and behavior seems to fit the Cognitive Model; however, officers are also coming under direct contact with the individuals who commit the socially unacceptable acts; therefore, it is more than just a vague perception on the part of the officers that these acts do occur. The police officers are experiencing the behavior first-hand rather than obtaining the perception through societal communication such as the media. When looking at this component of the formation of prejudice, the model is best formed using a combination of both the Cognitive Theory and the Contact Hypothesis. The police officers have contact with individuals who are engaged in behavior that they find in direct contrast to their own upbringing and the values they were taught as children. The police officers find this behavior to be offensive and personally threatening to their physical and emotional security, and

they begin to build prejudicial attitudes towards the group of individuals who they have observed committing the offending behavior.

The research data in this study has given a great deal of legitimacy to the idea of prejudice forming on the job. This has far-reaching implications not just for the police but for all frontline workers who experience negative exposure to the individuals they serve.

The fact that the police may form prejudice while on the job indicates that the contributing factors for the causation exist in the new environment police officers are exposed to after becoming police officers. The causation factor was shown by this study to relate directly to negative incidents involving minorities (Allport, 1954). Society as a whole needs to re-evaluate the assumptions about the nonprejudicial nature of new officers and how the police are affected and changed by negative incidents involving minorities. If society can understand that the police are developing prejudice while on the job, society may also be able to find understanding and compassion for the police leading to a mending of the animosity between the police and minorities.

The participants of the study recognized that they were developing negative opinions of the minority population with which they had the most contact. They admit that they were changed by the incidents in ways, which they found contrary to their upbringing. All of the study participants reported being raised by families who taught and expected tolerance for people of all races. Upon recognizing feelings of prejudicial attitudes in themselves, the study participants found these feelings to be contrary to their upbringing and looked for coping methods, one even seeking professional counseling. In reviewing the theories on the formation of prejudice (e.g., Allport, 1954; Arnsion 1992; Fishbein, 1996; Hinton, 2000; Nesdale & Todd, 2000; Wortley & Homel, 1995), little has been discussed about how an individual attempts to cope with internal development of prejudicial attitudes. The theories represent ideas on how prejudice is formed but do not explore how an individual may try to stop the formation of prejudice. The study participants are essentially saying they don't want to be prejudice, don't like being prejudice, and make attempts to lessen the effects of the negative incidents on their opinions. The idea that adults would attempt to stop forming prejudice because it is contrary to their beliefs is not discussed in the literature about formation theories, nor is the idea considered in the literature concerning police prejudice. The participants of this study discussed how they felt about minorities. They did not discuss ever acting on their feelings of prejudice against minorities. MacDonald (2003), a strong advocate for the police, believes that the police have been completely misrepresented by the media and are not prejudice because they do not act against minorities. MacDonald supports her ideas with statistics and facts. The participants of this study illustrate how it is possible to have feelings of prejudice and not act on those feelings, but it does show that the police feel prejudice against minority groups. A highly interesting implication for this study is that the possibly false perception that the police behave in a prejudice manner against minorities is, in fact, leading to the development of prejudice in otherwise open-minded new officers. Minorities have been led to believe that all police officers are racist. They then accuse officers with whom they have direct contact of being racist in a hostile manner until such time as those officers do develop prejudice. In other words, the media's constant high profiling of isolated incidents may be adding to the police developing prejudice.

The assumptions in the current literature that the police are prejudice when they come on the job have resulted in the creation of virtually no preventative strategies for controlling the formation of prejudice in the police while on the job. Police departments have made some attempts to determine which officers have demonstrated prejudicial behaviors and have then attempted to reverse prejudice (Bell, 1983). The success of this type of reversal practice for the police has not been established; however, it would appear to be logical that prejudice is more easily prevented than it is changed from negative to positive. The development of training programs designed to prevent prejudice from developing before a police officer has been exposed to minority neighborhoods where prejudice develops may hold far-reaching positive outcomes for lessening the development of prejudice.

All full-time police officers must attend formal academy training upon being hired on the job. Training academies and police departments do not have the ability to control the prejudicial attitudes individuals develop before becoming police officers, but they can control what they are given during the early impressionable years as an officer at least during official training. This study shows that officers develop prejudicial attitudes early in their career. While no easily definable time period has been established, the study participants reported their feelings began to change during the early phase of their careers. If newly hired officers are armed with the understanding that they will face traumatic events, which could cause them to develop prejudicial attitudes and are taught ways to avoid developing such attitudes, part of the cycle could be broken. New officers are not given a real understanding of the reality they will face once they are on the street. The new police officers are taught no coping methods, nor are the new officers told that they may have emotional problems relating to negative contact with minorities (Peoria Police Field Training Manual, 2003). The diversity training that is offered both in the academy and in departments is watered down and mainly focuses on the administration avoiding lawsuits. The training focuses on how not to offend protected class and minority coworkers and not using racial profiling or racial slurs (Peoria Police General Order 400.20, 2001). This is important information; however, it does not touch on the emotions officers will feel when confronted repeatedly with negative incidents involving minorities. Officers need realistic scenario training and an open format to discuss their emotions without fear of retribution from the department. Token, occasional diversity training is not enough to deal with a problem that from the viewpoint of society and the media is rampant.

Scenario training should be professionally designed using real-life examples of the types of incidents officers will encounter. The police officers need to be direct participants in the training so that they can experience first in a training environment what they will encounter in real life. The training should then teach the police officers how prejudice forms on the job and what warning signs to look for in themselves and coworkers. If police officers know what to expect from their emotions, they may be more likely to seek and offer help when they see prejudicial attitudes developing on the job.

This study indicates that prejudice is forming in officers while they are under the supervision of command officers on the job. This occurrence implies that law enforcement leaders (command officers) have some responsibility for what their officers are experiencing and in protecting officers emotionally. Police administrators need to take an active roll in monitoring their officers better to determine whether an

officer is suffering from emotional trauma and stress relating to incidents involving minorities and whether the officer is developing prejudicial attitudes towards minorities. Intensive training for all supervisors in how to recognize emotional trauma should be provided for all supervisors. Supervisors must understand that they need to recommend professional counseling for individuals who are developing problems. Turning a blind eye or a deaf ear to what is happening is contributing to the continuation of a cycle of misunderstanding and dislike between the police and minorities.

Further study on the development of prejudice in the police and the development of useful training is needed if we as a society are to attempt to break a cycle of misunderstanding and dislike between the police and minorities. This small study has large implications for how prejudicial attitudes are formed in the police, but it must be expanded upon to gain a better understanding of how officers throughout the nation and in multiple types of jurisdictions form prejudice. It would be of great importance to determine whether police officers will form prejudicial attitudes against any group that they deal with on repeated negative terms regardless of race or background. For instance, will police officers develop prejudicial attitudes towards college students when they work on a campus even though they themselves were at one time college students? Another interesting comparison would be to examine soldiers returning from Iraq following front-line exposure. It could be assumed that many of these individuals from rural areas would have little knowledge about the Muslim culture and possibly no prejudice for the group before the war. If they return with prejudicial attitudes, the formation of those attitudes would have occurred during contact in Iraq. If the soldiers and the police form prejudice in the same ways under similar circumstances, we must look at how the individuals filter the contact and how their commanders could be failing to address the problem.

This study also has implications for minority officers and how they may form prejudice on the job. Minority officers are also exposed to individuals under negative circumstances. Minority officers are also the victims of verbal and physical abuse by the population they are sworn to protect. It is possible that minority officers would develop prejudice for a group of individuals in the same way nonminority officers develop prejudice.

This study holds implications for other professions beyond the police. Human service workers in other disciplines come into contact with individuals in much the same way as the police and may form prejudice in similar ways as the police for minority groups. Human service workers are exposed to different on-the-job training, work environments, and education levels. If they are forming prejudice on the job in the same ways as the police, it may cause a re-examination of how we prepare all workers before going into the people service fields.

It may be that there is no sure way to eliminate prejudice from forming on the job; however, knowledge is power, and officers who are armed with the understanding of what they will experience may find ways to avoid prejudice from forming in their own person. One officer interviewed for the study insisted on moving districts when he felt his opinions changing. This illustrated a self-monitoring approach to control the formation of prejudice. We, as a society, must look at the causes and not just the aftermath of what prejudice does to us if we are to find ways to eliminate or greatly reduce prejudice.

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# The Female Correctional Officer in the Prison Setting

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Maslach and Jackson (1981) defined burnout as a syndrome of emotional exhaustion and cynicism that takes place frequently among individuals whose work involves direct interaction with people. Cherniss (1980) suggested that in intense people-contact jobs, if this syndrome occurs, one becomes unable to psychologically invest in the clients they serve. Ryan (1971) further noted that this psychological detachment creates cynicism and can lead to one dehumanizing the client population he or she serves. In the extreme, individuals may even view their clients as somehow deserving of their troubles. These authors would contend that, particularly in a correctional setting, the dehumanization of inmates can have grave humanitarian and legal consequences.

Stressful situations that occur in the workplace have a significant impact on worker productivity. As a result, burnout has become a significant issue particularly in public service organizations in which professionals constantly interact with people who have numerous problems and needs. Such interactions are becoming increasingly demanding, both at the physiological and psychological levels. Correctional administrators need to be mindful of this strain and be able to recognize and respond appropriately before it has a negative impact on their operations (Maslach & Pines, 1977).

The purpose of this study is to examine an all-female correctional officer staff in a female prison setting and female correctional officers in a male prison setting who work with male correctional officers. This study is breaking new ground because the focus will be on females in a female prison setting compared to females in a male correctional setting. Research in the past has centered on females as they work with and are viewed by male correctional officers. This study was conducted in two southern correctional facilities. In this article, the reader will be reacquainted with some of the literature relative to male and female correctional officers. Following the review of previous literature, the method utilized in this study to measure burnout is explained, the results of the study are discussed, and implications are presented.

## Related Research

The review of the literature in this area will focus on the impact of female correctional officers and their effect on the male-dominated correctional setting. In addition, gender differences will also be examined. It is important to note that the related literature has a focus on female correctional officers as they are compared to males. Nothing has been written that focuses on a comparison of an all-female guard force guarding females and how they compare to female correctional officers guarding males in a heterogeneous work environment.

## Impact

Women complement men in the correctional work environment by contributing to the smooth functioning of the institution. This is evidenced by the softening influence women bring to the institutional environment, which reduces tension and the likelihood of violent confrontations between inmates (Kissel & Katsampes, 1980). Women are more likely to use interpersonal skills when responding to inmates (Morgan, VanHaveren, & Pearson, 2003). The major difficulties faced by correctional officers in male prisons appear to stem from male guards and the traditional norms that define the appropriate behavior of males and females rather than from an inability to handle task demands. The indication is that the subculture and masculinity norms that abound in male prison guard forces represent obstacles for women. These standard norms lead males to reject women guards as a group and may lead to bias in evaluating individual female officers (Crouch, 1985).

Female correctional officers have moved away from the matron status of correctional officers in which females were basically capable of working in only line positions in all female institutions (Parisi, 1984). Owen (1985) suggested that racism and sexism traditionally have served as an informal social control. Some researchers suggest that some prison administrators allow racial strife and gang activities among prisoners as an informal method of social control. Likewise, similar conflicts are tolerated among workers for the same reason.

Lawrence and Mahan (1998) suggested that women face some resistance from male officers; however, it was not to the extent suggested by previous research studies, and the resistance came primarily from more experienced officers. They suggested that women officers were more confident of their abilities to work effectively in men's prisons. Resistance to women that persists among some male officers is likely to provide an obstacle for women seeking opportunities for advancement and promotion in adult male prisons. Other research points to women correctional officers perceiving their male counterparts as better supervisors and counselors of both male and female inmates (Carlson, Thomas, & Anson, 2004). Still other research suggests that women experience various problems stemming from sexism and sexual harassment by their male coworkers (Pogerbin & Poole, 1997).

## Differences

Crouch and Alpert (1982) focused on a unique difference that they perceived with regard to male and female guards. In their study over a 6-month period on the job, they noted that male guards become more and female guards become less punitive and aggressive. In a study done by Jurik (1998), the focus was on the examination of strategies developed by female correctional officers to circumvent interactional and organizational barriers to advancement in the traditionally male work organization of the men's prisons. Female officers seeking to advance must strike a balance between a series of countervailing sex-role stereotypes. Regardless of their success in presenting a balanced image at work, female officers expressed stress due to the necessity of being accommodating in a predominantly male work environment. VanVooris, Cullen, Link, and Wolfe (1991) focused on the effects of race and gender on the work experience and professional operations of correctional officers. What they found was that blacks were more likely to perceive their work as dangerous and dissatisfying, and women were more likely to experience work

stress. Their actual analysis revealed an interaction between race and peer support, and between race and gender, on perceptions of danger. They indicated that when controlling for peer and supervisor support, the relationship between gender and work stress became significant.

Zupan (1986) noted that a number of analyses reveal few substantive differences between men and women and their perceptions of inmate needs, their ability to identify inmate needs accurately, their perceived level of job tension, and their evaluations of the jail environment. Furthermore, this phenomenon held true even when length of service was controlled, and only slight differences were found between men and women with less than one year of experience and men and women with more than one year of experience. Fry and Glaser (1987), in focusing on the staff of three California prisons, noted that there was support for the literature claiming that male staff are negatively oriented towards female employees, and that both female staff and female prisons received low priority from male-dominated state agencies. Their study also noted, however, that in a questionnaire survey of 1,300 prison employees, genders differed very little in their work adjustment. These findings are interpreted as evidence of an organizational culture shaping work adjustment that is shared by prison staff of both genders.

Farkas (1999) posited that female and male correctional officers approach the job differently. Male officers characterize the female approach as more sensitive, less aggressive, and too personal, while women respondents viewed their approach as more service-oriented, more humane, and more personal. In confrontational situations with inmates, however, women and men officers responded similarly. Women in cross-sex guarding generally face many of the same exigencies as their male counterparts and for the most part do the job in ways similar to men (Jenne & Kersting, 1998). In contrast, some research has found that women and men perform the correctional officer job differently. Most significant are the beliefs that men are more forceful than women and that women are better communicators than men (Belknap, 2004).

Research by Hodson (1989) suggested that the perception of work satisfaction is different between men and women. Women who had preschool children and/or had mothers who worked outside the home expressed greater job satisfaction than did men. Carlson, Anson, and Thomas (2003) found that female correctional officers experienced a greater sense of personal achievement in their jobs when compared to their male counterparts. Other research supports the view that there is no relationship between gender and correctional staff job satisfaction (Flanagan, Johnson, & Bennett, 1996; Lambert, Hogan, & Barton, 2002).

## **Methodology**

### **Sample**

The Maslach Burnout Inventory-Human Services Survey (MBI-HSS) was distributed to correctional officers in two southern correctional facilities at their line-ups before the shifts began. The first facility had 514 correctional officers with an inmate population of 2,953. Security levels ranged from minimum through maximum. Of the 514 correctional officers, 160 or 31.1% were male, and 354 or 68.9% were female. Four hundred and fifty-nine or 89.3% were black, and 55 or 10.3% were white. This

prison was divided into five areas: I, IA, IB, II, and III. Area I was the reception center and housed 320 maximum security male inmates. IA was all women, and the security levels ranged from medium through maximum with 114 female correctional officers securing them. The inmate population was 713. IB was central security and had no inmates. Area II was coeducational and had three housing areas that included A, B, and C with inmate security levels ranging from minimum to maximum. Housing area A housed 350 women secured by 24 female correctional officers. Housing units B and C were for men, and the correctional officers were both men and women. There were 850 men in these two areas secured by both male and female correctional officers. Area III was for disabled male inmates, and this included minimum and medium level security. There were 720 inmates in this area.

The second correctional facility had 405 correctional officers with an inmate population of 2,140. Of the 405 correctional officers, 165 (40.7%) of the correctional officers were male, and 240 (59.3%) were female. One hundred sixty-six (41%) were black, and 239 (59%) were white. This facility was divided into areas I, II, and III. The area populations were as follows: 750 in area I; 1,129 in area II; and 261 in area III.

The total correctional officer population was 919. Four hundred and eighteen correctional officers filled out questionnaires. From that total male and female population of correctional officers that filled out questionnaires, the 254 female questionnaires were selected for analysis. Two hundred and five (80.7%) were black, and 49 (19.3%) were white. This study examined female correctional officers in two different work environments. Group I was composed of females from area 1A and area II, housing unit A. Group II was composed of female correctional officers working with male correctional officers securing male inmates from the first facility. This included inmates from area I; area II, which included housing units B and C; and area III. The other component of Group II was composed of the female correctional officers from the second correctional facility. These two separate groups, group I and Group II, were compared in this study.

### ***Instrumentation***

The Maslach Burnout Inventory – Human Services Survey (MBI-HSS) is designed to assess three aspects of the burnout syndrome: (1) emotional exhaustion, (2) depersonalization, and (3) lack of personal accomplishment. In administering this survey, a human services demographic data sheet was included in the testing procedure. The data sheet was designed to elicit information such as sex, age, race, religion, marital status, number of children, highest level of school completed, highest degree received, primary work area, primary position, length of time spent per week on the job, length of time in law enforcement, and length of time on the present assignment (Maslach, Jackson, & Leiter, 1996).

The emotional exhaustion (EE) subscale assesses feelings of being emotionally overextended and exhausted by one's work. The depersonalization (DP) subscale measures a dispassionate and impersonal response toward recipients of one's services, care, treatment, or instruction. The personal accomplishment (PA) subscale assesses feelings of competence and successful achievement in one's work with people. The frequency with which the respondent experiences feelings on each subscale is assessed using a six-point, fully anchored response format ranging from *Never* (0) to *Everyday* (6).

Burnout is viewed as a continuous variable ranging from low to moderate to high degrees. A high degree of burnout is reflected by high scores on the emotional exhaustion and depersonalization subscales and a low score on the personal accomplishment subscale. A personal accomplishment score categorized as low is equal to or greater than 39; whereas, a score that is equal to or less than 31 is in the high category. A low score is in the high category and is linked to burnout. A high burnout score will result in a low personal accomplishment score that will result in a negative correlation. An average degree of burnout is reflected in average scores on the three subscales. A low degree of burnout is reflected in low scores on the emotional exhaustion and depersonalization subscales and in high scores on the personal accomplishment subscale (see Table 1). The reliability <sup>1</sup> and validity <sup>2</sup> of the MBI-HSS has been examined by a number of researchers.

**Table 1**  
**Categorization of Questions on the MBI**

Categorization		Frequencies		
Emotional Exhaustion	High 27 or over	Moderate	17-26	Low 0-16
Depersonalization	High 13 or over	Moderate	7-12	Low 0-6
Personal Accomplishment	High 0-31	Moderate	32-38	Low 39 or over

**Procedure**

The questionnaire and the specific details on how to complete and collect it were explained to the shift commanders of each shift in a uniform manner to ensure consistency. Shift commanders then distributed and collected the questionnaires from the responding officers. This procedure was followed at both facilities.

The correctional officers were not allowed to take the survey home because others could have influenced their responses. The questions concerned sensitive topics, and it was important that the respondents felt comfortable about expressing their feelings. Thus, anonymity was guaranteed. The questionnaire was presented as a survey of job-related attitudes and was not linked to the concept of burnout.

**Results - Group I**

**Frequencies**

Eighty-one correctional officers completed the questionnaire. Of that number, 29 or 35.8% scored low on the emotional exhaustion subscale. Thirteen or 16.1% scored in the mid-range, and 39 or 48.1% scored in the high range. For depersonalization, 28 or 35.4% scored low; 20 or 25.3% were in the mid-range; and 31 or 39.2% were in the high range. For personal accomplishment, 18 or 22.8% scored in the low range; 21 or 26.6% scored in the mid-range; and 40 or 50.6% scored in the high range (see Table 2). It is important to reiterate that being placed in category 3 is the high level; whereas, the actual score is low. (Additionally, a few questionnaires were incomplete and were deleted.)

**Table 2**  
**Frequencies for Women Correctional Officers at Group I**

		Frequency	Percentage*
<b>Emotional Exhaustion</b>			
Valid	1=low	29	35.8
	2=med	13	16.9
	3=high	39	48.1
	Total	81	100.0
<b>Depersonalization</b>			
Valid	1=low	28	35.4
	2=med	20	25.3
	3=high	31	39.2
	Total	79	100.0
<b>Personal Accomplishment</b>			
Valid	1=low	18	22.8
	2=med	21	26.6
	3=high	40	50.6
	Total	79	100.0

\*The totals are rounded to 100%.

### Correlations

The Pearson correlation procedure indicated that emotional exhaustion was significantly correlated with depersonalization. Personal accomplishment was not significant when correlated with depersonalization or emotional exhaustion (see Table 3).

Correlations were also calculated for age, years at present position, and type of employment (how long the individual had been in corrections). With regard to age, there was no significant correlation. There was a significant correlation for years at present position and personal accomplishment. There was a higher probability of having higher personal accomplishment scores for individuals the longer they had worked in corrections, but it was not significant at the .05 level ( $P = .70$ ) (see Table 4).

**Table 3****Pearson Correlations for Emotional Exhaustion (EE), Depersonalization (DP), and Personal Accomplishment (PA), Group I**

	EE	DP	PA
EE - Pearson Correlation	1.000	.677*	-.028
Sig. (2-tailed)		.000	.808
N	79	79	79
DP - Pearson Correlation	.677*	1.000	.014
Sig. (2-tailed)	.000		.901
N	79	79	79
PA - Pearson Correlation	-.028	.014	1.000
Sig. (2-tailed)	.808	.901	
N	79	79	79

\*P &lt; .01

**Table 4****Pearson Correlations for Correctional Officers, Group I**

		EE	DP	PA
Age	Pearson Correlation	-.059	.001	.025
	Sig. (2-tailed)	.618	.992	.834
	N	73	73	73
Years at Present Position	Pearson Correlation	-.045	.077	.322
	Sig. (2-tailed)	.703	.514	.027
	N	75	75	75
Type of Employment	Pearson Correlation	.051	.066	.209
	Sig. (2-tailed)	.661	.573	.070
	N	76	76	76

\*P &lt; .05, \*\*P &lt; .01

**Results – Group II****Frequencies**

One hundred and seventy-three correctional officers completed the questionnaire. Of that number, 80 or 46.2% scored low on emotional exhaustion. Forty-two or 24.3% scored in the mid-range, and 51 or 29.5% scored in the high range. For depersonalization, 77 or 45.8% scored low; 40 or 23.8% were in the mid-range; and 51 or 30.4% were in the high range. For personal accomplishment, 11 or 6.4% scored in the low range; 41 or 24.0% scored in the mid-range; and 119 or 69.6% scored in the high range (see Table 5).



**Table 5**  
**Frequencies for Women Correctional Officers, Group II**

		Frequency	Percentage*
<b>Emotional Exhaustion</b>			
Valid	1=low	80	46.2
	2=med	42	24.3
	3=high	51	29.5
	Total	173	100.0
<b>Depersonalization</b>			
Valid	1=low	77	45.8
	2=med	40	23.8
	3=high	51	30.4
	Total	168	100.0
<b>Personal Accomplishment</b>			
Valid	1=low	11	6.4
	2=med	41	24.0
	3=high	119	69.6
	Total	171	100.0

\*The totals are rounded to 100%.

### Correlations

The Pearson correlation procedure indicated that emotional exhaustion was significantly correlated with depersonalization. Personal accomplishment was not significant when correlated with emotional exhaustion or depersonalization (see Table 6). Correlations were also calculated for age, years at present position, and type of employment (how long the individual had been in corrections) (see Table 7). With regard to age, the older the individual, the more likely the individual would have a low depersonalization score (see Table 7). Also, the older the individual, the lower the emotional exhaustion; however, it was not significant at the .05 level ( $P = .108$ ).

**Table 6**  
**Pearson Correlations for Emotional Exhaustion (EE), Depersonalization (DP), and Personal Accomplishment (PA), Group II**

	EE	DP	PA
EE - Pearson Correlation	1.000	.656*	.116
Sig. (2-tailed)		.000	.130
N	172	169	171
DP - Pearson Correlation	.655*	1.000	.106
Sig. (2-tailed)	.000		.171
N	169	169	168
PA - Pearson Correlation	.116	.106	1.000
Sig. (2-tailed)	.130	.171	
N	171	168	171

\* $P < .01$

**Table 7**  
**Pearson Correlations for Correctional Officers, Group II**

		EE	DP	PA
Age	Pearson Correlation	-.129	-.185*	-.040
	Sig. (2-tailed)	.108	.022	.619
	N	157	154	156
Years at Present Position	Pearson Correlation	-.010	-.012	-.010
	Sig. (2-tailed)	.904	.886	.901
	N	161	158	160
Type of Employment	Pearson Correlation	.093	-.033	.014
	Sig. (2-tailed)	.238	.699	.865
	N	166	161	156

\*P < .05

### Comparative Analysis

A one-way analysis of variance comparing Group I to Group II was completed by examining emotional exhaustion, depersonalization, and personal accomplishment. There was a significant relationship for emotional exhaustion and personal accomplishment. Mean scores show that emotional exhaustion was higher for women in the homogenous work environment securing female inmates. In addition, their personal accomplishment mean scores were also significantly higher (see Table 8). Finally, the depersonalization scores were higher in Group I than Group II but were not significant at the .05 level ( $P = .118$ ).

**Table 8**  
**One-Way ANOVA by Group I and Group II by Emotional Exhaustion, Depersonalization, and Personal Accomplishment**

	Mean	F-Ratio	SD	N
<b>Emotional Exhaustion</b>				
Group I	25.53		15.90	79
Group II	19.42	10.821*	13.42	172
<b>Depersonalization</b>				
Group I	10.65		6.58	79
Group II	9.07	3.701	7.18	169
<b>Personal Accomplishment</b>				
Group I	31.72		8.24	79
Group II	25.89	22.55**	9.22	171

\* P < .05, \*\* P < .01

In comparing the two groups, it was important to examine whether the components that made up Group II were in fact similar. The Helmert Contrast Statistic was utilized in this endeavor using a variable entitled *Prison* that made up the women from Group I and the two groups of women that made up Group II. Level 1

was contrasted to levels 2 and 3 (level 1 represented Group I and levels 2 and 3 represented Group II. For emotional exhaustion and personal accomplishment, it can be seen that level 1 was significantly different from levels 2 and 3. Levels 2 and 3 were then contrasted, and it can be seen that they were similar. This allows one to make the assumption that Group I was significantly different from Group II on the emotional exhaustion and personal accomplishment subscales (see Tables 9 and 10). In viewing depersonalization, the two groups were not significantly different at the .05 level, but they were at the .082 level. It was also shown that levels 2 and 3 were not significantly different and were in fact similar (see Table 11).

**Table 9  
Helmert Contrast for Personal Accomplishment**

<b>PRISON Helmert Contrast</b>		<b>Dependent Variable PA</b>
Level 1 vs. Later	Contrast Estimate	5.746
	Hypothesized Value	0
	Difference (Estimate - Hypothesized)	5.746
	Std. Error	1.234
	Sig.	.000*
Level 2 vs. Level 3	Contrast Estimate	1.104
	Hypothesized Value	0
	Difference (Estimate - Hypothesized)	1.104
	Std. Error	1.400
	Sig.	.431

\*P < .001

**Table 10  
Helmert Contrast for Emotional Exhaustion**

<b>PRISON Helmert Contrast</b>		<b>Dependent Variable EE</b>
Level 1 vs. Later	Contrast Estimate	5.903
	Hypothesized Value	0
	Difference (Estimate - Hypothesized)	5.903
	Std. Error	1.851
	Sig.	.002*
Level 2 vs. Level 3	Contrast Estimate	2.167
	Hypothesized Value	0
	Difference (Estimate - Hypothesized)	2.167
	Std. Error	2.093
	Sig.	.302

\*P < .01

**Table 11**  
**Helmert Contrast for Depersonalization**

PRISON Helmert Contrast		Dependent Variable DP
Level 1 vs. Later	Contrast Estimate	1.671
	Hypothesized Value	0
	Difference (Estimate - Hypothesized)	1.671
	Std. Error	.956
	Sig.	.082
Level 2 vs. Level 3	Contrast Estimate	-1.309
	Hypothesized Value	0
	Difference (Estimate - Hypothesized)	-1.309
	Std. Error	1.088
	Sig.	.230

## Discussion

Among the correctional officers at both facilities, there were some interesting findings. More than one-third of the correctional officers in Group I were high on emotional exhaustion and depersonalization. In looking at personal accomplishment, nearly one-half of the officers were in the high category (meaning that they had low scores on the personal accomplishment subscale). In turning to Group II, nearly one-half of the officers scored in the high range on both emotional exhaustion and depersonalization. Nearly 70% of the officers scored in the high level on personal accomplishment.

It was the researchers' expectation that both emotional exhaustion and depersonalization would be linked. There was also the expectation that there would be a relationship between emotional exhaustion and depersonalization as it related to personal accomplishment. In other words, high emotional exhaustion and depersonalization scores would be linked to low personal accomplishment scores. For Group I, there was a relationship between emotional exhaustion and depersonalization, but there was no relationship between these two and personal accomplishment. For Group II, there was a relationship between emotional exhaustion and depersonalization, but there was no relationship between these two and personal accomplishment scores. A great deal of the literature indicates that high emotional exhaustion and depersonalization scores lead to low personal accomplishment scores. This was not the case with the women in either group.

In the Pearson correlation segment of the analysis for Group I, the longer an individual was at a particular position, the higher the personal accomplishment scores. In addition, the longer an individual worked in corrections, the higher the personal accomplishment scores ( $P = .118$ ). In Group II, the older the individual, the higher the level of sensitivity and the lower the level of emotional exhaustion ( $P = .108$ ).

An interesting finding was that emotional exhaustion mean scores for women in Group I were significantly higher when compared to women from Group II, and

depersonalization scores in Group I were higher than Group II, though this was not significant at the .05 level ( $P = .118$ ). Finally, the personal accomplishment scores for women in Group I were significantly higher than those of women in Group II.

## Implications

Even though emotional exhaustion and depersonalization were not related to low personal accomplishment scores, they were present in large numbers. Over 50% of Group I had combined emotional exhaustion and depersonalization scores in the mid- and high range. This was also true for well over 60% of Group II. This suggests that the issues of emotional exhaustion and depersonalization need to be addressed. It is also important for age to be addressed as it relates to emotional exhaustion and depersonalization. In Group II, the older the officer, the lower the depersonalization and emotional exhaustion scores. This suggests that the younger officers were less sensitive and experienced more emotional exhaustion. Additionally, years at present position and type of employment (how long an individual had been in corrections) had some interesting outcomes. For Group I, more years at present position and more years in corrections were linked to more positive personal accomplishment scores. This may have some implication regarding an all-female correctional staff securing an all-female inmate population.

Other findings in this study focus on the following issues. Group I had significantly higher emotional exhaustion mean scores than Group II, and personal accomplishment scores of individuals in Group I were far higher than those in Group II. In addition, the depersonalization mean scores in Group I were higher than those in Group II. What this suggests is that women working with women seemed to have more emotional exhaustion but a better feeling about their personal accomplishments on the job. Women who had male correctional officers as colleagues and were securing male inmates had lower emotional exhaustion scores, and their feelings of personal accomplishment on the job were far lower. Though depersonalization scores were not significantly different ( $P = .118$ ), the tendency pointed to women being less sensitive when guarding women than when guarding men.

The phenomenon of females working in homogenous work environments scoring higher in emotional exhaustion but also having a higher sense of personal accomplishment was perplexing to the authors. We are aware of no literature that addresses why an all-female work environment would cause such findings to result. To address this, the authors offer the following anecdotal observations for the reader's consideration.

We suggest that women working in an all-female environment would ostensibly experience heightened stress. The tension to compete with other women for leadership or recognition is commonly known as "queen bee syndrome." This syndrome occurs in heterogeneous work environments but would likely be more pronounced in an all-female work environment. This would account for higher emotional exhaustion scores for the women in homogeneous settings. While men in homogenous work environments take on a team attitude, women do not fall into this team pattern of interaction as naturally as men might. Historically young boys have been involved in team sports. Until recently, team sports have not been as accessible to many young girls.

The higher personal accomplishment scores might be attributed to the notion that with men removed from the playing field, women may become more aggressive in their drive to succeed. Victory, in this highly competitive, all-female arena would certainly make success sweeter. Additionally, not having men in the work environment may increase a woman's perception of greater opportunities to succeed. Hemmens, Stohr, Scholer, & Miller (2002) probably would not agree with this assessment. They point to data that supports the notion that female staff is more likely to have positive perceptions of the work of other females. Other research suggests that women officers are more likely to accept women as correctional officers (Walters, 1992).

With regard to the sensitivity issue, more needs to be explored. Are women more compassionate when interacting with males than they are with females? Are women more understanding when interacting with males? This is fertile ground for future research.

## Endnotes

- <sup>1</sup> There are several studies that focus on test and retests of reliability in the MBI-HSS. In a sample of 248 teachers, the two tests sessions were separated over a period of 12 months. The test/retest reliabilities for three subscales were the following: .60 for emotional exhaustion, .54 for depersonalization, and .57 for personal accomplishment (Jackson, Schuab, & Schular, 1986). Leiter and Durup (1996) found test/retest correlations of .75, .64, and .62 respectively for three-month intervals. What appears to be seen in these studies is that the highest test/retest correlations are for emotional exhaustion.
- <sup>2</sup> The validity of the MBI-HSS is shown by the data that confirms the hypothesis about the relationship between job characteristics and those who experience burnout. It is noted by Maslach and Pines (1977) that the greater the number of clients one may deal with, the higher the burnout scores on the MBI-HSS. Support for this hypothesis is also noted in a study of 142 officers. The officers' MBI-HSS scores were highly predictive of the officers' intentions to quit the police department (Jackson & Maslach, 1982).

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