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# **Police Ethics**

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# Table of Contents

Editorial.....	i
Thomas J. Jurkanin	
<b>Ensuring Police Ethics</b>	
<b>Doing the Right Thing: Why a Few Police Officers Find It</b>	
<b>So Difficult</b> .....	1
Steven M. Cox	
Terry Campbell	
William P. McCamey	
<b>Ensuring Police Ethics: Issues and Best Practices</b> .....	9
Dane Cuny	
<b>Police Misconduct</b>	
<b>Officer Ethics: The Role and Responsibility of the Supervisor</b> .....	27
Malloy Gould	
Dan Zivkovich	
<b>Internal Affairs: Practice and Policy Review for Smaller</b>	
<b>Departments</b> .....	35
Beau Thurnauer	
<b>Honesty: The Cornerstone of an Ethical Police Agency</b> .....	43
Thomas P. Boyle	
<b>Police Corruption: National and International Perspective</b> .....	49
Thomas J. Jurkanin	
Terry M. Mors	
Vladimir A. Sergevnin	
<b>Ethics for Correctional Officers</b>	
<b>Corrections/Punishment: Ethical Behavior of Correctional</b>	
<b>Officers</b> .....	61
Roslyn Muraskin	
<b>Making/Breaking Rules</b>	
<b>The Policy Problem: Taking Exception to the Rules</b> .....	73
Mark W. Field	
Thomas E. Meloni	
<b>Law Enforcement Ethics Training</b>	
<b>Teaching Law Enforcement Ethics</b> .....	81
Michael L. Birzer	
<b>Can Ethics Be Taught?</b> .....	93
Larry L. Shanks	

**Ethical Values Abroad**

Ethical Values, Character, and Culture in Police Leadership .....97  
Ian D. McDonald

**Police Training and Standards**

Police Basic Training: A Comparative Study of  
States' Standards in the United States ..... 103  
Jeff Magers  
Lionel Klein

**Recruitment**

Perceptions and Trends of Police Recruitment in Illinois..... 115  
Will Taylor

**Executive's Skills**

Mediation Skills for the Law Enforcement Supervisor ..... 133  
Kevin M. Gilmartin

The Unspoken Dialogue: Understanding Body Language  
and Controlling Interviews and Negotiations ..... 145  
Robert R. Rail

Detection of Deception: An Analysis of the Behavioral  
Analysis Interview Technique..... 165  
John P. Blair  
William P. McCamey

Affirmative Action in Law Enforcement Agencies ..... 171  
Raymond Rodriguez

Feeding the Insatiable Beast: Media Relations and the  
Chandra Levy Case ..... 189  
Kevin P. Morison

Certifying Law Enforcement Spanish Instructors ..... 197  
José M. Alentado

Guidelines for Preparing Manuscripts ..... 201

Works Published/Produced Through the Illinois Law  
Enforcement Executive Institute ..... 203

Subscription Cards..... 205

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## Editorial

Ethical behavior is the cornerstone in establishing and maintaining professional integrity. For those professionals representing governmental institutions, the burden and responsibility of ethical practice is paramount. Police are entrusted with extraordinary power of the state to intervene in the private lives of the citizenry. They are not only authorized to restrict personal movement through detainment, but they are authorized to use reasonable force, up to and including lethal force, under broad power, discretion, and interpretation of law.

This edition of the *Forum* focuses predominately on police ethics. The collection of articles contained herein are written by academic and practitioners and represent both theoretical and practical thoughts and solutions for maintaining ethical police practice.

Policing in America has made great strides. Working with the community, employing technology, recruiting well-educated individuals, and implementing effective crime reduction strategies have all contributed to a more professional police image. Unfortunately, all such success is periodically undermined by instances and demonstrations of unethical practice. Ironically, it is the police themselves who hold the power to promote or diminish their own professional image by choosing between ethical or unethical practice.

*Thomas J. Jurkanin, PhD*

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# Doing the Right Thing: Why a Few Police Officers Find It So Difficult

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Ethical violations by the police are nothing new in our society. They are the stuff of headlines in major newspapers, magazines, and television shows on a weekly, if not daily, basis. This year, it was former Deputy Superintendent William Hanhardt, the highest ranking Chicago police officer ever convicted of corruption, being sentenced to more than 15 years in prison for his role in heading a mob-connected crew that stole more than five million dollars in jewels from traveling salesmen (O'Connor, 2002). In 1999, it was the Rampart Street scandal in Los Angeles, in which over 100 convictions were overturned due to police misconduct (Walker & Katz, 2002, p. 48). Two years before, it was the brutalization of Abner Louima by some New York City police officers (Walker & Katz, 2002, p. 48). Prior to that, it was Antoinette Frank of the New Orleans Police Department killing her sometimes partner, Ronald Williams, as well as two other people, while she was committing an armed robbery (Gyan, 2001). Before that, it was Michael Dowd and his gang of police thugs stealing and selling and/or using drugs from street pushers in New York City (Walker & Katz, 2002, p. 336). The litany is seemingly unending and obscures the fact that the vast majority of police officers in the United States are ethical and would not, under any circumstances, engage in such behaviors. It is the few unethical officers who receive the lion's share of publicity, and that is as it should be. We need to focus on these officers until we are rid of them. Why is it so difficult to convince these few officers "to do the right thing in the right way at the right time for the right reasons?" (DeLattre, 2002, p. 6)

We all know, and have always known, that unethical conduct is wrong. As indicated above, behaving in ethical fashion involves doing the right thing. It means more than simply acting within the scope of the law. Under common law (before *Garner*), police officers could legally shoot fleeing felons (*Tennessee v. Garner*, 1985). Under common law, would an officer be doing the right thing if he or she shot an obviously unarmed fleeing burglar who presented no danger to the officer or others? In *Garner*, the Supreme Court said, "no," but did we really need the Supreme Court to tell us that such conduct is unethical? Most officers engaging in such action would have a sense of guilt, a sense that something about the shooting wasn't right, an ethical dilemma.

Those who engage in unethical conduct know it is wrong despite their protestations to the contrary. It would be impossible to become a police officer in the United States today without being told, over and over again, that such conduct is unacceptable. According to the *Police Code of Conduct*, . . .

All law enforcement officers must be fully aware of the ethical responsibilities of their position . . . shall perform all duties impartially, without favor



or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity . . . A police officer will not engage in acts of corruption or bribery, *nor will an officer condone such acts by other police officers* [italics added] . . . Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities, or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status (IACP, 1990).

These concerns are reinforced when the oath of office is taken. College and academy classes repeatedly stress the importance of ethical conduct. So where do a small number of police officers get the idea that unethical conduct is acceptable? Is it from their field-training officers? From their peers in the police subculture? From supervisors and administrators who turn their heads in order to avoid the embarrassment associated with such conduct? From policies that allow them to engage in conduct that clearly violates the Code of Conduct? Do they take their lessons from political and business officials whose ethics have been called into question? If so, why do they choose to model their behavior after the worst of us rather than the best? If these are the sources, how do we change the conduct, and what are the consequences if we fail to act? Let us address the consequences first.

### **Consequences of Failure to Confront Unethical Conduct**

More than 150 years ago, Sir Robert Peel, in arguing for the establishment of a metropolitan police in London, stated clearly that such a police force could never be effective without the support of the public, but how can we expect the public to continue to support the police when some officers are infamous for perjuring themselves, stealing from victims, and extorting money and drugs from suspects? Without such support, how can the police conceivably be effective in their roles as law enforcers and order maintainers?

Youth in civics classes across the country are taught that they have responsibilities for crime control and order maintenance, but how can they be expected to take these responsibilities seriously when some police officers, sworn to perform these very tasks, engage in unethical conduct? Can we expect them to become law-abiding adults who willingly participate in order maintenance and law enforcement?

We ask citizen groups to become partners with the police in efforts to improve quality of life through community policing. We tell them that the police will be responsive and accountable in such partnerships. Unethical conduct by some officers raises serious questions about such responsiveness and accountability.

Equally important is the damage done to individual police officers and policing as a profession by those few that choose to engage in unethical conduct. The vast majority of officers are ethical and proud of being so, yet their pride in their profession is diminished when a select few of their colleagues make national or regional headlines because of unethical conduct. Will the public recognize that most officers are ethical? Will ethical officers be confused with those who are unethical by virtue of policing in the same department or wearing the same uniform? Occasional headlines, such as some of those associated with the terrorist attacks of September 11, 2001, point out

the virtues of police officers in the United States, but they are few and far between compared to those dealing with unethical conduct. Arguments that individual members of other work groups (medicine, law, or the priesthood) also make the headlines for unethical acts are irrelevant. These are the police we are talking about: the people we call when we need help day or night, weekdays or weekends.

Clearly, unethical conduct jeopardizes police effectiveness, partnerships between the police and other citizens, and future generations of officers. With these consequences in mind, why do we continue to accept such conduct? Why is it so hard for some officers to do the right thing? In order to answer this question, we need to examine the causes of unethical conduct among police officers.

### **Causes of Unethical Police Conduct**

From an early age, most parents teach their children to tell the truth and not to steal or cheat, and yet, by the time they take college classes, the vast majority of criminal justice students indicate they would not turn in a classmate who lied, cheated, or stole (Cox, 2002). A significant proportion indicate at this stage that, upon becoming police officers, they would not turn in a fellow police officer who lied, cheated, or stole (Scaramella, 2001). Where did they get the message that it is acceptable to let others do these things without taking action? How did doing the right thing become the wrong thing to do?

Some 30 years ago, the Knapp Commission discovered that the majority of New York City police officers did not aggressively seek out opportunities to engage in unethical conduct (Knapp Commission, 1972). These officers, referred to by the Commission as “grass-eaters,” chose not to get involved in such conduct, but refused to turn in fellow officers who did, thus, in effect, condoning unethical acts. Are we creating generations of grass-eaters outside as well as inside policing? Do we teach youth in general, and police recruits specifically, to condone unethical conduct?

In many cases, the answer appears to be “yes.” Although we teach our children not to lie, steal or cheat, many of us also teach them not to get involved when others lie, steal, or cheat—“It’s not your business, stay out of it!” “Don’t get involved!” “You just worry about yourself, not about other people.” These and other similar pieces of advice may indeed lead youth to become grass-eaters who simply turn away from lying, cheating, and stealing. They learn very early that “ratting” on another is unacceptable behavior in many settings, and perhaps it is as bad as being directly involved in unethical conduct. Of course, the police subculture often builds on exactly this consideration. Loyalty to the group (other officers) is held out as a virtue, even when it means engaging in unethical conduct (covering, making excuses, telling “white lies”) to protect unethical individuals (involved, for example, in perjury or theft from victims and/or crime scenes). Yet police officers are required by the *Code of Conduct*, as well as by federal law (Civil Rights Act, Title 42 United States Code section 1983), not to condone such behavior.

Perhaps equally important are the lessons we have learned about “whistleblowers.” Far too often, those who do the right thing by telling the truth and exposing corruption and brutality are the victims of vicious attacks from within their ranks. The lessons of Serpico have been learned well. Expose unethical conduct, and you risk your life. Do the right thing, and you become a pariah. Confronting unethical

conduct under these circumstances requires bravery above and beyond the call of duty, and many would simply prefer to keep their distance.

Recent research has shown that many police agency policies allow or encourage officers to accept precisely those gratuities, favors, subscriptions, and gifts that the *Code of Conduct* prohibits (Dom, 2001). Other policies prohibit accepting such favors, but are ignored in practice, sending the message that it is acceptable to violate policy in at least some instances. Where do such violations stop? We found no policies that allow or encourage perjury, theft, or brutality, so all such acts are clearly recognized as violations of policies as well as the *Code of Conduct* and the law.

In some cases, policy issues are reflective of administrators who are not committed to ethical conduct. According to Trautman (2002), "After researching thousands of incidents of serious misconduct, the single most damaging category of misconduct in law enforcement is administrators intentionally ignoring obvious ethical problems. There is nothing as negative as a chief, sheriff, director or superintendent knowing his or her department has ethical problems and intentionally looking the other way, trying to make it to retirement" (p. 118). Some administrators role model unethical conduct on a regular basis, allowing officers to rationalize that their misconduct is no worse than the administrator's. Putting all the blame for unethical conduct on administrators, however, may encourage individual officers who engage in such conduct to attempt to escape responsibility for their actions.

### **Promoting Ethical Conduct Among Police Officers**

Whether we like it or not, the social contract according to which we live binds us together in the interests of an orderly society. In the interest of maintaining order, we all must to some extent be our brothers' keepers. Ignoring this responsibility threatens the very fabric of society. Not getting involved in the lives of those with whom we live and work is really not an option. Ignoring conduct that threatens the order in society (police officers who are not responsible or accountable for their actions) is not an option either. We can confront it when it occurs, or we will be forced to confront it at some other time as the examples that begin this article clearly indicate. Loyalty to the occupational group is praiseworthy so long as it does not preclude loyalty to the larger society of which we are all a part.

"Ratting" on others need not be the issue. In fact, confronting those who commit unethical acts may be the most effective way to proceed. Doing the right thing requires such confrontation. The right thing is to keep friends and colleagues out of serious trouble by honestly discussing problematic behavior with them. This can be done in high schools, colleges, and police academies and must be done within police agencies themselves. Based upon the research discussed above, it is apparent that not all recruits enter policing with a commitment to ethical conduct. Only by discussing the parameters of ethical conduct can the dangers of unethical conduct be made clear. Helping colleagues and friends avoid trouble by engaging in ethical conduct is doing the right thing, whether in the family, in primary school, or in policing. Those who take on this task are true friends because, as we have seen, this is a difficult undertaking. Once such behavior becomes the rule rather than the exception, unethical conduct becomes intolerable. The Knapp Commission's "meat-eaters" cannot long survive or hide under these circumstances.

Policies that allow or encourage officers to violate the *Code of Conduct* should be reconsidered in light of the *Code*. Those that directly contradict the *Code* should be revised or eliminated. Those policies that exist on paper but are routinely ignored by administrators and officers alike should be discussed and either eliminated or enforced. Of course, police administrators must serve as ethical role models for those who work for them, thus eliminating rationalizations on the part of officers that they're no worse than anyone else in the organization.

The vast majority of police officers of all ranks understand the obligations and responsibilities discussed above and act in terms of them. As Germann (1993) points out, these are the "police administrators, supervisors, and officers who are very professional, very honorable, very truthful, and who are truly the unsung heroes of our age . . . [They] are the pride of the American police service. They need to be encouraged, supported, and given access to the authority and power that are needed for immediate implementation of necessary changes of policy and procedure" (p. 6).

As for the small number of officers who persist in unethical conduct in spite of our best efforts to deter them, we must deal directly with them (Department of Justice, 2001). For the most part, we know who they are. They are officers with numerous complaints/charges of unethical conduct. They are the officers with whom other officers would prefer not to work if they had a choice. They are the officers who believe that their status as members of a police department entitles them to special consideration and who do not hesitate to ask for or accept such consideration. Regardless of rank, such police personnel must be told in no uncertain terms that unethical conduct is unacceptable and will not be tolerated. Those who continue to commit ethical violations must be confronted and removed from the police ranks, sending a clear message to others contemplating such violations.

There are a number of other ways to encourage officers to do the right thing. One such attempt to help officers determine whether they are doing the right thing in the right way at the right time for the right reasons, involves the Springfield, IL Police Department which issues each police officer a card containing the following message:

- Is it ethical?
- Is it legal?
- Is it the right thing for the community?
- Is it the right thing for SPD?
- Is it within our policies and values?
- Is it something you can take responsibility for and be proud of?

If you answered "Yes" to all of the questions, don't ask permission, just do it!

To this message, we would simply add, "And try to help ensure that your colleagues do the same."

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# Ensuring Police Ethics: Issues and Best Practices

**Dane Cuny, Deputy Chief of Police, Lombard, Illinois**

## **Introduction**

Recently, the ethics of law enforcement have become an increasingly important topic for the media and the academic community. Increased media attention has created the perception that police misconduct is out of control or at least on the rise. Many recent incidents within local, state, and federal law enforcement agencies have received considerable attention in the press further contributing to this belief. Nevertheless, police officers are defenders of the Constitution and the Bill of Rights, and they are supposed to be role models for ethical behavior. When they become involved in misconduct, their acts are well-publicized because they are uncharacteristic and therefore newsworthy. These well-publicized deeds work to undermine the public's trust and law enforcement's ability to be effective.

This article will explore how the current perceived ethical crisis among police officers came to prominence and present the latest methods and recommendations for ensuring ethical behavior in police officers.

## **Background**

Police officers have the broadest discretion to act upon members of society, particularly those they suspect of breaking the law. They have the power to decide which individuals to investigate, to deprive people of their liberty through arrest, and to decide whether or not to ticket those who violate the law. Police officers can use force to make arrests and are permitted to take lives under certain circumstances. They have been given tremendous power from and over the American public. Most citizens respect and admire the police, are fascinated by the work they perform, and have higher expectations of police behavior than they do for society in general. Because of the roll and expectations of the police, any revelation of police corruption becomes highly publicized.

The public's access to news and information has never been greater. News sources are now much more efficient at gathering data via public records, investigative reporting, and there are more open media policies of governmental agencies. This uninhibited flow of information raises the public's exposure to reports of police misconduct to a greater level than ever before.

The culture of the media, along with the public, has also changed in regards to exposing unethical behavior. One example of this change is illustrated in comparing the sexual transgressions of both President Kennedy and President Clinton. Much has been written on how the media was fully aware of the sexual escapades of Kennedy and, through some sense of decorum, they never exposed it to the American public. Conversely, although Clinton attempted to keep his exploits hidden, the media not only publicized the details, they were eager to go to extraordinary lengths to uncover it.



In the same way, reporters of yesteryear knew when officers were caught in misconduct. They typically chose not to publish details of an individual officer's wrongdoing including any subsequent trial or resignation, often in the interest of saving the officer or the department unnecessary embarrassment. Today, the media does not feel it has the discretion to withhold a story of police misconduct. Whether it is their sense of duty to inform the public of governmental failures or the economic aspect of a competitive news business, nearly every incident of police misconduct is published. The constant, never-ending, police corruption news stories from across the country create the perception that police misconduct is a new phenomenon that is growing.

In reality, police corruption is no more original than any other abuses of authority dating back to the beginning of man. Throughout the history of American law enforcement, corruption scandals have existed that were more pervasive and deep-seated than they are today. In the late 1800s, police agencies in New York, Philadelphia, and Chicago were experiencing corruption that was part of deeply engrained cultures (Bartollas, 1999). Just in New York City, corruption has consistently dishonored NYPD throughout history. Starting as early as 1894, the Lexow Committee was appointed to investigate extensive department-wide corruption in New York City. They were followed by the Curran Committee in 1913, the Seabury Committee in 1932, the Brooklyn Grand Jury in 1949, the Knapp Commission in 1972, and the Mollen Commission in 1993. Police corruption is not new, it's just the public's tolerance for it that has changed.

What all this means is that the law enforcement profession has to come to the realization that unethical police conduct, although not new, has to be eliminated if it is to remain effective. Nearly every function that law enforcement performs is accomplished through public trust, and losing it would be the end to policing as we know it. When it comes to ethical police conduct, the public expects it, the courts will demand it, and the media will be scrutinizing it.

## **Recommendation**

There is a wide range of opinion on what causes police officers to act unethically and what steps are necessary to prevent it; however, researching a broad-spectrum of publications and academic research reveals some commonalities that can guide law enforcement executives in developing best practices for their particular agency. While there have been numerous attempts to identify the causes of corruption, it is beyond the scope of this project to examine those theories. Numerous proposed solutions to corruption and problems of misconduct among police officers have been published. The literature is fairly consistent in regard to the proposed methods to reduce the amount of corruption and unethical behavior in police officers. This article will focus on the most commonly identified preventative measures:

- selection and recruitment
- increased and active supervision
- increased ethics training
- increased focus on selection of FTOs
- development of meaningful performance evaluations
- administrative policies
- increased focus on job specific training

- rotation policy
- proactive internal affairs

### *Selection and Recruitment*

There is wide agreement that one of the best methods to reduce unethical conduct in a police department is to hire the most ethical candidates that you can find. There has been a consistent effort to require entry-level officers to have college degrees. It is widely believed that officers with college degrees will be more verbal in their interaction with the public and also be more tolerant to differing opinion. Skill in verbal interaction and tolerance of differing opinions is essential to good policing in general and community policing in particular. Community policing calls for much more face-to-face interaction and problem solving to be done with the community.

The literature lists numerous benefits of hiring college-educated police officers including the following:

- Communicate better with the public
- Write better reports
- Perform more effectively
- Show more initiative in work performance
- Are more professional
- Use discretion more wisely
- Make better decisions
- Show more sensitivity to racial and ethnic groups
- Have fewer disciplinary problems within the department
- Have lower rates of absenteeism
- Receive fewer injuries on the job
- Are involved in fewer traffic accidents
- Are more ethical in their behavior
- Understand the constitutional underpinnings of the law and therefore tend to have a broader understanding of civil rights issues from social, historical, and political perspectives

The authors of *Police and Society* write, "If a correlation between higher education and reduced liability risks can be established, the availability and cost of such insurance to police departments could be affected" (Roberg, Crank, & Kukendall, 2000). With reference to liability issues resulting from complaints, college-educated officers also tend to receive fewer citizen complaints as shown by Wilson in his study of over 1,700 officers (Wilson, 1999).

There are disadvantages associated with hiring college-educated police officers. They may question orders, request reassignment more often, and may actually leave the field of policing. With the numerous discussions of the work attitude and work ethic of Generation X, these disadvantages will have to be addressed, but they are few enough to still make it imperative that the college-educated officer be sought out. In recent discussions, with United States Attorney General Janet Reno at the 203rd FBI-NA session (November 21, 2000), it was requested by students that the federal government consider reestablishing a program similar to the Law Enforcement Education Program (LEEP) to help bring college-educated officers into policing.

One program that could help bring college-educated applicants to a department is a Police Cadet program. In such a program, cadets are given written tests and physical agility tests, similar to those at a police academy. Once the cadets pass these tests, they are screened through a background test and polygraphs, given medical exams, and interviewed before oral boards. After passing all of these criteria, the applicants are appointed as cadets. They work 20 hours per week and are trained in how to perform tasks such as writing minor reports, arranging for the towing of abandoned vehicles, serving subpoenas, and transporting prisoners (with a uniformed police backup).

This program continues until the cadet completes his or her baccalaureate degree, at which time the cadets are sent to the police academy. Once they pass the police academy, they become full-time police officers with the city. As a result of this program, the Vallejo, California Police Department has hired five police officers in the past year, all of which have bachelor of arts degrees. Numerous departments in the San Francisco Bay area have copied this program. It addresses the need for college-educated police officers, and it allows the cadets to perform tasks that normally would require a fully trained police officer. It also exposes the cadets to police work on a very real basis for two to four years, giving the cadets a clear idea of what police work will be like.

The New York City Police Department has had a similar program for years, and interestingly, the majority of cadets are from minority populations (Delattre, 1996) and (Roberg et al., 2000). This would then serve a dual purpose of attracting qualified minority applicants to police work and bringing college-educated people into the department.

The Rampart investigation of a specialized unit of the Los Angeles Police Department also pointed out the importance of selection and recruitment, particularly during the background phase. During the investigation, it was determined that several officers had prior felony convictions and should not have been appointed. Despite protests by the police department management, these individuals were hired, with predictable results (Bostic, 2000). The best indicator of future behavior is past performance. Background investigators should pay close attention to this area (LAPD, 2000). Roberg et al. recommended that the background investigator be a former FTO.

Proper selection methods should include the following: an extensive background investigation, polygraph examinations, medical screening, and psychological screening (beyond the use of the standard MMPI). California P.O.S.T. is currently working to find an alternative test that could actually predict performance. While it is exceedingly difficult to find candidates who pass every level of scrutiny, police chiefs and sheriffs should stringently adhere to these proven methods. There should be no rush to hire because of political influence. Such political decisions have resulted in major corruption scandals in Detroit; New Orleans; New York; Washington, DC; Miami; and Los Angeles (Delattre, 1996; LAPD, 2000; USDOJ, 1998).

### *Increased and Active Supervision*

Another extremely important area identified to reduce unethical behavior in police officers is increased and active supervision. In the recently completed Rampart investigation, it was determined that there was only one sergeant assigned to 40 officers. Even though the Rampart officers had a high-visibility, high-risk assignment, they were often allowed to conduct their investigations without the presence or approval of a supervisor. There was simply a breakdown in supervision at every level. People knew about the illegal activity but chose to do nothing about it (Bostic, 2000). There was “a breakdown in front line supervision in Rampart, and it has also been identified as a key factor in corruption scandals in other cities.” The study recommended a ratio of one sergeant to every seven patrol officers and also recommended a change in the infrastructure of the department that would allow time for proactive supervision and sufficient management personnel to perform essential leadership and oversight functions (LAPD, 2000).

A study by the Major City Chiefs in 1998 concluded that first-line supervisors should demonstrate proficiency in Internal Affairs (IA) investigations by one of three methods. First, they should be assigned temporarily to the IA unit when first promoted so that they are exposed to the IA function. Secondly, they should be given IA training at the time of promotion. Third, prior to promotion, the supervisors should show competence in conducting Internal Affairs investigations (USDOJ, 1998).

The group also proposed holding sergeants accountable for their subordinates’ actions by strict adherence to the reporting of complaints through the chain of command. While this recommendation has some merit, there are also some drawbacks. It does not allow for an informal resolution to be reached with the complaining party. If strict reporting is required, then the complaints may not even come to the attention of the administration at all. Disciplinary action would be recommended against supervisors who did not properly report complaints against their subordinates.

Delattre (1996) advocates strong supervision to guard against police abuses and issues regarding weakness of will and monitoring of slippery slope issues. He believes it is the supervisor’s job to distinguish between bad-faith misconduct and errors in judgement, made from a lack of experience. Such errors in judgement call for additional training, while bad-faith misconduct calls for disciplinary action to be taken against the offending officer (Delattre, 1996).

While officers see sergeants as the first line of defense against unethical behavior, sergeants do not see themselves as part of the management team. McCarthy (2000) recommends that the sergeants be made to feel like part of the management team. As a result, they will be more likely to promote management’s values and philosophies. McCarthy suggests sergeants are in the best position to discern inappropriate behavior because they see their officers daily, interact with them on calls, see MDT transmissions, and overhear locker room talk. They can use these opportunities to promote management’s values and philosophies.

### *Increased Ethics Training*

A survey conducted by the IACP in 1998 of over 4500 police departments with 900 departments responding, recognized that ethics and integrity training should occur not only during recruit training but throughout an individual's police career. The recommendation was that the training be general and also agency specific (IACP, 1998). Martinelli and Pollock (2000) recommend that the ethics training be case specific to the department. That is, if a particular issue has occurred within the department, the issue should be used as a teaching opportunity, particularly if the offense has resulted in termination or suspension without pay. Such an ethical awareness-training program "will be more valuable to the officers and can dramatically demonstrate what will happen to an officer at a very real and personal level. It can also demonstrate that management is interested in providing fair notice and open scrutiny of departmental expectations and the disciplinary process" (Martinelli & Pollock, 2000).

This case-specific or agency-specific approach is also recommended by DeShazors (2000) who authored a study on FBI agents who were terminated. He advocates a case-specific type of training to be used by the FBI in a more timely manner. Currently, the Office of Professional Responsibility of the FBI publishes the findings of its investigations twice a year. It is unlikely that the field agents have the opportunity to read and discuss what the specific cases were about. By using the case-specific method, the agents would be able to understand and discuss with their supervisors the particular issues involved on a much more timely basis (G. DeShazors, personal communication, November 2000).

Another favored method of ethical training for the police is the ethical dilemma approach, as proposed by Pollock and Becker (1995). In this method, officers from several departments nominate topics of discussion. They found that the topics nominated generally fell into five categories: (1) discretion, (2) duty, (3) honesty, (4) gratuities, and (5) loyalty. Once the officers define the particular ethical dilemma they have faced, a discussion of possible solutions is conducted. Following this, ethical frameworks are presented and officers are asked to apply the ethical frameworks to their decisions. The result is that the officers find no clear-cut rationale for the decision that they made at the time of the initial dilemma. They also discover, after instruction of ethical frameworks, that their decisions are better.

This is an important lesson for the officer, as it shows that he or she has the instinct to make the ethically correct decision. Moreover, by virtue of the formal training received, the officer can now articulate how a particular decision was made based upon ethical philosophical frameworks. The true value of such a method is that officers discuss their own experiences in a formal setting and receive validation of their efforts and, more importantly, learn that other officers suffer the same confusion, ambiguity, and compromising perspectives when faced with these dilemmas. In such training, skills in critical thinking, decisionmaking, and problem-solving are developed (Pollock & Becker, 1995). Delattre (1996) also advocates that perhaps the more valuable course of study would be to analyze specific situations with seasoned officers in order to learn how to use one's best habits in a situation.

This kind of training, whether it be agency-specific, case-specific, or scenario-based, should be ongoing at all levels of the department, sworn and nonsworn, specialized units and patrol. This is the recommendation by the Major City Chiefs at their 1998 convention. McCarthy (2000) states that while IACP recommends ethics and integrity training be integrated into every training module, this training should not be conducted just once a year.

Edward Tully says very plainly that police departments should not treat ethics training like a vaccination. Many departments believe if you are given a two- to six-hour shot of ethics training, you are immune forever. This is just not the case (Tully, speaking at the Major City Chiefs convention in 1998). In fact, Graham (2000b) recommends daily training of critical tasks be given with each training session at roll call to include a discussion of the ethical considerations regarding decisions made.

### *Increased Focus on Selection of FTOs*

Field Training Officers (FTOs) have a significant impact on the prevention of unethical conduct that occurs in the patrol division of the department. They have the responsibility of indoctrinating the recruit to the department's policies and procedures, but they have little interaction with the actual academy that provided the training (Roberg et al., 2000). This is a major system fault. If the recruits come from the academy and then are passed on to the FTOs for a training period of perhaps up to one year, at what point is there feedback to the academy on how their training has prepared the recruits to do the job?

With regard to the ethical training that is given to the recruits, how do the FTOs know what is taught? In California, more than 40 hours of ethical training is given to recruits out of a total of 928 hours (California POST, 1999); however, ethical training of such duration is not given to FTOs when they attend schools to learn how to become FTOs (IACP, 1998). This oversight must be corrected and is a specific recommendation of the 900 police executives that took part in the survey. "FTO programs must immediately become a major focus of law enforcement's efforts to prevent officer misconduct" (IACP, 1998). The training they recommend is the ethical dilemma scenario, but there has already been discussion that the most effective training would be agency specific or case specific to FTO training issues.

FTOs must be made to realize that they create the organizational culture for the department and that the administration will support their recommendations if properly documented. A well-documented case to dismiss a recruit for cause will undermine an FTO's decision if the Chief does not follow through.

If there is agreement that FTO selection is one of the most critical components of reducing unethical conduct, then why is the average length of experience of FTOs only two years? This has been the finding of researchers. The average time on the job has fallen from 2.6 years to 1.9 years. Reasons for the drop in experience level have been prior inconsistency from the Chief and the voluminous paperwork (i.e., the daily evaluations that can be challenged by the recruit and are deselection characteristics) (Roberg et al., 2000).

### *Development of Meaningful Performance Evaluations*

Development of meaningful performance evaluations is another method of reducing unethical conduct. The evaluations would be the basis of promotion or selection to specialized bureaus. In the Rampart investigation, it was determined that some supervisory members of the unit had not been evaluated for years. This is surprising since there would be little harm that could come to the supervisors from the evaluations. As Deputy Chief Bostic (2000) described, the evaluations have become virtually meaningless, as there are only two categories: "acceptable" or "not acceptable." Since "not acceptable" requires copious documentation, there would be little chance of getting a not acceptable rating, except if the documentation was kept by another unit, like Internal Affairs. The supervisor of the Rampart CRASH unit should not have been selected for this assignment in the first place as he had been suspended for 33 days prior to his appointment to Rampart (LAPD, 2000).

A fair, honest, objective employee evaluation system can keep officers out of trouble. Such a system can identify potential problems before they become serious and serve to alert management to the potential for unethical behavior. Corrective action can then be taken before careers are ruined and the department is embarrassed or held liable for negligent retention (McCarthy, 2000).

Since most evaluations are annually based, there should be inspections upon the supervisor charged with completing the evaluation. The supervisor should be asked to produce the notes that he or she intends to use in the employee evaluation on a quarterly basis. This would serve several purposes. First, there would be plenty of documentation for the yearly evaluation. Second, if patterns or concerns were observed, the supervisor could be asked why these patterns or concerns were not yet addressed. These patterns or concerns cannot be laid on the employee at the time of the evaluation if the employee was not given notice and there had been no attempts at corrective action. Third, this practice would eliminate the "recency" problem of evaluations as the supervisor would have information collected during the year, instead of the activity noted in the month before the evaluation, which is traditionally when most evaluations are given to supervisors to complete.

Finally, the evaluations should include at least three categories: (1) above standard, (2) standard, and (3) below standard. When there are only two categories, standard/acceptable or below standard, the tendency is to rate everyone standard. An evaluation is part of the accountability system of an agency. This document should be used to determine if the policy and procedures of the agency are being followed and if the employee is receiving the proper amount of training and supervision necessary to help the employee meet these demands. With increased and active supervision, the sergeant should be able to accomplish this objective.

### *Increased Job-Specific Training*

The recommendation made by the IACP in 1998 was that while ethics training should be given to the entire agency, the training should be tailored to the particular jobs held by the employees. The specific training groups identified were recruits, inservice officers, supervisory personnel, executive personnel, civilian

personnel, and specialized units (Narcotics, Vice, Investigations, Traffic, SWAT, Property Custodians, Evidence Technicians). This training would bridge the gap between policy (talking the talk) and practice (walking the walk). There has been some use of psychological screening and evaluations for assignment to specialized positions such as Vice, Narcotics, SWAT, and SED (Street Enforcement Detail); however, costs of such screening is cited as a major obstacle to use of such a process for specialized assignment (Grossman, 1993).

Such individualized training would help the officers/employees identify the concerns associated with their specific assignment. Of interest is the inclusion of supervisory personnel, which IACP advises, "The prevailing attitude of being a popular supervisor rather than being an ethical supervisor must be reversed" (IACP, 1998, p. 20). There was also a recommendation that the executive personnel take the lead in setting an ethical standard for personnel and that they serve as role models or benchmarks for the employees of the agency.

The board of inquiry conducting the Rampart investigation cited the lack of job specific training as one factor. Some of the examples cited were alarming:

- There was near universal ignorance regarding the use of informants (this was problematic because the officers used an informant that should have been disqualified from use).
- The watch commanders were never trained on what to look for in an arrest report, nor were they trained in what to look for in administrative reports dealing with collisions, pursuits, and use of force.
- Some newly promoted sergeants had not attended supervisory schools until months, and in some cases years, after their promotion (LAPD, 2000, p. 73).

The Rampart investigators made specific recommendations for command officers, watch commanders, and sergeants to be trained immediately upon promotion at in-house development courses. The recommendation was made that "every specialized division, section, and unit should have in place a standardized training module for the assimilation of new officers, including any handout materials describing their duties and mission" (LAPD, 2000, p. 24).

### ***Rotation Policy***

The issue of mandatory rotation was addressed in 1998 at the convention of the Major City Chiefs. The policy statement made was that departments should limit what they ask their undercover and Vice officers to do. These officers should be given careful supervision and psychological support, and there should be a mandatory rotation after a reasonable period of time.

It was agreed that if a chief allowed an officer to remain in such a position for an extended period of time, this was a nondefensible action by the chief based upon ethical and moral grounds.

Rotation policy was discussed in regard to corruption found in NYPD during the Bob Leuci, Prince of the City era. Delattre (1996) said if there was mandatory



rotation after a fixed period of time, the unit might not have become so isolated and corrupt. To those administrators who say it costs too much to keep training personnel every two or three years, Delattre poses the question, "What [are] the greater costs to the department, the training costs or the damage to the department from a corruption scandal?"

### *Administrative Policy*

An administrative policy should ideally contain rules and procedures that are in accordance with local, state, and federal laws. The policy should also reflect the latest decisions of case law as well. These policies should be published after the department's legal counsel and the local prosecutor have reviewed them. Bill McCormack, ethics instructor at the FBI academy, said that agencies should have policies that address three issues he continually sees as being problematic for law enforcement. These issues are secondary employment, gratuities, and the "Code of Silence" (W. U. McCormack, personal communication, November 14, 2000). McCormack identifies these three areas as those consistently discussed at length in ethics classes at the FBI National Academy.

McCormack said that there appears to be vast differences in how these three areas are addressed by law enforcement. He said that the large East Coast police departments aggressively investigate officers to pursue misconduct. The large West Coast police departments are more reactive and investigate thoroughly upon discovery of unethical conduct. This view will probably change in light of the Rampart scandal. McCormack also said that the smaller southern police agencies do not look on small gratuities as a problem. It is part of the southern culture to show hospitality and appreciation. With these regional differences, it would be difficult to craft a policy applicable to all policing; that is why it is incumbent on the administrator to create policy that reflects the values of the agency and the community.

According to Gordon Graham (1996), policy should be properly derived from the law or case law. Policy should not be adopted by the "swipe" technique through which a policy is taken verbatim from another agency. When a policy is written, it should be written with the 3-2-1-1 approach. Graham explains that the policy should be written with input from three people who do the job, two supervisors, one manager, and one lawyer, preferably one with knowledge of the issues of law enforcement and your agency in mind. Another option for administrators is to review model policies as set by the International Association of Chiefs of Police (IACP) or to review the standards recommended by the Commission on the Accreditation of Law Enforcement Agencies (CALEA).

The administrative approach to control ethical conduct is based upon the assumption that ethical conduct can be imposed externally. This assumption carries with it the belief that officers will be ethical because of fear of being disciplined. Crank (1998, p. 229), in the book *Understanding Police Culture*, also tackles the problem of administrative control. He states,

Police organizations have elaborate accountability mechanisms: They try to control the behavior of their officers through a militaristic chain of command, through elaborate bureaucratic rules, through internal affairs

units, and through complex standard operating procedures. Outside of a prison environment, it is difficult to imagine an organization that seeks more stringent control of its charges—or why that has such limited success.

Crank also proposes that the focus on individual responsibility of officers tends to take the focus away from the bureaucratic culture that may have created the behavior in the first place. Crank says the misdirection of problems away from organizational and structural sources actually prevents “the structural assessments of problems that might create the conditions for their resolution (p. 235).” This misdirection also allows the organization to continue to reward behavior or conduct that is supported organizationally but is harmful to the officer ethically and individually.

Crank further states, “Efforts aimed at the external imposition of accountability will always engender the paradox of personal accountability: The more officers are held responsible for the outcomes of police-citizen encounters, the more difficult it will be to hold them administratively accountable (p. 236).”

Roberg et al. (2000) maintains that corruption will continue to occur, despite the best attempt to control it via administrative means because of four factors:

1. Police officers are very powerful. In their day-to-day interactions which are numerous and varied, they have opportunities to wield enormous power over the citizens they stop. The citizens are willing to exchange money, sex, or property to influence the officer to make a decision in favor for their release.
2. Police officers see the rest of society violating laws on a daily basis, and the community and politicians are influential in this regard; therefore, the officers feel they can break the laws to serve the community and the law in general.
3. There is widespread tolerance among citizens for police to violate the law to achieve a desired result. A clear example of this was referred to recently by LAPD Deputy Chief Bostic, who said the citizens of the Rampart area wanted the corrupt officers back because they did a good job in controlling the gangs in the neighborhood (Bostic, 2000).
4. Patterns of misconduct can become normalized and become accepted conduct. When standards suppress deviant conduct, line officers become secretive.

Can the amount of police corruption be known? Several researchers found surprising results when they asked this question. The first researcher, Barker, found officers responding to a questionnaire in “South City” reported the following: sleeping on duty (39.58%), police brutality (39.19%), sex on duty (31.84%), police perjury (22.95%), and drinking on duty (08.05%) (Roberg et al., 2000, p. 299).

Crank analyzed two other researchers and found racial and sexual harassment in surprisingly high numbers. He found 26.2% of Illinois officers witnessed racial harassment as opposed to 14.9% in Ohio. With regard to sexual harassment, the figures were 6% of Ohio officers and 8.6% of Illinois officers.

The conclusion drawn by Roberg et al. (2000) is,

When these three surveys are considered together, they present a disturbing picture of police deviance. In all three departments, the findings suggested that deviance was widespread. In all three there appeared to be strong peer support to cover up deviant activities. Finally, all three departments could be considered typical, being none had a particularly negative record of police corruption. These findings, when compared with findings presented in the previous discussion, suggest that police corruption may indeed be diverse in its types, widespread across departments, and hidden behind the secretive screen of department loyalties (p. 299).

The real answer is that it is not known how much corruption exists because of the lack of uniformity in identifying and measuring corruption and also in the lack of comparative data between agencies. It is known that corruption scandals associated with bigger agencies like New York, Philadelphia, Chicago, Houston, and Detroit tend to be cyclical in nature. One researcher stated, "when it surfaces, some officials are fired, and then the situation quiets down until another scandal breaks" (Bartollas, 1999).

Souryal (1998) contends that administrative control via duty manuals, policies, and measures have little chance for success. He identifies techniques for administrative control as designing indicators to detect corruption, determining levels of corruption, developing anticorruption policy, strengthening internal affairs divisions, and intensifying disciplinary action. Souryal says that the assumption these practices are based upon is that corruption is an occupational hazard rather than an occupationally induced problem. He says the problem with these approaches is that they are externally imposed sanctions.

The administrative approach implies that if an organization succeeds, it is because there is good management. If it fails, it is because there are bad workers. The focus of the administrative approach is to be loyal to your superiors and to obey all agency rules and regulations; therefore, the administrative approach assumes discipline, obedience, and organizational loyalty (Souryal, 1998).

In order for a police department to become more ethical, the focus must become internal. The focus should move away from discipline and punishment toward self-realization and the promotion of good ethical conduct and agency pride. Souryal (1998) lists seven steps to accomplish this internal change:

1. Create an environment that is conducive to dignified treatment on the job.
2. Increase ethical awareness at all levels of the organization through formal and informal socialization.
3. Avoiding deception and manipulation in the way officers are assigned, rewarded, or promoted.
4. Allow openness and the free flow of information.

5. Foster a sense of shared value, and incorporate such values into the subculture of the agency.
6. Demonstrate an obligation to honesty, fairness, and decency.
7. Publicly discuss the issue of corruption, exposing corrupt behavior and rewarding ethical behavior.

This is the moral approach to ethical integrity, and organizations are only as good as the ethical conduct of their employees.

Graham (1996) counters with the argument that if your agency has good people (recruitment), good policy (policy and procedures), good training (training beyond what is minimally required and the officers know the policies and procedures through solid, realistic, ongoing verifiable training), good supervision (active supervision, as opposed to reactive, that is the supervisors ensure that the officers are following policy and procedure), good discipline (consistent, fair, impartial discipline), then the officers will know how to do the right thing and will do so. This approach is known as Graham's "Five Pillars of Supervision." If you have the five pillars of supervision, you will probably also have good administrative practices.

Graham expounds further, "You have to have good people who can do the job, then you have to have a good policy on how the incident should be handled, followed up with solid, realistic, ongoing, verifiable training on the policy; supervision to make sure the policy is enforced; and prompt, fair discipline if there is deviation from the policy." Graham states it does no good to have 200 policies if the officers are not properly trained on them. He states, "In order to be thoroughly ethical, police officers have to be fully trained to do their rightful work" (Graham, 1996).

### *Proactive Internal Affairs*

It has been a long standing practice of the large, East Coast police departments to aggressively seek out unethical officers (McCormack, 2000). In the New York City Police department, they have over 400 internal affairs investigators. They have also gone to a highly effective, crime analysis strategy to address unethical conduct among police officers. This model, used so effectively to address crime externally, is now used to discover unethical conduct and corruption within the NYPD. The model used is the CompStat model, which has four components: (1) timely and accurate data, (2) rapid deployment of personnel and resources, (3) tested tactics of investigation, and (4) relentless pursuit and follow-up (Delattre, 1996). The Internal Affairs commander wears a pager, and every time an officer gets suspended, the Internal Affairs commander gets paged immediately with the officer's name. In this fashion, Internal Affairs closely monitors who is being complained about and in what specific precinct they are assigned to work (J. McCluskey, personal communication, November 13, 2000).

In Baltimore, they conduct random integrity checks such as leaving a bag of crack cocaine on a park bench and then calling it in as lost property while IA investigators watch what the responding officer does with the crack cocaine. In

one case, the responding officer brought in the bag but said that a burglary suspect put it on the bench. The officer, a six-year veteran, was charged with perjury and criminal misconduct (O'Hagan, 2000).

As a result of the Rampart investigation, LAPD Deputy Chief Mike Bostic said they must do a paradigm shift and come to the realization that they probably have 1% bad officers who will have to be investigated. Prior to Rampart, the belief was that the cases of misconduct were aberrations. The LAPD will no longer be able to hold such beliefs, and the LAPD must aggressively go after the 1% of officers who are corrupt or act unethically to protect the 99% of the officers who are doing the right thing (Bostic, 2000).

The development of IA units to hold sting operations and anticorruption details was nominated in 1998 by the Major City Chiefs. There were four general types of stings discussed, including theft of money/drugs, theft, dishonesty involving theft, and sexual misconduct. The need to carefully conduct these stings utilizing numerous electronic sources and redundant information retrieval systems was outlined (USDOJ, 1998).

The tremendous downside to stings is that they apply in larger agencies; however, in small agencies of less than 250 officers, word of such a sting would get out very quickly. There would be a loss of trust in the administration and most likely a decline in morale. If smaller agencies were to use stings, they should be based upon specific suspicions involving individual officers who are then targeted in order to avoid these problems. Graham promotes the concept of informing officers when they are hired that there will be ongoing background investigations (Graham, 2000a).

A relatively new request has come about as a result of these corruption scandals. This is a request for financial checks, utilizing public databases available on the Internet. Another request is that officers in specialized units complete statements of economic interests to determine the source of their money. Financial officers in city government already use such forms, and if an officer is in charge of "buy funds," then the officer should also fill one out. With the view promoted by Graham (2000a), this would not be of any surprise to officers who found themselves under investigation. Of course, this comes at a staffing cost, and it is a cost that police executives and managers should pay to prevent more problems for their agencies in the future.

## **Summary**

Increased public and media scrutiny, coupled with a competitive media environment have increased the public's exposure to police misconduct stories. A cultural change by society has diminished their tolerance for governmental misconduct. The media's self-appointed role of government watchdog has compelled them to publish nearly every case of police wrongdoing. These constant news stories have contributed to the perception that police officers are becoming less ethical. Police agencies can only function with the public trust, and when public confidence erodes, it reduces their effectiveness. For these reasons, it is essential that law enforcement executives take steps to prevent corruption within their agencies.

This article has presented guidelines that law enforcement executives can follow in order to minimize unethical behavior. These strategies encompass fundamental managerial principles. They must carefully select only the best recruits, properly train them, and then actively supervise them. They also must ensure that supervisors at every level address behavior problems when they are first discovered before they become worse. Realizing that all police officers have the potential to act unethically, leaders must ensure that safeguards are in place to reduce and detect unethical behavior.

## **Conclusion**

The methods and recommendations presented in this article represent a variety of steps law enforcement executives can take to ensure the most ethical behavior possible in their organization. They are a compilation of the latest methodologies published from some of the most respected authorities in criminal justice issues. The task for the law enforcement executives is to select those methods that best serve their particular agency and the community they serve. Law enforcement executives have an obligation to their departments and the community to ensure the highest level of ethical conduct within their agency. It is the responsibility of today's law enforcement executive to ensure highly ethical behavior for the future of law enforcement.

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# Officer Ethics: The Role and Responsibility of the Supervisor

**Malloy Gould, PhD**

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Reports of police officer misconduct are regularly carried by the media. The events reported range from simple breeches in policy to illegal acts. One result of a steady diet of such reports is general erosion of public confidence in law enforcement, as evidenced by the aftermath of the Rodney King incident. As a rule, departments handle all misdeeds by police officers quickly and discreetly as they seek to send the message of the importance of ethical behavior and to maintain public trust.

When the media report unethical acts by persons of other professions, the blame or the responsibility for the act typically falls on the individual committing the unethical act. Interestingly, in law enforcement, the department and sometimes all officers who work for that department share the accountability. They are all painted with a broad brush, which presumes the agency and its officers condone unethical behavior. This implies that the agency and other officers are responsible for the ethics of the person committing the unethical act, which gives rise to the question: Who is accountable for an officer's ethical behavior?

In most professions, the answer would be simple. The individual is responsible for his or her own actions; however, in law enforcement, there seems to be a broader accountability. For example, in instances of sexual harassment, courts have placed shared responsibility on both the supervisor and the department for an employee's misconduct. In cases of racial profiling, in which an officer knows it is a violation of both policy and constitutional rights, departments are also sharing blame or accountability for individual officers' actions. As if to affirm this shared responsibility, the state of Missouri recently mandated training by all departments of their officers regarding prohibitions against the use of racial profiling. Such a legal mandate implies the department shares responsibility for its officers' actions and is obligated to take action proactively.

In criminal courts, punishment is imposed on the individual committing the illegal act, but in the court of public opinion, a generalized blame is often accorded to the entire department. For unethical acts committed by officers, the public seems to impose a different standard on law enforcement than other professions and occupations, wherein they tend to hold other officers and the agency equally accountable for a single officer's actions.

Given this shared responsibility, how do law enforcement agencies monitor the ethical actions of its employees? The answer, of course, is through the immediate supervisor. It is the responsibility of the supervisor to instruct, monitor, and alter the actions and behaviors of the employees with regard to ethics and all performance issues. Looking at the three links in an officer's performance chain (the officer, the supervisor, and the department), it seems that the emphasis in regards to ethics has been placed on the two outer links—the department and the officer. On the departmental level, most departments seem to place emphasis on

promoting ethical behavior through policy development that provides the ethical guidelines for the individual officer, with a secondary emphasis on training. Training is used to provide the officer with the knowledge of what is ethical and what is not. The training should also provide models for ethical decisionmaking, but often, decision-making models are overlooked in this training. The individual officer is then expected to abide by policy and conduct him- or herself in ethical ways at all times.

The responsibilities of the supervisor in this process are rarely detailed or even monitored. Little has been written in the general police ethics literature on how a police supervisor promotes and maintains high ethical standards among officers beyond euphemisms about role modeling. The intent of this discussion is to provide greater detail on the role and responsibility of the supervisor in regards to ethics and to provide concrete, practical ways of fulfilling those responsibilities.

### **Supervisor's Role and Responsibility**

It is a "given" that police agencies share the accountability of unethical and illegal acts with their officers in the eyes of the courts and general public. The primary role of the agency becomes to hire good officers with a history of ethical behavior, to set policies regarding ethical behavior, and to impose discipline when policies are violated. Day-to-day monitoring of officer behavior, however, falls under the responsibility of the immediate supervisor.

In general, police agencies have done a good job in policy development and imposition of appropriate disciplinary measures for violations; however, departments have demonstrated a serious lack of effort in preparing supervisors for their role in shaping and monitoring ethical behavior in the officers they supervise. The agency has to assume the responsibility of training supervisors and giving them the tools to influence and mold officer ethics. Most law enforcement agencies presume that if good officers are hired, they will naturally follow the existing ethical policies and mandates. Such presumptions demonstrate a lack of understanding of the power of greed, anger, lust, and peer pressure, which are the common triggers of most unethical acts by police officers.<sup>1</sup> It is the supervisor through daily contact with the officer who can best influence ethical choices in the face of the ever-present, complex dilemmas that confront today's officers, but such ability to influence requires skill, training, and a concerted effort by the supervisor.

Given that the department mandates ethical behavior, the exact role of the supervisor is to influence officers to follow the mandates and perform ethically. Influencing behavior requires more subtlety than merely reiterating mandates required by policies. Influencing requires guiding and steering in positive ways rather than simply threatening punishment for nonconformance. The question for supervisors is how does one influence officer's ethical behavior? Traditionally, role modeling is presented as the primary tool used to influence officer behavior.

Consider an extreme example—albeit, a true story—involving an immediate supervisor. On his first day on the job, a new officer gets into the squad car with his sergeant as they start a night shift. Their first stop is in front of a liquor store. As they pull to a stop at curbside, a man comes out of the store carrying a paper bag.

The sergeant tells the new officer to roll down his window and take the bag, which he does. The sergeant says “thanks” to the man and drives away. The sergeant then proceeds to a junkyard and drives through the gate to the center of the yard and joins another squad car. As the sergeant gets out of the car, another sergeant and another officer get out of the other car greeting each other and removing their neckties. The new officer’s sergeant takes the brown paper bag out of the back seat and pulls out two six-packs of beer. He gives one to each officer, including the new officer. The sergeant pops the top on his beer and begins to drink. The other sergeant produces a deck of cards, and the officers spend the bulk of the shift drinking beer and playing poker. Did the sergeant play a role in shaping the ethical behavior of the new officer? Obviously, and not a positive one. This new officer eventually spent time in a federal penitentiary for major illegal and unethical acts while a member of his department’s Vice squad. Was his predisposition to act unethically and illegally influenced by his supervisor on his first day? In subsequent interviews, he conceded that his first day had a profound impact and did make later unethical acts easier to perform.

The power of role modeling upon officer behavior is well-documented; however, as a single tool, it may not be enough to influence positive ethical behavior given the temptations faced by officers daily. In fact, role modeling, by its definition has limitations. It requires the supervisor to demonstrate behavior for the officers to duplicate in similar situations. It certainly gives subordinates guidance in ethical behavior but only in those situations wherein the officer has seen the supervisor act. Role modeling does not, in itself, give officers decision-making skills for situations the officer has never seen the supervisor encounter; therefore, supervisors need other tools if they want to prepare their subordinates for ethical survival.

### **Supervisor’s Tools**

The most basic and powerful tool a supervisor has to influence a subordinate’s behavior is knowledge of the individual. The maxim that “knowledge is power” is especially true with regard to supervisor and subordinate interactions. The more a supervisor knows about an officer, the greater the ability to influence and alter behavior. With regard to ethics, knowing an officer’s typical behavior and typical lifestyle allows a supervisor to become quickly aware of changes. Most illegal or unethical violations by officers result in some type of change in behavior, attitude, or even lifestyle. Careful monitoring of regular behavior is critical to early intervention in ethical violations.

The supervisor also needs to know what training and knowledge each officer has in regards to ethics. Given a span of ages and lengths of service in the typical department, any supervisor may have officers who received no training at the basic academy to those who have a couple hours on gratuities to those who attended an advanced special school on police officer ethics. Knowing what ethics training officers have allows the supervisor to bring everyone up to a similar level. Requesting the training officer to schedule inhouse training or special schools for those officers who need it can help in this endeavor.

A second tool for supervisors is the agency’s statement of policy regarding ethical behavior. Even though all officers should already be familiar with the policy and its mandates or prohibitions, supervisors should never take it for granted that

an officer knows and understands the implications, nuances, and application of those policies, including those officers who have been to ethics training. Class knowledge and application of that knowledge are two separate and distinct issues. To assure understanding of the policies and to reinforce the concepts they contain, supervisors should use those policies to set standards and specific expectations. One reason is that policies tend to be broad, general guidelines, which may lack specifics and are open to interpretation.

The supervisor should do more than just repeat the policy; he or she should discuss the policy and all exceptions or variations. A policy becomes meaningful when it is applied to real situations. Having the supervisor provide a variety of situations and asking officers to apply the policy not only reinforces the policy, but makes it more applicable to daily life. The supervisor can also ask officers to provide examples from their experiences of areas in which they feel the policy may be vague or inapplicable. Discussions of these situations, again, make the policy more realistic and useful to the officer. By explaining policy, setting standards or expectations for performance based upon policy, and applying policy to real or hypothetical situations, supervisors can help officers develop the critical skill of ethical decisionmaking.

Another tool is the use of roll calls for instructional purposes. Regular discussions of ethical dilemmas at roll call can assist in skill development. A supervisor can bring in clippings from newspaper accounts of ethical dilemmas or questionable actions faced by officers from other departments. Using media accounts or even rumored accounts of what happened to officers in other jurisdictions can also become an important learning moment. These, too, apply policies and mandates to real-life situations; however, none of these methods will be effective unless the supervisor creates an environment in which officers feel free to ask questions and give opinions about ethical questions and dilemmas without fear of condemnation, recrimination, rebuke, or ridicule. If such a situation does occur, the supervisor has tacitly sent the message that discussions regarding ethics are not taken seriously and are discouraged.

In addition to discussion of real situations, supervisors can bring in various ethical decision-making models and together with officers compare the various approaches to making ethical decisions. These instructional methods develop skills and increase the ability to use the models and methods on the street.

There are a number of topics that supervisors should openly discuss with their shifts or subordinate officers that impact ethical behavior. The concept of officer loyalty is one. Peer loyalty is often the cement that holds officers together. They depend upon each other for backup and for their lives in the field; therefore, a strong bond of loyalty naturally develops among uniformed officers. If this loyalty leads to what is commonly called the "Code of Silence" and includes non-disclosure of illegal or unethical acts out of fear of being disloyal, violations and misconduct can, and do, permeate a department. Discussions of what loyalty means and the effects of the code of silence can be helpful for officers. Supervisors can send a strong message by reinforcing the ethical principle that officers who commit unethical acts have demonstrated they do not share the same professional values, as do ethical officers and therefore, are not deserving of the loyalty afforded law enforcement professionals.

A recent study published by the Police Foundation reported that more than two-thirds of police officers surveyed responded by saying that officers would likely receive a cold reception by fellow officers if they reported incidents of misconduct.<sup>2</sup> The study further reported that the majority of officers felt it was not unusual for police officers to turn a blind eye to improper conduct by other officers.<sup>3</sup> Even when it came to reporting serious criminal violations by fellow officers, 60% of surveyed officers said such violations were not always reported.<sup>4</sup> This is a major issue a supervisor can and should address with subordinates. Often, officers will not come forward to reveal unethical conduct because they do not feel their fellow officers will support them. Attitudes and behaviors regarding the code of silence can be influenced by open direct discussions by supervisors rather than statements of policy often written to cover legal liability by the agency.

Another tool available to supervisors who want to alter behavior or increase competence in a performance area, including ethics, is coaching. Coaching in this context refers to one-on-one instructional interactions between a supervisor and officer. Whenever a supervisor sees a deficiency in an officer that normal methods have not remedied, individual attention is warranted. These are not “counseling” or “reprimand” sessions, but instructional sessions in which the supervisor tells, demonstrates, allows the officer to practice, and then, assesses outcomes in individual sessions. While these are not widely used by many police supervisors due to time or staffing constraints, it is a powerful tool to develop skills with an individual officer. When a supervisor questions an officer’s ethical decision-making skills, the use of effective coaching techniques can accelerate learning and rapidly modify behavior. If coaching does not work, then other remedial strategies may be needed.

A final strategy, which should not be overlooked, is the power of presence. To assist in their coaching and enforcement efforts, supervisors should spend as much time as possible amongst the officers. This serves two significant benefits. First, there can be no doubt that the mere presence of an ethical supervisor can prevent officers from participating in unethical behavior. Second, ready access to supervisors enables officers to ask the supervisor for advice and guidance in questionable and uncertain situations.

### **Ability of the Supervisor to Influence**

Some law enforcement supervisors believe that their ability to influence officer behavior is minimal at best. They believe officers respond only when they are told what to do by the supervisor and they are punished when they fail to do it. Influence is a foreign concept to these supervisors as a method of supervision. They subscribe to and practice the “my way or the highway” style of supervision, which involves more telling and little, or no, coaching. Even with regards to ethics, they see the supervisor’s responsibility as limited to reviewing policy and punishing wrongdoers. They see their role as being reactive, rather than proactive. Some believe any attempt to take a more subtle approach is futile and will encourage violations by painting the supervisor as lax or weak.

When the Police Foundation surveyed officers nationally and asked if first-line supervisors could prevent police officers from abusing their authority, almost

89% agreed or strongly agreed that they could.<sup>5</sup> This was a larger percent than those who felt that way about the efforts of the administration.<sup>6</sup> One officer who participated in a focus group conducted by the Police Foundation stated, "The supervisor, the first-line supervisor, the sergeant, is so critically important in how he sets the tone, the expectations. How he says things and supports department programs or doesn't support them. How he sells it or doesn't sell it."<sup>7</sup> When officers were asked if developing more effective methods of supervision would prevent abuses or misconduct by officers, more than 55% agreed or strongly agreed that it would.<sup>8</sup>

To some extent, policy or supervisory actions can mandate officer behaviors; however, attitudes are more difficult to mandate. Since ongoing behaviors flow from attitudes, it is imperative that the effective supervisor seeks to influence attitudes and not just dictate observed behaviors. The ability of the supervisor to influence attitudes and resulting behavior of subordinates is related to two major factors. The first is knowledge of the individual. Those supervisors who know the officers they supervise personally, not just on the job, are better able to influence those officers' behaviors. The second factor is relationship. The quality of the relationship between a supervisor and subordinate affects the ability to influence. Primary among those relationship factors is respect. Mutual respect leads to mutual trust. When mutual trust exists between two people, their ability to influence each other is significantly enhanced. These factors of knowledge and relationship are within the control of a supervisor, making it clear that a supervisor can influence subordinate attitudes and behaviors if the supervisor chooses to put forth the effort.

## **Summary**

Nationwide, law enforcement agencies have come to understand the importance of ethical behavior for their departments. More important is the perception held by the general public of the integrity of the agency. For this reason, agencies have adopted, reviewed, and updated their policies on ethics. Many have included references to ethical standards or integrity in their mission statements. Basic law enforcement academies have reviewed and increased the amount of training given new officers on ethics. Many agencies have held department-wide training in ethical decisionmaking for their employees, yet misconduct and abuses by uniformed officers are still reported regularly in the media. While the combined efforts of academies, agencies, and departmental training officers have made a significant impact on officer behavior, the problem is not solved. One reason is the lack of effort by first-line supervisors in assuming more responsibility for the ethical performance of those they supervise.

There is no one simple answer to the problem of why officers who know better still commit unethical acts on duty. The important factors in reducing the number of incidents are good officers, departmental codes of ethics and policies mandating ethical behavior, effective supervision, and training. Agencies have upgraded their hiring practices and background checks to include a review of a candidate's history of ethical problems; departments have widely adopted or endorsed codes of ethics and published policies relating to ethical behavior; and ethics training has generally been addressed at the preservice and inservice levels. Yet, little has been done to prepare supervisors to shape, monitor, and alter ethical attitudes and

behaviors. Assuming and implementing that responsibility and accountability is critical to building officers for ethical survival on the street and for the achievement of even greater reductions in officer misconduct and breeches of ethics.

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<sup>1</sup> Neal Trautman, *The cutting edge of police integrity*, p. 32.

<sup>2</sup> Police Foundation, *The abuse of police authority: A national study of police officer's attitudes*, p. 16.

<sup>3</sup> Ibid

<sup>4</sup> Ibid

<sup>5</sup> Ibid, p. 23

<sup>6</sup> Ibid

<sup>7</sup> Ibid

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# Internal Affairs: Practice and Policy Review for Smaller Departments

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## **Introduction**

Every police department large and small will have to deal with a complaint concerning an officer's conduct or behavior sometime. Although the process of handling these complaints varies between agencies of different sizes and in different parts of the country, there are some basic similarities that thread themselves through law enforcement in general.

Chiefs must have a good handle on the purpose of investigating internal inquiries and take them seriously if they are interested in earning the respect of their political body, the citizenry they serve, and the officers and civilians that work for them.

## **The Need**

Sworn officers hold awesome power. We have the unique right to remove a person's freedom and to use deadly force, and although the nation's majority believes we use these authorities appropriately, there are those who believe that the police take advantage of and abuse their power on a routine basis.

Since we are accountable to everyone regardless of their opinion of us, we are obliged to ensure that our officers operate within the confines of the law. The minute we detect any violation of not only statutory rulings but of internal policies, we must investigate the violation and bring about swift and just correction.

Those town and city police departments that have not instilled confidence that every complaint will be dealt with are inviting complainants to redirect their objections to town managers, mayors, and civilian review boards. The people will be heard. Effective IA units will ensure that they are heard at police headquarters.

Although sworn officers are normally complained about more than other employees are, we must never discount the importance of our civilian staff members. In smaller agencies, they may be few, but civilians often work in dispatch centers, handle animal complaints, and hold other positions that have a great deal of public contact. Complaints surrounding civilian conduct must also be investigated swiftly and fairly to maintain confidence in the department.

## **Who Receives Complaints?**

When the chief is the only agency employee, this is a pretty easy question. In most agencies of ten employees or less, the chief will normally want to receive the complaint and investigate it. If there is a rank structure, it is most often effective

to assign the reception of the initial complaint to a supervisor. This practice allows the supervisor to assume some of the responsibility of his or her subordinate's actions. It is common for all complaints to be referred to a specific IA intake officer, usually a supervisor; however, this causes the first-line supervisor to feel that he or she is not responsible for his or her officers when they make a mistake—only when they do things right.

In either case, any investigation should be completed by someone of higher rank than the person who is the subject of the investigation. Avoid having a senior patrolman investigate a junior officer. Nothing causes hard feelings faster than officers of equal rank investigating each other.

Policies should clearly identify the person who should receive the complaints. Most agencies allow complaints to be received at any level. For example, if a patrolman is in the street and a citizen comes to him and complains that a cruiser was driving too fast the night before, the officer should be clear about exactly what to do with the information. It is never advisable to respond with anger or defensiveness. Every officer should know exactly where to refer the complainant or be prepared to receive the information and pass it on to a supervisor.

### **Which Complaints to Accept**

As important as it is to set the reasoning behind accepting complaints and then assigning a person the task of accepting them, it is just as challenging to specify which complaints are accepted. A bright line rule is the easiest to understand and teach other employees. It is not the easiest for most employees to accept.

A simple declaration that states *all* complaints against any member of the police department will be received and investigated leaves little room for dispute. It also prevents the age-old problem of certain complaints being discounted or rejected for purely subjective reasons. It is difficult to explain to a citizen why one complaint was accepted and one rejected for basically the same offense. It puts supervisors in awkward positions when a peer has accepted a complaint that they have rejected in the past.

Some departments feel that the credibility of the complainant should be assured by requiring a sworn statement from those who make the complaint. This can ensure sincerity, but it can also discourage honest people who may be skeptical or shy. At no time should a department seek to discourage a person from making a complaint through the process itself. Connections to the community and a feeling of trust are cemented when our citizens are sure we want input and will amend policies, procedures, and behaviors if we find we have made mistakes.

### **Format of Acceptance**

As previously stated, one common form of reception is a formal written statement, but a police department that wants to portray an image of true responsiveness will accept complaints in any form. That includes by phone, by mail, in person, and by e-mail. It is highly recommended that anonymous complaints be not only accepted, but that literature is printed that specifically states so. Agencies run the risk of not obtaining valuable input if limits are placed on format.

## **Notification to Officer**

As much as credibility with the community is important, credibility within the organization is also important. No employee likes to be complained about, but there will at least be some acceptance if every investigation is done fairly and uniformly. Unless a criminal investigation prohibits it, the officer who is being complained about should know right away the circumstances of the complaint. This standard is no different than in our court systems in which the accused has a right to face his or her accuser. Anything less will create an environment of distrust and will illicit comments like, "Even criminals are treated better than cops."

The chief of police determines when the notification is made. It is normal that it is made the same day that the complaint is received. This can be done in several different forms. It is preferable when a written complaint is made that the employee receives a copy. If a complaint form is used, then the employee may receive a copy of the form. Administrators may have guidelines in collective bargaining agreements that also have to be met.

This is also a good time to notify the officer who will be investigating the complaint. In small agencies, it may already be specified that the chief of police will investigate all complaints. Otherwise, the officer should know which supervisor will be conducting the investigation.

Even though it may seem like a formality, it is also advisable that a letter be sent to the complainant acknowledging the reception of the complaint. Complainants often feel like they go to a police department, relate their story, and the information is then buried. Letters will let the complainant know that you are serious and adds a flavor of formality to the process. In addition, it prevents the complainant from calling Town Hall in four days wondering why his or her complaint has not been attended to. Few members of the public understand these processes beyond what they have seen on TV.

## **Administrative vs. Criminal**

Few things cause more confusion within police agencies than the differences between administrative and criminal procedures involving internal complaints. This discussion will not examine the many legal ramifications but will include the basics to guide chiefs and command staff.

Immediately after the complaint is received, the person assigned to investigate will usually be able to tell whether or not there is a criminal element to the case. If there is no criminal element, then the investigation is purely administrative, meaning that the result will be personnel action not criminal action. If there is even a hint that there is criminal behavior on the part of the employee, then the first step should be to separate the matter into both a criminal investigation and an administrative investigation.

Keep this simple. Conduct the criminal investigation first, and do not even begin the administrative side. Use Miranda rights where applicable, and proceed no differently than you would in any other criminal investigation. If necessary, use

an outside agency such as your state's attorney or state police office. If you are confident that it can be handled objectively, then use an inhouse investigator. Just be warned that inhouse investigations can bring criticism that you are self-serving, but if you can prove the thoroughness of the investigation using your own staff, it will build tremendous credibility for your agency.

When the criminal investigation is complete, begin the administrative part. Give Garrity warnings if you feel it is appropriate. Garrity warnings are similar to Miranda, but warn the employee that failure to fully disclose information that is related to the office held, may result in discipline up to and including dismissal [See *Edward J. Garrity v. State of New Jersey* (385 U.S. 493)]. You will probably not use Garrity in every circumstance. If an employee enters and gives you the full story with no bantering or evasiveness, then your job is complete. If he or she is uncooperative and does not understand the impact of not cooperating, then Garrity is in order.

Some departments do have policy that requires Garrity every time an inquiry is made. This procedure can be cumbersome when you have a rudeness complaint, and you know you can resolve the issue by talking to the officer who may say, "Gee, I had a rotten day that day, and I promise I will never let this happen again."

This whole process can be thwarted when, during your routine investigation of an administrative matter, you suddenly uncover information that makes you think there may be criminal activity involved. In this case, you will immediately cease your administrative inquiry and have someone else begin a criminal investigation.

Since you have received information under Garrity rules, no information that you have obtained can be shared with the criminal investigator. A short example will make this clear:

Let us say that a complainant comes to your office and states that an officer was rude during a motor vehicle stop. The officer allegedly was obscene and insulting. You then call the officer into your office and give him his Garrity warnings. The officer gives you a written statement that he had stopped the violator three times in the past and that he was a habitual offender who was just trying to get out of a ticket by making a complaint.

When you go to interview the passenger who was in the car, you determine that the passenger gave the officer \$100 not to give the complainant a ticket. You decide that you want the officer arrested if the allegation turns out to be true. Since the statement that the officer gave originally was given in the Garrity environment, it is not admissible in criminal court. The criminal investigator will be assigned the case but will not have the opportunity to see or review any of the administrative information gained up to this point. It must be a totally independent investigation. Miranda warnings will be given, and the officer will be asked to give another statement under Miranda.

Entire courses are given to further clarify issues surrounding Miranda and Garrity. Enrollment in an IACP class or consultation with a legal advisor may be helpful.

## **Course of the Investigation**

It is recommended that a written policy describe each step of the internal investigation. It serves as a guide to your employees, and it lets each subject know what to expect.

Some discussion as to what the investigation will include should be one of these steps. For example, will a letter always be sent to complainants to serve as confirmation of their complaints? It is best to keep consistency in the investigations. It only complicates things when two friends find they have been treated differently when they made separate complaints against the police. It distracts from the real purpose of the investigation.

Interviews may be done at the police station or at the home of the complainant. If you want the complainant to really believe you are interested, it is suggested that you go to his or her home or workplace. Always check to see which is preferable. Tape recording is the best method to get accurate information. If people are hesitant to have interviews recorded, you will have to make alternate plans. Recording should not be a prerequisite to accepting the complaint. If you are interviewing an officer, record the conversation, and then, have it typed to be sworn to later. Have statements notarized if possible. It may aid in prosecution for false statements later.

## **Representation**

Other than for reasons of ego, I have yet to see a situation where it would not be acceptable to allow subject officers to be accompanied by a union officer or other representative. How long you wait for this representative to show up is negotiable. I would wait for an hour but not a week. What if the officer wants a lawyer? No problem. But the same time restraints apply.

## **Polygraphs and Psychological Exams**

Most states allow a polygraph only if suggested by the subject employee. The practice is not too common. Polygraphs have limited effectiveness in court and may muddy the waters if they are returned inconclusive. They may be more useful if used on a complainant you think is lying about officer misconduct.

The polygraphist can elicit a confession from the complainant that they are lying during the polygraph session. In a past case, a woman complained that the officer had been physically intrusive during a pat down. She gave a sworn statement that the officer had touched her inappropriately for over 30 seconds. The officer adamantly denied the allegation. During the polygraph, the examiner detected that the complainant was lying and gained a confession from her as she broke down emotionally during the polygraph exam.

Psychological exams can be a mixed blessing. They can be of critical value in protecting your town or city when an officer is just not capable of handling the job but has not violated any specific rules; however, more than one officer has been sent to a psychological exam only to return with a clean bill of health and a written

statement attesting to their mental stability. If you decide to use this tool, make sure that the appointment is made when the employee is on duty.

Never discount the less radical approach, and offer a troubled employee an Employee Assistance Program (EAP) appointment. Many officers who exhibit out of character or consistently poor behavior are experiencing personal problems and would benefit greatly from EAP help.

### **Thoroughness**

Exculpatory information is an issue in internal investigations just as it is in criminal investigations. Make sure you conduct a thorough investigation including information that may clear the officer. Nothing hurts credibility more than only including facts that indict the subject employee but ignore those pieces of information that would prove his or her innocence.

Many states have officers' Bill of Rights clauses either in union contracts or in statutes. These clauses may have wording that requires thoroughness, inclusion of information from all sources, and no discipline without just cause.

### **Participation by More Than One Investigator**

If there are many people to interview, it may be necessary to include a second investigator. If the chief is conducting the investigation, he or she may assign a supervisor to take a statement or follow-up a lead. If the department consists of the chief and patrol officers only, the second investigator would have to come from an outside source like the State's Attorney's office.

### **Time Frames**

Time frames need to be specified in writing so that everyone understands. It is normal that the entire investigation be complete within 30 days of the original complaint. Officers should be notified within 24 hours of the original complaint. If the investigation is very complex, there should be a provision that it can be longer than 30 days only with a written request from the investigator and granted by the chief of police.

If there is going to be correspondence to the complainant, the time frame should be defined. Response within one week is reasonable. Complainants should be notified of a disposition within one week of the conclusion.

### **Storage and Retention of Files**

All files should remain in a locked location within control of the chief of police. This may be in the chief's office or in a records room nearby. Different states, different towns, and different police chiefs can have dissimilar requirements as to what is a public record. I have yet to see a successful police department that keeps files private and does not release them to the public.

As much as we may object to the request as intrusion, if the press really wants to get to IA files, they will probably be successful. We as chiefs will always be

under scrutiny when we refuse to allow IA file examination. The inference will be that we are hiding or covering up. If officers know that all IA files will be made public unless they contain medical information, they may think twice before committing the infraction.

It is preferable to keep IA files separate from all other cases with a separate numbering system. They need not appear on the police blotter. Unless discipline is given out as a result of the investigation, the report need not be included in personnel files. An early warning system is highly recommended. This may consist of a simple database or chart or a hand-written log. Every complaint should be included, and it should supply the name of the officer or employee being investigated along with the date and the offense alleged.

The log should be examined to detect patterns once a year or at a time defined by the chief of police. If Officer Jones has more than one complaint in a year, then you best sit down and come up with a plan for corrective action. If no corrective action is necessary, the chief needs to document the examination and the plan for the future. A great deal of litigation has been written lately surrounding officers who have been the subject of multiple complaints but have not been counseled or identified in any way. Just giving body counts is not enough. There needs to be written documentation and a real plan for correction.

### **Disposition**

All cases need a disposition. What terms you use are up to you. *Exonerated* makes it clear that the officer did nothing wrong and that the case is cleared. *Inconclusive* is not normally what anyone wants to hear, but it may be an honest conclusion. If you have one person's word against another, with no proof for either side, *do not* exonerate an officer. This is inconclusive. On the other hand, if there is proof that the officer did wrong, then you sure better find him or her guilty. Failure to do so will jeopardize your job, your officers, and your city.

You have to notify the officer and the complainant of the disposition. Even though we sometimes take these things for granted, a new officer will lose a lot of sleep until the case is closed. These are the hardest decisions we make. Do so with objectivity. The letter to the complainant need not include details of the investigation or even the disposition, unless you feel that this is important. It should include a statement thanking the complainant for his or her input and telling him or her that the case has come to a conclusion.

### **Annual Reports**

At the end of the year, it is a good policy to make public all complaints received for the year. It need not be complex or lengthy. A simple chart excluding names, but including the types of offenses, is good. The public wants to know if there were 152 rudeness complaints or if there was only one. They also want to compare yearly stats. We include ours in the town's annual report. City administrators and citizens will tend to be more supportive of a department that follows such a process and publishes this information in an annual report. These recommendations are intended to provide a smaller police department with policy and procedure



for IA, that enhances department credibility with citizens, reduces liability, and builds trust with employees.

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# Honesty: The Cornerstone of an Ethical Police Agency

Thomas P. Boyle, Commander

## Statement of the Issue

Through the eyes of the media, police agencies today are well-scrutinized. Thanks to the almost real-time ability of the media, the public sees “up close and personal” many newsworthy police events. Police agencies are truly in the public eye, and there is little room for error. It is therefore essential for all agencies to have a solid well-established ethical foundation. If agencies fail to establish this, they risk the loss of public trust. Once the trust of the public is lost, the agency also loses their ability to function/operate effectively. Police agencies must be value-based ethical organizations in which honesty is the cornerstone. Deviations from this cornerstone, once proved, should result in the termination of that employee, regardless of the extent of the dishonesty. Demand it in report writing, court testimony, statements made during personnel investigations, and all other official duties undertaken by personnel. Honesty must be the *minimum* standard for *all* employees (civilian and sworn).

## Discussion

Society today is a fast-paced, global, well-informed and intelligent group. They are increasingly critical of the police, in part, because of many well-publicized controversial police events in our major cities. Recent studies consistently show that law enforcement rates near the top in public trust and credibility even after what seems like daily negative media coverage.<sup>1</sup> Maintaining public trust through credible and honest performance is the cornerstone of the police business.

Agencies can have all the latest technology, all the latest gadgets, and the best “looking” police departments (i.e., uniforms, vehicles, police facilities), but without credibility, public trust is lost; it can be lost in an instant. Once lost, it is difficult to regain. Departments, in turn, lose their ability to function as an effective law enforcement agency. They risk becoming ineffective and essentially out of business.<sup>2</sup> Society depends on the credibility, integrity, trustworthiness, honesty, courtesy, and professionalism of law enforcement. It is essential to convey to prospective police officers, current police officers, and the public, the nonnegotiable standards of truth and honesty.

The first place to start is the hiring process. The police hiring process, for most departments, is long and arduous. Applicants fill out forms, questionnaires, and applications. They are subjected to numerous tests and inquiries to assess knowledge, physical health, agility, and integrity. Truthfulness is considered so significant in the hiring process that many departments administer a polygraph test. This information regarding truthfulness is used as a basis for employment consideration. Some departments make it very clear from the initial orientation that any false statements or misrepresentations on the part of the applicant is cause for denial of employment and removal from the hiring process. The comprehensive hiring process sends a strong and undeniable message: we are an ethical organization, and our employees are held to the strictest standards. The message of integrity should start here. It must be followed through with regard to all official matters within the department, both as an applicant and as an employee.

In the recruit phase, organizations tend to do an outstanding job of enforcing honesty/integrity standards. This may be because little is vested in the recruit, and he or she can be discharged easily. If deception and/or acts of dishonesty are detected, the department should and *must* discharge the individual. People cannot be taught to be honest and ethical; they either are, or they are not. If they are not, then disqualify them. Honesty is the *minimum, expected standard*.

Secondly, organizations must continue to impose this standard of honesty on police personnel throughout their careers. Organizations are sometimes slightly less adept at enforcing it at this level. Why? Some of the reasons may be that thousands of dollars have already been invested in the officer; the officer has built personal relationships within the department; and organizations empathize with the stress experienced by the officer and therefore do not expect accountability. There must remain, however, a commitment to the most basic cornerstone. Because of the public trust bestowed on the profession of law enforcement, police officers are rightfully held to a higher standard than the public; therefore, the agencies that employ police officers must hold the officers to a higher standard as well.

Most recruits arrive, at their respective agencies, ready to “do the right thing.” What happens after they arrive rests solely with the agency and the recruit.

One of the first items the “fresh” recruit is handed is a manual containing rules, regulations, and policies. For these “manuals” to be viewed as more than mere words on paper, many proactive departments make it an active part of the training process. They conduct classes for new recruits and provide ongoing inservice training as a refresher or to call attention to updates/changes. The message is clear: These policies dictate how we do our business. This exhibits to the recruit, as well as the veteran officer, that the department is serious about knowing and acting upon the policy and standards of the department. It sets the ethical foundation: We mean what we say, and we do what we say!

Additionally, most police departments today have value statements, which are contained in or attached to the “manual.” These value statements relate greatly to the importance a department places on honesty and ethics. These statements define what the agency believes in and what its core values are.<sup>3</sup> Most, if not all, value statements in one fashion or another express that truth, honesty, integrity, etc. are core values for the agency.

Questions regarding an organization’s ethical status result when actions taken by the employees do not match the department policies and regulations as well as the value statements. These values are the root of the bond between the police and society, as a whole. The essential and sometimes difficult task is to take the written word and institutionalize it. If these values are not put into action, departments suffer the backlash of public distrust, which can lead to budget cuts, removal of the chief executive, and the resulting instability within the organization. Over time, the organization’s true belief systems are revealed through actions not words. It is imperative to the effectiveness of the department and the trust of the citizens served by the department that ethical standards are evidenced as they are articulated in the manual.

One of the single greatest influencing factors on the young police recruit is his or her Field Training Officer (FTO). True training, with desired results, occurs when an employee hears, observes, and practices the right way to do the job. It is

therefore imperative that departments select FTOs that are on the “same page” as the organization. Officers that not only understand the mission and vision of the department but also exemplify those same qualities. If the right person is chosen for the FTO position, honesty and integrity is institutionalized within the organization. The recruit knows, through observed examples, that honesty and integrity are the minimum standard. The recruit progresses through his or her training and refines his or her ability to professionally communicate both orally and in writing. He or she begins to handle many different situations and records them on official department reports and/or documents. It must be reinforced that truthfulness in reporting is essential. This reinforcement must come from the FTO, other officers, supervisors, administrators, etc. Unfortunately, this is sometimes where the written word in the value statement becomes elusive in actual practice. Based on the dynamic nature of the law enforcement job, moral dilemmas are faced on a regular basis. As stress increases and knowledge about the job increases, it can become easy to create a set of circumstances (for the report) that is somewhat different than what actually occurred. Some refer to this as “adding a little ketchup and mustard” or taking short cuts. It is imperative that departments instill that this type of behavior is unacceptable from the beginning of an officer’s career. Failure to address the issue when and if it is observed is equally unacceptable. This is simply giving tacit approval. Acceptance of anything other than truthfulness in reporting truly leads to a “slippery slope.”<sup>4</sup> Where do the half-truths end and the truths begin? If it is learned that it is acceptable to change the facts on a police report, it is acceptable to change facts in all report writing. The responsibility to ensure that this slippery slope does not exist rests squarely on all police supervisors, administrators, and peer officers.

An area that exemplifies the absolute need for fundamental honesty and integrity to be evidenced is officer-involved shootings in which citizens are killed or wounded. History has shown that when officers and departments have demonstrated strong core values of honesty and integrity, the public perception of the outcome tends to mirror exactly what the facts bear out. Simply put, if the department has established a reputation for being honest, the public tends to believe the organization, and the converse is equally true. Very often, the media and how they perceive a given incident directly fuels the public perception of an incident. Hopefully, their perception is based on verified facts regarding the incident. Ideally, the investigating body provides these facts. If accurate facts are not reported from the initial incident to the conclusion of the investigation, the outcome can be needlessly undesirable.

An all too unfortunate, yet familiar scenario, underscores the significance of honesty as the guiding belief that should lead each officer’s actions. The setting can be anywhere in the USA. An officer is on-duty or off-duty and for any number of circumstances, it becomes necessary to use deadly force by means of a firearm. Following this split second decision, the officer likely will find himself in the most stressful situation of his career. Supervisors, detectives, department “top brass,” crime scene personnel, county prosecutors, and others (and oh yes, the press) converge on the scene. Their purpose obviously is to find out the facts. When the dust settles and the media is gone, police shootings almost always can be classified as “justified” or “accidental.” This is not the time for the officer to be a “victim” of the slippery slope as it relates to an honest account of the circumstances and facts. If his or her department has institutionalized honesty as the expected standard, the officer in all likelihood will provide a truthful account of the circumstances that resulted in the use of deadly force. There will be no dilemma, for the officer, on how to account for his or her actions;

he or she will simply report the incident and the circumstances as spontaneously recalled. It is well-established that stress can adversely impact recollection after an extremely traumatic incident; however, when honesty and truthfulness is practiced, the basic circumstances, in their totality, will normally be recalled with accuracy. The truth will surely serve the officer well in these incidents.

As both a line supervisor and command staff member, I have had the occasion to administratively investigate and review numerous police involved shooting incidents. I recall two specific incidents involving the shooting of unarmed civilians resulting in significantly different outcomes. These differentiated outcomes resulted, partially or largely, because of the varying levels of honesty involved.

### *Incident #1*

A two-officer marked patrol vehicle was conducting aggressive patrol in a high-crime public housing development in a large Midwestern city, in the early morning hours (approximately 0300 hours). The officers observed a teenage male black standing in front of a high-rise building, well-known for drug trafficking and firearms-related incidents. The officers also observed that the subject moved and made motions to his front waistband that were consistent, from their personal experiences, with a person attempting to secure and maintain a firearm. The male subject observed the officers and began to flee on foot. The officers gave chase with one officer on foot and the second officer retrieving the police vehicle. The suspect ran to the corner of the building with the lone foot officer a distance behind. As the subject turned the corner, the officer heard a loud report and “felt” a projectile pass by his head. (The officer would later report that he did not actually see the subject turn and fire at him.) The officer observed this same subject “dive” into the front passenger side of a four-door sport utility vehicle, parked on the street directly beyond the corner of the building. The vehicle fled at a high rate of speed. The second officer picked up his partner quickly, and a vehicle pursuit was initiated. At the conclusion of a vehicle pursuit, the four male occupants exited the vehicle in an attempt to escape. As the front seat passenger exited, he began to run. He reached down, as he ran, to his front waistband and then drew his arm up from the waistband. Simultaneously, he began to turn his upper body back toward the officer who conducted the initial foot chase and felt the bullet go past his head. The officer fired one round and struck the 17-year-old male in the rear right portion of the head. The subject dropped to the ground and subsequently died of his injuries on the scene. No weapon was recovered from the subject, and subsequent gun shot residue (GSR) tests were negative. The other fleeing subjects fled the scene, and only the driver was apprehended a short time later. GSR tests on the driver were inconclusive. No weapon was ever recovered. A subsequent interview of a security guard at the building of the initial contact corroborated that the officers started to chase the subject on foot. The guard then heard a gunshot but was unable to detect where it came from or who fired it. He reported that he was not paying attention because gunshots are common occurrences.<sup>5</sup>

An investigation subsequent to this incident revealed that the officer was cleared of any wrongdoing or administrative violations. The major basis for this outcome was that he revealed the facts truthfully without reservation and did not deviate from the facts. He did not add any “ketchup or mustard.” He did not report that

he saw the subject with a gun. He did not report that he saw the subject turn and fire at him from the corner of the building. He did not report that the subject reached for his waistband and the officer saw a shiny object that he believed to be a weapon and then shot him (interestingly enough, the subject did have a shiny belt). The officer told the same basic facts from the beginning of the initial inquiry to his last interviews (approximately 12 hours later). He simply told the truth; it was easy to remember. Based on his original observations, he believed the subject to be armed and that the subject fired at him. He articulated very well that he was in immediate fear for his life. In this case, the truth set him free.

## *Incident #2*

A summary of the event<sup>6</sup>, as related to me by the first supervisor on the scene, provides the following:

A two-person marked patrol unit occupied by two uniformed male black police officers was on patrol in a high-crime public housing development in a large Midwestern city, in the early evening hours. After an apprehension of an offender, they were in the process of bringing the prisoner, a high-ranking member of a local street gang, to their vehicle for transportation. It was a summer evening, and large groups of people were standing in the street, as would be common in public housing. As they exited the building to transport the arrestee, the prisoner began to yell, "Be up Folks, don't let them take me . . ."

At this point, a crowd began to surround the officers, and a struggle between the police and the crowd began. The crowd attempted to take the prisoner from the police. The officers called for help and attempted to retain custody of the prisoner. In the scuffle, the officers became separated. The struggle between the officer holding the prisoner and the crowd, which included family members and fellow gang members, became very combative. The officer reported that he released the prisoner, when he realized an attempt was being made to disarm him. He reported that he was in an active struggle for his weapon, and it was being wrestled out of his holster and his control. During the resulting struggle, the weapon discharged and struck an unarmed female (the arrestee's aunt) in the abdomen. As initial assist units arrived on the scene, the crowd overwhelmed the other units as well, and additional assistance was requested. The officer whose weapon discharged was "evacuated" from the scene, for his protection, and an ambulance was requested for the wounded citizen. The resulting "battle" between the police and the "citizens" lasted for approximately 60 minutes during which time significant gunfire was exchanged between the officers and shooters hiding in the building.

The subsequent investigation of this incident is when ethics and honesty and organizational development of values become so important. The officers on the scene were unaware initially of the exact location of the involved officer because the "top brass" from one department refused to respond to the scene or relay information regarding his location when the "brass" of the second police agency arrived. They requested that the other department come to them at their headquarters. The investigation of the matter was finally moved to the detective area. His superiors, the detective division, and the state's attorney's office interviewed the involved officer regarding this incident. The officer's version of what occurred varied during the interviews.

By the time the late evening newscasts began and before the investigation was even close to completion, the incident had already snowballed into a media frenzy. The lead sound bites reported that a police officer for the department involved had shot an innocent bystander for no reason. This was provided by “witnesses” that the media had been able to locate near the scene. Unfortunately for the public and the officer involved, the media was either ignorant to or wished to ignore a common practice employed by gang leaders. The practice evidenced was that of sending “straight” looking people to the media for the purpose of reporting a version of the event that was beneficial to the gang. Rarely would a true independent citizen of the area in question be on television reporting to be a witness for a legitimate fear of reprisal from the gangs.

The media and political groundswell resulted in the officer being charged criminally with attempted murder, aggravated battery, and official misconduct. Months later, the officer was rather quickly acquitted of the charges in criminal court, after his initial version of the incident was supported by eye witness accounts and physical evidence; however, the reputations of both the officer and the department were permanently damaged. This damage was caused by the lack of honesty and integrity by numerous entities and individuals.

### Summary

All police departments must consistently expect and demand integrity and honesty from their employees. This must be clear at the initial stages of the hiring process and during their entire career. All levels of dishonesty within the organization must be dealt with actively and harshly. If it is not, dishonesty becomes institutionalized. The consequence of institutionalizing dishonesty in an organization is the loss of public trust. Articulating and practicing a clear core value of honesty and integrity results in an ethical law enforcement agency that enjoys trust from the public.

### Endnotes

<sup>1</sup> Mangan, T. (1998). *Organizational culture in the law enforcement agency: Ethics, values, vision*. Quantico, VA: Leadership and Management Unit, FBI Academy.

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Delattro, E. J. (1996). *Character and cops: Ethics in policing* (3rd ed.). Washington, DC: the AEI Press, 65-80.

<sup>5</sup> Officers involved (names withheld by request). Personal interview. February 1995.

<sup>6</sup> On-scene police supervisor (name withheld by request). Personal interview. October 1997.

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# Police Corruption: National and International Perspective

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It has become a common complaint among police executives that a small percentage of officers cause a large percentage of the departmental trouble. In recent years, incidents of corruption by members of the law enforcement community have embarrassed police agencies and their personnel. The violent beating of Los Angeles motorist Rodney King in 1991 launched police into the international spotlight and called into question the conduct of the police. Police misconduct is not new. Since the inception of a modern paid police force, police misconduct has existed (Wroblewski & Hess, 2001). "To study the history of police is to study police deviance, corruption, and misconduct" (Kappeler, Sluder, & Alpert, 1998, p. 28). It is true that the acts of a few can sully the reputation of an entire profession.

In the mid-1980s, police officers in Miami, Florida became involved in smuggling and selling cocaine. Their illegal activities culminated in the murder of a rival drug dealer. In 2000, New York police officers were fired for sodomizing a Haitian immigrant with a toilet plunger handle. Many people have actually grown somewhat apathetic towards police misconduct and violence, as long as it does not directly affect them (Bennett & Hess, 2000). While incidents of police misconduct are relatively few in number, they receive major attention. As accustomed as people have grown to violence, incidents like those just described evoke feelings of anger, frustration, hostility, and confusion. It is not some street thugs committing these illegal acts. It is the men and women we rely upon to protect us from harm. The police are held to a higher standard, for they are the thin blue line between social order and social chaos. When police abuse their power, it frightens the very society they have sworn to protect. Police brutality and corruption erodes the trust between the police and the citizenry; however, America does not have a monopoly on police corruption. Wherever there are police, police corruption exists (Wroblewski & Hess, 2001). Zhao Hongzhu, the head of China's Supervision Ministry stated, "Corruption is a common social phenomenon that exists in every country" (Zhao, 1999).

In April of 1998, 23 French police officers went on trial in the French Spanish border town of Perpignan on charges of police corruption. The officers were accused of taking bribes from traffic offenders, pocketing traffic fines, selling confiscated alcohol, and stealing accessories from stolen vehicles before they were returned to their rightful owners (BBC News, 1998).

In South Africa, Deputy President Thabo Mbeki denounced police brutality. President Mbeki claimed that under apartheid, "there was a culture that developed among police, that they could get rid of people by any means they wished (BBC News, 1999)." In 1998, South African police were caught on videotape beating suspected car thieves. A Johannesburg officer was seen kicking the suspected car



thieves in the face and stubbing out a lit cigarette on the face of one of the men. Police were also seen on the tape beating one of the suspects with a rifle after setting a police dog on the suspects. One of the suspected car thieves later died in a hospital as a result of his injuries. Police denied any wrongdoing and blamed the man's death on a car crash that occurred prior to the beating (BBC News, 1999).

In the Former Yugoslav Republic of Macedonia, there is a pattern of police abuse of power that is being ignored by that country's political leaders. Allegations of police brutality, false arrest, denial of counsel, maltreatment of prisoners, and procedural violations have been filed by Albanians, Turks, Roma, and Bulgarians. All of these victims are ethnic minorities in Macedonia. On July 9, 1997, Macedonian police were alleged to have severely beaten three protestors in the town of Gostivar. Demonstrators and police clashed, leaving three protestors dead. Once police had established control, they allegedly beat protestors who were offering no resistance. Some of the beating victims had been severely beaten while handcuffed to traffic signs, incapable of protecting themselves. Police then allegedly entered the homes of individuals who had not taken part in the demonstration, without a warrant, and beat them as well. At the police station, detainees were allegedly forced to pass through a gauntlet of baton wielding police officers (Global Beat, 1998).

China's Vice Minister of Public Security (China's National Police) and the former Deputy Director of China's National Anti-Smuggling Office, Li Jizou, was arrested on charges of illegally importing thousands of cars into China. Li was allegedly involved in an illegal racket that arranged for import certificates for an estimated 70,000 cars. Li is speculated to have made as much as \$4.23 billion in the illegal car import scam. The investigation also led to the arrest of several high-ranking Public Security Bureau officials, including the chief of the Bureau, Deng Guo Qiang (Zhao, 1999).

Police corruption is reported to be rampant in China. In 2000, what may be the largest corruption scandal in China's history was uncovered. The corruption was in the form of an elaborate smuggling operation. At the core of the operation was the Fairwell Group, a consortium of real estate and property development companies. The Deputy Chief of the Fujian Police was on the Fairwell payroll and linked to the smuggling operation. Also implicated was Xu Ganlu, one of the highest-ranking officials in the Ministry for Public Security. Chinese corruption crackdowns also took place in the provinces of Guangdong, Hainan, Zhejiang, Shandong, and Liaoning, as well as in the cities of Beijing and Shanghai. Police officials are accused of taking bribes and abusing police powers (Conachy, 2000). Over 11,000 Chinese police officers were punished in 1998 for acts of police corruption (Zhao, 1999).

The former Soviet Union republics are also riddled with police corruption. In April of 2000, Ukrainian police in the city of Cherkassy charged an innocent resident with manslaughter for a killing that police themselves allegedly committed. When the man protested his innocence, he was allegedly beaten and hospitalized one day before he was to testify in court. A defense witness was also attacked and never testified. Valentina Vasilchenko, a local reporter for the weekly independent newspaper the Antenna, was also beaten after reporting the alleged police

corruption (Cooper, 2000). It was estimated that between 30 and 60% of the income of Russian organized crime is spent on bribery and various forms of political lobbying (Finckenauer & Voronin, 2001). It is estimated that annually Russians are paying \$37 billion in bribes, including \$368 million in bribes to Russian traffic police (*Komsomolskaya Pravda*, 2002). In 1996, the Interior Ministry National Police in Russia dismissed 21,347 officers for corruption (Allen, 1997). A public opinion survey, conducted in March of 1999, identified the most corrupt law enforcement agencies presently in Russia (Clean hands, 1999).

**Table 1. Corruption in Russia**

<b>Who is more often involved in corruption?</b>	<b>July 1998 (in %)</b>	<b>March 1999 (in %)</b>
Police, tax police, law enforcement	47	48
Supreme state agencies	27	34
Traffic police	35	32
Courts, prosecutors	29	28
Local governments	18	19
Hospitals	13	13
Educational institutions	9	10
Military recruiting office	11	9
Services agencies	9	8
Military	7	3
Trade Unions	2	1
Church	2	1
Do not know	13	12

The Federal Judicial Police is Mexico’s national law enforcement agency. They work closely with the United States in the war on drug trafficking. The DEA alleges that Mexican police are involved in the trafficking of drugs into the United States. Some Mexican police officers are actively involved in the trafficking of drugs, while others passively allow it by looking the other way. The incentive is large sums of money from drug cartels. It’s not just Mexico that is facilitating the flow of drugs via police corruption. Police in the Bahamas have been a key player in the international drug trade. In August of 1996, 4,400 Mexican Federal Police officers were dismissed for alleged police corruption (Deflem, 2001). Many Mexican police vehicles are also reportedly stolen vehicles from the United States. In fact, many governmental vehicles in Mexico and the Central American country of Belize are stolen from the United States (NBC Dateline, 1994).

Police misconduct can be divided into two categories: (1) corruption and (2) physical and/or emotional abuse. Etymologically, the term *corruption* comes from the Latin verb *corruptus* (to break) and had been transformed into a term that describes a form of behavior based on broken ethics, morality, tradition, and law. Theoretical studies define police corruption as systematic use of public office for private benefit, putting personal gain ahead of duty, or the misuse of authority by a police officer acting officially to fulfill personal needs.

Among the most regularly mentioned theories of police corruption are the “rotten apple,” and occupational socialization concepts. The “rotten apple” theory posits

that the corrupt officer is the exception and not the norm; however, it fails to explain why those law enforcement officers who themselves engage in no corrupt activities are involved in corruption in the sense that they take no steps to prevent what they know or suspect to be going on (Knapp Commission, 1972). Occupational socialization or a learning theory explanation avoid the analysis of the roots and reasons stating that corruption came from “previous” generations of law enforcement officers through intergenerational transmission of values or was learned by observing others (Hauk & Saez, 2002). It is very close to the “rotten apple” theory, and it can be part of it assuming that a few morally weak individuals can corrupt everybody else in the department. This theory makes the corruption look like a traditional cultural attribute of the profession. The international *Code of Conduct* for law enforcement officials states that police corruption should be understood to encompass the commission or omission of an act in the performance of or in connection with one’s duties, in response to gifts, promises, or incentives demanded or accepted, or the wrongful receipt of these once if the act has been committed or omitted (United Nations, 1979). Empirical studies of police corruption have described its causes and consequences, indicating motivation of the police officers involved (private benefits, money).

In sum, studies of police corruption have focused on defining the terminology of corruption, descriptions of its causes and social consequences, and detailed tactics designed to prevent and control police corruption. The importance of these studies cannot be denied. They have demonstrated the extent to which the police corruption has spread and to what degree the previous efforts in fighting corruption were successful; however, research on corruption often becomes too emotional and moralistic operating with such terminology as “wrongful,” “zero tolerance,” and “immoral.” Definitions are narrowing the corruption mostly to individual acts, but it is difficult to ignore that not only individuals but also groups of police officers, the whole agency, and the criminal justice system can all be corrupt.

Police corruption involves three main issues: (1) some law, rule, regulation or ethical standard forbids the conduct, (2) the conduct involves the misuse of the officer’s position, and (3) the conduct involves some type of actual or expected material gain or reward (Cox, 1996). One of the specific characteristics of police corruption is its exceptional latency. In Russia, law enforcement agencies uncover no more than 1-2% of corruption cases (Organized Crime Watch, 1999).

Corrupt relations in the law enforcement community could be divided into three large groups:

1. Corrupt relations among representatives of the different law enforcement agencies (patrol/investigations; state/local; judge/attorney, and so on)
2. Corruption among representatives of the criminal underworld and corrupt personnel of law enforcement agencies
3. Corrupt relations between individuals, businesses, and law enforcement agencies

Police corruption takes on many forms. Some of the more common forms of police corruption are . . .

- Corruption of authority
- Kickbacks
- Opportunistic theft
- Shakedowns
- Protection of illegal activity
- The fix
- Internal payoffs

Corruption of authority involves unauthorized gains by police officers by virtue of their position. Examples of this type of conduct include the taking of free meals, police discounts, and other gratuities based upon the fact that the person is a police officer. One police officer put his uniform on when going out shopping for items such as furniture. His hope was that merchants would give him a huge discount. One officer actually went so far as to send his son to a fast food drive through wearing the officer's uniform to obtain free food for his family. In Russia, the corruption of authority very often takes on extreme forms. One Russian businessman said that after he refused to pay a police officer a \$20,000 bribe, a major and three other officers returned with a group of men and took six truckloads worth of computers and computer parts from his storeroom (LaFraniere, 2001).

Kickbacks refer to police officers making referrals to specific businesses in exchange for some form of reward. Examples included police officers requesting specific towing agencies to remove stranded motorists, referrals to specific lawyers, and recommending specific businesses to travelers such as restaurants and hotels. Usually the reward is in the form of money, but it can also be in the form of goods and services. One particular officer recommended a specific towing agency in exchange for free repair work to his personal vehicles. Christian Courbois, an American who runs an express mail service in St. Petersburg, Russia, said that he pays the police department \$200 a month to protect his firm from criminals (LaFraniere, 2001).

Opportunistic theft is the stealing of another's property by being in the right place at the right time. Police officers have been known to take cash, jewelry, and other valuable items from crime scenes. Drunks are also the targets of opportunistic theft. Some police officers take advantage of a person's intoxicated state to steal money. Police officers have also been known to steal merchandise from retail stores when responding to burglar alarm calls and when investigating unlocked doors at such businesses. In one case, law enforcement officials actually took a ring off of the hand of a deceased victim. In Stavropol, Russia, 22 police officers organized a criminal ring and sold to regional criminal groups 15 grenade launchers, 576 firearms, 378 grenades, and more than 20 pounds of explosives (NTV International, 2001).

Shakedowns can be defined as accepting bribes for not enforcing the law (Cox, 1996). Probably the most common form of a shakedown is an officer soliciting a bribe not to write a motorist a traffic citation. In 2000, Kazakhstan in the former Soviet Republic took a major step towards eliminating police corruption. A new Minister of the Interior vowed to clean up the national police force and took an

anonymous inspection trip around the country. Dozens of corrupt traffic police and customs officials across Kazakhstan demanded bribes from the wrong man, their boss (Reuters, 2000).

Police officers have also been known to take cash or property in exchange for not making arrests. One car thief stated that Mexican Federal Police would allow him to transport stolen cars into Mexico in exchange for things ranging from a bottle of tequila to \$100 dollars (NBC Dateline, 1994).

The protection of illegal activity involves police officers turning a blind eye in exchange for being compensated with cash or material goods and services. The most common illegal activities protected by police include gambling, drugs, and prostitution. When a new Russian car was stolen in May of 1995 in Moscow several days after a Duma (low chamber of Russian parliament) advisor purchased it, he reported it to the local police. They advocated getting in touch with the criminal elements in his region, suggesting that he could get the car back by paying half of its original purchase price. The police offered to help him contact the Russian Mafia (Von Der Heydt, 1995). Because these activities are ongoing, it usually involves several police officers. One officer cannot work 24 hours a day, seven days a week; therefore, several officers usually work in concert to protect the illegal activities. As one organized crime figure noted, there is never a shortage of police officers willing to look the other way in exchange for money. In fact, he claimed he never personally approached police officers about being paid to allow illegal activity to continue. He said the police always came to him (Abadinsky, 2000).

The “fix” refers to police officers accepting money, goods, services, or political favors in exchange for quashing the prosecution of tickets and criminal cases. This may be as simple as an officer asking a coworker to dismiss a traffic ticket; however, sometimes the fix is much more elaborate and encompasses several layers of the criminal justice system. In the infamous Greylord case in Chicago, police officers, prosecutors, defense attorneys, and judges were all involved in the taking of bribes to fix cases.

Internal payoffs involve police officers paying their superiors for special treatment or assignments. Examples included paying for assignments to preferred shifts, district assignments, special duties, and coveted overtime details. While maybe the least offensive to the public, it is still illegal activity nonetheless and involves the violation of rules and laws.

Physical and emotional abuse is most often associated with police brutality. The police in most countries are given the authority to legitimately use force to make arrests and maintain social order. In fact, social order is maintained through the threat of force whether implicitly implied or not. Police brutality involves the use of excessive or unauthorized force. Police officers, while human, are expected to keep their emotions and their prejudices under control at all times. That doesn't always happen when the adrenaline begins flowing during an encounter with an armed suspect, a suspect who has been fleeing police, or a suspect who is actively resisting the police or fighting with police. Some officers get caught up in the moment and cross the line between justifiable use of force and excessive use of force. In February of 1999, the Supreme Court of the Republic of Mordovia

(Russian Federation), convicted seven police officers of torturing criminal suspects and sentenced them to prison terms ranging from three to nine and a half years. The case was brought after a series of incidents, including the death in 1995 of Oleg Igonin, who was arrested on suspicion of burglary and tortured by several police officers. He was asphyxiated when officers put a gas mask on him and cut off the air supply, a method known as “elephant” torture (Amnesty International, 1999).

Sometimes officers also allow personal prejudices to govern their actions as in the previously mentioned example of the Macedonian officers beating ethnic protestors.

In his 1968 study on American police brutality, Reiss noted the following. Physical brutality occurred in less than 1% of all police encounters. This indicates that while often highly publicized, incidents of police brutality are rare. Whites were twice as likely to be victims than were blacks. White officers and black officers equally misuse force. Most victims are from lower social class. Police brutality most often occurred when offenders openly defied or resisted police. Finally, supervisors were aware of misuse of force but did little if anything about it (Cox, 1996).

There are steps police agencies can take to limit police misconduct. Among them are . . .

- Proper recruitment
- Economic improvement
- Community-oriented policing
- Greater accountability
- Rotation of assignments
- The use of informants
- The use of surveillance techniques
- Prosecution of offenders

The first step in controlling police misconduct is proper recruitment of police personnel. The “garbage in/garbage out” philosophy also applies to the hiring of police personnel. Police agencies must start by selecting candidates of the highest moral character. It is unrealistic to think that people who are immoral, unethical, or criminal will change their behavior simply because they become a police officer. Police agencies should screen applicants through the use of psychological testing, physical agility testing, and aptitude testing. A thorough background investigation of the applicant should also be conducted. For many police agencies, that is not possible due to budgetary constraints. A stringent probationary period will hopefully weed out undesirable officers early on in their careers.

Wages are directly linked to police misconduct. Some police officers rationalize police misconduct citing that they are underpaid. They try to justify stealing and taking bribes by claiming they need the money due to the poor wages they are paid. Possibly more important is the caliber of candidates attracted to the profession. If the starting wages are too low, police agencies will not attract the most qualified applicants. In economically depressed areas, proper wages for police are a major contributor to police misconduct. At the same time, wide-spread corruption among

well-paid representatives in political, business, and governmental segments of the society shows that this type of misconduct is not all about low wages.

Police misconduct destroys the trust between the community and the police. Community-oriented policing strategies, on the other hand, increase the trust between the community and the police (Trojanowicz & Bucqueroux, 1990). When police officers interact more with the community, they get to know each other. They develop a bond. Dialogue leads to mutual trust and respect. Each side not only relies on each other, but they also hold each other accountable. Without that mutual trust and respect, an “us versus them” attitude develops. Police officers generally feel that the general public doesn’t understand them or what they do. By allowing the community to step into the police officer’s shoes, they see the police as friends and not as advisories.

Greater accountability comes in the form of greater supervision of police personnel. As Reiss noted, supervisors are usually aware of police misconduct, and choose to ignore it. When supervisors are held accountable for the actions of their subordinates, they will be less likely to condone the misconduct of their subordinates. Just as proper recruitment is a key component in controlling police misconduct, proper promotion of police personnel is equally important. Police supervisors are responsible for supervising officers, but they also serve as role models for their subordinates. For example, one police commander slapped a juvenile car thief offender across the face while the youth was handcuffed behind his back. The commander did that in the presence of several of his officers. When the incident became public, the commander was not formally disciplined, and that sent a message to the officers that their particular police department accepted police misconduct.

Rotation of assignments is also a strategy for controlling police misconduct. In order for police officers to protect illegal activity, they need to be in the area where the illegal activity is occurring. Plus, the longer an officer is assigned to an area, the greater the chance they will get to know all of the people in their area. That includes the criminals. Keeping honest officers assigned to the same district for extended periods of time is a key component to community-oriented policing. The more time officers spend with a particular segment of the community, the greater the bond between the two becomes. Unfortunately, that can also be true of corrupt officers building a bond with criminals in the area they are assigned. To avoid that, officers suspected of engaging in corrupt activities should be rotated to other areas. Plus, by frequently rotating officers, it does not allow criminals enough time to develop a bond with officers.

Finally, police administrators may also resort to using informants and covert surveillance to monitor officers’ behavior. The problem with using informants to report on police misconduct is the credibility of the informant. Informants have many motives for working with the police. Most are seeking some sort of compensation. That can come in the form of cash or the dropping of criminal charges in exchange for reliable information. Some informants have a vengeance for the officer in question and agree to act as an informant out of revenge for the officer. Careful steps must be taken to corroborate informants’ information. Surveillance techniques are useful, but they are also costly and sometimes difficult to use. If an officer is suspected of protecting illegal activity, administrators

may have difficulty getting into areas necessary to observe the misconduct that is taking place.

Direct observation is best but often difficult. There does exist a code of silence among officers. Police officers are often reluctant to report misconduct on the part of their fellow officers. Officers who come forward are often labeled as “snitches” or “rats.” Their peers can ostracize them. Despite doing the right thing, informants who are police officers often suffer more than the corrupt officers. Corrupt officers are disciplined or terminated. The officer who turns in coworkers remains on the job. Trust between that officer and others is all too often ruined.

In 1997, 1,000 St. Petersburg, Russia police officers were fired for acts of police corruption, and more than 8,000 were punished for acts of police corruption. In total, 208 high-ranking Russian police officials and more than 700 lower-ranking police officials were fired for police misconduct (Schoenmann, 1998).

The ultimate culmination of police misconduct must be prosecution. Society and police administrators must adopt zero tolerance when it comes to police misconduct. Police misconduct is sometimes thought of as a discipline matter and is left up to the agency’s top administrator to deal with internally. Even when police misconduct is viewed as criminal, it is often viewed as white-collar crime. As with most white-collar crime, offenders receive little more than a slap on the wrist (Rosoff, Pontell, & Tillman, 1998). Police misconduct should be treated the same as any traditional crime. Theft is theft, whether committed by a street thug or a police officer. In fact, it is worse when it is committed by a police officer because society expects police officers to uphold the law, not break it. Holding corrupt police officers criminally liable individually punishes them for their wrongdoing while sending a message to all officers. In numerous cases of police misconduct, police administrators and prosecutors elected not to prosecute the offenders. They thought they were doing them a favor by saving their careers and giving them a second chance. The truth is that those corrupt officers went on to become multiple offenders. Not prosecuting corrupt officers only enables them to continue with corrupt behavior.

Police misconduct can be controlled, but individual reform is only one step. The strategies outlined work only when the organization is ethical. If the culture is such that it allows or fosters police misconduct, then individual strategies will surely fail. Structural reform may be necessary before individual steps can be incorporated. Police misconduct can be a deeply entrenched problem. Reform must be holistic and top down. Prosecutors, police administrators, middle management, first-line supervisors, and individual officers all must buy into misconduct reform strategies for success to occur. Reforms of police practices are in the best interest of the global community and should therefore be everyone’s priority.

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# Corrections/Punishment: Ethical Behavior of Correctional Officers

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The reason our system of justice exists as it does today is to take the place of private vengeance. Victims are not allowed to take revenge, rather the state metes out the punishment even to the extent of executing a criminal (Pollock, 1994). After conviction, many defendants are given prison time. There are four rationales for corrections: (1) retribution, (2) prevention, (3) incapacitation, and (4) deterrence. How much punishment is enough? Over the years, we have changed our views regarding punishment of criminals. "Originally, criminals were viewed as sinners with no ability to change their behavior and therefore punishment and incapacitation were seen as the only logical ways to respond to crime. Bentham (1748-1833) and Beccaria (1783-1794) viewed the criminal as rational and as having free will and therefore saw the threat of punishment as a deterrent" (Pollock, 1994, p. 166).

The correctional system needs to be supported "by a caring ethic since it takes into account offender needs and community corrections" (Pollock, 1994, p. 175). Correctional officers, similar to law enforcement personnel, wear uniforms that represent authority within their institutions, but the authority of the uniform is not what gets anything accomplished. Personal respect and proper use of authority is what gets the job of the correctional officer done. Those officers who abuse their powers and the uniform find themselves in abusive positions. Whereas "probation and parole officers have a different type of authority and power over offenders," (Pollock, 1994, p. 179), than the correctional officer; their power lies in their ability to recommend release or revocation. "Yet the implicit power an officer has over the individuals on his or her caseload must be recognized as an important element of the role, not to be taken lightly or misused" (Pollock, 1994, p. 179).

Under the American Correctional Association Code of Ethics, "the importance of integrity, respect for and protection of individual rights, and service to the public . . ." is noted (Muraskin & Muraskin, 2001, p. 142-143). What is described in this Code of Ethics is the fact that there be respect for all individuals; that there be concern for the welfare of all persons; that there be cooperation between all agencies of criminal justice; that their positions not be used for personal gain; that there be no conflict of interest; that there be no discrimination; that the integrity of private information be preserved; where there is cause to believe that a member has acted in an unethical manner, that such behavior be reported.

The difficulty that the correctional officer has, similar to law enforcement officials, is that we look at the ideal, which is not necessarily reality. It has been said that there exists a subculture within corrections (i.e., the enemy is the inmate; the use of force is acceptable/necessary; there is a disrespect for the supervisors; and the occasional use of deceit to cover up wrong doing is present).

According to Kaufman's study (1988, cited in Pollock, 1994, p. 182), the following are the norms of the correctional officer's subculture:

1. Always go to the aid of another officer. Similar to law enforcement, the necessity of interdependence ensures that this is a strong and pervasive norm in the correctional officer subculture.
2. Don't lug drugs. This prohibition is to ensure the safety of other officers, as is the stronger prohibition against bringing in weapons for inmates.
3. Don't rat. In similar ways to the law enforcement subcultural code and, ironically, the inmate code, correctional officers also hate those who inform on their peers.
4. Never make a fellow officer look bad in front of inmates. This applies regardless of what the officer did, since it jeopardizes the officer's effectiveness and undercuts the appearance of officer solidarity.
5. Always support an officer in a dispute with an inmate.
6. Always support officer sanctions against inmates. This includes the use of physical force as well as legal sanctions.
7. Don't be a white hat. This prohibition is directed at any behavior, attitude, or expressed opinion that could be interpreted as sympathetic toward inmates.
8. Maintain officer solidarity against all outside groups.
9. Show positive concern for fellow officers. Never leave another officer with problems. In other words, don't leave unfinished business at the end of your shift for the next officer to handle.

Such a subculture varies from system to system. Professional ethics or a conflict with professional ethics comes into play when the relationship between correctional officer and inmate becomes personal. The close proximity of officer and inmate over a period of time, as well as shared feelings about the facility's administrators, can at times bring the officer and inmate too close. When officers feel they have more in common with the inmates than with their administrators, the unethical conduct becomes noticeable. As officers can make inmates feel very comfortable, they also have the ability to make it very difficult for the inmates to exist, and this is behavior that is considered unethical.

Because prisoners are in a position of need, having to ask the officers for things as simple as permission to go to the bathroom, officers have the power to make inmates feel even more dependent than necessary and humiliated because of their dependency. The relative powerlessness of the officers in relation to their superiors, the administration, and society in general creates a situation where some take advantage of their only power—that over the inmate (Pollock, 1994, p. 184).

The good officer learns to live with the inmates on a daily basis, forming alliances, but maintaining his or her professional standing. Similar to the police officer, however, correctional officers are not necessarily in agreement with court decisions and administrative goals. In speaking to one correctional officer, he indicated, you hear what the supervisors say, but then you do what you want, as you are the one “locked” up with the inmates. The correctional officers feel insecure in their positions, as they feel the scorn of many. In the previously mentioned study by Kaufman, she indicates . . .

Initially, many [officers] attempted to avoid engaging in behavior injurious to inmates by refusing (openly or surreptitiously) to carry out certain duties and by displacing their aggressions onto others outside the prison or themselves. As their involvement in the prison world grew and their ability to abstain from morally questionable actions within the prison declined, they attempted to neutralize their own feelings of guilt by regarding prisons as separate moral realms with their own distinct set of moral standards or by viewing inmates as individuals outside the protection of moral laws. When such efforts failed, they shut their minds to what others were doing and to what they were doing themselves (Pollock, 1994, pp. 187-188).

Correctional officers need a good ethical code to which to adhere. Maintaining such a work ethic is important in the officers’ ability to do his or her job properly. “To maintain a sense of morality in an inherently coercive environment is no easy task, yet a strong set of individual ethics is probably the best defense against being changed by the negative environment of the prison” (Pollock, 1994, p. 188). Officers do not have free rein to punish inmates unmercifully as has been evident in cases reported when officers have beat up inmates. Officers need to adhere to the tenets laid out in the *Ethical Code of Conduct* established by the American Correctional Association.

Correctional staffs must understand how to “assess moral dilemmas and how to behave in an ethical fashion” (Braswell, McCarthy, & McCarthy, 1996, p. 337). Correctional institutions have a high turnover, primarily because of the nature of the job. The “rookies” or correctional officers (many of whom are new to the job) must be able to confront a less than friendly population crowded into very close quarters. Oftentimes, the prisoners look to bribe the correctional officer in the hopes of getting favorable treatment. The inmates would like the officers to turn away from infractions while bringing drugs and weapons into the institutions. “Because these inmates may know as much about running the institution as some of the guards, it is often very easy for correctional officers to become dependent on inmates for assistance in doing their jobs . . . .” (Braswell, McCarthy, & McCarthy, 1996).

It was reported by Jessica Mitford in her study of prisons in 1973 . . .

“The character and mentality of the keepers may be of more importance in understanding prisons than the character and mentality of the kept” (Reid, 1981, p. 211).

There are corrupt practices that occur in the correctional facilities, negating the integrity of the work to be accomplished by correctional officers. Such corrupt

practices can include simple acts of theft to large-scale conspiracies, and these activities undermine the respect that correctional officers should have for the system as well as the feelings of the inmates toward both the officers and the criminal justice system. "Corrupt practices may also lead to a breakdown in the control structure of the organization and to the demoralization of correctional workers" (Braswell, McCarthy, & McCarthy, 1996, p. 230).

Correctional officers have to use discretion. Correctional officials are given what is termed as a broad mandate by law whereby they administer their agencies. They make the rules and write the procedures necessary to accomplish their jobs. The corruption occurs when there is a misuse of discretionary powers. For example, correctional officials are not to accept gratuities for special privileges or preferential treatment desired by the inmates. They are not to show preferential treatment to inmates in terms of better housing, while supplementing their own income. Officers are not to look the other way when inmates misbehave and/or violate the rules of the institution. The opportunities are always there, but the officer needs to uphold his or her own ethical/moral values. The officer cannot look the other way when fellow officers are acting in a less than professional manner.

Sykes has referred to the fact that inmates suffer from the pains of imprisonment: ". . . the deprivation of liberty, goods and services, heterosexual relations, autonomy, and security" (Braswell, McCarthy, & McCarthy, 1996, p. 235). The incentives for corruption of morals is always there. There are defects in the organization of the prison's structures. Coercive power is an important element in the correctional facility. "In order to successfully do their job, coercive power must be supplemented with informal exchange relations with inmates" (Braswell, McCarthy, & McCarthy, 1996, p. 236).

Sykes pointed out more than 30 years ago that:

The custodians (guards) . . . are under strong pressure to compromise with their captives for it is a paradox that they can insure their dominance only by allowing it to be corrupted. Only by tolerating violations of minor rules and regulations can the guard secure compliance in the major areas of the custodial regime (p. 237).

The reasons for undermining the formal control as put forth by Sykes are "friendships with inmates, reciprocal relationships, and defaults" (p. 237). There is corruption because of friendships with the inmates, corruption through the factor of "you do for me and I will do for you." Corruption also occurs in the correctional facilities when staff members start to rely on inmates to do their jobs (i.e., that of the correctional officer). Problems arise when the correctional staff begins to provide the inmates with goods and services forbidden by the rules.

Cloward (1960) provided an example of an inmate's way of getting to the officer:

You go to make arrangements with the mess sergeant. He gets the ingredients, and when we're in business ... It's one of those you do this for me and I'll do this for you sort of thing.... The sergeant has to feed 1,500 men. It don't look good if he goofs. He wants the job done right. Now we're the ones who do the work, the cooking and all of that. So the sergeant, he says, okay, you can make

a little drink. But see to it that you get that food on the lines or the deal's off (cited in Braswell, McCarthy, & McCarthy, 1996, p. 237).

Part of the problem also lies in the quality of officers chosen for the job. The quality is often uneven, and due to substandard conditions in many facilities, much discretionary authority is turned over to individuals who lack proper education and/or training as well as the ability to handle the job. The chances of corruption occurring is high when the quality is low. It is the primary fault of management when they fail to take the proper steps to ensure that the opportunities of corruption are lessened. Working conditions need to be improved upon so that the actions of the correctional officers are not questionable. Accountability, protection of the employees, a freedom from political pressures are all factors in a good working relationship for anyone but in particular for the correctional officers who are indeed "locked up."

If no basic set of moral rules exists in our society, it is up to the professional organizations to endeavor to regulate members' behavior. They need to do so by enumerating what behavior is acceptable and what is not. ". . . codes of ethics embody moral ideals that are basic and uncontroversial from the perspective of the members of the profession" (Close & Meier, 1995, p. 18). There exists no attempt in any code of ethics to present a rational justification for their grounds; therefore, in "some professional codes, the rules may be viewed as justified only insofar as they tend to protect the profession from external review and regulation" (p. 18). If there is no so called "super rule" to explain how to resolve conflicts, then there is difficulty in enforcing the rules. It happens that most codes of ethics fail to make contact with reality. The codes of ethics are designed to direct the correctional officer or for that matter any officer to act in an ethical manner. But like a compass, it can point you to the right direction, "but it is not by itself a means of getting you to the destination" (p. 19).

In the *International Chiefs of Police Canons of Police Ethics*, it is said that what is demanded is that the decision of the officers never be influenced by personal feelings. This does not take into consideration the discretionary powers that officers have. There are considerations to be taken into account other than simply relying on written codes.

All criminal justice practitioners should follow departmental policies as written; however, as all officers have discretionary powers, this seems to be an unreasonable expectation of behavior. Where discretion is encouraged, there is a breakdown of the behavior that is expected of the professionals. Many of the law enforcement agencies function as military type operations than do other professions such as medical or human services agencies.

If everything has to go by the book, the system starts to fall apart.

A check list of sorts has been developed:

- Does the action violate another person's constitutional rights, including the right to due process of law?
- Does the action involve treating another person only as a means to an end?



- Is the action under consideration illegal?
- Do you predict that your action will produce more bad than good for all persons affected?
- Does the action violate department procedure or a professional ethical canon? (Close & Meier, p. 130).

According to the tenets of Aristotle, both experience and intellectual study leads us to act ethically, but to be ethical is not easy. This challenge is very difficult in a system such as the high-pressured world of criminal justice. Here, we have “not only personal pressures, but also victims, the media, supervisors, and many others [who] exert powerful influences” (Longo, p. 134, cited in Close and Meier). In the words of Aristotle, “[A]nyone can get angry . . . that is easy . . . or give or spend money; but to do this to the right person, to the right extent, at the right time, with the right aim, and in the right way, that is not for everyone, nor is it easy; that is why goodness is both rare, honorable, and noble” (Longo, p. 135, cited in Close and Meier). What stands out from all of this is when asked, you are to tell the truth, else it is a sham. You are asked to testify; you tell the truth. You cannot allow the criminal justice system to become a system that relies on lies. If you serve the public and you are a public servant, lying is forbidden.

Justice Brandeis commented in the case of *Olmstead v. United States*, “Our government is the potent, omnipresent teacher. For good or for ill, it teaches the whole people by its example. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy” (Longo, p. 135). The acceptable credo is that you cannot make everyone happy, including the prison administrators. Playing it straight is the correct way.

It was Aristotle who said that you treat all humans as humans, regardless of the fact that all humans may not act human. Ethical conduct is expected in all instances.

### **Victimizing the Prisoners**

Throughout the literature, there is much evidence that correctional officers victimize the prisoners they are paid to watch over. The evidence demonstrates primarily what goes on in male facilities, and while there is victimization in the female facilities, not much evidence is brought forward. One of the problems faced by supervising personnel is what constitutes appropriate behavior in instances when brutality occurs. The use of excessive victimization is easy to identify, but borderline cases are not. Traditionally, there are known to be “goon squads.” These “are groups of physically powerful correctional officers who ‘enjoy a good fight’ and who are called upon to rush to any area of the prison where it is felt that muscle power will restore the status quo” (Bowker, 1995, p. 380). When a correctional officer notes that there is a disturbance in the cell, such as a prisoner ripping up the cell, this goon squad can be called, resulting in some correctional officers quieting the prisoner with force, possibly hitting him and administering blows to the body. How does one draw the line between the absolute necessary use of force as measured against the misuse of power? (Bowker, 1995). There is a

handbook given to all correctional officers indicating appropriate/inappropriate behavior. There is a line drawn, often times in the sand.

When they implement a policy or regulation that is victimizing or potentially victimizing, [the wards and top-level correctional officers] must take responsibility for having created a definition of the situation within which correctional officers may carry out what amounts to victimizing behavior as they perform their duties in conformance with institutional regulations. . . . [T]hese administrators balance one evil against another, and decide to implement a potentially victimizing regulation because they feel that this regulation will solve more problems than it creates (Bowker, 1995, p. 381).

Not having a clear and definitive definition of what constitutes victimization and not listing extenuating circumstances oftentimes leads to the breakdown of what should be deemed proper ethical behavior.

As bad as prisons may be today, Bowker (1995) points out that at one time, “. . . it was common for correctional officers to assault prisoners with clubs and their fists, but by the late 1930s, . . . The frequency of these attacks had declined to the point at which they occurred ‘only rarely’” (p. 381).

Demonstrating the mistreatment of prisoners, one needs to review the works *Killing Time, Life in the Arkansas Penitentiary* by Bruce Jackson and *Inside Prison U.S.A.* by Tom Murton and Joe Hyams. “The latter includes a description of the infamous ‘Tucker telephone,’ as well as blow-by-blow accounts of beatings. In the Tucker telephone, a naked prisoner was strapped to a table and electrodes were attached to his big toe and his penis. Electrical charges were then sent through his body which, in ‘long distance calls,’ were timed to cease just before the prisoner became unconscious” (Bowker, 1995, pp. 380-381). In many cases, the prisoners were literally driven out of their minds by such treatment.

There is much discussion as to how far correctional officers should go. There is demonstrated a subcultural norm that favors violence against prisoners, much as there is a subcultural norm favoring police brutality. Most correctional officers do not engage in acts of brutality; however, there is a sufficient number of officers who favor the use of brutality and apply force beyond that which is deemed necessary. “If an officer who favors the brutalization of prisoners is careful, he or she can limit the application of excessive force to incidents that fit the prison’s definition of the appropriate use of force to maintain prison discipline or prevent escapes” (Bowker, 1995, p. 383).

A prison is characterized as a totalitarian state. “The six basic features of a totalitarian regime [consists of a] totalitarian ideology, a single party typically led by one person, a terroristic police, a communications monopoly, a weapons monopoly, and a centrally directed economy . . .” (Bowker, 1995, p. 391). Evidence of brutality, blackmail, and bribery as well as favoritism will be evident in such a state. Those correctional officers who become integrated totally into the system will tend to be more brutal than those living on the peripheral.

At one time, correctional officers were referred to as “guards.” The slang terms used to describe the officers are *hack*, *screw*, and *turnkey*. Such terms still exist.

There is evidence of increasing professionalism on the part of the officers today, but, because of the place that they work (i.e., the prison), the thought is more often that of negativity associated with punishment. Correctional officers, like police officers, wear uniforms. The uniform represents authority and power. There are some who are uncomfortable with such authority and power and do not handle it well.

According to Kauffman (1988, cited in Pollock, 1994),

[Some officers] don't understand what authority is and what bounds you have within that authority. . . . I think everyone interprets it to meet their own image of themselves. 'I'm a corrections officer [slams table] You sit here! [Slam!] You sit there!' Rather than 'I'm a person who has limited authority. So, you know, I'm sorry gentlemen, but you can't sit there. You are going to have to sit over there. That's just the rules,' and explaining or something like that the reason why (p. 179).

There are officers who believe themselves to lack power, and therefore, society reacts to this perceived powerlessness as the officer misusing his or her power. There is also the phenomenon of discretion. Certainly, the police use discretion in making arrests, stopping suspects, etc. Correctional officers also have available to them a certain amount of discretion. They write disciplinary tickets; they will give strong verbal instructions to an inmate; they make decisions or recommend that an inmate receive punishment for some infraction; and all this depends on the officer and his or her ability to make decisions.

What correctional officers should not do is to have personal relationships with those they are guarding. The officer who identifies with the inmate is someone not to be trusted. "Just as officers may act in unethical ways when they like an inmate, officers have the power to make life difficult for the inmate they do not like. These extralegal harassments and punishments may include 'forgetting' to send an inmate to an appointment, making an inmate stay in keeplock longer than necessary, or pretending not to hear someone locked in a cell asking for toilet paper or other necessary items" (Pollock, 1994, p. 184). Correctional officers work on a daily basis with men and women who simply do not like them. There is a strong potential for injury; there is a strong potential for being attacked. Officers are always on their guard because at any minute they may become the victim. That is not to say that there are inmates who are cooperative and nice, but the credo of the correctional officers is that "you can be friendly with inmates, but you can never trust them" (Pollock, 1994, p. 184).

While I was working in the holding pens of the detention facilities in New York City, I found that the correctional officers were decent human beings, but at times were provoked by the yelling and bad behavior of the detainee. I was witness to many a beating and the use of force to keep a particular individual quiet as well as to show by example the power of the officer. The officer never hit the detainee in the head, only in the side and/or groin area. It has been noted that ". . . in prison, the violence inmates perpetrate against each other desensitizes officers to violence in general and specifically to the violence used by officers against inmates. After witnessing scores of stabbings, beatings, and mutilations, some COs may view

such beatings as utilitarian in that they serve as warnings to all inmates that they” can expect similar treatment (Pollock, 1994, p. 185).

The difference between the correction officer and the police officer is that the correction officer deals with the same individuals on a daily basis. Police officers move about much more freely than the correction officer who is truly “locked up” for his or her work day. Because the officers rely on each other for back up, many offenses are not reported. A code of silence exists.

Correction officers hold power over the very basics of inmates. Though there are cases of abuse of power, this is not to suggest that the majority of correctional officers do not act in an ethical manner.

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# **American Correctional Association Code of Ethics**

## **Preamble**

The American Correctional Association expects of its members unflinching honesty, respect for the dignity and individuality of human beings, and a commitment to professional and compassionate service. To this end, we subscribe to the following principles:

Members shall respect and protect the civil and legal rights of all individuals.

Members shall treat every professional situation with concern for the welfare of the individuals involved and with no intent to personal gain.

Members shall maintain relationships with colleagues to promote mutual respect within the profession and improve the quality of service.

Members shall make public criticism of their colleagues or their agencies only when warranted, verifiable, and constructive.

Members shall respect the importance of all disciplines within the criminal justice system and work to improve cooperation with each segment.

Members shall honor the public's right to information and share information with the public to the extent permitted by law subject to individuals' right to privacy.

Members shall respect and protect the right of the public to be safeguarded from criminal activity.

Members shall refrain from using their positions to secure personal privileges or advantages.

Members shall refrain from allowing personal interest to impair objectivity in the performance of duty while acting in an official capacity.

Members shall refrain from entering into any formal or informal activity or agreement which presents a conflict of interest or is inconsistent with the conscientious performance of duties.

Members shall refrain from accepting any gifts, service, or favor that is or appears to be improper or implies an obligation inconsistent with the free and objective exercise of professional duties.

Members shall clearly differentiate between personal views/statements and views/statements/positions made on behalf of the agency or association.

Members shall report to appropriate authorities any corrupt or unethical behaviors in which there is sufficient evidence to justify review.

Members shall refrain from discriminating against any individual because of race, gender, creed, national origin, religious affiliation, age, disability, or any other type of prohibited discrimination.

Members shall preserve the integrity of private information; they shall refrain from seeking information on individuals beyond that which is necessary to implement responsibilities and perform their duties; members shall refrain from revealing nonpublic information unless expressly authorized to do so.

Members shall make all appointments, promotions, and dismissals in accordance with established civil service rules, applicable contract agreements, and individual merit, rather than furtherance of personal interests.

Members shall respect, promote, and contribute to a work place that is safe, healthy, and free of harassment in any form.

Adopted August 1975 At The 105<sup>th</sup> Congress of Correction

Revised August 1990 At The 120<sup>th</sup> Congress of Correction

Revised August 1994 At The 124<sup>th</sup> Congress of Correction

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# The Policy Problem: Taking Exception to the Rules

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“I don’t want to know what the law is, I want to know who the judge is.”

—Roy Cohn

A few years back, we read a newspaper article about a new ordinance in Manatee County, Florida enacted when the community decided that thong bathing suits were pushing the modesty envelope. Like many governmental entities, its leaders decided to put a quick end to this social ill—pass a law.

When we read, “*the maximum portion of the buttocks that may be legally bared is two-thirds,*” we thought of our own department’s veritable plethora of unwieldy rules, regulations, policies, orders, and directives. It also brought to mind stories shared with us by a risk management consultant about liability assessment profiles he had completed for a number of police agencies. His most outrageous example was a department that had a rule about dressing uniform trousers, but no use of force policy. His overall experience reflected two extreme ends of the spectrum: (1) excessive rules or (2) little to no written policies.

Within its own circles, law enforcement is notorious for elevating excessive rule-making to considerable heights. Rule-making tends to be a reactive in response to case law, lawsuits, public pressure, and discipline that many police organizations undertake as issues erupt.

A contemporary example is racial profiling, with a rush to put a policy into place on the issue. Will a rule solve the problem? What about respect, fairness, and dignity? Don’t they address the issue of racial profiling? Lectures on the subject usually turn to the importance of data collection as a shield for the agency and officers from such allegations. Little time is committed to a discussion about the principles. Collecting data does not equate to changing police culture or officer’s behavior.

Enact a policy; patch the hole; and pass the “boilerplate” solution around law enforcement via mail, fax, and e-mail with no forethought given to local community standards and the organization’s unique culture. This, in many respects, mirrors state and federal legislatures in their effort to pass laws to legislate away problems. Not uncommon is a unique or high profile crime incident that results in a hue and cry for stiffer criminal sentences and penalties, a path that begs the question about any true impact on crime rates and has minimal deterrent effect on criminally motivated individuals.

Some executives rely on the age worn defense, “*We have a policy on that . . .*,”—end of discussion. The Catholic Archdiocese of Chicago recently came under fire by



some of its employees alleging race discrimination. In a television interview, the spokesperson merely stated, “*We have an antidiscrimination policy.*”

These are issues that cry out for more rules and more specific rules. One cannot blame the rule makers any more than you can blame the spokesman for the Manatee County Sheriff’s Department who had to field questions about just how the new “two-thirds” ordinance would be enforced. He only said, “*I don’t think we’ll be tape measuring.*” Well, what’s the option? Electronic mapping? No, you can’t blame the enforcers; you have to blame the legislators who passed the law. As law enforcement leaders, there *are* lessons to be learned from the Manatee County experience.

Law enforcement leaders often beat their chests in frustration when moral dilemmas beset them, like racial profiling and corruption, as they come crashing down. Attempts are made to reconstruct what went wrong, while discounting the basic fundamentals of blocking and tackling. Perhaps collectively, we, as leaders, failed to model, teach, reinforce, and reward the right things.

A wasteful misconception in law enforcement is that policies and rules solve problems. No, . . . Policies *are* problems.

So, how did we get here? What purpose do you perceive agency rules and policies serve for you and your organization? Do they guide employees, or are they there to be used against them if they step out of line (i.e., the proverbial backstop to catch the ball as it speeds past you)?

The 1970s litigation explosion, as redress for social wrongs, sent a number of people in law enforcement running—many whom are still running—scared. Civil liability is indeed an undesirable problem; it is extremely costly and destroys careers and personal lives. Principles, a vision to be the very best, not liability, should be the framework of rules.

In court, will policy, in and of itself, hurt or help? Better yet, close your eyes and envision any one of your officers on the witness stand, and ask yourself, “Do my employees really know and understand our policies?” How will they testify to their understanding of it? Did any agency ever lose a lawsuit because it didn’t have a policy? Certainly, there are probably examples. The reality is that most lawsuits are lost because an officer disregarded the fundamentals—blocking and tackling important guiding principles—not rules. Is your policy so complicated and wordy in an attempt to “cover all the bases” that even your best officer will twist and turn on the civil witness stand? Will your policy be used as a weapon against you instead of providing a shield?

Some departments believe that rules will make the police more professional. In the 1980s, the International Association of Chiefs of Police published model rules and regulations that still exist in many agencies today. The 1973 National Advisory Commission on Criminal Justice Standards and Goals, as its centerpiece to professionalize law enforcement, promoted passage of written policies. In the public’s mind, it is positive performance in the field that matters most when it comes to perceived professionalism, the result of a clear understanding and internalization by officers of principles, not rules.

The worst policies, however, are attempts to replace judgment with rules. It is human nature to prejudge, to make a rule, a requirement or a policy, and to try to hide from decisions. We've all heard chiefs say with pride, "We totally rewrote our policy manual," inferring that somehow this would magically prevent future problems; when in reality, all they needed to do was enforce the current rules. Legislators are no different. In Illinois, a law was recently passed making it a felony for police officers to lose or misplace evidence in murder and sexual assault cases. Interestingly, guess which state already has such a law on the books. Why not enforce the law already in place?

Rather than a guiding light to truth, rules are used . . .

- to control people who are lazy and produce substandard work.
- as a solution to deal with problem employees.
- to stop/cause an activity.

This is not an antimanagement treatise. Every organization must set expectations and ground rules. Clearly rules, when taken to extreme, can be counterproductive and destructive to morale and performance, and when officers step outside departmental expectations, corrective action must be undertaken immediately.

Setting limits early in an employee's career provides a measure of safety for them by providing clearly drawn boundaries. People are often overwhelmed by impulses and feelings, which, if not controlled, may result in disciplinary sanction. Some people are skeptical about the need for boundaries and contend that such restraints limit individuals and organizations. In other words, they believe that total freedom yields total creativity. Without limits, time, attention, and energy become fragmented, and the organization becomes ineffective and unfocused.

Professional officers will rise to meet the expectation when it is sufficiently clear so as to be internalized. Lengthy policy statements that are all inclusive and contain various exemptions are impossible to internalize. While providing some level of liability protection, policies can be so complex that not only do they confuse the reader but actually increase liability exposure and fail to effectively communicate the agency's expectations.

Consider the following:

Rules	Principles
Reactive	Proactive
Sterile & stark. The rules states, "Members shall not engage in any conduct which adversely affects the morale or efficiency of the department."	Emote or invoke passion, emotion, and feeling. The principle states, "The police profession must be honorable and stand and represent to the people a strong, incorruptible force upon which they can rely."
You can't cover every contingency or situation.	There is a foundation and principle to every rule.
It is nature of a policy to draw a line, and that means some fall on the other side. A policy giveth, and a policy taketh away.	Sets a clear mental vision of desired behavior
<p><b>Results</b></p> <ul style="list-style-type: none"> <li>• Demands performance</li> <li>• Officers laying down on the job (chilling effect)</li> <li>• Create a lesser desire to work</li> <li>• Focus on complying with the rules rather than doing the job</li> <li>• More time and energy expended by officers in covering their backside than doing actual police work</li> <li>• Creates an element of distrust of officer's ability, experience, and decisions</li> </ul>	<p><b>Results</b></p> <ul style="list-style-type: none"> <li>• Empowers and inspires people to higher heights of performance</li> <li>• Clears the vision towards the future</li> <li>• Defines the expectations of the department in a positive way</li> </ul>
Micro-manage performance and conduct. Like a sea anchor, they hold people back from greatness.	Empowerment – Charles Garfield said, "Peak performers are not average people with something added—they are average people with nothing taken away.
Officers are concerned with <i>doing the thing right</i> .	People believe in <i>doing the right thing</i> .

With this knowledge and understanding, we set about doing something about it. The idea was borne out of a 1996 "Ethics Train-the-Trainer" class discussion. A Clinton, Iowa classmate suggested police policy manuals should contain a single sheet of paper: "*Be honest, and do the right thing.*" While simplistic, it planted a seed.

We embarked with some fundamental beliefs and premises:

- We trust our selection process to hire intelligent individuals with high moral standards. You cannot train the immoral to be moral; however, leaders can trust those who are.
- Critiques of police officer conduct often focus on rule interpretation and not the expectation of respect and common sense. Given the complex, varied, and rapid decisions that officers must make on a daily basis, review of their decisions should be broad-based and examined for the components of respect and common sense.

### **Confusion About Being a “Leader” and Being a “Manager” or, Doing the Right *Thing* Versus Doing the *Thing* Right**

- You’re judged by your last, worst act.
- An employee’s inner compass guides more than policy.
- Organizational culture and past practice are stronger influences than rules and policies.
- Some rules have officer’s names indelibly marked upon them: “*Officer \_\_\_\_\_ committed \_\_\_\_\_ act, known as the Officer \_\_\_\_\_ rule.*”
- Few employees, unless they make their life goal to cut fine hairs, know all the rules.
- Using rules to control employees, simply does not work. It creates subterfuge and rebellion; it fosters conniving behavior and may drive corruption underground.
- Dealing with softer training issues such as tactics is easier than tackling the harder, less popular topics. Departments shy from teaching ethics, principles, and philosophy because it’s not popular.
- Some employees know the rule but not the guiding principle.
- Some officers in discipline conferences are confused and perplexed because they don’t understand the principle(s) behind the rule violation.
- Finding and fixing blame on individuals is easier than critically assessing training or process.
- At the critical decision point, officers cannot afford to be confused or have their attention diverted to processing a multiplicity of rules.

The initial plan of attack was to tackle 11 inches of rules, identify, and reduce redundancy, and treat some rules as training issues rather than policy. The end result was a 17-page Principle-Based Manual with eight principles that address employee “obligations” and “permissions” and an appendix of seven

high-risk/low-frequency policies. These policies cover activities that place employees at the highest ethical and tactical vulnerability.

The manual rests upon a belief that ethical and professional policing consists of a simple two-part formula: (1) respect and (2) common sense. Treat all persons with respect, and use common sense in decisionmaking. Simple for officers to internalize, this two-part formula guides officers to career success and provides a clear foundation for department expectations.

Integral to its creation was providing employees the ability to make field decisions with policy that provides guidance, not restrictions. For example, the department's use of force policy *generally* prohibits warning shots. It allows officers the option of firing a warning shot, when, given the totality in limited circumstances, the use of a warning shot may save their lives or that of the public.

A picture of a football field was used for officers to visualize and to understand organizational expectations. Leaders can correlate officer's actions to this illustration to distinguish between value judgments and rule violations (i.e., decide if an officer's actions were "on the ball field"). If the actions were within established boundaries of state and federal law, department principles, policy, training, and supervision, then actions met department expectations and were "on the field."

The football analogy reflects the reality that there are any number of ways that an officer may acceptably approach and handle an alarm call, family dispute, or traffic stop. In the example of football, opinions may differ about what play to run or where to place the ball. While football is a complex sport, a police officer's decisions and actions are exceedingly more so and carry with them more far-reaching ramifications. Leaders must not hold an expectation that their officers' decisions and exercise of discretion will exactly mirror their own.

Finding fault and fixing blame attacks individuals—not problems. Critiques, including discipline, should ultimately seek to improve future performance, not to fix blame. When a line officer fails to act appropriately and goes outside the gridiron, there is a duty to bring the play action back onto the field. Leaders must share, to a certain extent, such employee failures.

In a recent interview with the Director of Safety for the Los Alamos National Laboratory, he described how he had published endless rules but never succeeded in getting scientists' compliance, so he tried something different. He gives each department regular reports that show number of days lost to work-related accidents or injuries. Each report shows a comparison with results from one year ago, and then he adds a red, yellow, or green "light."

Accident rates at Los Alamos tumbled. The smartest people in the world, unimpressed by carefully constructed safety procedures, are motivated to action by "red light/green light?" Why? One, it takes seconds to see their standings, and they, like police officers, are competitive by nature, but more importantly, instead of pushing rules, the Director of Safety is showing them how many days they've lost, how much time has been taken from their beloved scientific projects.

Malcolm Forbes was on to something important when he said, “There is no exception to the rule that everybody likes to be an exception to the rule.” There’s a philosophy of leadership in that statement: You can either have rules or exceptions. You can either insist on following rules or create an environment that encourages people to be exceptional.

Instilling values in the law enforcement organization is not merely a matter of obtaining newer police cars or a higher order of technical equipment or recruiting officers who have to their credit more years of education. What must occur is a significant alteration in the ideology of police so that police professionalization rests on values rather than technological proficiency.

Beyond initial employment, executives should ensure that proper organizational values are consistently modeled and communicated verbally and in writing while being reinforced by internal rewards systems. Introduction of inservice training, periodic roll call visits, and inclusion in performance commendations by chiefs and senior commanders are perpetual opportunities to reiterate key principles.

Leadership has an obligation to develop and maintain policies and procedures that maximize the efficiency of personnel encountering incidents in this most complex job. Employees have an obligation to know the policies that apply to their specific job description, especially, those high-risk/low-frequency events. Leadership is responsible to ensure that they are providing adequate training to personnel so that they understand the principles behind their tasks, and they can encounter their assigned incidents and get them done right the first time.

In order for law enforcement to be successful, it must first get and retain good **People**; derive and maintain good **Policy**, which is based upon solid **Principles**; ensure there is adequate **Training** about those **Principles and Policies**; have good **Leadership** of employees to make sure policies are being followed; and take appropriate **Discipline** when there is a deviation from established policy.

In the movie *Dead Poet’s Society*, Robin Williams chides his students that reading and understanding poetry is not like “*laying pipe . . . it is about the human race . . . the human race is filled with passion, emotions, love, and romance—these are what we live for.*” Departments must view their people resources through the same set of lenses as Robin Williams did the human race. You can be the most technically and tactically proficient and knowledgeable leader, but without passion, you have nothing. If you truly want to make a difference, focus on **Principles**, not rules.

**Mark W. Field** was appointed chief of police in 1996 and served as deputy chief of police from 1991 until that time for the Wheaton, IL Police Department. He has been a police officer for 25 years and formerly served as chief of administrative services for the Kankakee County, IL Sheriff’s Police Department. He holds a master’s degree in public administration from Governors State University, is a graduate of Southern Police Institute’s 66th Administrative Officers Course, and is adjunct professor with the Northwestern University Center for Public Safety and College of DuPage.

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He has published over 20 leadership and management articles in leading professional journals. His most recent articles, entitled "Constructive Police Discipline: Resurrecting the Police Spirit," and "Organizational Dynamics in a Technology-Driven World: The Impact of E-Mail on Law Enforcement," appeared in *Law and Order* and *The Police Chief* respectively. Chief Field has lectured across the country on the topics of leadership, ethics, human resources, and personnel selection.

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# Teaching Law Enforcement Ethics

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Numerous methods and techniques can be used to more effectively facilitate the teaching-learning transaction in law enforcement training. The question of which method or technique to use can be a complex dilemma for law enforcement trainers. This discourse will address those methods and techniques that can be effective in teaching law enforcement ethics. The thesis of this article is that law enforcement ethics should be taught using student-centered approaches in order for effective learning to take place. It is also the perspective of this article that the context of a law enforcement officer's adult life and the societal context, shape the officer's values and morals which subsequently influence his or her ethical understandings and beliefs. This will have a direct influence on learning ethics in the training classroom. As Jarvis (1987, p. 11) observed, "learning is intimately related to the world and affected by it."

Most law enforcement agencies provide ethics training as part the general training curriculum that recruits receive while in the academy. Ethics training in United States law enforcement agencies is not uniform in either content or in the number hours that are required. Nevertheless, most scholars and practitioners believe that ethics training is important and should remain as part of the academy curriculum (Marion, 1998; Massey, 1993; Palmiotto, Birzer, & Unnithan, 2000; Schmallegger & McKenrick, 1991). Ethics examines right and wrong, good and bad behavior, virtue and vice, or simply places behavior within the scope of standards for fair and honest conduct. To many, the word *ethics* suggest a set of standards by which a particular group or community regulates conduct and behavior as well as to distinguish what is legitimate or acceptable in pursuit of their aims from what is not (Flew, 1999). For example, the International Association of Chiefs of Police adopted the law enforcement *Code of Ethics* in 1956, which provides ethical standards for law enforcement officers.

Ethics are problems about human conduct at the individual level. Law enforcement officers on an individual level have obligations that need to be considered in formulating choices of action as they perform their duties. Likewise, law enforcement officers are called upon daily to make decisions, which are made in many cases with minimal or no supervision. Many of these decisions involve ethical dilemmas that can sway the officer into appropriate or inappropriate behavior. The objective of ethics training according to Massey (1993) is to provide recruits with an opportunity to define their ethical beliefs and values, thus preventing officers from making unethical decisions in the future. Most ethics training is conducted in a teacher-centered lecture format, usually over two or three hours with minimal participation on the part of the trainee. If the purpose of ethics training is to allow recruits to explore ethical beliefs and values before they need them on the street, then a salient paradox exists in the teaching methodologies that are used to teach ethics. Trainees cannot very well explore their ethical beliefs and values if the instructor stands in front of the class and lectures for several hours. The trainee in this sense becomes a passive learner.



There has been considerable debate in the literature that centers on the issue of whether ethics should be taught in the police academy or in the college classroom (Pollock & Becker, 1998). Ethics training and education is an important subject and should be inclusive in both venues. Ethics training in the police academy, which is the scope of this article, plays an important role in shaping the recruits' ethics, and the academy plays a tremendous role in how a trainee interacts with fellow colleagues, supervisors, and instructors (Goodman, 1998). Trainers will benefit from utilizing more student-centered approaches when teaching ethics to law enforcement personnel. The teaching-learning transaction will be more effective by incorporating the adult education theory of andragogy as compared to the more traditional lecture-centered methods.

### **Traditional Pedagogy**

Police training in the United States has a history of being conducted utilizing teacher-centered approaches (Birzer, 1999; Birzer & Tannehill, 2001; McCreedy, 1983; Ortmeier, 1997; Palmiotta, 2000; Ramirez, 1996). Some have found that the philosophy of most police training programs in the United States is based on three precepts: "it should closely follow the military training model; it should be a punishment-centered experience in which trainees must prove themselves; and it should help screen out those who aren't up to par" (McCreedy, 1983, p. 32).

The teacher-centered approach holds that the trainer is at the center of the classroom environment and is the dispenser and guardian of knowledge. In this approach, the trainee is assumed to be a passive learner, and learning is dependent on the trainer's actions in the classroom. The trainer is the manager of the learning environment and determines learning objectives, develops activities to meet these objectives, and decides on appropriate evaluative criteria (Conti, 1985). Evaluations usually include a norm-referenced or criterion-referenced testing technique that provides the measurable means to indicate fulfillment of course objectives.

### *Behaviorism*

The teacher-centered approach is currently the dominant approach throughout most police training academies and is closely related to the ideas of B. F. Skinner and John Watson who advocated behaviorism. Under the realm of behaviorism, the intellect, feelings, and emotions of a person's inner life are not observable or measurable and therefore not investigated (Elias & Merriam, 1995). A behavioral trainer would argue that learning is a change of behavior and would rely heavily upon behavioral objectives and norm-referenced testing and evaluative techniques. Advocates of behavioral objectives assert that learning outcomes can be measured objectively and precisely, which will subsequently reveal how much progress has been made by the learner. This approach to learning assumes that learners are passive and that they become active by reacting to stimuli in the environment. Elements that exist in this environment are considered reality. Motivation arises either from basic organic drives and emotions or from a tendency to respond in accordance with prior conditioning. Elias and Merriam (1995) point to three components that can readily be found in behaviorism:

1. The relevant conditions or stimuli under which a student is expected to form

2. the behavior a student is to perform including a general reference to the product of the student's behavior
3. a description of the criteria by which the behavior will be judged acceptable or unacceptable, successful or unsuccessful (p. 89)

Many techniques from the behavioral orientation are readily identifiable in the police-training environment. For example, when police receive firearms training, there are a number of behavioral objectives set by the trainers (e.g., shoot at a 70% proficiency level, shoot under conditions of darkness, fire 12 rounds from a barricaded position in 25 seconds, etc.). Other training examples include defense tactics, emergency vehicle operation training, crimes in progress, felony car stops training, and building searches. The objective when law enforcement officers attend training sessions is to learn a new skill or simply to improve performance of an existing skill, with performance usually being objectively and quantitatively measured.

It is undeniable that some of the subjects in law enforcement training academies will have to be taught in a behavioral format; however, the behavioral format may not be the best approach when many other subjects are taught in law enforcement training, and it may actually perpetuate a few problems. For example, the behavioral environment of police training may create an unnecessary amount of stress on the learner, which in some cases may minimize the learning experience. Police training environments must be free of fear, and a stressful environment fraught with threats is not likely to elicit trainees' openness, participation, and positive feelings (Torrence, 1993). The behavioral environment may not allow trainees an opportunity to reflect and think critically about many issues with which they will be confronted in the field. Thus, it is an important objective of ethics training to allow trainees to reflect and have more dialogue.

### **Learner-Centered Approaches**

Law enforcement ethics classes that are taught using teacher-centered approaches will result in a spurious notion of learning. Recall that a goal of ethics training is to allow students the opportunity to define their ethical beliefs and values before needing them in the field. If this is to be accomplished in the training classroom, trainers should increasingly utilize more 21<sup>st</sup> century learner-centered teaching approaches as opposed to the traditional teacher-centered approaches.

In a learner-centered classroom, the learners' needs become the focus of the teaching-learning transaction. The learner-centered approach assumes that learners have the unlimited potential to develop both personally and professionally. The trainer's role in the learner-centered approach is that of a facilitator who meets individual needs as perceived by the trainees. Learner-centered approaches rely on the instructor to serve more on a level equal with the learner while acting as a resource and to trust learners to pursue their own educational goals (Conti, 1989). This is exactly what is desired of police trainees within the context of ethics training. First, the trainer should seek to identify individual needs regarding ethics and how it may shape the trainees in the decisions they will make in the future. Second, the trainer should act as a resource for trainees who are reflecting and identifying their ethical beliefs and values during the training session.

## *Andragogical Perspectives*

Learner-centered approaches have their underpinnings in the adult education theory of andragogy. Many traditional police trainers who rely heavily on teacher-centered or behavioral methods ignore a significant body of scholarship that supports the widely held assertion that application and active experimentation are essential to true acquisition of knowledge and that adults are qualitatively different than adolescents in their ability to learn and apply concepts such as those that are indigenous in ethics training.

The best-known theory of adult learning which is germane to this discussion is the theory of andragogy which was developed by Malcolm Knowles. According to Knowles (1990), andragogy is a theory which is vastly in contrast to the traditional pedagogical model (teacher-centered approach used in teaching children), and it advocates both the self-directed learning concept and the teacher as the facilitator of learning. Andragogy is based upon five assumptions about the way adults learn:

1. Adults have a need to know why they need to learn something.
2. As a learner matures, the learner moves from being dependent on others for learning to being a self-directed learner.
3. Adults bring to the learning experience vast amounts of experience that becomes a resource for learning.
4. Adults have a readiness to learn things that will help them with real-life situations.
5. Adults have a different orientation to learning than children. Adults want to immediately apply what they have learned and thus prefer a curriculum that is problem-centered (Knowles 1990, pp. 57-61).

Knowles (1970) hypothesized that with the ever-increasing importance of adult education in American society, more creative practitioners will be attracted to the andragogical model. The rich body of literature reveals that many institutions and organizations have increasingly adopted many of the components of the andragogical model of adult training and education. Knowles (1984) eloquently captured this sentiment:

The andragogical model has been widely adopted or adapted in a variety of programs—from individual courses at entry-level of education to total programs of inservice education, human resources development, continuing professional education, technical training, remedial education, and religious education (p. 20).

Upon applying the andragogical theory to police ethics training, the benefits are clear. When trainees learn ethics, they should be allowed to become somewhat self-directed when reflecting on such issues in terms of what values and ethics mean to them individually. Trainees bring a host of experiences regarding their values, beliefs, and the ethical decisions that they have made throughout their

lives. Law enforcement trainers should whenever possible capitalize on these experiences as trainees reflect on how they have handled ethical dilemmas and decisions in their lives. Furthermore, trainers should facilitate the immediate application of ethics training to real-life situations that trainees will assuredly be exposed to in their jobs. This is keeping with the assumption of Knowles (1990) that adults have a readiness to learn things that will help them in real-life situations. This is an important objective of law enforcement training in the preparation of trainees for the craft of policing.

Ethics training should be useful and applicable to the problems that trainees will encounter in the future. Elias and Merriam (1995) asserted that the instructor can be flexible and develop methods and activities that are appropriate for the particular group of learners. The instructor should stimulate, instigate, and evaluate the learning process. Thus, law enforcement ethics training should be made as experimental, interactive, and participatory as possible. It should be evaluated by the trainer as to what was effective learning and what was not.

### *Andragogical Applications to Ethics Training*

Andragogical assumptions are far more realistic than many of the traditional methods of teaching and learning. Veteran law enforcement officers and neophyte law enforcement officers alike can benefit from an environment that incorporates many of the principles from the andragogical model of learning. In fact, andragogy is an ideal technique when teaching law enforcement ethics. Law enforcement trainers who teach ethics classes should draw on the past experience of trainees and make the training as participatory as possible, thus adding to past experience by involving trainees in current activities that either provide new experience or help trainees reinterpret their prior experience. One technique that may assist trainers in accomplishing this objective is the use of case studies.

### *Case Studies*

Case studies stimulate the real world, and they can be used to orientate trainees to ethical dilemmas of the law enforcement profession. The case study method was developed by Christopher Langdell of Harvard University School of Law in the 1880s and later introduced to Harvard's Business School. The case study technique has been used as an instructional method in a variety of formats and settings. For example, in law schools, cases are frequently the backbone of a course, with separate cases used throughout the course. Case studies help future lawyers organize complex bodies of facts and information on their own and to inductively arrive at principles and apply them to new situations (Marsik, 1998).

The central aim of the case study is to stimulate self-development in a blend of understanding that combines intellectual ability (the power to think clearly, incisively, and reasonably about specific facts and abstractions) and the power to develop practical judgment and social awareness (Pigors, 1976). During the law enforcement ethics class, trainees could be given a case in which they will critique and make a critical ethical decision. To further illustrate this, the following case is offered:

### The Ethical Dilemma

You have been on the police department for about one year. You are assigned to field patrol on second shift and are preparing to leave your residence to proceed to the station when your telephone rings. You answer the phone, and it is your sergeant who relates to you that his car is not starting and asks you if you could swing buy and give him a lift to work. You relate to your sergeant that you don't mind and that you are on your way. You arrive and pick up your sergeant who is in uniform and ready to proceed to the station. While driving, your sergeant asks if you would mind stopping at the convenience store for a cup of coffee. You do not object and pull into the convenience store and walk inside with your sergeant. You proceed to the coffee and observe your sergeant go to the counter and request a package of cigarettes. You further observe the store clerk give your sergeant the cigarettes. The sergeant sticks them in his pocket while continuing to talk with the store clerk. After a few moments of conversation with the store clerk, your sergeant walks outside without paying for the cigarettes. There are about three other customers in the convenience store that saw what just happened, and they turn and look at you.

After the trainees are presented with the case scenario, the trainer should facilitate discussion by posing questions. For the above case, the trainer may pose the following questions to stimulate active dialogue and debate:

- What would you do if you were in this situation?
- What if anything would you relate to the convenience store clerk?
- What if anything would you relate to your sergeant?
- Ethically, what should you do in this situation?

The objective in the above case study is to engage the recruit in critical dialogue (e.g., identifying the assumptions that underlie this scenario: beliefs, values, ideas, and actions). This is accomplished when the trainer makes observations regarding the trainees' ethical decision-making processes. Obviously, the trainer should be cognizant of responses that are plainly unacceptable ethical practices (e.g., "I would not say anything unless it happens again."). It is also important to point out that each trainee comes into the classroom with varying experiences involving ethics and values. In addition to the role these experiences play in the development of the trainee, past experiences significantly affect the emotions triggered by the environment that the trainer creates. The trainer should turn these situations into positive learning and dialogue.

A major goal of using learner-centered case study approaches in ethics training is to create an atmosphere in which trainees can clarify their values and beliefs. It is also important to point out that the primary concern of ethics training is not what the trainee values but what he or she *should* value. Thus, ethics training is not to force, encourage, or cause the trainee to act a certain way but to provide knowledge. Once the trainee has the knowledge, then the knowledge can serve as a guide to help program the trainee's behavior. Case studies are excellent techniques that can be useful when facilitating not only critical thinking skills but also knowledge about what one should do if faced with an ethical decision. Pollock and Becker (1995) found that training techniques that present officer-generated dilemmas in teaching law enforcement ethics are effective in so much that they

provide a venue for discussion about decisionmaking and the philosophical framework from which the decisions derive. Heim (1991) offered five clear advantages to case study techniques:

1. The opportunity to test, evaluate, and improve judgment and decisionmaking in a training setting as preparation for making similar decisions on the job
2. The chance to test concepts and principles acquired through educational and training experiences, thus making abstract materials easier to understand
3. Seeing others' points of view, both in the case material and in the discussion and evaluation of that material and development of an appreciation of the group process as a way to generate ideas
4. Use of communication skills to summarize events and issues, identify and respond to questions, and reach a shared understanding of the case
5. Involvement of students in a higher order of learning in which they participate in the identification of problems and development of appropriate responses

The key to the success of an effective case study is the selection of the right ethical problem situation to create a venue for an officer-generated dilemma. The problem situation must be relevant to the trainees' knowledge base and to the specific ethics topic being taught. Research has shown that teaching law enforcement ethics in the more teacher-centered format is ineffective in the development of moral reasoning and conceptual development of trainees (Morgan, Morgan, & Foster, 2000).

Case study techniques are student-centered by their very nature. Delahaye and Smith (1998) found numerous advantages to using student-centered techniques in training environments. Note that case study objectives saliently mirror the objectives of student-centered approaches:

1. It encourages transfer of training by bringing the trainee to the real world.
2. Specific theories and principles underpin most case studies, but trainees discover these by examining a practical situation rather than by simply being told about them.
3. It encourages an exchange of ideas, opinions, and views among trainees, thereby broadening each individual's perception and analytical process.
4. The analytical process itself is emphasized (i.e., discovered and practiced by trainees) in addition to promoting recall of theories and principles.

There are other learner-centered techniques that are effective when teaching law enforcement ethics. For example, Braswell, McCarthy, and McCarthy (1998) found an effective learner-centered technique is to have officers write down their own code of ethics, under the restriction of limiting their code of ethics to one line. In other words, they were instructed to write down what they considered the most important elements of a code for police officers or what makes a good

police officer. The short one-sentence codes are collected and then read to the class. The class then analyzes the values expressed in each and identifies the more frequently cited values.

### **Pedagogical Change**

In police training, there are many approaches to instruction that can be utilized for various curriculum. Some of these approaches are quite effective while some are so internally incoherent as to be counter-productive. Integrated learner-centered approaches to ethics training can foster meaning on the part of the trainee and, thus, provide a context for learning and reflection. One of the great advantages of police training in the 21<sup>st</sup> century is that it provides an impetus for pedagogical change, a moving away from the dominant practices of teacher-centered and behaviorist approaches. Grub and Kalman, (1994) captured this sentiment when they wrote about the prospect of education through occupations which provides a mechanism of change from what they referred to as didactic, teacher-centered, and skills and drills approaches to more student-centered, active, constructivist, or nontraditional approaches to occupational training.

There remain, however, many problems associated with the efforts to move away from older traditional approaches toward broader and more student-centered forms when teaching police ethics. These problems have been articulated by both the proponents of traditional training approaches and by the defenders of the newer andragogical methods. For some police trainers that ascribe to more traditional training approaches, ethics training should be drilled into recruits so that if faced with an ethical dilemma in the future, their training will suddenly help them make the right choice. Learning in this sense is what Marsik (1988) referred to as the deficit model that measures individuals against standard, expert-derived norms and outcomes that can be observed, quantified, and criterion-referenced.

Defenders of newer more learner-centered approaches argue that police training should provide an opportunity for critical discussion, dialogue, and growth on the part of the learner (Birzer, 1999; Glensor, Peak, & Gaines, 1999; Ramirez 1996). Changing the pedagogy of teaching police ethics is challenging as it is in all subjects in the police curriculum (e.g., organizational reform to reflect community policing, leadership, and management). The policing occupation has always been one that is slow to change, and pedagogical features of academy training is no exception.

Recently in the adult education literature, there has been a call for merging the two extremes of instructor-directed versus learner-directed instruction in formal learning settings to account for the specific learning situation and the learners' characteristics (Candy, 1987). This approach may in part be one avenue for police training to gradually evolve into more learner-centered approaches, thus transitioning from traditional teacher-centered techniques; however, within this framework, trainers must assess trainees' abilities and commitment while planning and carrying out the learning activity. Police trainers who are willing to use a combination of instructor-directed and learner-centered approaches must be capable of assuming a number of different instructional roles and using numerous methods and techniques.

## Conclusion

Sewell (2001) asserted that it is critical that the organizational culture of the law enforcement agency support only the highest standards of ethical behavior. With this important mandate, police ethics is a vital and necessary subject in the training curriculum. Police trainees enter the training academy with many different values, morals, beliefs, and experiences with ethical choices and dilemmas. Police trainers should capitalize upon these experiences when teaching ethics. As part of ethics training, trainees should be engaged in critical reflection and dialogue about moral choices and ethical decisions that they may be called upon to make as law enforcement officers. To accomplish this mandate, andragogical (learner-centered) approaches are excellent techniques in allowing trainees to learn differently than the more traditional teacher-centered approaches.

Margolis (1984) argued that courses that are seen as closely tied to present or future work responsibilities are considered relevant; those that do not appear to be related to work content or processes may be seen by trainees as peripheral or "academic." This is salient when teaching police ethics. Trainees have to be provided with real-life examples of ethical dilemmas and actively engaged in the learning process. Inappropriate, boring, or seemingly peripheral ethics training classes can reduce or temporarily extinguish the effective teaching-learning transaction. Simply lecturing to trainees about ethics is not sufficient in ensuring that trainees critically reflect on and discuss ethics in an active and participatory learning environment. The assumptions of andragogy as discussed in this article are totally valid in the context of police training, and many of its methods and techniques are applicable not only in ethics training, but also in many of the other subjects in the curriculum.

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# Can Ethics Be Taught?

**Larry L. Shanks, Director, Prince George's Community College Criminal Justice Institute**

My office phone rang unusually early on a Monday morning about two years ago. The caller was one of our recent police academy graduates who needed to see me right away for some advice. Although the timing wasn't exactly perfect in this case because of my hectic schedule, this is not an unusual request from a former student, so I invited him to come right over. Within a half hour, this young man in his early 20s (I'll call him Officer John Doe), sat in front of my desk, wearing most of his light blue police uniform, which was conspicuously absent of badge, leather gear, and handgun. He was disheveled and almost in tears.

"There's been a real big mistake. I just lost my job," he said with quivering lips. "You know, sir, I have a new baby, and I don't know how I'm going to explain this to my wife. I need to know what can I do to make things right."

"Let's start at the beginning and tell me what happened," I responded. "The guy at the 7-11 store said I walked out without paying for some Skoal, so the chief said he had no choice but to tell me to turn in my resignation or be fired. He was real nice about it and said he'd like to be able to work something out, but he couldn't. So I quit."

"Well, did you do it?" I asked. Looking sheepish and avoiding eye contact with me, Doe replied, "The manager told the lieutenant that he has me on tape hiding the Skoal and walking out without paying for it, but the truth is I had coffee and other stuff in my hands and just forgot to pay for it. I tried to tell the chief what really happened and that I'd try to make it right, but he didn't want to talk any more about it, so he told me to quit or be fired."

In speaking with his former chief of police, I learned that this was just one of three occasions in which the same officer was caught on the store's security tape stealing Skoal (a form of chewing tobacco) from the 7-11. The manager, according to the chief, wanted to make sure there was no mistake about what was going on before he took the rather drastic measure of reporting a uniformed cop for stealing some tobacco.

This is a real story that actually occurred a little over two years ago. The officer graduated from the Prince George's Community College Municipal Police Academy just a few months prior to the transpiring event. This was the first police officer position he'd ever held.

Among the many topics taught at this and most other certified police academies is police ethics, and there's nothing particularly novel about our approach to this topic. In addition to historical notes, a considerable amount of time is invested in the classroom presenting current events and realistic case studies to the students. The idea is to force them to make judgements between right and wrong in as many situations as time allows. What's particularly troublesome about this unhappy story is found in one of the lessons taught in the very basic-entry course that

John Doe attended. Here is the exact scenario as it's presented to every police basic-entry student:

You are a newly assigned officer to Squad 3 at the Hillsboro District Station. Your sergeant's name is Robinak, and as far as you can tell he's a pretty easy-going and honest guy. Everyone on the shift thinks highly of him.

During a midnight shift, you and Sergeant Robinak respond to a burglary at Mazzei's Market. While you're taking the report, you observe Sergeant Robinak remove a candy bar from the counter and put it in his inside pocket. The owner of the store was there, but you were the only person who saw what occurred.

Thinking that Robinak would pay for the candy before he left the store, you didn't pay any further attention to it; however, just before you and the owner secured the premises, Sergeant Robinak left the store without paying for the candy or making any other comment other than, "have a nice day."

Describe in one paragraph exactly what you would do in this situation. Don't tell me what you think I want to hear; tell me what you would really do.

The responses from students remain fairly consistent, ranging from themselves paying for the candy bar to reporting the event to higher authority. There are a few who elect to question the sergeant, but they are rare. The point is that every student is exposed to this particular scenario, as well as to numerous others with varying degrees of complexity, during the 12 hours of police ethics. While the objective of this training is obvious, the thought-provoking training model we employ is specifically designed and programmed throughout the academy experience to serve as a constant reminder to do the right thing at all times.

Along with other types of theft and larceny, the crime of shoplifting is included as part of the criminal law training block. The police academy student is taught that Maryland law only requires the element of "concealment" in order to prove shoplifting and learns the penalties for violating these laws.

So why didn't Officer John Doe get it? That, of course, is the big question. Could it be that he made an honest mistake? No, that's not very likely, in my view, (especially shoplifting on three different occasions). It appears that what we have in this situation is nothing more than a petty thief wearing a uniform. Unfortunately, this young man has a problem that training alone cannot resolve. Kleptomania comes to mind.

Can a situation like this be compared to the recent accounts of the pedophile priest? Both individuals are in a position of public confidence and trust, and both violated that trust. While most would agree that pedophilia is worse than shoplifting, from a public safety standpoint, it's difficult not to see them in a similar light. Nobody wants their children ministered to by a pedophile priest, and no community wants a thief protecting their property. The big question is, "Can training do a better job of either correcting character faults of this type or of identifying and weeding out those who exhibit unlawful or undesirable behaviors?"

My answer to that is mixed. I'll begin by explaining the workings of the Prince George's Community College Municipal Police Academy. As I tell every prospective student,

. . . This is not a charm school, nor is it a typical college course where all you have to do is come to class, digest the information, pass some tests, and then graduate. You will be taught everything you need to know to begin your career as a police officer, and you must pass every one of the nearly 500 Maryland Police Training Commission's training objectives. You will be taught the entire course through 15 major blocks of instruction and will have to maintain a 70% average during each of the 15 blocks. There are a total of 61 written exams and several hundred on-view demonstration exams. You cannot pass the course without passing the physical fitness course, the firearm's qualification course, the emergency vehicle course, and the first responder course. You get a maximum of three attempts at passing any one test; however, a remedial exam cannot be used to increase your overall grade point average. You are under the honor system, which means if you get caught receiving an answer from someone, giving an answer to someone, or witnessing but not reporting such misconduct, you will be immediately dismissed from the program.

In addition to these general comments, students are reminded throughout their academy participation that the police basic-entry course cannot erase their background problems. Our academy only does a limited background investigation that doesn't include polygraph or psychological screening, but hiring agencies will do a comprehensive background exam, and any problems will be uncovered. An omission on the application is a lie that will result in immediate dismissal from the academy.

Despite these warnings, however, the basic-entry program routinely loses about 50% of the students who enroll in any given entry-level program. Many leave due to financial problems; some leave because of academic or physical fitness weaknesses; and a few withdraw because of ethical lapses. While a 50% attrition rate is rather high by most standards, police academy training, because of its unique role, is considered simply one part of the hiring process that demands high standards and high student loss through attrition. Unfortunately, there are occasions when students like John Doe somehow get through the training process even though they have a character fault that can't be readily corrected by a police academy training course. A few of these same people also get selected for employment as sworn police officers. That, it seems, is the price we pay for recruiting from the human element.

So where does all this lead in answering the original question: Can ethics be taught?

My quick answer is "yes." But only in the sense that we're able to screen out many unqualified people before they're hired. My not-so-quick answer is "no," because I'm not sure any training course is capable of changing certain aberrant behaviors.

The best we can do as police professionals, which includes academy directors and trainers is to continue to maintain very high standards in the selection, training, and retention process of police officers. To do otherwise is a great disservice to everyone.

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# Ethical Values, Character, and Culture in Police Leadership

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“Leaders conquer the context—the volatile, turbulent, ambiguous surroundings that sometime seem to conspire against us and suffocate us if we let them—while managers surrender to it.”

—Warren Bennis

## **Values Are Not Optional**

Values lie at the foundation of the organisational culture. Values are “the way we do things around here.” They may be unspoken or unwritten and may even contradict the written or spoken aims of the organisation. They define the ways in which members of the organisation can achieve; the ways in which they can be successful. Values are powerful, pervasive, and give the organisation its “feel” or “atmosphere.” They are above all tenacious and resistant to change, which is why changes in organisational structures, performance measures, and even vision and corporate strategy—all essential elements in shaping the organisation—will have only a limited effect if the value system is ignored. This fact poses a major challenge to police leaders at every level but also provides the key to achieving and sustaining long-term changes.

Personal embodiment has the greatest effect on organisational values and, by its nature, is the element most within the leader’s control.

“To be nobody but yourself in a world which is doing its best, night and day, to make you everybody else means to fight the hardest battle which any human being can fight, and never stop fighting.”

—e.e.cummings

## **Character Is Everything**

The foundation of an individual’s behaviour is his or her character; therefore, the cultural and social pressures on an individual’s values threaten the very core of his or her being. There is a sacredness in people which touches us more deeply and more lastingly than any organisational structures or mission statements. Leaders, particularly those we would call “great” or “charismatic” invariably demonstrate consistency between the message they speak and the life they live. They lead effectively because they lead by example.

Sadly, the assumption underlying much modern “management” literature has been that a leader’s effectiveness depends on technique and has no connection with the individual’s character and values. However, experience teaches that where there is inconsistency between a leader’s message and life, organisational



members will discount the message and emulate the person, seeing his or her personal values as the ones which really matter. There is thus a responsibility on police leaders to live out what they want the police organisation to become. This calls for courage and tenacity.

“To be nobody but yourself in a world which is doing its best, night and day, to make you everybody else means to fight the hardest battle which any human being can fight, and never stop fighting.”

—e.e.cummings

## **What Makes a Great Leader?**

Ask police staff anywhere in the world, “What makes a great leader?,” and they will describe the same characteristics. Whatever behaviours and qualities people identify in great leaders, they can be grouped into the following eight character traits (and I am grateful to the Pointman Leadership Institute for the following analysis):

### *Integrity*

Integrity is more than honesty. It includes consistency, trustworthiness, keeping promises, and accepting responsibility. Integrity cannot be turned on and off like a light bulb.

### *Courage*

Courage involves operating on principle not expediency, doing the “right” thing, and seizing the initiative when an opportunity presents itself. Courage is not the absence of fear: that is ignorance or recklessness. Courage is recognising fear and overcoming it.

### *Discipline*

Discipline involves self-control, maintaining objectivity in the face of emotional pressures, and remaining cool in crises. No one wants to trust the control of their life to someone who cannot control his or her own.

### *Humility*

Humility enables learning to take place. It results in reflection on experience and a willingness to acknowledge both success and failure. It enables a leader to seek other views and opinions and to work in a team. Humility is demonstrated in effective listening skills.

### *Loyalty*

Loyalty is a willing submission to lawful authority. It is not agreeing with everything a senior officer says; that is sycophancy. Loyalty includes expressing disagreement when appropriate but distinguishes between

principle and preference (i.e., something considered wrong rather than just something that isn't liked). Being under authority grants authority.

### *Conviction*

Conviction grows from a life based on principle. Strong conviction is always evident in an effective leader. Leading with doubt creates doubt in others. Speaking with conviction is persuasive. Developing conviction requires diligence.

### *Diligence*

Diligence is the tenacity and hard work consistently applied to achieve a goal. A diligent leader pursues excellence in him- or herself and in developing excellence in others. He or she remains focused on the objective and will not be distracted while tackling the obstacles on the way.

### *Optimism*

Optimism is expressed in confidence and enthusiasm. It expects the best and notices the best in others. It is realistic about obstacles and problems but uses them as opportunities for development and growth. Enthusiasm is contagious. Confidence breeds confidence.

## **What Destroys Great Leaders?**

All truly great leaders know the difficulties of maintaining an ethical character. Those who do not know the difficulties will not remain great for long; they will inevitably succumb to the pressures and threats which have caused the great and the good to fall away from their highest ideals. The threats are easily discerned. Pick up any newspaper, and look at the ingredients of any article describing a scandal.

The threats can be summarised into the following main categories:

### *Sex*

Loneliness and isolation, midlife crisis, domestic difficulties, and the desire for approval can find inappropriate expression in a sexual relationship. Leaders can also be the target for others who find power sexually attractive.

### *Money*

Too little money in the pay-packet can open a person to corruption out of need. Too much money can open a person to corruption out of greed. Negative equity, maintenance payments, school fees, hospital or nursing payments, gambling, and an inappropriate lifestyle can place financial pressures on leaders, which, if not properly managed, can lead to overwhelming debt and/or susceptibilities to bribes and gifts.

### *Power*

Unfulfilled ambition, the achievement of colleagues, lack of self-esteem, and even character disorders can result in an unreasonable desire for power and a sacrifice of principles for expediency.

### *Oppression*

Threats and intimidation rather than inducements can divert the ethical leader by producing an atmosphere of fear. The fear of exposure can also be a consequence of any of the other three threats leaving the leader vulnerable to further corruption.

Some commentators have attempted to draw a distinction between the public and private lives of politicians and other leaders; however, Thomas Jefferson rightly discerned the public response to such an argument:

“When a man assumes a public trust, he should consider himself as public property.”

### **How Can a Leader Change the Culture?**

Authorities seem to agree on five elements which are essential if cultural change is to be successful and lasting. Some commentators would argue that there is a hierarchy in the list. Whether or not such an argument is sustainable, experience proves that some elements are more powerful than others, but all need to be employed if change is to be successful:

- Heroes – the role models who demonstrate the organisation’s values by personal example
- Ceremonies – the “set pieces” by which individuals are rewarded and recognised for behaviour which is congruent with the organisation’s values
- Stories – the histories of success and failure which are told and retold and give the “flavour” of the organisation
- Rituals – the “house rules”; the habits and procedures of daily life by which members relate to one another
- Symbols – the signs, logos, and slogans that embody the organisation’s “image”

These elements cannot be separated from structures, performance measures, and strategic plans; rather, they are the means by which they may become most effective in achieving organisational change.

### *Heroes*

Not only must leaders lead, but those who embody the values we want to promote must be celebrated as heroes. Heroes, like leaders, inspire emulation and act as

role models. Very often, they are the subjects of “stories” (see below). The police organisation has need of more heroes. We are not yet, by our actions, valuing the highest ideals at the highest ranks. Empowering, encouraging, and celebrating heroes needs, therefore, to become a strategic, widespread, and active process.

### *Ceremonies*

Ceremonies are those “set-pieces” by which individuals are celebrated as heroes and through which attention is drawn to behaviours that are congruent with the new sets of values. Unfortunately, ceremonies can be hollow statements unless the values being celebrated are truly embodied by the leadership.

A ceremony needs to be visible. To be most effective, the leader will be centre-stage and will demonstrate that those who espouse the desired values are the organisational “heroes” to be rewarded accordingly. It is, in addition, an occasion for bonding organisational members together.

The police organisation is not generally good at celebrating its heroes; many, even the “heroes” regard much of their excellent work as “just doing my job.” On the other hand, we are quick to identify failure. Unfortunately, both theory and practice point to a paradox: the more attention is paid to negative behaviour, the more negative behaviour occurs. The cliché “catch them doing something right!” holds true. At every level, therefore, acknowledgement and praise needs to be given for actions which are congruent with the desired values. The more public such acknowledgement, the greater will be its effect on the organisation.

Rewards do not have to be financial or tangible to be effective. It is easy, with increasing rank, to underestimate the authority and effect which others invest in the office. A leader’s approval or disapproval is valid organisational currency, and a “thank you” from the chief is a powerful tool in transforming the organisation. We, therefore, need to release more of the potential of our positions as leaders by giving more praise and public approval to behaviours that support the desired organisational values.

### *Stories*

Every organisation has its famous stories. Stories help to define what the organisation is really like, what makes it unique. They communicate organisational goals and values by way of examples of past actions and are invariably about “heroes.” The power of the story is that it has the capacity to be told and retold; the values are implicit not explicit; and the lessons it conveys are symbolic and flexible enough to be applied to different situations. Because the listener is actively engaged in drawing out the lessons, he or she is far more likely to accept the conclusions that result.

The most powerful stories seem to have three characteristics:

1. They are about specific people or specific actions.
2. They are common knowledge and are treated as real history.

3. They tell of how things are supposed to be done and how people are treated or rewarded.

Once created, they are not easily managed, having a life and energy of their own; therefore, there is a real need for more ceremonies and heroes to act as a rich source of material.

### *Rituals*

Rituals are the procedures of everyday organisational life. Often unwritten, they govern how people relate to each other, the way they address one another, where they sit for meals or meetings. They emphasise or minimise the hierarchical elements in the police organisation. They are difficult to manage on a daily basis because they are so widely dispersed, so it is important for leaders to modify existing rituals and create new ones by personal example.

### *Symbols*

A symbol communicates values in an unspoken message. A symbol may be a badge or logo, but it may equally be the way a room or office has been decorated and furnished. Symbols can be manipulated but must be consistent with other messages given out by the organisation if they are not to be discounted as mere gimmicks.

Symbols can include mission statements and slogans used to address quality-of-service issues. Time and time again, therefore, the focus and the responsibility falls upon leaders, not merely to espouse but to embody the desired organisational values.

### **Conclusion**

Organisations do not stand still; they are always changing, which is why leaders are so important. While everyone can and should influence those around them to behave ethically, leaders alone carry the organisational authority and the social responsibility to make it happen. The first and the greatest battle begins with themselves.

“As a leader you cannot help setting an example—the question is whether it will be a good or bad one.”

—John Adair, *Effective Leadership*

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# **Police Basic Training: A Comparative Study of States' Standards in the United States**

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## **Introduction**

Plato once said that “education has proved to be a process of attraction, of leading children to accept right principles as enunciated by the law and endorsed as genuinely correct by men who have high moral standards and are full of years and experience” (Saunders, 1970). People enter and leave new occupations on a daily basis, and the only way for us to make sure the newcomers will adequately perform in the tasks given to them is to provide them with the best training and education possible.

Policing is a profession that has made training a priority. New police recruits follow a rigorous training program for many weeks in hopes that whatever they are taught will help them perform their duties with integrity and trustworthiness. Policing is unique to other professions in the sense that police officers are the only people in civilian society with the authority to use discretionary force; therefore, it is imperative that training is tailored to ensure the proper performance of each and every police officer. This includes both content and duration of training, which become critical issues in determining the quality of the training.

Nationally recognized standards for entry-level police academy training have not been established; therefore, police basic training standards dramatically vary from state to state. The range of basic training standards is significant when viewed within the context of the core content established by each state.

This article provides a comparative study of state standards for entry-level training for police officers, including an examination of content variables established within the existing standards in each state. This analysis will identify trends in police basic training policy and develop recommendations for future direction toward recognition of standard program requirements.

## **Background**

Police training standards are established and maintained in each state by a state commission, usually referred to as police officer standards and training (POST) (Dantzker, 2000). Some states do not have a POST but have similar organizations with a variety of names and designations that oversee police training, including basic police officer training. This system varies from state to state. Some states have a single statewide training academy, while others have training academies operated by community colleges (Wegener, 1996). In addition to these two types,

in some states, larger police departments will have their own training academy operated under rules and regulations established by the POST organization (Walker, 1999). States employing this method influence the standards required by POST. For example, if a state has a single statewide training academy, the training standards are often heavily influenced by the training academy. When dealing with training curriculum standards, the training academy will create the curriculum and submit it to the POST for approval. In states with multiple agencies providing basic police training, the POST will most often establish the standards in the curriculum and then the training academies develop the training curriculum for POST approval.

This explains the differences found in the training standards from state to state. Some states have no standards but merely approve curricula presented to it by academies, while others establish detailed curricula requiring academies to follow the POST-established standards when developing basic training courses.

POST organizations were first developed in the late 1950s in New York and California. By the early 1980s, all states had a form of POST (IADLEST, 1999; Walker, 1999). The development of POST organizations was a goal of the 1967 report published by the President's Commission on Law Enforcement and the Administration of Justice. The "Challenge of Crime in a Free Society" and the subsequent report entitled "The Police" recommended establishment of POST organizations in all 50 states, a feat at the time already accomplished by 17 states (IADLEST, 1999). Both reports recognized the need for improved minimum standards for pre-service basic training. The need was evident and significant considering that in 1965, a study by the IACP had identified that 85% of police officers in 4,000 police departments studied had not received basic police training (Walker, 1999). By 1993, that number had improved to 90% of police officers receiving some form of basic training (BJS, 1993). In 1996, the Bureau of Justice Statistics report on Local Law Enforcement indicated "nearly all departments serving a population of 2,500 or more had a training requirement for new officer recruits, as did four-fifths of those serving fewer than 2,500 residents."

Police basic training initially focused on skill training and less on knowledge and abilities required for the job. As police training evolved, with more scrutiny from the public and increased involvement in the development of POST organizations, police training has gradually evolved to include a combination of skills training, with increased devotion to newly recognized training content involving specific knowledge and ability areas of competency (Carter, Sapp, & Stephens, 1989; Dantzker, 2000). Police basic training has become more sophisticated in recent years, but there is still an indication of significant emphasis on skills training. Skills training is an important element of police training, but the evolution of policing has not produced a widespread evolution of police training. A significant part of police training still focuses on a crucial, but small, parts of the police officers' duties (Birzer, 1999).

Police basic training must provide a wide range of training topics beyond the typical patrol tactics, criminal investigation, and defensive tactics skills training. The transition of policing to philosophy and tactics associated with community policing and problem solving have greatly increased the focus of police training beyond the accomplishment of technical skills through repetitive practice and

the drone of academic lectures (Birzer, 1999). Community policing necessitates a variety of new knowledge and ability competencies.

An important issue to consider in understanding the origin of state training standards is the process used for their establishment. Training curriculum standards are based on two studies accomplished on a statewide basis: (1) the training needs assessment and (2) a job task analysis. First, the training needs assessment is a study of training needs developed through a survey of police agencies to establish a list of training topics thought to be necessary by the leadership of the police departments. These are taught by the particular training structure of the state. The needs assessment produces topics seen as meeting the specific needs of the department based on a variety of criteria:

- Legal requirements
- Regulatory requirements (e.g., OSHA)
- Legislative requirements, which are often established in a reactive mode to perceived needs based on critical or recurring events
- Expectation of needs as developed by police leadership
- Needs developed as perceived requirements to insulate local government, police officers, and police leaders from civil liability at state and federal levels

The Commission on Accreditation for Law Enforcement Agencies (CALEA) was formed in 1979 to address accreditation of police agencies in order to gain compliance of participating agencies in adherence to a set of law enforcement standards. CALEA has, for over 20 years, published law enforcement standards and participated in the continuing accreditation programs for law enforcement agencies, including police training academies. Accreditation standards 33.4.1-4 from the *CALEA Standards Manual* outlines specific requirements for recruit training programs. CALEA requires the following of all accredited agencies:

- All officers must attend recruit basic training prior to assignment to active police duties.
- Recruit training programs must include a curriculum based on a job task analysis, measuring competency in required skill, knowledge, and abilities.
- If an outside agency provides basic training for a department, then the agency receiving the training support must ensure that their training needs are being met by the outside training provider.

With over 500 law enforcement agencies accredited, CALEA offers no specific guidance on the content of basic training academies; however, with its influence over accredited agencies, there is a potential for offering specific guidance (CALEA, 2000).

For the purposes of this research study, 19 training topics were selected for analysis of the 50 states' basic training standards. The topics selected were based on a review of training-related literature and the content of the training curricular standards from the 50 states. Each topic was selected to reflect the nature of new competencies required for police officers working within police agencies embracing community policing and for meeting specific ongoing challenges of policing. Four topics will be covered in this article to illustrate the urgent need for focusing on training



standards in preservice employment training for police officers. The four topics are ethics, cultural diversity, hate crimes, and use of force.

### *Ethics*

The ethical challenges of policing in the last decade have presented unique problems for police agencies. Scandals, corruption, unlawful acts, and intentional violations of policies and procedures are constantly reminders to police leaders and the public that policing has not lived up to the standards envisioned by the IACP *Code of Ethics* or the expectations of the public the police are charged with serving. The National Symposium on Police Integrity (1997) sponsored by the Office of Community Police Services and the National Institute of Justice convened a working group to make recommendations for improvement of police integrity issues. The recommendations sought improvements in ethics training for recruits through the development of ethics training curricula for use nationwide (Delattre, 1996).

### *Cultural Diversity*

In an effort to create a working environment lacking bias and prejudice, there has been an emergence of multicultural sensitivity training for police officers. For police agencies struggling with accusation of racial and ethnic prejudice, this type of training has provided an opportunity for police leaders and political leaders to take refuge in positive, progressive steps to show determination to rid their agencies of such bias. While the concept is commendable, the manner in which such training is provided is not universally accepted or even credible. Poorly developed and administered cultural diversity training can have a negative consequence rather than the positive educational impact desired of such training. Few would argue its relevance to today's policing (Delattre, 1994).

### *Hate Crimes*

Hate crimes have taken on special significance in recent years due to several notable, widely reported, serious hate-related crimes. Investigation of these crimes is given a special legal status creating enhanced penalties and increased media attention. Poorly investigated or poorly identified hate-related crime could cause significant political and legal problems for an investigating agency. The lack of timely identification or procedurally correct investigations is often a result of inadequate training of the police officers involved. Police leaders would be ill-advised to ignore the consequences of being inadequately prepared to deal with a high-profile hate crime involving nationwide media attention. Training and understanding of policy are a necessity for a well-prepared police agency tasked with reporting and investigating hate crimes (BJA, 1999).

### *Use of Force*

The National Institute of Justice (NIJ) report on use of force by police indicated a very low rate of use of force by police; however, the incidence of high profile cases involving use of deadly force seems to be increasing. Use of deadly force by police often produces highly visible examples of people's mistrust of the ability of officers to adhere to the law when engaging in deadly force confrontations.

Police training often focuses on the skill portion of such encounters. Weapon marksmanship often appears to be the overwhelming portion of use-of-force training. The knowledge necessary for preparing officers for such an encounter is far more diverse than simple weapon accuracy. The training involves law, policy and procedure, decisionmaking, and a variety of training nuances. Development of a strong policy and training program is essential for officer and citizen safety when dealing with use-of-force issues (NIJ, 1999).

## **Methodology**

Data for this study was gathered during late 1999 and early 2000, using various methods of collection, including telephone interviews, review of material on official agency websites, and copies of official documents sent by the state official in charge of police training standards. The particular information sought described each state's basic entry-level police officer training standards and curriculum. The analysis examined the training topics and number of hours allocated to each topic required for each state's basic academy training. In the majority of cases, the data was obtained directly from the state's Commission on Peace Officer Standards and Training or POST (or similar organization), which is the governing authority regulating basic entry-level training curriculum.

The overwhelming majority of data (data for 39 states) was obtained through personal contact with a representative of each state's POST commission, council, or board. The information was then faxed, e-mailed, or sent via mail. The Honolulu Police Department's 133rd Student Officer Training Class will represent Hawaii's data in our findings; however, we will not use the data provided by Hawaii in our computations, since we will only focus on the states that provided information on state basic training standards.

Next, the data was examined and categorized, on a state-by-state basis, into 19 different training topics: (1) communications, (2) community policing/problem solving, (3) criminal investigations, (4) crisis intervention, (5) cultural diversity, (6) defensive tactics, (7) disabilities, (8) domestic violence, (9) ethics, (10) emergency vehicle operation (EVOC), (11) firearms, (12) fitness, (13) hate crimes, (14) human relations, (15) law, (16) report writing, (17) stress management, (18) use of force, and (19) victim's rights. Total number of hours was also included and computed.

It is important to mention that just as almost every state's basic curriculum varies, so does their way of describing it. The data were objectively analyzed, giving credit only to the information provided by each state. It was recognized that training curricula are constantly under revision, and an attempt was made to gather the most recent data. This is the reason the information was sought directly from the original source rather than use data collected by a secondary source, which may have been dated. It is further recognized that additional training may be provided by individual training academies, but the information collected reflects only training standards required by the state POST.

## Findings/Analysis

The results revealed that police basic training curricula significantly vary from state to state, revealing the fact that only 18% (n = 9) of the states for which data was obtained have the same mandated total number of hours.

Overall, the total results were as follows:

- The mean number of total required hours was 516 (three missing cases), with 57% of the states actually mandating less than that.
- The lowest number of hours mandated was 320; the highest was 1,118.
- The Honolulu Police Department mandated a 1,128-hour basic training academy.
- The median total number of hours mandated was 482.

In particular categories, the results were as follows:

- In the *Cultural Diversity* category, the mean number of training hours was 7.5, with only about 30% of the states requiring more than that. The lowest number reported was 1.5 hours, the highest was 24. The median number of hours was four. There were 23 missing cases for which data was not reported or a specified number of hours were not mandated.
- In the *Ethics* category, only 36 states provided data. The mean for this category was five hours, with 66% of the states mandating less. Point two hours of training was the lowest value found; 16 hours was the highest. The median was four hours.
- In the *Hate Crimes* category, the average number of hours was five. The computed data also revealed that only 22% of the responding states (n = 9) would require more than the average number of hours. Two hours was the least reported; 24 was the most. The median number of hours for this category was two.
- The *Use of Force* category would reveal similar trends as the ones found in most other categories. The mean for this category was eight hours; the median was six hours. Thirty-one percent of the responding states (n = 35) would actually mandate more than the average number of hours computed. Two hours was the lowest value found; 28 hours the highest.

The computed data would reveal similar trends in nearly all categories. While some states seemed to show a tendency to remain rather traditional in the content of their basic training standards, others had shown indications of revision to meet the suggested needs of a changing organizational requirement to train officers for community policing.

**Table 1. Analysis of Training Topics**

	<b>Valid</b>	<b>Missing</b>	<b>Mean</b>	<b>Range</b>	<b>Min</b>	<b>Max</b>
Communications	35	15	8.44	25.00	2.0	27.0
Community						
Policing/Problem Solving	31	19	8.46	29.00	2.0	31.0
Criminal Investigations	41	9	58.95	148.00	12.0	160.0
Crisis Intervention	21	29	9.52	30.00	2.0	32.0
Cultural Diversity	27	23	7.48	22.50	1.5	24.0
Defensive Tactics	34	16	40.42	66.00	12.0	78.0
Disabilities	29	21	4.00	7.00	2.0	9.0
Domestic Violence	36	14	10.55	26.00	4.0	30.0
Ethics	36	14	5.01	15.80	0.2	16.0
EVOC	39	11	30.25	39.00	12.0	51.0
Firearms	40	10	50.38	59.00	22.0	81.0
Fitness	36	14	39.37	76.00	4.0	80.0
Hate Crimes	9	41	5.33	22.00	2.0	24.0
Human Relations	19	31	23.71	70.00	6.0	76.0
Law	44	6	74.97	85.00	37.0	122.0
Report Writing	42	8	13.16	38.00	2.0	40.0
Stress Management	28	22	4.89	12.00	2.0	14.0
Use of Force	35	15	7.84	26.00	2.0	28.0
Victim's Rights	24	26	3.66	9.00	1.0	10.0
Total Hours	47	3	516.36	480.00	320.0	800.0

a. Multiple modes exist. The smallest value is shown.

## Recommendations

The findings of this study clearly have identified a significant variance in training standards in the 19 specific areas that were researched. This variance leads to the understanding for the need to establish national minimum curricular standards for police basic training. These standards can be researched and established so as to not supersede training need assessments and job task analyses completed at the local and state levels. Curricular standards could be established for what is recognized as basic standards of training for police recruits based on analysis of existing state standards, curricula analysis, job task analysis of the 50 states, and a national training needs assessment. In order to accomplish this, the following recommendations for action are made.

### *Training Consortium*

A consortium of police training and professional organizations could be created to study the establishment of model police basic training standards. These standards should provide a comprehensive list of topics that are presented to any police recruit, regardless of state or locale. These topics should have minimum specific content areas that are covered within the topic.

This consortium should include such organizations as the International Association of Chiefs of Police (IACP), National Sheriff's Association (NSA), International Association of Directors of Law Enforcement Standards and Training (IADLEST), National Organization of Black Law Enforcement Executives (NOBLE), Commission

on Accreditation for Law Enforcement Agencies (CALEA), Police Executive Research Forum (PERF), state POST commissions, and other additional partners with expertise or stakeholder interest in police training. These groups could provide the background, expertise, research, and credibility necessary to organize a credible effort to produce a standardized model curriculum. This curriculum could be used much the same way as model policies are currently used by police agencies as guidelines for customizing their own policy. IADLEST already has produced a model policy for establishment of recruit training curriculum that, as stated, relies solely on a valid job task analysis. With IADLEST as a partner in this endeavor, their model policy statements could include the recognition of training needs assessments and the model basic training curriculum (IADLEST, 2000).

Similarly, IACP and other consortium partners could issue model policies reflecting the training standards developed on the national level. One potential partner in this consortium, CALEA, could include the national training curriculum in its accreditation standards for police agencies and training academies. With these powerful and influential organizations in partnership to develop a recognized model basic training curriculum, an authoritative voice for change and credibility could be heard throughout the country for improved, standardized content of police training.

This national police training consortium would need a research component within the partnership. This research component is necessary to procure the necessary information on which to base the judgements for inclusion of the knowledge, skills, and abilities necessary for police officers. There exists within the 50 states POST organizations the job task analysis and training needs assessments necessary for comparison and compilation to make reasonable judgements on the content of the model curriculum.

### *Minimum Standards of Training*

Establishment of minimum standards of training should not be considered under circumstances in which it would be construed to be a mandated requirement by a national governmental agency or regulatory body. Establishment of individual police basic standards is the purview of individual states, not the federal government. It should not be used to intimidate or withhold federal funding for failure to comply. Use of the model basic training curriculum should be voluntary. Such a model policy for training should be viewed the same as model policies established by such organizations as the IACP and CALEA. If a police department or training organization sought accreditation through CALEA or a state accreditation body, then adoption of the model policy would be necessary. These accreditation processes are voluntary ventures by the individual agencies. Adherence to the accreditation standards would require adoption of the model training policy; however, states could customize the training curriculum to meet the requirements of their job task analyses and training need assessments to determine the time required to present the subject matter. Additional training requirements, not included in the model policy, could be added to meet the needs of a situation based on their own analysis.

Policing is sufficiently different from jurisdiction to jurisdiction for the need to recognize and respect these differences thus providing latitude to develop

additional training standards beyond the model policy in order to meet the full curricular requirements of the agency. A state POST or an individual police department could adopt the model policy for training standards and use this as a foundation for successful development of its own training curriculum. The model policy could be adapted to meet the additional requirements for training time and for additional training content to fully meet the training needs of the state or individual police agency. Such latitude is essential so as not to overly constrain a police department or state from fulfilling their obligation to adequately train new police officers for the demands of the law enforcement and the needs of the communities they serve.

If a state POST chooses to impose the model policy on the various academies within the state as part of their certification programs, such a requirement would certainly be within their purview and would be encouraged in order to fully develop the widespread use of the model policy. If a POST had policies requiring submission and approval of a basic training curriculum from a training academy, the model basic training curriculum would be useful for POST members to review the curriculum comparing the goals and objectives to the content of the model curriculum. If the time and effort were made to produce a well-researched and developed model policy, it would only be useful and effective if it were used as widely as possible without the imposition of national mandates.

## **Conclusion**

### *Summary*

Police basic training has significantly improved in quantity and content in the last 30 years. The development of police officer standards and training councils, commissions, and agencies as administered by the 50 states have developed and matured into organizations guiding change in police training standards and curricula. This change has followed the path of increasing emphasis on the role and influence of police in today's society. Change has often resulted from unfortunate incidents occurring between police and citizens with the subsequent focus on the need for police to improve the selection and preparation of police recruit officers to meet modern challenges of law enforcement in a hyper media society.

This study has focused on the similarities and the differences in the training standards of police basic training as mandated by the 50 state POST organizations. The result has provided an insight into the need to consider the necessity to develop a national standard for police basic training curricula. Using the existing POST agencies and their current methods for identifying the content areas for the curricular standards, the establishment of a national consortium of police training and professional organizations could provide the necessary leadership to conduct an indepth research project for the establishment of minimum standards. From these minimum standards, developed from the research of the existing foundation of job task analyses and training need assessments, each state could further supplement the curriculum with specific, individualized training standards to meet the needs of its police officers.

The intent of such a standardization of curricula is to ensure that police officers nationwide are receiving the training necessary to meet the demands of 21st century law enforcement. A national commission or an agency of the federal government should not mandate such standards. Instead, the goals could be accomplished through voluntary compliance, resulting from participation in the consortium partnership that developed the standards.

### ***Future Research***

Foremost, research must be conducted to identify the new curricular standards from the existing standards, joint task analyses, and training needs assessments. This would be a massive undertaking, requiring a great deal of cooperation between members of an inclusive partnership of the significant stakeholders.

Essentially, to accomplish the undertaking proposed in this article, a national job task analysis and training needs assessment of policing must be undertaken. In order to adequately research the knowledge, skills, and abilities required for police officers, resources must be focused on the development of sufficient data to develop, with confidence, a national training standard.

### ***The Future of Police Training***

The demands of policing will continue to increase, resulting in greater demands of police academies to graduate recruit officers who upon commencing their new careers are capable of meeting the challenge of a new era of policing. These demands require training standards designed for more than a skill orientation. Police training and professional organizations in conjunction with state POST organizations must unite in a cooperative effort to design a national standard for police basic training that would assist individual states in developing their own training curricula. Police recruit training can only improve from the synergy of a consortium of training professionals cooperatively working toward improved training standards.

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# Perceptions and Trends of Police Recruitment in Illinois

**Will Taylor**

## **Introduction**

In February of 2000, the Illinois Law Enforcement Executive Institute and the Department of Law Enforcement and Justice Administration at Western Illinois University supported a survey of all law enforcement agencies in the state of Illinois to determine perceptions and trends of police officer recruitment. Nationally, there has been a decrease in the number of police officer applicants. In 1991, the Chicago Police Department had 36,211 applicants. In 1997, there were 10,290 applicants, but in 2000, the number of applicants dwindled down to 5,663 (Ferkenhoff, 2001). Prior to 1999, the Pittsburgh Police Bureau would receive 2,000 to 3,000 applications for police officer positions. Only 1,000 applications were produced from a recent 1999 test (Nislow, 1999). In Naperville, Illinois, a Chicago suburb, the number of applicants taking the written exam has fallen in recent years. Of the 66 applicants who took the entrance exam in August 1999, 34 passed it. Five years previous to the 1999 exam, 231 out of 481 people passed the exam (Nislow, 1999).

The \$8 billion Clinton administration Crime Bill Act of 1994 aimed at putting 100,000 new police officers on the street by the end of 2000. As of June 2000, only 68,000 of the 100,000 officers had been hired or reassigned to patrol under the grant initiative. The recruitment of qualified officers has been cited as a major problem, and the grant program has been expanded for an additional two years (Johnson, 2000).

A majority, 55%, of agencies responding to the research questionnaire indicated that they had experienced a decrease in the number of police officer applicants in the past five years.

There were four main objectives of this research:

1. Assess if there is a police officer recruitment problem in Illinois, and if so, to what extent.
2. Determine what is affecting the recruitment trend.
3. Assess knowledge of preservice programs.
4. Assess perceptions of preservice programs.

## **Methodology**

There were 1,080 cover letters and questionnaires mailed, composing the entire population of law enforcement agencies in the state of Illinois. The list of Illinois law enforcement agencies was supplied by the Illinois Law Enforcement Executive Institute. The return rate was 45% (486 returned questionnaires were used in the data analysis). The questionnaire contained three sections. The first section inquired about agency information. The second section contained recruitment

questions. The third section included questions concerning preservice programs overseen by the Illinois Law Enforcement Training and Standards Board.

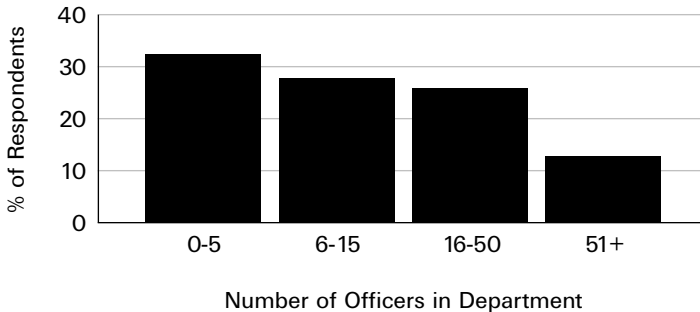
The questionnaire asked both opinion and factual questions. The responses to the factual questions were likely based on established departmental information. Examples included the size of the department and the education level required of police officer applicants. Opinion questions were likely based on opinions of the person filling out the questionnaire. Examples include perceived reasons for recruitment increases or decreases and perceptions of how the department's educational requirement has affected the attraction of an adequate pool of quality applicants.

## Presentation of Data

### *Agency Information*

The majority of the questionnaires, 77.2%, were filled out by the chief of police or sheriff. The remaining questionnaires, 22.8%, were completed by lower-ranking personnel. The majority of responding agencies, 32.6%, consists of departments ranging in size from zero to five full-time sworn officers (see Figure 1). Agencies with six to 15 full-time sworn officers accounted for 28.3% of the responses. Agencies employing 16 to 50 full-time sworn officers represented 26.2%, while 12.8% of agencies had 51 and more officers.

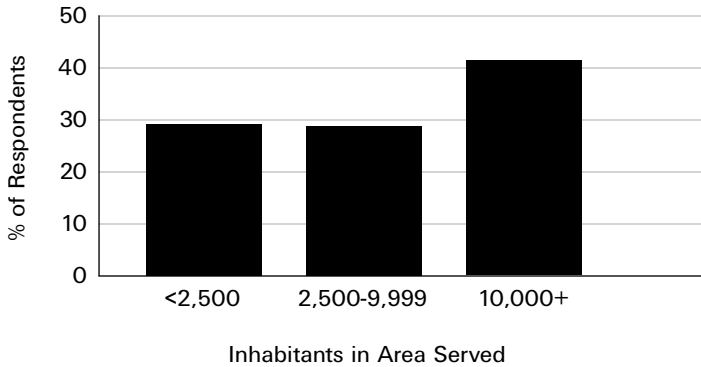
**Figure 1. Size of Agencies Responding**



The number of part-time officers employed by the responding agencies were divided into two categories: (1) zero to five part-time officers and (2) six or more part-time officers. Zero to five part-time officers were employed by 82.8% of the responding agencies, while six or more part-time officers were employed by 17.2% of the respondents.

The area served by the responding agencies varied (see Figure 2). Agencies serving areas with less than 2,500 inhabitants accounted for 29.9% of the responses. Responding agencies that served between 2,500 and 9,999 inhabitants accounted for 29.3% of the questionnaires returned. Agencies serving areas with 10,000 or more inhabitants represented 40.8% of the total.

**Figure 2. Size of Agency Served**



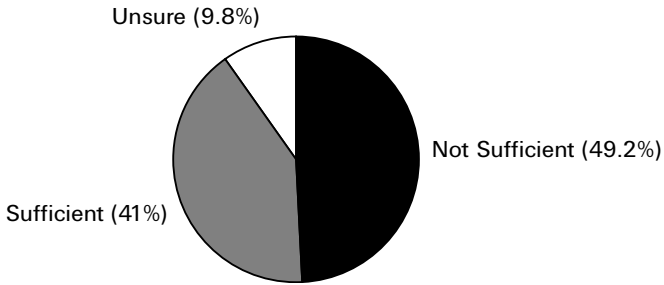
The agency geographical location within the state of Illinois was divided into north, south, east, and west. The northern region, including the Chicago area, accounted for 48.3% of the responses. The western region accounted for 19.7% of the respondents. The eastern region contained 12% of the agencies returning questionnaires. The southern region accounted for 19.9% of the responding agencies. The responding agencies were also divided into adjacent county locations. The county that the agency is located in was labeled adjacent to either a metropolitan, suburban, or rural area. Agencies considered to be located in counties adjacent to metropolitan areas consisted of 59.5% of the total respondents. Agencies considered to be located in counties adjacent to suburban areas accounted for 24.7% of the responding agencies, and agencies considered to be located in counties adjacent to rural areas represented 15.8% of the respondents.

### ***Recruitment Information***

The range of starting yearly salaries for a police officer in the state of Illinois was \$12,000 to \$51,000. The average starting salary for a police officer in the state of Illinois was \$28,750. Nearly one-half, 49.2%, of responding agency representatives indicated that they felt their agency starting salary was not sufficient to attract qualified applicants. Of the remaining respondents, 41% indicated that they felt the starting salary of their agency was sufficient to attract qualified applicants, while 9.8% were unsure.

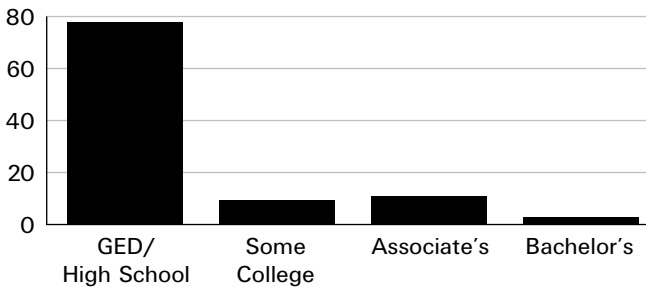
Many of the agency representatives who felt that their agency starting salary was not sufficient indicated what they felt would be a sufficient salary (see Figure 3). The average starting salary this group indicated would be sufficient to attract quality applicants was \$30,260.

**Figure 3. Pay Sufficient to Attract Quality Applicants**



More than three-fourths, 77.9%, of the respondents indicated that their agency minimum educational requirement for the position of police officer was a high school diploma or GED, while 9.3% indicated that some college, short of an associate's degree, was the minimum educational requirement (see Figure 4). An associate's degree was signified as the minimum educational requirement by 11.1% of the agencies responding, while 1.6% marked that a bachelor's degree was the minimum educational level.

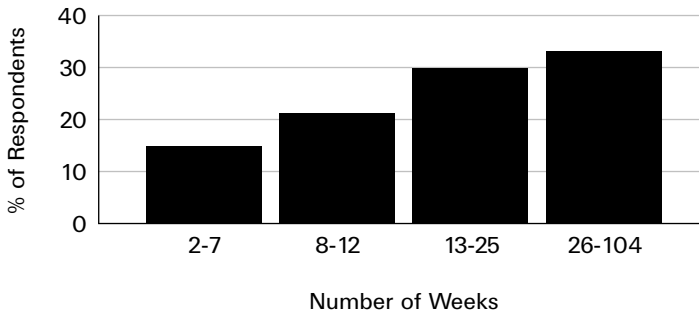
**Figure 4. Agency Educational Requirement**



Additional points were awarded during the application process by many agencies to candidates who possessed certain attributes. Police officer applicants with veteran status were awarded additional points by 48.9% of the responding agencies, while graduates from the Police Training Institute were awarded additional points by 25.3% of the agencies. Of the agencies surveyed, 22.3% awarded additional points to applicants with a certain educational attainment, while nearly one-fifth, 19.8%, gained additional points for previous experience.

The average time between a police officer application being submitted and the hiring date was 21.1 weeks, with a range between two weeks and 104 weeks (see Figure 5). Approximately 15% of the responding agencies indicated the application process took between two and seven weeks, while 21.2% indicated the process lasted between eight and 12 weeks. Approximately 30% of the responding agencies indicated the process lasted between 13 and 25 weeks, while 33.3% indicated a process length of between 26 and 104 weeks.

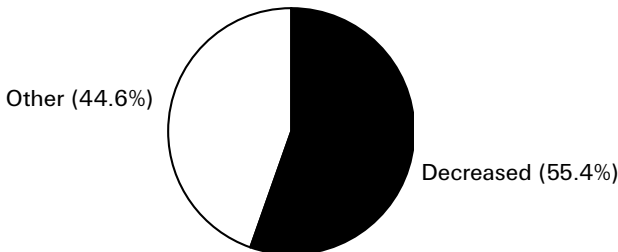
**Figure 5. Application Process Length**



Nearly one-half, 47.6%, of the responding agencies are governed by police and fire commission hiring legislation. The remaining 52.4% of the agencies have hiring legislation governed by one of the following: civil service commission, home rule, merit commission, or other. According to the respondents, in the year 2000, an average of 53.9 individuals applied to each law enforcement agency in the state. The range of individuals applying to each agency varied between zero and 365. The average and range exclude the city of Chicago.

A majority, 55.4%, of the respondents indicated that in the past five years, the number of applicants for the position of police officer in their agency had decreased (see Figure 6). The remaining 44.6% indicated that either they were unsure, the number had remained the same, or the number had increased.

**Figure 6. Number of Applicants Has . . .**



Respondents who indicated a decrease in the number of applicants within the past five years were given the opportunity to indicate what factors they believe contributed to the decline (see Table 1). The employee job market was indicated as a factor by 78.3%, while salary limitations were marked by 61.4%. Negative media was checked as a contributing factor to the decline by 27%, while 14.2% indicated that the length of the application process was partly to blame. A declining job interest was indicated as a factor by 42.3%, danger of the job by 8.2%, and increased job requirements by 15.7%.

**Table 1.**

<b>Factor Leading to Decrease</b>	<b>Percentage</b>
Employee Job Market	78.3%
Salary Limitations	61.4%
Negative Media	27.0%
Length of Application Process	14.2%
Declining Job Interest	42.3%
Danger of Job	8.2%
Increased Educational Requirements	15.7%

Law enforcement agency representatives were asked about the quality of police officer applicants in the past five years. Over one-third, 37.1%, of the respondents indicated that the quality of police officer applicants had remained the same. Nearly one-fourth, 24.7%, believed applicant quality had increased, while 29.7% indicated that they believed applicant quality had decreased. The agency representatives were asked how they felt the educational requirement of their agency affected the attraction of an adequate pool of quality applicants. The vast majority, 93.8%, indicated that the educational requirement of their agency either had no affect or a positive affect, or they were uncertain of the affect. Those indicating that their educational requirement hindered the process amounted to 6.2% of the total.

The agency representatives were asked to indicate which groups their agency actively targets using specific recruitment strategies from a list of different groups. The agency representative was instructed to indicate all groups actively targeted using specific recruitment strategies by their agency (see Table 2). African-Americans were indicated as actively targeted using specific recruitment strategies by 29.5% of the agencies, Hispanics by 26.7% of the agencies, Asians by 14.5% of the agencies, and Native Americans by 13.4%. College-educated individuals were indicated as being targeted by 34.7% of the agencies, females by 28.1% of the agencies, those with military experience by 24.6% of the agencies, and those with police experience by 57.9% of the agencies.

**Table 2.**

<b>Group Actively Targeted</b>	<b>Percentage</b>
African-Americans	29.5%
Asians	14.5%
Hispanics	26.7%
Native Americans	13.4%
College-Educated	34.7%
Females	28.1%
Military Experience	24.6%
Police Experience	57.9%

Agencies were asked to indicate which media their agency employs in order to attract police officer applicants. The agency representative was instructed to indicate all media used by their agency. The Internet was utilized by 28.1% of the agencies in order to attract police officer applicants, while 5.2% utilized mass mailings; 5.6% utilized posters; 8.5% utilized magazine advertisements; and

24.4% utilized job fairs. Television advertisements were employed by 4.5% of the agencies, offsite interviews by 6.2% of the agencies, word of mouth by 72.9% of the agencies, newspaper advertisements by 83.3% of the agencies, and college and university recruitment by 33.1% of the agencies.

**Table 3.**

<b>Media Used to Recruit</b>	<b>Percentage</b>
Internet Website	28.1%
Mass Mailings	5.2%
Posters	5.6%
Magazine Advertisements	8.5%
Job Fairs	24.4%
Television Advertisements	4.5%
Offsite Interviews	6.2%
Word of Mouth	72.9%
Newspaper Advertisements	83.3%
College/University Recruitment	33.1%

*Illinois Law Enforcement Training and Standards Board (ILETSB) Programs*

The next section of the questionnaire dealt with knowledge and opinion of programs established and supported by the Illinois Law Enforcement Training and Standards Board (ILETSB). A vast majority, 84.7%, of agency representatives noted that they were aware of the Illinois Law Enforcement Intern Training Act, while 15.3% were not. A law enforcement intern is a “civilian” who has met the requirements to enter the training program and is not employed as a law enforcement officer (Public Act 90-259). The intern must pay for all costs, meet minimum eligibility requirements set by the ILETSB (including at least a two-year degree), successfully complete the 480-hour course, and pass the certification exam. All interns are accepted on a person-by-person basis to attend selected academies in the state by ILETSB. The act does not supercede local hiring standards.

Another question asked respondents to indicate if they agreed with the following statement: “The Illinois Law Enforcement Intern Training Act is a productive means of recruiting qualified applicants for a position as a police officer with our agency.” Just over one-half, 51%, of the respondents either agreed or strongly agreed with the statement. Approximately one-third, 36.6%, indicated a neutral feeling toward the statement, while 12.4% either disagreed or strongly disagreed with the statement. A vast majority, 96.1%, of the respondents indicated that their agency would hire a qualified applicant who had successfully completed the Intern Training Program. After a short summation of the cost savings to an agency that hires a graduate of the program, the agency representatives were asked if their agency would be willing to reimburse applicants who had successfully completed the program and were hired by their agency. The savings included the price of the academy, three months salary, and benefits. Nearly one-third, 32.6%, of the agency representatives indicated that their agency would reimburse the graduate hired by their agency in some amount.



**Table 4. Illinois Law Enforcement Intern Training Act**

	<b>Percentage</b>
Agencies Aware of Intern Training Act Program	84.7%
Agencies That Would Hire a Program Graduate	96.1%
Agencies That Would Reimburse Hired Program Graduates	32.6%

The next question asked agency representatives if they were aware of the Illinois Police Corps Program. A slight majority, 53.8%, indicated that they were aware of the program, while 46.2% indicated that they were not. The program is a federal college scholarship program for recruiting and training college graduates to serve at least four years as community police officers. Corps recruits will be specially trained in community-oriented policing. The Police Corps Basic Training is a 24-week (960-hour) course. Corps applicants are competitively selected among qualified applicants by ILETSB. After completing the course and graduating with a baccalaureate degree, the fully sworn officer is appointed to an Illinois sheriff's or municipal police department for a minimum of four years.

Agency representatives were asked if they agreed with the following statement: "The Illinois Law Enforcement Training and Standards Board's Police Corps Program is a productive means of recruiting qualified candidates for a position as a police officer with our agency." Less than one-half, 43.1%, either agreed or strongly agreed with the statement. A slightly higher percentage, 45.6%, indicated a neutral feeling toward the statement, while 11.3% indicated that they either disagreed or strongly disagreed with the statement. Agency representatives were also asked if they would hire applicants who had successfully completed the Illinois Police Corps Training Program. A vast majority, 88.8%, of the agency representatives revealed that they would hire a Police Corps graduate, while 11.2% indicated that they would not.

**Table 5. Illinois Police Corps Program**

	<b>Percentage</b>
Agencies Aware of Police Corps Program	53.8%
Agencies That Would Hire a Police Corps Graduate	88.8%

The final question of the survey asked agency respondents if they believed a preservice program (intern/police corps) supervised by ILETSB can provide quality candidates for police agencies to consider for hire. A vast majority of responding agency representatives, 96.9%, indicated that they did feel preservice programs can provide quality candidates for police agencies to consider for hire.

### **Discussion of Data**

Statistically significant relationships were found utilizing three independent variables. The three variables used were (1) number of full-time officers employed by an agency, (2) minimum educational requirement of an agency, and (3) starting salary of an agency. The larger the agency, the more likely there was an indication that pay was sufficient to attract qualified applicants. The higher the educational requirement (higher than a GED/high school diploma), the more likely there was

an indication that pay was sufficient to attract qualified applicants. The higher the current starting salary, the more likely there was an indication that pay was sufficient to attract qualified applicants.

The larger the agency, the more likely there was an indication that the agency had experienced a decrease in the number of applicants. The higher the educational requirement (higher than a GED/high school diploma), the more likely there was an indication that the agency had experienced a decrease in the number of applicants. The higher the current starting salary, the more likely there was an indication that the agency had experienced a decrease in the number of applicants.

The larger the agency, the more likely there was an indication that the employee job market was a contributing factor to a decrease in the number of applicants. The higher the educational requirement (higher than a GED/high school diploma), the more likely there was an indication that the employee job market was a contributing factor to a decrease in the number of applicants. The higher the current starting salary, the more likely there was an indication that the employee job market was a contributing factor to a decrease in the number of applicants. Agencies employing six to 15 officers were more likely to perceive salary limitations as a contributing factor to a decrease in the number of applicants than agencies of other sizes. The larger the agency, the more likely there was an indication that negative media focused on policing was a contributing factor to a decrease in the number of applicants. The higher the educational level (higher than a GED/high school diploma), the more likely there was an indication that negative media focused on policing was a contributing factor to a decrease in the number of applicants.

Agencies with 51 or more officers were more likely than the smaller agencies to indicate that the length of the hiring process was a contributing factor to a decrease in the number of applicants. The larger the agency, the more likely there was an indication that a declining job interest was a contributing factor to a decrease in the number of applicants. The higher the educational requirement (higher than a GED/high school diploma), the more likely there was an indication that a declining job interest was a contributing factor to a decrease in the number of applicants. The higher the current starting salary, the more likely there was an indication that a declining job interest was a contributing factor to a decrease in the number of applicants.

Agencies with 51 or more officers were more likely than agencies of other sizes to indicate that increased educational requirements were a contributing factor to a decrease in applicants. The higher the educational requirement (higher than a GED/high school diploma), the more likely there was an indication that such requirements were a contributing factor to applicant decrease. Agencies with a starting salary between \$33,300 and \$51,700 were more likely to indicate that such requirements were a factor contributing to a decrease in applicants than agencies paying other salaries.

Agencies with 16 to 50 officers were more likely to indicate that the quality of applicants had decreased in the past five years than agencies of other sizes. Agencies with 51 or more officers were more likely to indicate the quality of

applicants had stayed the same than agencies of other sizes. The larger the agency, the more likely there was an indication that educational requirements hindered the attraction of an adequate pool of quality applicants. The higher the educational requirement (higher than a GED/high school diploma), the more likely there was an indication that educational requirements hindered the attraction of an adequate pool of quality applicants.

The larger the agency, the more likely there was an indication that African-Americans, Asians, Hispanics, Native Americans, those with college education, and females were actively targeted by agencies using specific recruitment techniques. The higher the educational requirement (higher than a GED/high school diploma), the more likely there was an indication that African-Americans, Asians, Hispanics, Native Americans, those with a college education, and females were actively targeted by agencies with specific recruitment techniques. The higher the current starting salary, the more likely there was an indication that African-Americans, Asians, Hispanics, Native Americans, those with a college education, and females were actively targeted by agencies with specific recruitment strategies.

Agencies with 51 or more officers were more likely than smaller agencies to indicate that they actively targeted those with military experience using specific recruitment strategies. Agencies with a minimum educational requirement higher than a high school diploma were more likely to indicate that they actively targeted those with military experience. The smaller the agency, the more likely that there was an indication that the agency actively targeted those with police experience. Agencies that paid a starting salary between \$12,000 and \$23,500 were more likely to indicate that they actively targeted those with police experience than agencies paying higher starting salaries.

The larger the agency, the more likely there was an indication that an agency utilized an internet website, mass mailings, magazine advertisements, newspaper advertisements, posters, job fairs, television advertisements, offsite interviews, and college/university recruitment in order to attract police officer applicants. The higher the educational requirement (higher than a GED/high school diploma), the more likely there was an indication that an agency utilized an internet website, mass mailings, magazine advertisements, job fairs, television advertisements, offsite interviews, and college/university recruitment in order to attract police officer applicants. The higher the current starting salary, the more likely there was an indication that an agency utilized an internet website, mass mailings, magazine advertisements, job fairs, television advertisements, offsite interviews, and college/university recruitment in order to attract police officer candidates.

The larger the agency, the more likely there was an indication that the agency was aware of the Illinois Police Corps Program. The higher the educational requirement (higher than a GED/high school diploma), the more likely there was an indication that the agency was aware of the Illinois Police Corps Program. Sixty-nine percent of agencies with 51 or more officers were aware of the program compared to 34.4% of agencies with zero to five officers.

Agencies that served under 2,500 people were more likely to have a lower starting salary and lower educational requirement (GED/high school diploma) than agencies serving larger populations. Agencies that served areas with a population

between 2,500 and 9,999 people were more likely to have a starting salary between \$23,600 and \$27,900 and have an educational requirement of a high school diploma or GED than agencies serving other sizes of populations. Agencies that served 10,000 people or more were more likely than agencies serving smaller populations to have a starting salary between \$33,300 and \$51,700. Agencies that served more than 10,000 people were more likely than agencies serving smaller agencies to have a minimum educational requirement higher than a high school diploma.

Agencies located in areas considered rural were more likely to have starting salaries between \$12,000 and \$23,500 and have a minimum educational requirement of a high school diploma or GED. Agencies located in areas considered suburban were more likely to have starting salaries between \$12,000 and \$23,500 and have a minimum educational level of a high school diploma or GED. Agencies located in areas considered metropolitan were more likely to have salaries between \$33,300 and \$51,700 and have a minimum educational requirement higher than a high school diploma or GED.

Agencies located in the northern region of the state were most likely to have a starting salary between \$33,300 and \$51,700, compared to agencies located in the western region of the state, which were most likely to have a starting salary between \$12,000 and \$23,500. Agencies located in the eastern region of the state were most likely to have a starting salary between \$12,000 and \$23,500, compared to agencies located in the southern region of the state, which were most likely to have a starting salary between \$23,600 and \$27,900.

## **Conclusions and Recommendations**

The purpose of this study was to address a present void of police officer recruitment research. The main objectives of the research were to assess if there is a police officer recruitment problem in Illinois, and if so, to what extent; to determine what is affecting the recruitment trend; to assess knowledge of preservice programs; and to assess perceptions of preservice programs. The results are intended to reflect recruitment aspects of Illinois policing agencies only, with no attempt to generalize outside of Illinois. This study yields findings that may assist police administrators in developing effective recruitment strategies.

The literature indicates that there is a decrease in the number of police officer applicants throughout the United States (Ferkenhoff, 2001; Flynn, 2000; Swope, 1999). The results from this study found that there is a decrease of applicants in Illinois. A majority of departments, 55.4%, indicated a decrease in the number of police officer applicants in the past five years. A mere 14.5% of the responding agencies experienced an increase in applicants.

Many of the contributing factors cited in the literature as leading to a decrease in applicants were also found in this study. In the literature, these factors were simply referred to with no actual statistical citations. Responding agency representatives that felt their agency had experienced a decrease in applicants indicated what factors they felt contributed to the trend, pointing to some possible causes of the decline from the perspective of law enforcement administrators.

Many have been quick to point out the economy as the culprit behind the police officer applicant decrease throughout the nation. A common theory is that in times of a prosperous economy, the applicant pool gravitates toward private sector jobs. These jobs are many times able to provide higher salaries, more attractive benefit packages, and safer and more accommodating places of employment. When the information in this survey was gathered (March 2000), the United States was experiencing a “booming economy.” The unemployment rate continued to be at a 30-year low from 1999 to when this study was conducted (Swope, 1999). The unemployment rate in 2000 was 4.3% (Jurkanin, Fischer, & Sergevnin, 2001).

### *Diversified Recruitment*

The literature concludes that agencies need to recruit more diversely, widely, and aggressively in order to avoid hiring problems. More aggressive recruitment of females and minorities may be beneficial in many ways; it is also necessary in order to produce an adequate pool of quality applicants. According to recent research, 13% of police personnel are female (Prussel & Lonsway, 2001). Research has shown that female officers are equally competent as male officers. Women often employ a communication style that is in harmony with the community policing philosophy, including the ability to calm situations that have a potential for violence. Research also reveals that women often respond to victims of crime more sympathetically, as well as have a much less likelihood of using excessive force (Prussel & Lonsway, 2001).

The United States Department of Justice, Bureau of Justice Statistics, shows that in 1997, minority representation in local law enforcement agencies was 21.5%, while minority representation of sheriff’s departments in 1997 was 19%. There are several positive aspects of a law enforcement agency employing minorities. A diverse police force results in the department being more sensitive and effective in dealing with minority problems. A more positive image may be reflected in many areas of a community. In addition, more minority input in police policy development results in better police service to the minority communities (Walker, Spohn, & Delone, 1996).

Many departments have been successful in recruiting and retaining a higher percentage of female and minority officers. According to United States Department of Justice, Bureau of Justice Statistics, the Miami Beach, Florida Police Department employs 28% women, while the Madison, Wisconsin Police Department employs 26% women (1995, as cited in Polisar and Milgram, 1998).

The Tucson, Arizona Police Department attracted more female and minority officers by pinpointing potential minority and female applicants at places such as minority colleges. The department also added minorities and females to their recruitment teams (Gaines, Kappeler, & Vaughn, 1997). In 1995, the Albuquerque, New Mexico Police Department was successful in raising the proportion of females in the academy from 10 to 25% while maintaining a retention rate comparable to men. A “Women and Policing Career Fair” was hosted at which female officers discussed their job and working in a male-dominated field. Media coverage included local reporters on ride-alongs with female officers. Posters were posted in locations where physically fit women frequent, such as gyms and martial arts schools. Posters were also posted at supermarkets, laundromats, and shopping

malls. Past selection techniques that discriminated against women were changed. A zero-tolerance policy towards sexual harassment included police-specific training for all employees on the prevention of sexual harassment (Polisar & Milgram, 1998).

Mentoring programs in place during the entire application process, as well as after being hired, have proven to be successful. The mentor should be a volunteer veteran officer who is available to answer questions and reduce anxiety of applicants, as well as newly hired officers (Krandall, 1998). Personal contact with applicants is important to the agency in order to keep individuals interested throughout the typically long application process.

The training manager for the Costa Rica Police Department, Hugh Tate (2000), suggests that mentoring may have multiple benefits during the application process. During the application process of many law enforcement agencies, the applicant may lose interest during long periods of time without any type of feedback from the agency. If possible for larger agencies, an open enrollment with monthly testing as opposed to annual or semi-annual testing is valuable. The applicant groups are smaller and more manageable. During slower periods of the process, such as the background check, communication and feedback can be continued through "information nights." The meetings are informational gatherings at which staff members can share information with potential employees that have passed previous stages. Examples of topics to discuss include information about academy preparation and physical fitness. The interaction serves as a form of mentoring through which candidates can ask employees questions about the department (Tate, 2000).

### *Recruiting in Contemporary Times*

Traditional methods of recruitment may not be as effective as they were in the past. Agency representatives indicated what groups they actively targeted with specific recruitment techniques, as well as the media they utilize in order to recruit applicants. Current generations become aware of jobs, differently than past generations.

A 1966 study of Los Angeles Police Department academy recruits demonstrated that the most important advertising sources of position openings were newspapers, radio, and television. The study was replicated in 1987. The 157 LAPD recruits in 1987 indicated that the most important advertising sources from which they learned about the job openings were current police officers, friends, and family (Slater & Reiser, 1988).

Law enforcement administrators would be able to measure the effectiveness of current recruitment techniques if a similar study were conducted in Illinois. Funds could be redirected or reemphasized in areas that research showed the funds were most effective. In the above LAPD study, the importance of advertising police officer openings in costly newspapers, radio, and television advertisements was questioned. These types of advertising are important, but the research indicates that funding may be more effective if it were at least partially redirected or reemphasized in areas that are proven to be most effective.

Understanding the different reasons individuals are interested in a law enforcement career is imperative when marketing the career to certain groups. The New York State Police (NYSP) recently unveiled a new recruitment drive that includes many progressive elements. They are not experiencing applicant shortages, unlike many agencies throughout the United States. The key has been innovative recruiting. A questionnaire, conducted by a member of the NYSP, surveyed 3,500 people to give the agency an insight into successful recruitment techniques. Those surveyed were members of the force, applicants, and women who had shown no interest in policing previously. The survey asked respondents why they desired employment. It asked women who had no prior interest in law enforcement what would make them consider employment with the NYSP (Hiring Problem, 2001).

The agency geared their recruitment message to the findings of the study. Recruitment literature and public service announcements reflected issues raised in the questionnaire. Job enrichment and diversity of job duties were also emphasized. The agency mission and value statements directly reflected factors important to applicants, such as, the ability to help others and serve the community. Recruiters "think outside of the box" when targeting certain groups. For example, recruiters target females by attending women's 5k and 10k road races, health clubs, and sports team events. They also reach out to minority and female leaders in the community (e.g., religious groups). They are currently attracting an applicant pool of 34% women and minorities.

The Internet is another successful tool. The NYSP website contains tutorials and instructions on test taking. According to NYSP Superintendent James McMahon, approximately 85% of applications come in electronically. Recruiters also travel far beyond the borders of New York in order to attract the most qualified applicants. The importance of recruitment comes from the top down. Superintendent McMahon commented, "I've reached out to everyone saying that recruitment is everyone's job" (Hiring Problem, 2001, p. 1).

The 1986 LAPD study also indicated that more than 50% of the recruits in the academy had decided to become police officers five or more years before they entered the police academy (Slater & Reiser, 1988). The research results signified to law enforcement administrators of the LAPD that funding in early recruitment may be beneficial. Role model/mentor programs, high school vocational education, cadet/explorer programs, and intern programs appear to have an additional benefit of generating young individuals' interest in a career in law enforcement.

### *Changing Applicant Pool*

The Bureau of Labor Statistics' 2000-2001 edition of the *Occupational Outlook Handbook* reported the following statistics regarding changing demographics of the American applicant pool:

- The number of workers between the ages of 25 and 34 is expected to drop 9% between 1996 and 2006.
- The number of workers between the ages of 46 and 65 is expected to rise 40%.

- The largest proportion of the workforce is predicted to consist of minorities and females.
- Self-employment, free agency, and temporary work are all aspects expected to be included in the shifting employee market.
- The employment of police officers and detectives is predicted to increase between 21% and 35% through the year 2008 (Green, 2000).

The above trends indicate that the traditional applicant pool of law enforcement officers (between 25 and 34) is decreasing, while the number of law enforcement officers necessary is predicted to increase at an elevated rate. Some argue that a maximum age limit of police officers (42.2 years in Illinois) is an outdated rationale. The policy is argued to result in police agencies missing out on qualified recruits desiring a career change later in life who would benefit the police service (Sherman, 1990).

Generation X members, approximately 25 to 34 years of age, make up the traditional law enforcement applicant pool. This applicant pool possesses different personal values compared to the "Baby-boomer generation," which is the generation to which most law enforcement administrators belong. The friction between law enforcement supervisors and subordinates can be generically explained by the following quote, "The independent minded youth of today, it seems, don't mix well with the rigid paramilitary hierarchy that most police agencies adhere to" (Swope, 1999, p. 33).

Generation X members are described as less interested in job stability and more concerned with upward mobility (Swope, 1999). Generation X members are further described as desiring immediate and personal feedback, while anticipating stimulating, challenging, and flexible careers. The ideal supervisor of a typical Generation X member is someone who is a performance coach that spends time developing employees' skills and asks for input, not an authoritative manager of a highly structured environment (Charrier, 2000).

The inherent structure and management of law enforcement agencies seem to be dissimilar with the generic personality characteristics of Generation X members. Following are some of the most common complaints managers have about Generation X employees:

- They ask "why" when given assignments.
- They are not willing to pay their dues to attain positions of seniority.
- They are materialistic.
- To them, a job is just that, a job. Retirement in the same job they currently hold is not that important to them.
- They have little respect for authority in and of itself. Respect has to be earned.
- They want things now.
- They are cynical (Raines, 1997, as cited in Charrier, 2000, p. 47).

Common complaints of Generation X members about their managers include the following:

- They answer questions with "because I said so."



- They give performance appraisals that are virtually meaningless.
- They display a lack of appreciation.
- They overlook unacceptable behavior from staff members.
- They ignore employee opinions and ideas.
- They fail to give feedback.
- They micromanage (Raines, 1997, as cited in Charrier, 2000, p. 47).

The differences between potential employees and their supervisors must be understood, especially when marketing law enforcement positions to Generation X members. The key is not to coddle newly hired officers or to totally de-emphasize the importance of the structure of law enforcement agencies but instead to understand these differences and possibly implement some proven successful private sector policies.

Private sector recruitment research indicates that employers change their recruitment policies in response to market conditions. When the applicant pool becomes more scarce, changes may include improving vacant position characteristics, reducing hiring standards, using nontraditional recruiting methods, and extending the search over a wider geographical area (Rynes, 1991, as cited in Cascio, 1998). Law enforcement administrators and citizen hiring boards can not be expected to lessen standards for a job that demands so much, but some other private sector strategies may be worth considering.

A few innovative law enforcement agencies have turned toward private sector recruitment techniques. Employee referral programs offer employees incentives, usually financial, for referring successful employees. The theory behind the employee referral system is that current police officers are the most knowledgeable about the job, and they possess the ability to relate realistically to potential applicants (Bennett & Hess, 1996). The incentive is usually divided in installments. Part of the incentive is given after a certain period of successful employment, while an additional installment is paid after a further amount of time. In the law enforcement field, alternative enticements to financial incentives may be implemented, if possible. Examples include paid time off or even public praise.

The city of Elgin, Illinois held an open house at police headquarters in 2000 to create interest in the policing profession. About 100 people attended the event. According to Diana Grubb, training coordinator for the department, "In the past, we'd have 500 people waiting outside" (Mowatt, 2001, Section 4). The recruitment pitch was given at the open house while guests toured the department. The open house ended with the swearing in of nine new Elgin police officers, enabling prospective applicants to witness the esteemed event. The guests were also able to talk with the newly sworn officers after the ceremony.

The economy, it seems, is only the tip of the iceberg when considering contributing factors to decreasing applicant numbers. Recruitment must be seen as an important aspect of the agency. Time and money must be invested in recruitment in order for it to yield a diverse and qualified applicant pool. The situation of smaller agencies acting as "training grounds" for new officers must be addressed. Small agencies do not have the resources to attract and retain officers. The smaller agencies are losing officers, as well as costs associated with training, to larger agencies. Issues such as consolidated testing, more equalized pay, and diversified recruitment need

to be examined by law enforcement administrators. Our communities are becoming more and more diverse. Agencies should not only reflect the communities they serve, but they also need individuals from these groups in order to create a quality applicant pool from which to select the best qualified.

Further research, including a survey similar to the ones utilized by NYSP and LAPD may provide insight to police administrators as to where recruitment resources should be allocated. Technology and changes in generations call for policing agencies to update their recruitment strategies. Agencies need not only find out what applicants have to offer an agency, but also need to inform the applicants what they can offer the prospective employee.

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# Mediation Skills for the Law Enforcement Supervisor

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The services that any organization may request of its supervisory personnel can be quite varied. Often, supervisors/commanders are called upon to assist in an ongoing conflict within the workplace. These conflicts can take various forms including conflicts between two coworkers, a coworker and a supervisor, and on occasion a coworker and a citizen. The use of supervisory individuals to resolve these conflicts appears a logical decision many times by the appropriate management authority; however, it can lead to a good supervisor very quickly getting in over his or her head. This requires the supervisory employee to appreciate the basic difference between mediating a conflict and providing support services to employees affected by a conflict. One is primarily a counselor role, that of helping people deal with their thoughts and feelings about a conflict and attempting to minimize the emotional dysfunction that can be a product of a workplace conflict. The other role is that of mediator.

The mediator's role is to create a process through which the conflict is eliminated and the effected parties learn functional conflict resolution skills in addition to solving the present problem at hand. Although the role of both counselor and mediator may seem similar at first glance, they are essentially different processes with different outcomes and means to obtain their respective goals.

Supervisors/commanders must clearly appreciate the differences and at all times be quite certain of which hat they are wearing. It is also imperative that the supervisor wears only one hat. An individual cannot begin a relationship with an individual as a counselor-type, discover a conflict, and begin assuming the role of a mediator. A mediator has no vested interest in the benefit to either party in a conflict. A mediator's role is for the benefit of both individuals by creating conflict resolution. The mediator is neither negotiator, which would be attempting to benefit one side in a resolution, nor arbitrator, which is to weigh the evidence by both sides and impose a solution. The mediator creates a setting in which the parties resolve their own conflict with a mutually agreed upon solution.

Studies have demonstrated that the majority of Americans feel that the number one ranked source of emotional stress in their life is created by conflicts in their individual workplace. Providing a process through which these conflicts are handled appropriately and effectively not only creates significantly more productive workplaces, but if the studies on stress are accurate, it produces personal lives that are more fulfilled and less reflective of strain and distress carried home from the work environment. The organization and all individual parties concerned benefit from conflict mediation.

Supervisors/commanders functioning as a mediator need to realize that conflict within a work group in and of itself is not necessarily destructive or dysfunctional. Conflict can be quite constructive if handled correctly. It can signify a need for healthy change and can be the impetus for growth of the organization. It can be

an opportunity for the parties involved to directly and truthfully communicate expectations they hold for each other that had not been directly expressed before. This nondirect or less than candid communication between parties in the workplace is often the source of many conflicts that grow far beyond the initiating cause. Competent mediation of conflict can assist in the creation of a positive work environment in which creative problem solving can take place and emotional investment in the unit productivity can be emotionally safe. Conflict that goes unaddressed or is poorly managed can rapidly create an environment of distrust, covert conflict, clique development, and a generalized air of passive hostility that can destroy the working atmosphere. Dysfunctional conflict can make employees feel at risk emotionally, produce only minimal output, and on occasion explode into uncontrollable emotional or physical rage. When coworkers are aware of an unaddressed conflict in the workplace, they can be forced to “take sides” in the issue or spend critical work time attempting to avoid the conflict—time that should be spent attempting to increase the functioning of the work organization.

The mediator needs to remember that conflict between people is in itself inevitable. It is not good or bad. The question is whether or not the conflict is competently mediated to become a functional situation or left to remain a dysfunctional entity within the workplace. “Good” workplaces, like “good” relationships or marriages, are not determined by the presence or absence of conflicts, but by the presence or absence of good conflict resolution and problem-solving skills.

Supervisors/commanders need to remember that the goal of conflict mediation is quite different than the goal of other crisis intervention types of procedures. In crisis intervention, the goal typically is to resolve an emotional issue by permitting ventilation of emotions and expression of perceptions. In conflict mediation, although some of the same goals appear to exist, the major goal is to resolve the conflict by having the conflicting parties engage in a process whereby each party hears the perception of the other party in clear, uninterrupted, behavioral terms. Unlike the counselor or crisis intervention role of the supervisor, the mediator role requires a structured authority-based format. The mediator must create the setting in which the conflict can be resolved by each party being “structured” to hear the perceptions of the individuals with whom they are having the dispute.

Conflicting parties often lack the necessary communication tools to take the conflict one step further and bring it to resolution without assistance. The workers involved in a dysfunctional conflict begin going to great lengths to avoid the individuals with whom they have the conflict. This avoidance between the conflicting parties can grow to extreme isolation between the parties and facilitate the rapid development of an atmosphere of distrust and blame. The parties avoiding each other will often take their perceived grievance to coworkers that are uninvolved in the dispute in hopes of creating allies or receiving support for their respective position in the conflict. Parties in dysfunctional conflicts are highly motivated to have coworkers perceive them as the reasonable individual who is basically a “victim” of the unreasonableness of the other disputant. Unaddressed, this type of conflict can leave coworkers feeling like they have to choose sides in a conflict situation. Although the conflict does not impact the uninvolved coworkers initially, as a dysfunctional conflict grows, the division in a workplace can destroy the morale of a unit and increase feelings of burn-out, detachment, and overall apathy to the unit goals. Conflicts that have gone unresolved in a workplace have

created situations that have ranged from economic destruction of a company or enterprise to episodes of workplace violence.

Workers many times lack the necessary communication skills to address emotional issues in the workplace. Reacting emotionally to work issues can be seen as inappropriate: "That's a personal issue, keep it out of the workplace." This thinking does not permit the situation to be self-resolving, and subsequently, suppressed feelings can lead to a continuum of emotionally driven conflict behaviors. The goal of the mediator is the creation of a setting in which each party hears the conflicting party's perspective in its entirety and at the same time has the opportunity to express his or her own beliefs, thoughts, and perceptions about the conflict situation.

The mediator's ultimate goal, however, is to have the parties involved generate a mutually agreed upon solution to the problem. The solution is one generated by the conflicting parties and not one suggested or imposed upon the disputing parties by the mediator. The solution is created by the conflicting parties; the environment that permits the solution to be generated is created by the mediator. The mediation process is different at this point from other interventions with which the supervisors/commanders might be familiar. It is not the mediator's role to make suggestions, provide emotional interpretations, or solve the problem. The mediator is basically a structurer of a situation and an instructor in providing the disputants with a problem-solving format, which is potentially available for future conflict situations.

Mediation intervention basically revolves around a two-stage process. In the first stage, the mediator has to obtain a thorough understanding of the issues and positions involved in the conflict. The second stage involves the creation of a mutually agreed upon solution by the conflicting parties and the implementation of the agreed upon strategy for resolution.

In attempting to obtain a thorough understanding of the conflict, the mediator needs to not only know what is taking place, but also to understand the degree of emotional intensity and subsequent dysfunctional behaviors that are being generated as a function of the conflict.

To someone not personally involved in a long-term dysfunctional conflict in the workplace, the issues may seem petty; however, the emotional energy invested in such a conflict can have major implications. The mediator must obtain as much information concerning the situation as possible. The mediator at this point can be at an extreme disadvantage. Where can the mediator obtain information about the conflict? How does the mediator know if the "independent or neutral" sources of the information about the conflict are themselves not involved or influenced by the conflict or by their own beliefs about the conflict? The mediator that forms preconceived beliefs or projects his or her own values into a conflict situation places his or her effectiveness as a neutral uninvolved facilitator in jeopardy.

Contamination by background information can impact a mediator in many ways. The mediator needs to remember that in many organizations, the informal pipeline or the formal chain of command both can be impacted by a conflict situation and have already chosen sides in the conflict. The information provided by these

“independent” parties may really only be an attempt consciously or unconsciously to communicate to the mediator the beliefs supporting their chosen side in the conflict. If a conflict situation is of a magnitude significant enough to require the services of a mediator, the chances are quite good that the agency head requesting the mediation has already drawn some conclusions concerning the conflict. It is even possible that the agency head is providing a biased background appraisal of the situation.

The best source of information about a conflict is obtained directly from the conflicting parties. Hearing the beliefs, thoughts, and perceptions about a conflict can best be understood when the mediator hears them directly from the individual or individuals that hold the beliefs. The idea of speaking to the involved parties themselves is generally accepted by the agency requesting the mediation with one caveat: “as long as they are seen separately.” This is a time for extreme caution by the mediator. The mediator must create a setting in which each party can express their entire “side of the story” without being interrupted or drawn into a debate with their disputing coworker about the accuracy of any given point. The mediator has a choice to make at this point in the information gathering stage of an intervention. How does the mediator hear the complete side of the story from each party? Common sense would dictate that if the ultimate goal of the mediator were only to obtain the information about a conflict, the least difficult course of action would be to interview each party separately. This decision, although easiest in the short-term, usually creates an atmosphere destructive to the ultimate goal of the mediation. It is here that the mediator needs to appreciate that the ultimate goal of the intervention is the creation by the conflicting parties of a mutually agreed upon solution to the conflict. The mediator is not merely an investigator of the facts and beliefs but an architect of the setting that permits the conflicting parties to resolve the conflict.

In virtually every case, the mediator makes a serious mistake by interviewing the conflicting parties separately. Usually, this decision is rationalized using the logic of the crisis interventionist, who has different goals than the mediator of a conflict. The decision for separate interviewing is often made because it creates a less threatening environment; it permits each party a chance to speak his or her mind without fear of attack; it lets the interventionist create rapport with each party thus ultimately leading to a facilitated resolution. These beliefs, in support of the decision for separate interviewing of the conflicting parties, might very well be valid and accurate for the investigator trying to capture independent recollections and statements of a conflict, but actually, this can spell disaster for the mediator. The course of action for the mediator in almost every situation is to bring the conflicting parties together and to conduct all mediation relevant business in the presence of all involved. Structuring the mediation such that both parties must come together runs against the logic or game plan of most dysfunctional interactions. Those involved in a conflict would often prefer to “speak about” the other party, as opposed to “speak with” the other party.

The decision to interview the conflicting parties at the same time and in each other’s presence creates the most significant initial challenge to the mediator and is in reality the central difference between mediational information gathering and that of an investigator or crisis interventionist.

The mediator, in bringing the parties together, takes the “path of most resistance” initially but is establishing a setting in which the ultimate resolution can occur. The decision to bring the parties together at the same time is based on an understanding of the dynamics behind dysfunctional conflict. The conflicting parties have been, in all likelihood, speaking about the conflict to everybody but the party with whom they are having the conflict. The conflicting parties possibly have become proficient in portraying themselves as the “victims” of the behavior of their adversary in the conflict. If the conflicting parties had the communication skills to approach each other and respectfully articulate their individual concerns while simultaneously respectfully listening to the concerns of the other party, dysfunctional conflict by definition would not exist. Respectful disagreement might possibly be present, but each party would speak and listen to the other party utilizing communication skills. That environment is self-correcting of disagreements and possesses none of the traits of the long-term dysfunctional conflict typified by avoidance, distrust, and solicitation of coworkers as allies to one respective side of the conflict or the other.

By interviewing the conflicting parties separately, the mediator permits the conflicting parties to continue to potentially engage in the dysfunctional behavior of trying to “win over” the mediator to their “side” of the conflict. Independent interviewing also ignores the fact that the conflicting parties distrust each other, possibly intensely, and are left to draw the conclusion that the mediator is “taking sides” particularly by the party not interviewed first. Separate interviewing or speaking with one party in a dispute without the other present puts the mediator at significant risk of being perceived as compromised in terms of neutrality. It also permits the parties to continue utilizing the dysfunctional communication style that permitted the conflict to be created and maintained without previous resolution. Creating an environment of direct and truthful communication that permits resolution is the goal of the mediator.

Each party can assume that everyone must have a position in the conflict. If a conflict is quite intense, parties can become so emotionally invested in their respective position that isolation from communication with the opposite party can breed paranoid degrees of distrust. By bringing the parties together, the mediator is possibly creating the setting in which the conflict is being discussed directly between the parties involved for the first time.

The mediator must not be naïve in terms of the potential demands created by bringing the parties together. Often, it can be these very demands that cause an inexperienced individual attempting a mediation to speak with each party separately. It truly is emotionally safer and less challenging, but it is also infinitely less effective. Interviewing the parties separately also permits the belief that somehow the mediator is going to “solve” the problem. The “solution” comes from the disputants not from the mediator.

By bringing the parties together from the onset of the intervention, a stage can be created that permits the conflicting parties to begin actively practicing the behaviors that will ultimately lead to resolution, as opposed to passively waiting for the mediator to solve the problem. The mediator, by definition, cannot solve the problem. Unless the solution is generated and agreed upon by both parties, whatever the mediator might have suggested would only be rejected, sabotaged,



and undermined by the conflicting parties and not embraced as their own solution. It is at this point that a mediator must continue to appreciate that it is not his or her role to assume responsibility to solve the problem. It is the responsibility of the conflicting parties to solve the problem. The mediator is creating and structuring an environment and facilitating the utilization of functional communication skills that permit the parties to move past their dysfunctional communication styles and work towards a mutual solution. The mediator cannot assume responsibility to solve the problem. The mediator cannot solve the problem, regardless of his or her skills or wisdom. Only the involved parties can generate a mutually agreed upon solution, support it, and implement it.

With both parties together, the mediator must create a functional problem-solving setting. Failure to control the setting can create a failed mediation from the outset.

The mediator must control the setting by advising the parties from the outset what the ground rules are and what behavior is expected during the mediation.

A mediator is wise to assume the authority role of an unbiased party with interest in helping find the solution to the conflict and with no interest in declaring one party a winner over the other party. A mediator is wise to assume a somewhat detached, formal status-based stature in the mediation setting. It is not the mediator's responsibility to appear cordial, informal, warm, or sociable. The somewhat emotionally distant stature by the mediator facilitates the development of the setting and maintenance of control needed to perform the resolution intervention.

It is imperative for the mediator to advise both parties at the outset of the rules:

*"I am going to ask each of you in turn to tell me your perspective on this issue. I am going to speak with each of you beginning with Party A and then I am going to speak with Party B. I will listen to both parties, and I am going to insist that while the other party is speaking to me about his or her side of the issue that you not interrupt or challenge what the other party is saying."*

The ground rules, although easy to articulate, are an ever-present challenge for the mediator to enforce during the mediation process. Each party will in all likelihood continue to practice the dysfunctional communication techniques that helped create the conflict. The mediator can expect statements by one party to be met with interrupted challenges to the accuracy, intent, and factual basis of the conflicting party's articulation of his or her respective side of the story. The mediator must be prepared to immediately respond by regaining control of the situation.

Control can be regained by restatement of the ground rules or by the utilization of more subtle responses, such as ignoring the statement of the interrupting party and continuing to interview the appropriate party who currently has the floor.

One example of a restatement of ground rules by the mediator can be . . .

*"I am listening to Party A right now; I will listen to you when he or she has finished."*

The injection of structure is absolutely necessary to create a resolution-generating environment. The conflicting parties have the capacity to manipulate, distort, and undermine the mediation process if the mediator fails to create and maintain structured control of the setting. It is at this point that the mediator must fully appreciate the defined goal of providing the structured situation. Many times, disputing parties will challenge the format and attempt almost rebelliously to not permit a rational structured process to exist.

Each party in a dysfunctional conflict wants to be the “winner” and see his or her opponent as the loser. It is the role of the mediator to create a win-win situation by facilitating a mutually agreed upon solution.

Something as simple as the room arrangement needs to be considered. Some individuals attempting to create an intervention may want the conflicting parties “face to face” to air their differences. Typically this would not be an advisable strategy, as much as the conflicting parties potentially can begin arguing “at” each other, as opposed to, speaking “with” the mediator. It is advisable for the mediator to arrange seating that takes proximity and eye contact of the conflicting parties into consideration.

The parties in the mediation intervention are to speak to the mediator not to each other.

This can be the most common loss of control by a mediator. The parties fail to abide by the ground rules, and the mediator lacks the assertiveness or skill to control the situation. Having the mediator sit between the parties is often an advisable strategy (not across the table from each other). Obviously, the setting also would need to be private and free from intrusions.

The mediator must be ever vigilant to maintain the structure and integrity of the ground rules and operating premises. A mediator must be prepared for the more subtle manipulations or distractions to the intervention. Ploys, such as parties involved in a mediation asking questions of the mediator during the intervention, can put the mediation under the control of the conflicting party.

The mediator has no responsibility to abide by the expectations of normal social conversation and to respond to questions politely. The mediator can assert control and authority by either ignoring questions directly or if needed by responding, “I am asking you what your thoughts about this are; my thoughts are not the issue we are dealing with.” A rather direct detached professional restructuring early on in an intervention can shape and maintain the necessary setting for conflict resolution.

One of the first goals of the mediator is to thoroughly understand each disputant’s beliefs and perceptions concerning the conflict situation. It is not the mediator’s role to determine the accuracy of the beliefs. The mediator is not a fact-finder. The mediator is the developer of a problem-solving setting with the disputing parties generating the solution.

A thorough understanding of both parties’ beliefs does not signify either agreement or disagreement with the beliefs by the mediator.

It is important for the mediator to remember that in a great number of conflicts, the difficulties lie not in the facts of the situation but in the beliefs about the situation held and not directly communicated by each party to the conflict. By creating a setting in which each party hears the conflicting party express his or her individual beliefs about the conflict many times is an end in itself.

The techniques of dysfunctional communication (e.g., isolation and avoidance, often leave disputing parties unaware of what the other party actually believes. Creating a setting in which each party “hears out” the other party without interruption can at times greatly facilitate a resolution in itself. It may actually be the first time that one party has heard what the other party believes. This can rapidly lead to communicating the point at which the conflicting parties “got at odds” over misunderstanding of simple behaviors.

Dysfunctional communication techniques lead to projection of intent onto the other party without any feedback loop for reality checks or “checking it out directly.” The results of such a communication style are often distrust, anger, projection of blame onto the other party, and intense isolation from any functional problem-solving techniques.

It is of paramount importance for the mediator to understand in detail each party’s position on the issue. It is best that each party be interviewed one at a time until the complete story is given before moving on to the second party. Moving point-by-point between parties at this time does not permit the mediator to either maintain control or gain a full understanding of the central issues involved. Parties, in turn, can begin by putting superficial or superfluous issues on the table to test the waters and see what happens before they risk saying how they really feel about an issue. These tests by the conflicting parties can be to determine if the mediator is going to take sides on the issues or is going to be injecting what the mediator thinks is “fair” and imposing that on the parties. Each party is given a structured and facilitated opportunity to express their side of the story completely.

It is the skill of the mediator that creates the setting, whereby emotionally charged mistrust is transformed into articulated perceptions by each party in behavioral terms. Behavioral terms means describing “what” the other party is doing specifically, not describing how the party “feels” about their disputant’s actions.

As the mediator develops the setting for each party to discuss their perceptions of the issues, careful attention continues to be needed to prevent loss of structure and control. The mediator must assist both parties in being able to express their thoughts, feelings, and beliefs in behavioral terms. This can be one of the biggest challenges to the mediator who is often working with individuals who are only reacting to their own emotional feelings about the situation and have long since abandoned any effort at attempting to articulate their thoughts clearly and objectively.

It continues to be of paramount importance that the mediator focus the conversations towards him- or herself and not let the dialogue deteriorate to eyeball-to-eyeball exchanges of accusations between disputants directly.

The facilitator must generate nonleading, open-ended questions that facilitate the speaking party in defining “what and how” is going on in the conflict situation. The mediator is wise to steer clear of the “why” of events taking place. “Why” leads to projection of emotions, values, and judgments into the situation with each disputing party attempting to vilify his or her adversary and put him- or herself forth as the reasonable “victim.” Using “What-How-When-Where” as prompts forces each party to articulate behavior and not respond with emotional tirades and accusations.

It is important that the mediator not permit the parties to discuss events from the long-term past, but to keep the parties focused on the “here and now.” Many times, conflicting parties will attempt to “muddy the waters” by forcing numerous potentially irrelevant issues into the mediation process. The facilitator needs to deal with one major issue at a time. The mediator, however, must not decide prematurely what the major issue is. Rather, the mediator should permit the parties involved to define the problem from their perspective. It is at this point that mental health professionals performing mediation often confuse mediation with psychotherapy by interjecting their interpretation of what is transpiring between the parties. Whether the interpretation is accurate or not is basically irrelevant to mediation. All that counts is that both parties are given the structured and facilitated opportunity to express their story completely. What the disputants say and hear from each other in a mediation is of primary importance because they are the parties that will generate the mutually agreed upon solution to the issue.

One of the biggest challenges for the mediator is assisting each party with expressing emotionally laden thoughts into behavioral terms. “He just does it to make me mad” would need to be responded to by the mediator with the prompting question “What is he or she doing that you believe he or she is doing to make you mad?” The question forces the speaker away from his or her own interpretations of the opposing parties intentions and forces him or her to speak in terms of objective clearly defined behaviors, “What is the other party doing?”

People often can not agree with “why” someone is doing something, but they normally can agree with “what” they are doing. The facilitator must accept each party’s perceptions nonjudgmentally. The mediator is not a judge or problem solver, but rather a facilitator of a structured process. If a given party’s version of the events in question is inaccurate, the mediator can rest assured that the disputing party will point out his or her beliefs about the inaccuracy when he or she is permitted to articulate his or her statement of events.

By utilizing active listening skills and reflection techniques, the mediator has both parties in turn, clearly and in behavioral terms, complete their respective version of the events. This process has the mediator utilizing communication skills (e.g., reflection of content, summarization of events, and reflection of emotion). The mediator can put the summarization to the test by reviewing what the respective disputants believe about the conflict. One example of this might be . . .

“John, am I correct that you are angry at Joe because you believe he intentionally leaves the equipment dirty after he uses it?”

The mediator should reflect back each major point of the disputant's side of the story before moving onto the next party. The mediator can test that each party has finished expressing his or her version of the situation when he or she responds to the question "Is there anything else you would like to add?" in a negative mode. A "No" response by each party in turn lets the mediator know that both sides in the conflict have had the opportunity to fully articulate their thoughts to the point of completion. The mediator would at this point reflect the summary content back to each party to assure individual agreement.

Once both parties have agreed with the mediator's summary of their respective problems in behavioral terms, the facilitation of the mutually agreed upon solution begins. It is important that the mediator not play problem solver and make suggestions. The mediator must elicit remedies point-by-point from the disputants. At this juncture, the mediator begins moving between parties after each specific point of the problem is addressed. This is unlike the initial information-gathering phase in which the mediator remains with one party through to completion of his or her respective statement of the issue.

The resolution is reached point-by-point in specific terms. Generalized statements of agreement by each party such as, "we'll get along from now on" are not mutually agreed solutions but rather generalized "feel good" platitudes often utilized as a means of avoiding the more behaviorally specific problem solution.

The basic question the mediator utilizes at this phase is . . .

"What do you suggest to remedy this issue?"

If either party reverts to accusations or projection of emotion onto the other party, the facilitator brings the person back to behavioral terms and focuses on the solution. At this point, the problem has already been defined, and the parties are being asked to put forth solutions to remedy the specific aspects of the situation. "What do you suggest?" can be repeated after each negative response by either party. It forces the individuals into the solution phase and away from remaining in the dysfunctional nonproductive rearticulation of projection of blame onto the other party for the problem.

The mediator must remain neutral and not project their own solutions or feelings. If the mutually agreed upon solution appears one-sided to the mediator, it is of no importance. It is not the mediator's perceptions that count, but rather the perceptions of the conflicting parties. If a mutually agreed upon solution of behavioral changes is arrived at by the disputing parties, the mediator has completed his or her major work.

Once the "solution" has been arrived at by each party, the mediator would need to get each side to "sign off" on the specific behavioral changes they have agreed to perform. "Signing off" can be taken quite literally. Many situations benefit by the mediator putting in writing the specific agreed upon behaviors that constitute the solution. Having each party read their agreed upon behavioral changes and sign the agreement reinforces the idea of contractual commitment to the behavioral change.

For some parties involved in a dysfunctional conflict, the structured communication process of competent mediation is a new experience. In order to see that the solutions are actually being put into practice, it is important that the mediator follow-up with the disputing parties after a reasonable period of time has passed. This is to determine whether both parties are in fact producing the behavioral change they agreed upon. This follow-up session not only determines if the agreed upon changes are taking place and reviews the accountability of each party, but also reinforces the concept of functional problem solving.

The mediator must remember that problem solving is a skill and that many of the parties involved in protracted disputes or dysfunctional conflict lack the necessary skills for functional problem solving. If the mediator has been successful in providing the structured setting and process to reach resolution by the parties involved, an important training and skills development process has also taken place. Both parties in the conflict have learned how to approach the other involved individuals directly and to communicate, in behavioral terms, thoughts, expectations, and perceptions about an event while at the same time, respectfully permitting the other parties involved the same privilege. Workforces that communicate and problem solve with these traits rarely find themselves unable to move past a conflict situation. Conflict begins to signify the potential for growth not the need to create angry fragmented groups of coworkers.

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# The Unspoken Dialogue: Understanding Body Language and Controlling Interviews and Negotiations

**Robert R. Rail, Instructor**

## **Introduction**

Regardless of where people come from or what verbal language they speak, they send a very clear message without ever uttering a sound. The position of their body and the placement and use of their arms, legs, head, and eyes all can give us insight into this person beyond the conversation taking place. If we know how to interpret these messages from the body, it can greatly affect our ability to understand not only the message of their words, but also the significance of what their body is saying.

We all use signals with people who cannot speak (e.g., infants or people who are ill or injured) and never give it a second thought. Too often, we forget about or ignore these signs when dealing with people who can speak. To fully understand what is taking place in front of us, we need to comprehend the total dialogue being presented not just the spoken words.

This article will help you understand and evaluate the nonverbal messages of those with whom we routinely have contact and those we encounter in the day-to-day situations that occur as part of our regular job activities. It will also provide some valuable information as to what can be done in an interview, meeting, or negotiation, whether it is one-on-one or in a group, to ensure that body language is allowing you to maintain control.

## **Body Signs of Confrontation**

### *Understanding Body Signs*

In any face-to-face meeting, there exists an almost impenetrable wall of uncertainty built on the unknown. What is in the mind of the other individual? What will he or she attempt to do? Will it be all verbal, or will there be physical confrontation? Neither party can predict what will occur in the next few seconds.

In a momentary, sweeping glance, you must identify the key areas of the other individual's body: the eyes, the arms, the hands, and the feet. Their position can reveal what you need to know so you can prepare yourself for any personal action. Do not assume or anticipate what your opponent will do. Do not concentrate on the ravings of the mouth. Learn to understand the more complex message the body is telegraphing.



## *Definition of Terms*

To place the concepts into a perspective that will be easier to understand, we will break them down into three categories: (1) neutral, (2) defensive, and (3) aggressive.

**Neutral** – The neutral person is between the positions of defensive and aggressive. They exhibit little or no emotion. The neutral person seems almost “relaxed.” Watch carefully for any changes! The body signs that signal change can be very subtle and discrete.

**Defensive** – Defensive people are resistant. It could be that they are resistant to you as an individual, what you have said to them, or what you have asked them to do. They could also be resistant to you simply for what you represent to them. Changes from defensive to aggressive are usually sudden. When dealing with a defensive person, you should try to de-escalate the situation so that their attitude goes from defensive to neutral.

**Aggressive** – These people are ready for action! There are occasions when people’s actions are nonthreatening, but more commonly, they are agitated and ready for confrontation. This confrontation can be verbal or physical in nature. Be careful when dealing with an aggressive person because verbal action often incites them to physical action. It is important to make sure your dialogue and body gestures are nonaggressive. If an individual’s position is hostile or aggressive, continue with comments and actions that will guide the situation in the direction you select.

## *What the Body Is Saying*

### *The Eyes*

The eyes are the pathway the mind follows. Wherever the eyes are focused, so is the mind. When a person’s eyes are wide open and looking at you, this could be seen as a neutral gesture. When a person is avoiding contact with your eyes and looking all over the area around you and them, this could be seen as a defensive gesture. When a person narrows their eyes and maintains direct eye contact with you, this could be seen as an aggressive gesture.

Be prepared to act to protect yourself from an individual who is continually glancing at or openly staring at a specific area of your body, such as your hands or feet. They may be trying to think of a plan to take physical control of the situation away from you. Also, be prepared to act if a person is staring at a concealed area nearby—a briefcase or a desk drawer or any other area in which an object might be hidden that could be used against you.

### *The Head*

When a person’s head is resting evenly in balance on their neck, this could be seen as a neutral gesture. When the person’s head is leaning back, trying to create a greater distance between the two of you, this could be seen as a defensive gesture. When a person’s head is leaning forward, this could be interpreted in two ways.

The individual could be seeking more information by having closer contact with you or with what you are saying. This is an example of nonconfrontational aggression. The person could also be trying to intimidate you. Both cases are considered aggressive gestures because the individual wants to take some form of action.

### *The Arms*

The position of an individual's arms can forecast possible action. Arms fully extended and hanging relaxed at a person's side generally indicate a relaxed frame of mind. When seated, the arms would be resting on the arms of the chair or on the table in front of them. These could both be seen as neutral gestures. When a person's arms are folded across the chest, it usually denotes insecurity, fear, or defiance. This could be seen as a defensive gesture. When the arms are tense and the elbows are bent, this raises the hands above the waist. If the person is seated, the hands will be above the table. Whether the hands are open or clenched in a fist, their arms could be considered to be in an aggressive gesture.

### *The Hands*

When a person's hands are open and relaxed, with their arms at their sides or resting on the table in front of them, this could be considered a neutral gesture. When a person is constantly moving their fingers or shifting their hands from the table top to their lap and back again, this could be seen as a nervous or defensive gesture.

When a person's hands are clenched into a fist or the individual is opening and closing their hands repeatedly, this is usually viewed as an aggressive gesture.

There are times, however, when a person will be so overcome with emotion that they will clench their fists. Extreme fear causes us to tighten all muscles. If they don't have someone else to grab, individuals will pull their arms in close to their body and squeeze their hands shut as tight as possible. Extreme joy causes athletes around the world to thrust their fist up in the air in a triumphant gesture. Politicians will pump their fists to emphatically drive a point home. In all cases, the emotions are extreme, and the hands are clenched in fists.

The position of the hands can also be an indication as to whether or not an individual intends to take action against you. Hands on the hips are usually defensive or defiant, similar to arms folded across the chest. Hands behind the back can send very mixed signals. If the person has a military background, this is a signal that they are at ease in your presence, and it would be a neutral gesture; however, this could also be an individual who is trying to hide something from you. Be very careful when you see hands behind the back. It is best to consider "the total picture" of body signs and weigh all of them for a more accurate interpretation.

### *The Feet*

Whether a person is standing or seated, the feet can tell a lot about their attitude. If someone is standing with their body weight evenly distributed on both feet

and neither foot is predominately forward, this could be seen as a relaxed, neutral gesture. When a person is leaning back, and the majority of their body weight is on their heels, this could be a defensive gesture. In order to make a quick attack, an individual needs to redistribute body weight over the front area or ball of the foot. This makes them more mobile so they can run from you or lunge forward at you. When a person is leaning forward on the balls of their feet, this could be seen as an aggressive gesture.

When a person is seated, the placement of their feet can be just as important as when they are standing. When the legs are positioned so the bottoms of both feet are on the floor and the lower legs are perpendicular to the chair, this could be a neutral gesture. When a seated person positions their feet directly between themselves and the individual with whom they are having a dialogue and crosses their legs above the knees, this could be a defensive gesture. When an individual places their feet under the chair so that the toe area of the foot is making contact with the floor, causing that individual to lean forward, this could be seen as an aggressive gesture.

When you are having a dialogue or discussion with an individual and that person quickly shifts one of their feet back into a position under the chair they are sitting on, this can tell you that the person is having a change in their attitude of what is being discussed and has moved into a more aggressive position. If it is a group discussion, the individual that has been silent may be gesturing that they now want to be more active in the dialogue. Try to remember what was said to invoke this reaction for future discussions. This can help you manipulate not only the conversation but also the attitudes of the people involved.

Another piece of information that can be determined from foot placement is whether a person is right or left handed. Usually, a person will put their "strong side" foot (right foot if they are right handed and left foot if they are left handed) further back for more power. This is an instinctive response so even if a person is not a "trained fighter," they may react in this manner. When seated, if someone becomes more aggressive in their speech or attitude, they change their footing, placing their strong side back, getting ready for action. Be very cautious if a person changes their foot position! This most always signals impending action.

It is important to remember that the most reliable and consistent method for understanding nonverbal messages is combining several body gestures. There will be times when you will see individuals who are between the categories or are displaying mixed messages. This is quite normal when you factor in all our individualities and cultural differences.

### *Examples of Body Signs*

#### *Example One*

You are about to interview a person who is sitting in a chair with their hands open and their arms resting on the table in front of them. They are looking right at you with their eyes wide open, and their head is balanced between their shoulders.

**This person is . . .**      Neutral                  Defensive                  Aggressive

*Example Two*

As the interview progresses, this person starts to lean back in the chair, crosses their legs, and folds their arms across their chest. Their head leans back and instead of looking at you as you speak, they start looking around the room, avoiding eye contact, even when speaking to you.

**This person is . . .**      Neutral                  Defensive                  Aggressive

*Example Three*

Further into your interview, this individual starts leaning forward in their seat, with their feet under the chair and their body leaning forward. Their hands are clenched shut and their eyes are narrowed, looking right at you.

**This person is . . .**      Neutral                  Defensive                  Aggressive

Now that you are aware of the nonverbal messages others send, it is important for you to consider the body signals you are presenting. In most situations, you should make a constant and concerted effort to display neutral body gestures. Your actions can de-escalate a situation and guide a potentially aggressive scenario to a peaceful conclusion.

***What the Hands Are Saying***

Some people use their hands a great deal when they are talking, while others are much less animated and use their hands very little. The one thing that is consistent is that we all talk with our hands to some degree. People will even use their hands while talking when there is no one else present. Have you ever caught yourself using hand gestures while you were rehearsing a speech by yourself or talking on the telephone? Hand gestures supplement verbal communication, and many times the person speaking does not realize the gestures are being used. These signals can be very informative, and they are often more reliable than the words being spoken. Most hand gestures can be divided into three basic groups, displayed at different levels of intensity: (1) palm up, (2) palm down, and (3) the palm facing the person being spoken to or vertical palm.

The palm up gesture is displayed as a supplement to verbal conversation to emphasize the comments being presented, such as "It was a lot of work . . ." or "Wow, that's bright." The palm up is also used when you are asking for or receiving information. Just as you turn your hand palm up to receive an object, you turn your hand up to take in information. Questions such as "Do you agree?" or "Will you allow them . . ." cause us to turn our hands to a receiving position. Normally, this gesture is not used with a demand or when speaking in an authoritative tone. When we are seeking cooperation and requesting information, the hands are palm up.

The palm down gesture is displayed as the reverse of the palm up gesture. It is shown as a supplement to forceful conversation or added as emphasis to an order

or command. The words that accompany this hand signal are usually blunt and precise such as "Get out of the office!" or "We will be at that meeting." A statement made with direct verbal force usually includes other body signs as well as the hand gestures. When a person points his or her finger (e.g., for emphasis or to demand action), even though most of the fingers are folded back, the palm is down.

The vertical palm is the universal "stop sign." Whether it is an index finger on the lips to silently ask someone to stop talking or an arm extended with the palm displayed to tell a motorist to stop his vehicle, the message is clear. The individual using this gesture is in a position to regulate the flow of the actions or conversation taking place, and something must cease.

The vertical palm is a commonly displayed gesture in a meeting or group situation. The person who utilizes this gesture is assuming the position of leader and will try to maintain control of the others involved. It is important to observe the level of intensity or how emphatically this gesture is displayed. This information can tell you the amount of authority the person has in that group. If a person achieves control with a slight and rather relaxed gesture, this individual is one who has command of the scene without the need to "over display." This person is also more apt to be quiet in speech and in control.

If, however, the reverse is true and you are observing someone with a lower confidence level who is trying to appear more impressive and important, most of the body gestures and especially the hand gestures will become more bold and flagrant. The volume level also becomes pronounced, and the words themselves become more staccato.

When you observe a group of people from a distance and cannot hear what is being said, hand gestures can be an important means of obtaining knowledge of the situation. Who is giving the orders? Who is asking for direction? Is anyone in the group more agitated? If you can be more aware of what you are about to encounter, you will have better control of the situation and lessen the possibility of aggression against you.

### *Extreme Circumstances*

If you are in contact with a person who has been subjected to physical or mental torture, you will usually perceive a drastically altered response. People who have been beaten or severely injured can become totally drained or "bleached" of all normal body signs, both aggressive and defensive.

Movies, television, and the entertainment industry have given us a false image of the normal response of a person who has been emotionally devastated by an incident or event. They often display such people as being extremely "hyper," overly expressive, and at a high level of reactive gestures. In most cases, this will not be true. You will notice that the response to any questioning will be extremely diminished. They will usually display little if any emotion, even to questions that should normally evoke an aggressive response. All accompanying hand and facial gestures will be muted. They will appear to be exhausted and depleted of energy. They will appear to be without emotion when, in reality, they are in deep need of professional care that should be encouraged without delay.

When people have been victims of an extreme circumstance, they rarely show open hostility toward their abuser. Open displays and threats against an aggressor are usually made by an interested third party, not the victim.

The few body signs that will surface on people who have been tortured or witnessed an incident of torture first-hand will normally be neutral gestures. The level of gestures will usually be at a consistent level—no ups or downs. There will be little change of expression or emotion throughout the entire dialogue. Most of the information will be amassed through observation and not interaction.

## **Interactive Dialogue**

### *The Conversational Distance*

Imagine that, between you and the person to whom you are speaking, there is a space into which your words fit. During most conversations, the entire dialogue takes place with one, established distance from the start of the discussion to its end, but when the emotional level changes, so does the space between those involved.

Various cultures have different amounts or degrees of “personal space.” What is important to observe is not the distance a conversation begins at, but the fluctuations of the distances between the parties while they are talking. This will give us a better understanding of the dynamics of the dialogue as we see it unfold. It will help us understand the importance of what has been said.

When people are aggressive or have strong emotional feelings about what is being said, they will lean forward, to compress the area in which their words have to travel. Also, when the item being discussed is of a personal or private nature, people will have a tendency to lean into their words.

When people are speaking, but are defensive, and think that their comments will be met with a negative reaction, many times they will anticipate the aggressive response by leaning or stepping back as they speak to avoid having the conversational distance compressed. If they feel their comments will be met with a positive response, they will lean forward or step in closer in anticipation of acceptance of their point of view.

When two individuals meet, the contact distance that quickly becomes established can tell us more than the verbal greetings being exchanged. If two people have had prior contact that was of a negative nature, the distance between them will be greater than the distance established between two friends. Another reliable body gesture that often accompanies this is whether or not the eyes narrow as the individuals extend their arms for a handshake or other traditional greeting. Narrowed eyes are a sign that the person being met is not being accepted or possibly trusted.

### *The Volume Factor*

The volume of our speech can be a vital key to our emotional state. Many times, we react to volume keys without even realizing it. Consider the common phrases

we all use in our daily lives: “Three cheers for the winner!” or “A moment of silence, please.” The circumstances in which people perceive themselves to be a major contributing factor to the volume and pitch of their voice.

Be aware of any subtle changes in the volume, speed, or pitch of people’s voices as they speak. It can reveal that what they feel is of greater importance to the circumstance at hand. The volume generated by people in a conversation will rise and fall in direct proportion to how important they think their comments are to the meeting.

When people are aggressive, they will raise their voice and become louder. This can be to emphasize a point in a discussion, or it can be in the form of a shout to a friend across a crowded room.

When an individual is agitated or emotional, the speech will not only become louder, it will also become faster. When a person is seeking to achieve control of the situation, the language of the dialogue will become louder, but the cadence will usually slow down and become more deliberate.

When people are defensive, the volume can be more subdued or quiet. Their cadence will usually be slower, as if they are thinking about every word before they say it. A common defensive speech pattern is mumbling or slowing the words and dropping the volume to a point where the words become inaudible.

What we must seek to do, under most circumstances, is to keep our volume level consistent. When needed, yield the floor to those who are eager to “tip their hand” with comments they never intended to make. Whether it is a social gathering or a business conference, be aware of not just what is being said, but how it is being said. The hidden meanings can be of great value to you when trying to assess the situation.

### *Confrontational Positioning*

Confrontational positioning refers to the stance and body placement an individual assumes when coming into contact with one or more other persons. The positioning that is taken can display safety status of yourself or others, authority level, or acceptance within the structural group.

When a person or group of people is willing to accept you, and they are in a nonconfrontational position, they will face you and be positioned toward the front of your body so you can see them. If you observe a group of people from a distance and everyone seems to be facing one individual, that person is probably the “leader” of the group. At that point in time, that person has the most authority and influence on the activities of that group.

When a group of people is not willing to accept someone into their trust or if the situation is escalating into an aggressive condition, the people will try to encompass the “outsider.” This will limit that individual’s ability to monitor everyone else’s actions. It will make the group feel superior and more in control. If you are in a situation in which you feel that a group of individuals is trying to establish an aggressive position behind your back or out of your view, try

to physically step back, keeping the majority of the group where they can be observed for any action against you.

Just as with animals, humans will try to protect the weak and the old by placing them in the center of the group. An important person or someone with authority will also be protected by the gathering. Do not assume the person at the head of the crowd is the one who is in charge. Watch the body signs of the rest of the people to determine who is the most important one.

### *The Friendly Attack*

Why do people compromise what was once a totally inflexible demand? Why do they suddenly yield to a different point of view or request? Could it be that we all place a higher priority on the body signs we see in others than we realize? Can these gestures be used to help us achieve our goals?

When an individual is involved in a form of personal contact with others, whether it is casual and random, or well-planned but difficult, our body signs clearly reflect the intent and substance of the words being spoken. If we are to successfully manipulate the dialogue, we need to learn how to control body signs and “say” what we want with discrete gestures.

When people are displaying neutral body gestures, they will be open to suggestions and willing to compromise. When the body gestures become defensive, even if it appears that they are listening to what you are saying, their mind could be busy thinking of strategies to stop you from changing their mind, and they may not be receptive to your ideas. When a person is aggressive, they will go beyond being close-minded and demand their own way. They can be so caught up in the moment that they will refuse your suggestion, even when it is simply a restatement of their own demand (i.e., a person refusing a half dozen pieces of something because he or she demanded six of them).

When people are in a defensive or aggressive posture, do not expect them to change their way of thinking to your ideas. They need to relax their state of mind to be open to new concepts. When people are defensive, they are usually trying to think of a counter measure to what you are proposing. This is the time the discussion can be swayed off the main topic to side issues that are irrelevant. Be careful not to be lead off course or to let your gestures take the deliberations in a direction they need not go.

How do we keep people neutral and receptive to our concepts? We must remain neutral ourselves. Allow the other side to speak its mind, but make sure your body signs remain neutral, even if your emotions do not. After they have stated what they want, they will see your gestures and be more likely to remain neutral and open to your ideas. If your reactions become defensive, they will become defensive, and the entire discussion will become mired down in negative feelings. Instead of working towards a compromise, both sides will become frustrated with the situation.

You can only feed your requests to someone who is willing to listen to them. By continuing to display neutral body signs, you lessen the tendency of others to slip



into a defensive state of body gestures and allow for an environment in which they will be more open to the perspective you are placing before them.

## **Manipulating Dialogue**

### *Control: Are You in Control?*

To be blunt, we need to maintain control. We must control our emotions, our actions, and the situations in which we are involved. Remember, even a mob has a leader. We need to stay focused and well grounded no matter what is occurring around us. We cannot seek to control or manipulate the other side of the conversation if we do not have control in our own team. The leadership of the team of which you are a part must be better than the leadership that is sitting across the table from you.

Control can take place in many forms. It can be extremely subtle and discrete, such as controlling the temperature of the room or the time of the meeting to better suit your personal needs. Control can be blatantly obvious, even to the point of being insulting and dictatorial. Maintain control, but do not cause the opposition to become defensive and unresponsive.

Control the direction of the interactive dialogue. Guide the participants in the appropriate direction to seek out a solution to the problem that brought you and/or your teams together. Always remember, we can talk about having a balance of authority and decision-making power in mediation and negotiation situations, but when you have a certain objective or goal, it is preferable to have that balance in your favor. Discrete control can achieve this goal without offending the other groups involved.

The organization and leadership skills you display by maintaining personal control will help your team achieve its goals and keep the discussion focused on the objectives that need to be addressed.

### *The Agenda: Better Yours Than Theirs*

Do not be confused or frightened by the word *agenda*. To put this concept into a simple definition, think of it as a list of things that both sides of a deliberation want to openly discuss at the meeting table. The list may be extremely brief, or it may be quite extensive and involved.

Whether a relationship is predicated on a written document or a casual handshake, it needs to be carefully developed and reinforced with trust. Great care should be taken to make sure any list or agenda contains items that are of interest to all concerned. This will help to ensure that everyone will become involved in the meeting and negotiations.

Be aware of the basic concept of the “good vs. bad” agenda. Simply put, our agenda is good for us; their agenda is good for them, which could make it bad for us. This perspective may seem a bit ruthless or downright inconsiderate at first glance, but it is important to hold to your own perspective throughout the

negotiations. Be careful not to win ground at the bargaining table only to lose footing at the final agreement.

Respectfully solicit written items for an agenda. Encourage both sides of any negotiation to feel that they are an equal part of the meeting and process. Remember though, that whenever you put something in writing and give it to someone else, there is a good chance you will have to live with it; however, and quite properly so, when the opposition puts something forward in its written agenda, they too can be held accountable.

### *The Other Team: Basic Personality Types You May Encounter*

Amid the vast multitude of people we will have the pleasure and total displeasure of dealing with, no two will be the same. Because we are all somewhat human, we are also unique in every facet of our lives and experiences. We do, however, have certain similarities and common traits when we interact with others. Keeping this in mind, let us examine some of the generalized types of individuals we could encounter and how they might interact with us.

#### *The Enthusiastic Misdirector*

This is a person who generally appears to be highly self-motivated and interested in every word spoken by any and all people. They have the tendency to be overly interactive with comments and questions, and with total spontaneity, they can, and will, take over the meeting or conversation by providing an endless flood of commentary. They classically will talk more and more about less and less until they have said everything there is to say about nothing.

*Body Signs* – The Enthusiastic Misdirector will exhibit wide open eyes that seem to spend more time rambling around the room than making direct eye contact with whomever is speaking. They generally are leaning forward in their chair in anticipation of adding to the discussion. Their arms will be resting on the table or placed in their lap in a relaxed manner. They spend most of their time speaking with their palms up, directing their comments to everyone in the area in a routine manner. They do not acknowledge anyone as an authority or team leader.

*Solution* – There is no polite, socially acceptable, or otherwise gracious way to intercede in this onslaught of verbal commentary, so just interrupt. As long as it is done with a smile on your face and a “Thank you for bringing that up” or “Let’s get back to *our* agenda,” you can usually regain control without offending the Misdirector. You can compliment them but make sure you display aggressive gestures to show control while doing it. You may have to become quite assertive with these gestures—even confusing the Misdirector by displaying aggressive gestures when stating neutral comments. If it becomes a severe problem, call for a brief recess. After the break, guide the meeting back in the direction it needs to go by immediately setting forth a new proposal or referring back to the agenda. The main point is that you must maintain control of the meeting and keep it going in a direction that will benefit your team.

## *The Quiet Ambusher*

This is the person who sits back throughout the meeting and lets others make statements, ask questions, and develop the strengths and openings for their side during the debate process. They may or may not be diligently taking notes in a physical manner, but be assured that they are quite aware of the topics and direction of the conversation. Some ambushers are interested in the entire dialogue of the meeting; however, most will be lying in wait for the moment their area of concern or topic of interest is introduced and commented on. Remember one extremely important trait about ambushers—they seldom ask any questions to which they do not already know the answers! Their interest in this meeting is strictly to catch you off guard in a mistake or a lie. Their efforts are not to be dealt with lightly or brushed aside.

*Body Signs* – Quiet Ambushers will sit back in silence, making direct eye contact with everyone who speaks. The head movement will be limited, but the eye movement will be in a constant state of scanning all who offer a comment. Whether they are studiously leaning forward on the table or in a relaxed “lean back in the chair” manner, in most cases, they will be taking notes on the conversation. One of the most unusual gestures this person will display is that they will ask a question with their palms down. We have said that this gesture is usually used to show force or direct a statement. Do not be confused by what appears to be a shift in displayed gestures. The words may be phrased in the form of a question, but there is a definite statement being made. This forceful question can become a focal point or a major problem if not handled properly.

*Solution* – It is the nature of the Quiet Ambusher to gather strength and power from your mistakes. Their greatest power and ultimate goal is to catch you trying to cover up the inaccuracies or conflicts you make in your presentation and comments. If you are caught in a mistake that you can admit to and still survive the meeting, it is best, in most cases, to do just that. The mistake or untruth you side step and do not directly address will have a tendency to come back and haunt you at the most inopportune moments.

Make sure your body signs remain neutral at all times. If you display defensive gestures when admitting to a mistake, Quiet Ambushers will “dig deeper” to try to find more errors. If you become aggressive, they have achieved their goal, and you have lost control of the situation. In both cases, your credibility has been destroyed, and your team’s agenda has been compromised. Stay neutral.

If “the worst thing” happens, and you find yourself in what appears to be an error, you have a limited range of temporary damage control techniques or relatable comments. “Let me get back to you on that point” or “Let’s get back to the agenda” may pacify the opposition for a brief while. If the debate starts to become heated, ask for a brief recess. If the confrontation seems to be aimed at one member of your team in a more personal manner, it may be best to have that member “called away,” and replace them for the remainder of the conference.

### *The Meeting Interviewer*

This person is more of an annoyance than the clever tactical problem the other types presented. The main negative contribution of the Meeting Interviewer is that if your side pays attention to this distractor, they will not be able to pay attention to the agenda and issues of the meeting.

The Meeting Interviewer can not only be a problem for your team, but for the other party of negotiators as well. There are several unfortunate traits that this "legend in their own mind" poses. One of the things they relish doing is being in charge of reading and, unfortunately, rereading the agenda. At any moment, the entire conference room can be thrown into a yawning fit by the individual saying, "Let's look at this again. . . ." Perhaps one of the most time consuming and boring efforts they make is the constant and incessant repeating of everything that is said. It is, of course, preceded by a comment such as "Let's see if I understand you" or "Oh! You mean . . .," and the list can go on and on. The only thing this person is missing is the background music and spotlight for the full enhancement of the unique abilities they think they have.

The amount of contribution this person makes to the meeting is minimal. There are times, however, when a Quiet Ambusher from the other side will encourage this interviewer because as you become more aggravated with their repetitious behavior, you are more apt to make changes and errors in your statements.

*Body Signs* – Meeting Interviewers are deeply involved in the debate process and generally will focus their full attention on the person who is talking at all times, even if the person is on their side of the table. It is not unusual for their own team members to gesture to this individual to be quiet. Hand and eye motions will show that they are equally annoyed with the interruptions. The Interviewer will usually be leaning forward at the table with wide eyes, constantly turning to face anyone that speaks. The majority of hand gestures displayed by this person will be flamboyant and palm up, asking and/or repeating everything said.

*Solution* – The solution to the problem the Interviewer presents is not difficult, but it is a team problem and requires a team solution. All group members must be consistent and state similar comments when challenged by this distraction. Politely but forcefully state, "Please don't interrupt my chain of thought," "Please wait until I am finished," "Please don't repeat what I have just said," or "It is a waste of *our* time to read that again." Notice, all of the above phrases are statements. We have not asked them to comment on anything. This would only give them the opportunity they are looking for to continue domination of the conversation. The goal we are seeking to achieve is their silence. The team's body gestures should remain aggressive toward the Meeting Interviewer, much in the same manner as it should be toward the Misdirector. You may not need as many comments to control the Meeting Interviewer, but the level of intensity may have to be more forceful.

### *Dialogue to "The Authority": Who Do You Talk To?*

Your time and effort will always be best spent when dealing with the person who is "in charge" of the meeting or conference you are attending. You do not want to

be placed in the position of dealing with an assistant or a person who is second in command of any negotiations. Take control of the situation by manipulating or reading the physical signs that are being displayed by the other side, and use them to your advantage.

The unofficial rules of “talk and respond” are established in the first few minutes of any contact with another person or group. If you have been advised through formal introduction or procedure as to who is in charge of the opposing team or group, then it is to your advantage to focus on that person directly. No matter which member of the other side asks your team a question, your response should be directed to the person who is leading the other team. All of your team’s responses and questions should be directed to this one individual.

To diffuse the opposition’s verbal attack on your team, whenever a question is asked, it should be answered by different members of your team on an almost rotating basis. This will keep the other team off balance and not allow them the comfort of knowing who is leading your group.

If the leader of the opposition is not introduced to you, the other side is making an effort to present a wall of defense to limit your level of effectiveness in the interchange. You must then try to determine who is in charge so your team has a focal person. Trying to determine the leadership of the other side during the actual meeting can be rather difficult. Try to be prepared for the meeting early, and discretely observe the individuals who will be involved. This will allow you the opportunity of seeing the opposition in their unguarded moments. In any case, make note of who the other team is facing when they are talking. Are they standing, or are the chairs arranged so that they are facing one person? Which speakers are talking with their palms up, and who is the one figure who is instructing the others with a palm down gesture? The actual conversation being spoken is not as important as the body signs they are giving you. You now know the individual they have chosen to be their leader for this meeting.

Be aware that the leadership role can appear to change during a discussion. If the subject matter diverts to a technical specialty, a member of the opposing team who is more qualified to answer those questions may try to step in and become the authority. Do not be swayed or lead off course. Continue to address the original leader as they will ultimately be the one to retain control.

When approaching the conference table, a good diversionary tactic for your team is to have it appear as if you have divided the leadership role. If the opposition has no one person to target, their attack will be defused on your entire team, thus making it stronger.

This method of attack and counter-attack is really quite simple. Your group focuses on one member of their team, and their efforts are defused on all the individuals of your team evenly. Your force and efforts are strongest when focused on one person or area of attack. A chain can bear great stress, but it was not designed to have one link bear the entire load.

### *What Do They Really Want?: Watching for the Subtle Signals*

You are sitting in your “vehicle of conversation” at the “spotlight of interactive dialogue,” watching the signals change and not knowing when to proceed. Let us start to put together what we have learned and apply it to the question of “what do they really want?”

As you and your fellow colleagues sit in uncertainty, watching the opposition, you will begin to notice some subtle and discrete signals that are now quite apparent to you. As their focus person, or group leader, begins to speak, you will become aware that you have a new methodology for understanding the “unspoken conversation” that is about to take place in front of you.

Visualize a picture of several members of a team sitting across from you at a meeting table. Some are fumbling through papers for notes they forgot to take. Another, looking up with a pencil in his mouth, is thinking about the vacation that is only three weeks away, and one other person, the focus leader, is reading off a list of request and demands that you are now intently trying to concentrate on. As the list progresses, you are wondering which of these items is the most important and what you should be concentrating most of your energy toward. Which items are negotiable requests, and which items are polite demands? And then, all of a sudden, you know! How did they convey this information to you? The waterfall of subtle signals said more than their spoken words.

As the person was reading off their list of items, you noticed a difference in the “whole person” by being aware of their involuntary expression changes and gestures. As the leader began to read a certain demand or request, you noticed a slight palm up gesture being displayed. They wanted your immediate approval of that item. You also noticed that the leader leaned forward in his or her chair and spoke just slightly louder as that point was presented. The intent was quite clear. This was the item of greatest importance to them. Now, your team was able to devise a strategy around this insight, and use this knowledge to better manipulate the discussion.

What if the opposite situation is occurring? What if you are the person reading off a list of demands and you want to know how the other team is going to accept your ideas? Which items will be agreed upon, and which items will be met with resistance? Let us consider this scenario. You are reading along through your “wish list” of demands and requests when you come to an item that causes an obvious shift in body gestures from three out of the four people sitting across the table from you. The first person leans back in the chair and folds her arms across her chest. This is the classic defensive posture, and this individual has just told you she does not agree with you on that issue. Another person on the other team shifts his body position toward his own leader and displays wide eyes and palms up. This person is not sure of how he should feel, and he is asking the leader to direct his thinking. The leader hears what you have read and leans back. Not only does he fold his arms across his chest, he also crosses his legs above the knees and narrows his eyes as he glares at his own associates. He is saying that not only is he opposed to what has just been said, he wants his teammates to be opposed to it too.

You must also be aware of the body gestures of members on your own team when you are in a negotiation or conference setting. When you are in an intense verbal debate and you see an esteemed colleague look at the clock and let out a quiet sigh as he leans back, looking up at the ceiling, he has just told you, loud and clear, that he is through with this part of the meeting and whatever else is discussed means very little to him at this point in time.

Remember, as you read others, they are reading you. Body gestures can develop and change very quickly. Stay alert to the nonverbal communication that is occurring around you.

### *The Gesture Mirror: Using Natural Reactions*

When we are exposed to certain circumstances, we react in a very consistent and predictable manner. How many times have you started laughing with everyone else even though you had no idea what was funny? Have you ever tried not to yawn when someone else did? People have a tendency to become a part of what is happening around them, and there is in all of us, an acute susceptibility to the “contagion of gestures.”

This gesture mirror can be used to your advantage if you are aware of it. If you are in a negotiation setting and you are having a difficult time with members of the opposing team, watch those individuals during your breaks or at times when the conditions are neutral. What do they do when they are relaxed? Is there a certain phrase or gesture they use when they are happy or cheerful? Is there any information you can gather that will make them more sympathetic to your cause or agenda? What body signs tell you that they are relaxed and open to new concepts?

When you are presenting a new item and you want them to agree with you, use their neutral gestures. Unconsciously, this will lessen their defenses and make them more open to your ideas. Bring up items you have in common and that are of concern to everyone. Use their gestures to present these ideas as well. When you finally state your demands, these borrowed gestures can make them think the concepts presented were, at least in part, their own idea.

### *Reacting to Displayed Gestures: Your Quiet Control*

Going nowhere at top speed? Are you working hard at a meeting at which you and your team feel like you are talking to people who are about as receptive as a brick wall? You just might be talking to a wall—a wall of opposition. You are trying to communicate with individuals who have constructed a barrier of body gestures to block you out. As long as they sit there unchallenged and unchanged, they will not agree to anything you present. You need to guide your team into open and receptive gestures to get through the wall of anti-communication.

Why did the other group of negotiators become defensive so quickly? Your notes and papers are spread out all over in front of you; your arms are on the table; and you're leaning forward in your seat. Your eyes are narrow, and your gaze is fixed on the opposition leader. You are ready for battle, and a battle is just what you will get. The other group is leaning back in their seats; their arms are crossed and

folded against their chests. They are looking down or around the room, anywhere so they don't have to make eye contact with you.

When we put all the body signs in writing, it becomes obvious at how aggressive our team appears to be. If not out of intimidation, the other team must act defensively just for survival. Any chance of interactive dialogue is lost.

How different would the situation be if we were to approach the bargaining table in a more relaxed manner? We still must be prepared and vigilant about our agenda, but it is important to display a calm demeanor. We need to manipulate the other side into a gesture display that will entice them into the discussion, making it more beneficial for everyone. Lean back in your chair, and make sure your arm gestures remain neutral. Keep your eye contact and facial expressions neutral but friendly. Slowly, you will see the members of the other team start to lean forward and enter into the discussion.

Do not expect an instant response from the opposition. It will take a little time for them to start to feel comfortable with you and your team, but slowly their wall of defense will start to crumble, and their body gestures will become more open or even aggressive.

If you have had previous contact or are familiar with members of the other group and had a good relationship with them, their defensive posturing will usually break down faster. If the contact you had was of a negative nature, it may be longer before they take you back into their confidence.

The contents of the conversation in the beginning of a negotiation are of little importance. The main concern is that the other side of the table is open to your ideas and has been successfully lured into the dialogue to which they were resistant. Encourage both sides to stay active throughout the negotiations to prevent the wall of defense from being rebuilt.

### *The Room: A Conducive Environment*

Most rooms are designed for a specific purpose such as dining, sleeping, or conducting business. You can usually walk into a room and, without being told, ascertain the purpose and the mood of the room by the furniture and its arrangement. In any negotiation or debate type setting, the mood of the room is just as important as the dialogue being presented.

Why do we consider some rooms "formal" and cold while others seem friendly and relaxed even before a word has been said? It is extremely important to keep the mood of the room you are using for a discussion neutral and "open" if you want an interactive dialogue to take place. We need to achieve a balance of perceived power between all people involved and remove the barriers that can cause defensive posturing.

If a room is arranged so that one individual is positioned behind a large, formidable desk with an oversized chair and the other person is ushered to a small chair with no furniture around it, you can be sure the dialogue will be very one-sided. Information will be "extracted," and orders will be given instead of ideas and



concepts being shared. If intimidation and a one-way flow of speech is your goal, this office is perfect for your needs. The only thing missing is a bright light shining in the subject's eyes and cigar smoke blown in his or her face.

If you plan to have discussions in an office, make sure that there is an area that is less formal and where there are comfortable chairs of similar size. Let it be a more relaxed setting in which visitors will be at ease and willing to "share." If people are intimidated by their surroundings, they will not be open to participation in any form of dialogue with someone they perceive to be an authority figure.

There is little difference between two people and two teams trying to have an exchange of ideas. Always consider the other group as a single entity. This will help you concentrate on the task before you and assist in removing the distractions of the multiple personalities across the table from you.

How can we set up a conference room for a proactive state of dialogue? Start by making sure the balance of power appears to be equal. Remove all articles such as banners or flags that are obvious stumbling blocks to open dialogue and defensive attitudes. The chairs should be comfortable and equal in all ways possible for both groups. The lighting should be bright enough for all participants to see, but not glaring. Rooms that are too dark cause emotions to become sullen and subdued. The table should be large enough to provide adequate surface area for the needed papers and related materials. Try to make sure that it is not too wide. If a person from one side of the meeting is trying to share papers with an individual from the other team, they must be able to reach across the table without getting to their feet. When a person has to stand up when everyone else around them is sitting, it puts them in a very uncomfortable position. Some individuals will not participate at all if this circumstance occurs. There is little difference between intimidating conversation and inaccessible documents.

Do your best to eliminate distractions. Get rid of the clocks and telephones in the room, and turn off your pagers. If the meeting is to be perceived as important, then you need to remove the interruptions within your control. As stated earlier, do not look at your watch if it can be avoided. If the meeting has time restraints, have an individual who is not involved in the negotiations be responsible for informing the group when the meeting is ending.

Make sure there are prearranged breaks in the sessions. This will help keep the mood of the negotiations from becoming more tense as the stomachs become more empty. It will also give your team time to confer for strategic purposes and allow you to reorganize if necessary. Do not be opposed to having food or drink available during the meeting. This does help keep people in a more open state of mind.

### *Conclusion: A Time for Advice*

You have been introduced into the incredible world of understanding others at an enhanced level. The pages you have just read are not merely concepts and ideas. They are truly alive in each and every one of us and have been a part of our lives even before we could speak. They remain with us as a viable form of communication even when we become incapacitated or infirmed.

When using these skills, remember to personally display relaxed and neutral body signs when dealing with others. Be attentive to what is being said, and realize that certain concessions may have to be made in any negotiation scenario. As long as these compromises are not in direct conflict with your position, be it individual or as a group, the requests should be considered. This will help the deliberations from becoming stagnant and one-sided.

In order to successfully manipulate dialogue, we need to be able to instill in others the perspectives and objectives that are important to our position. We need to remember what causes negative posturing from the opposition and avoid or eliminate further gestures that can create a defensive position.

Bear in mind that the skills you have learned need to be practiced and developed. Just as a child takes many practice steps before he or she can run, it will take time for you to perceive all the unspoken dialogue that is around us every day.

**Robert R. Rail**, a former police officer and United Nations member, is recognized as one of the foremost experts on managing interpersonal relations. He has taught his “understanding body language” techniques and methods to people around the globe. He is a frequent contributor to television and radio programs, conducting training for universities and private companies, and provides both private and corporate consulting services. For more information on *The Unspoken Dialogue* and Robert Rail, check out <[www.varropress.com](http://www.varropress.com)>.



# Detection of Deception: An Analysis of the Behavioral Analysis Interview Technique

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There is little disagreement about the importance of effective detection of deception skills for police officers; however, laboratory research has not produced results that indicate subjects can detect deception. In fact, some have concluded that the accuracy of lay people in detecting deception falls slightly above chance with accuracy rarely exceeding 60% (deTurck, Harszladk, Bodhorn, & Texter, 1990; Knapp & Comadena, 1979; Vrij, 1994; Zuckerman, DeFrank, Hall, Larrance, & Rosenthal, 1979).

Horvath (1973) investigated whether truthful subjects exhibit different behaviors from deceptive subjects during the structured pretest interview portions of a polygraph examination. He concluded that 94% of the truthful subjects and 82% of the deceptive subjects were correctly classified. This initial research eventually led to the development of the Behavioral Analysis Interview (BAI). The BAI is a structured nonaccusatory conversation in which both investigative and behavior provoking questions are posed to criminal suspects (John E. Reid and Associates, 1999). The BAI evaluates verbal, nonverbal, and paralinguistic behaviors. Horvath and Jayne (1990) developed a methodology to study verbal, nonverbal, and paralinguistic cues associated with deception. They found statistically significant differences in the scoring of truthful and deceptive subjects. In another study involving the BAI, Horvath, Jayne, and Buckley (1994) found the mean correct classification was 78% for truthful subjects and 66% for deceptive subjects (with inconclusive eliminated, 91% of the truthful and 80% of the deceptive subjects were correctly classified). Kassin and Fong (1999) used a limited version of the Reid Technique and concluded that training in the use of verbal and nonverbal cues did not improve judgment accuracy and in some cases, impaired performance.

## **The Method**

The purpose of this experiment was to explore the ability of subjects to detect deception. The study applied the BAI developed by John Reid and Associates, Inc. The subjects consisted of 52 student volunteers who were enrolled in law enforcement classes at a midwestern university. Twenty-seven students were in the experimental group, and 25 participated in the control group. The control group was randomly selected by flipping a coin and selecting odd and even numbers of students from the sign-in sheet.

## Data Collection

In order to examine the student's ability to classify subjects as truthful or deceptive, ten videotapes were selected. The videotapes were previously used in a similar study by Horvath, Jayne, and Buckley (1994). The ten videotapes were selected from tapes correctly classified by all evaluators in the 1990 experiment. The subjects portrayed in the ten tapes were suspected of committing a theft. The tapes were classified as truthful or deceptive based on a confession and additional factual evidence that supported the suspect's statement.

## Instrumentation

The research was conducted using a classical experimental design. The experimental group and control group were pretested at the same time. The experimental group received six hours of Behavioral Analysis Interview Training from John E. Reid and Associates, Inc. The control group was post-tested the day after the pretest. The six hours of training was conducted one week later. Immediately after the training, the experimental group was post-tested.

A fixed alternative survey was constructed, consisting of a single global assessment question and confidence assessment for each of the ten BAI subjects viewed on the tapes. The alternatives for the global assessment question were truthful or deceptive. The confidence assessment asked the students to rate their confidence in their global assessment of each BAI subject on the tape. The choices were presented on a Likert scale and varied from 1 to 5 with a 1 indicating no confidence and a 5 indicating complete confidence. Survey sheets were issued to the students for the pretest and the post-test. The definitions of *truthful* and *deceptive* were read aloud. *Truthful* was defined as being completely honest with the interviewer (not withholding any relevant information). *Deceptive* was defined as being less than completely honest with the interviewer (withholding any relevant information). The students were instructed to watch each tape and then score the BAI subjects on the survey sheet.

## Results

Table 1 indicates the mean of the correctly classified tapes on the pretest for the control group was 6.6 out of 10 tapes with a standard deviation of 1.6. The mean of correctly classified tapes on the pretest for the experimental group was 7.1 out of 10 tapes with a standard deviation of 1.5. In the post-test, the mean for the control group was 6.9 with a standard deviation of 1.9. The mean of the correctly classified tapes on the post-test was 8.2 for the experimental group with a standard deviation of 1.5.

**Table 1. Pre- and Post-Test Accuracies**

Measures	Mean Correct Pretest	Standard Deviation	Mean Correct Post-Test	Standard Deviation
Control (n = 25)	6.6	1.6	6.9	1.9
Experimental (n = 27)	7.1	1.5	8.2 <sup>**</sup>	1.5

<sup>\*\*</sup> Significant at the .01 level

T-tests were used to test for significant differences in the means of the correctly classified BAI subjects. No significant difference was found in terms of the pretest scores for the control and experimental groups ( $t = 1.15$ ,  $df = 50$ ,  $p < .05$ ,  $cv = 1.68$ ). No significant difference was found in terms of the control group score on the pretest and post-test ( $t = -.781$ ,  $df = 24$ ,  $p < .05$ ,  $cv = 1.71$ ).

A significant difference was found in terms of the experimental group score for the pretest and post-test ( $t = -3.23$ ,  $df = 26$ ,  $p < .01$ ,  $cv = 2.48$ ). In addition, a t-test was used to test for significant differences between the post-test scores of the control and experimental groups. A significant difference was found in terms of the post-test score of the experimental and control groups ( $t = 2.74$ ,  $df = 50$ ,  $p < .01$ ,  $cv = 2.42$ ).

The mean for the experimental group increased after the BAI training. On the post-test (after the BAI training), the experimental group correctly classified more subjects compared to the control group.

**Table 2. Pre- and Post-Test Confidence Score**

Measures	Mean Confidence Pretest	Standard Deviation	Mean Confidence Post-Test	Standard Deviation
Control (n=25)	38.4	4.5	38.3	4.4
Experimental (n=27)	37.8	4.5	42.1 <sup>**</sup>	3.5

<sup>\*\*</sup> Significant at the .01 level

Table 2 indicates the mean confidence scores on the pretest were 38.4 for the control group and 37.8 for the experimental group. The standard deviation was 4.5 for both groups. The highest possible value was 50, which is indicative of complete confidence. On the post-test, the mean confidence score for the control group was 38.3 with a standard deviation of 4.4. The mean confidence score for the experimental group was 42.1 with a standard deviation of 3.5.

T-tests were used to test for significant differences in the means of the confidence scores. No significant difference was found in terms of the pretest confidence means for the experimental and control groups ( $t = -.485$ ,  $df = 50$ ,  $p < .05$ ,  $cv = 1.68$ ). No significant difference was found in terms of the control group's confidence means for the pretests and post-tests ( $t = 1.04$ ,  $df = 23$ ,  $p < .05$ ,  $cv = 1.71$ ).

A significant difference was found in terms of the experimental group's confidence mean on the pretests and post-tests ( $t = -3.23$ ,  $df = 26$ ,  $p < .01$ ,  $cv = 2.47$ ). In addition, a t-test was used to test for a significant difference between the post-test confidence means of the control and experimental groups. A significant difference was found in terms of the post-test confidence means of the experimental and control groups ( $t = 3.43$ ,  $df = 50$ ,  $p < .01$ ,  $cv = 2.42$ ). The experimental group, which experienced the BAI training, had significantly more confidence in their assessments of the subjects compared to the control group.

## Conclusion

The results of this study support the belief that truthful and deceptive suspects have discernible differences in behavior. Specifically, this study confirmed the research of Horvath and Jayne (1990) and Horvath, Jayne, and Buckley (1994) who found that trained participants correctly scored videotape interviews of suspects. Furthermore, Ekman, O'Sullivan, and Frank (1999) concluded that federal law enforcement officers with training, experience, and an interest in detecting deception were able to correctly classify experimental subjects as truthful or deceptive at levels significantly exceeding chance. The present study suggests that the BAI developed by John E. Reid and Associates, Inc., is an effective tool to differentiate behaviors associated with truth and deception. Furthermore, the BAI training increased the confidence of the subject's to correctly classify the theft suspects. Participants who received the BAI training correctly classified (with higher levels of confidence) more theft suspects than those who had not received the BAI training.

This study cannot be generalized beyond the sample selected for the experiment. Ideally, an experimental design should be utilized to control for the effects of pretesting the subjects. The pretesting process may have affected the ability to correctly classify subjects on the post-test. Additional research is needed to confirm and expand the findings of this study. The significant relationships identified with regard to classification ability and confidence levels are worthy of further investigation in order to acquire a better understanding of the dynamics and dimensions of the skills utilized to detect deception.

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# Affirmative Action in Law Enforcement Agencies

**Raymond Rodriguez**

*I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.*

Martin Luther King, Jr. (1929–1968),  
U.S. clergyman, civil rights leader  
Speech, June 15, 1963,  
at civil rights demonstration,  
Washington, DC

## Introduction

More than 35 years after Dr. Martin Luther King Jr. uttered these words in our nation's capitol, our nation continues to struggle with the issue of equality in the workplace. At the epicenter of the debate is the role of affirmative action. The term is a lightning rod of hostile political debate, bringing with it the full force of demagoguery, vitriol and nearly pathological reaction, particularly from those at the extremes of the political spectrum.

Opinion polls indicate that a large number of Americans have the perception that affirmative action programs are synonymous with quotas, set-asides, and other mechanisms designed to further preferential treatment that benefits minorities at the expense of white males. What these polls also reveal, however, is that, in the main, voters know very little about what affirmative action actually comprises, the scope and nature of affirmative action programs, and who, exactly, might benefit from or be hurt by the implementation of these policies. It appears that public opinion regarding affirmative action policies is shaped to a greater extent by social attitudes, stereotypes, and other beliefs about women and persons of color, who are the main recipients, rather than by any objective information of affirmative action policies themselves (American Psychological Association, 2001, p. 1).

The questions before us are as follows:

- What exactly are affirmative action programs?
- How do they differ from quotas (if at all)?
- Are they beneficial or detrimental to the larger society?
- Within the context of the larger society, are they appropriate for law enforcement agencies in the recruitment and promotion process?

Although conceived of during the Eisenhower administration, the term *affirmative action* was first used officially in President John F. Kennedy's Executive Order 10925 of March 1961: "The contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment *without regard to their race, creed, color, or national origin.*" The Civil Rights Act of 1964 prohibits discrimination in the workplace. It very specifically describes what

discrimination is and the forms it takes. The Act makes it illegal to discriminate against a person on the basis of race, religion, age, gender, or national origin.

Although the text of the Civil Rights Act of 1964 appears to be fairly benign, President Lyndon B. Johnson, the chief proponent of the Act, in staking out his intentions in a commencement address at Howard University in 1965 said, "Equality of opportunity is essential, but not enough." According to Johnson, what was truly required was a transition to "the next and more profound stage of the battle for civil rights. . . . We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result" (Lund, 2001, p. 3). What is generally recognized as *classical* affirmative action, including the mandate that employers monitor the utilization of employees from target groups to ascertain if it represents the availability of talent in the community, is derived from White House Executive Order 11246 of 1965 (American Psychological Association, 2001, p. 2).

With this beginning, affirmative action was ostensibly an attempt to remedy the ill effects of past discrimination against persons of color. In its earliest forms, affirmative action emphasized the elimination of blatant discrimination and barriers to employment, recruitment, and job training. African Americans were the initial target group for affirmative action programs. By the 1970s, however, Hispanics, Asian Americans, and Native Americans joined African Americans as beneficiaries of affirmative action programs. Over time, that which was originally designed as a remedial action on behalf of African Americans underwent a rationale shift to the more nebulous concept of promoting "diversity."

There is an important distinction between affirmative action programs designed to redress past discrimination and those designed to foster diversity. With the former, there is an implicit end to the necessity for such programs; however, as the demographic makeup of the nation is dynamic, affirmative action programs for the sake of diversity appear to be never-ending.

Opponents of affirmative action programs argue that they are illegal, unwise, or unnecessary in that . . .

- "Reverse discrimination" is intrinsically tied to affirmative action programs.
- Although affirmative action programs purport to promote nondiscrimination, they, in fact, give preference to some persons over others in hiring, promotion, public contracting, and university admissions based on race, gender, or ethnicity.
- The implementation of such programs demeans those it intends to help by stigmatizing them.
- Affirmative action programs primarily benefit middle class women and minorities at the expense of those who need help the most.
- Any program that considers gender or race while picking winners or losers is, by definition, a racist program.

- Racial preferences are not morally or legally justifiable.
- Meritocracy in a colorblind society is preferable in college admissions, hiring, and promotions.
- Lowering the bar in college admissions and hiring practices has had a detrimental effect on the universities and employers using affirmative action programs.
- Institutions suffer additional costs incurred due to record-keeping related to affirmative action plans.
- Society at large suffers from distrust and hostility engendered by racial preferences.

Proponents of affirmative action programs generally cite the following as justification for affirmative action programs:

- They are a sensible remedy for addressing current discrimination against women and people of color through the use of loose goals and timetables to address disparities in school admissions, public contracting, and employment along racial and gender lines.
- They are an equal opportunity measure that allows for the consideration of race and gender in decisions relating to hiring practices, promotion, public contracting, and public school enrollment.
- Reverse discrimination is *not* involved. Affirmative action programs are designed to ensure that fair criteria are applied for all applicants.
- Affirmative action programs are a mechanism to open the process to persons who would otherwise be shut out of good schools, government contracts, and public service employment, including law enforcement officer positions.
- They are *not* for the express purpose of hiring or admitting unqualified persons. Rather, they expand the applicant pool to those who may be unaware of opportunities or might otherwise be shut out of the system.
- Affirmative action programs are *not* quota systems. Quota systems were invalidated by the U.S. Supreme Court in 1978 (*Regents of University of California V. Bakke*, 46 U.S. Law Week 4879).

With the recent change in presidential administrations, this issue is likely to be thrust to the forefront, as a sort of litmus test in the battle of political will. President Bush's cabinet level nominations of John Ashcroft and Linda Chavez, both strong opponents of affirmative action programs, signal the coming debate.

Law enforcement executives should be especially interested in the disposition because the makeup of their workforce and, by extension, their policies and organizational structures will be influenced by the outcome. For instance, community-oriented policing initiatives are only truly viable if there is diversity. It is unlikely that a

community-oriented policing strategy, which is based on open lines of communication and community trust, would be effective in a predominately African-American or Hispanic community served by an all-white male police agency.

A lack of diversity in the law enforcement workforce is cited as a factor in the abuse of minorities and racial profiling by prominent Hispanic advocacy and law enforcement officer associations (National Council of La Raza, 2001, p.2).

### **The Case Against Affirmative Action**

*It doesn't do good to open doors for someone who doesn't have the price to get in. If he has the price, he may not need the laws. There is no law saying the Negro has to live in Harlem or Watts.*

Ronald Reagan (b. 1911),  
U.S. Republican politician, president  
*Chronicle* (San Francisco, September 9, 1967)

Affirmative action programs are described at times as affirmative discrimination. There is the notion that the consideration of race, gender, or ethnicity in the decision making process inevitably leads to the exclusion of certain individuals because of their race, ethnicity, or gender (Skrentny, 1996, p. 23). Nelson Lund (2001) of The Heritage Foundation, a noted conservative think tank, points out that the original intent of affirmative action was to provide equality of opportunity and not equality of results (p. 3). However, quotas and preferences are legal, even when they deny opportunities to individuals who have not benefited from an employer's prior discriminatory acts (Lund, 2001, p. 7).

Opponents of affirmative action state that a simple policy, enacted to end discriminatory practices, has been twisted and tortured into a complex web of intellectual rationales to impose quotas and set-asides to the benefit of target populations at the expense of nontarget populations.

Opponents say that affirmative action programs cause the subordination of individual rights to group rights, which is contrary to the notion of equal justice under the law, thereby, causing serious social damage (Bennett, 1998, p. 2). A difference-blind meritocratic paradigm is to be preferred in that it stresses individual qualities, which by extension reinforces individual rights (Skrentny, 1996, p. 36).

Preferences by race, ethnicity, or gender are not legally or morally justifiable. Legally, individuals, not groups, are entitled to redress for injuries emanating from discriminatory practices because individuals, not groups, possess rights. There have been no affirmative action exceptions legislated to Title VII. Rather, exceptions have arisen as a product of executive action and judicial activism (Lund, 2001, p. 5). Morally, it is unjust to reward those who deserve no reward at the expense of those who deserve no penalty (Cohen, 1998, p. 7).

Merit should be the exclusive determining factor in decisions related to employment, promotion, award of contracts, and school admissions. In short, the most qualified person should get the job in every case, regardless of other considerations, including race, ethnicity, or gender (Skrentny, 1996, pp. 37-50).

The costs associated with affirmative action record-keeping related to recruitment, employment, and promotions exceed any possible benefit and serve only to make litigation possible (Glazer, 1998, p. 18). In fact, a newly emerged corps of affirmative action administrators has been cited as unintended beneficiaries of the programs (Cohen, 1998, p. 7).

Affirmative action programs inevitably generate inefficiencies by compromising standards. Thus, the level of public service has declined as a result of the weakening of civil service testing to accommodate unqualified members of target populations (Glazer, 1998, p. 18).

The beneficiaries of affirmative action policies, in education and employment, are destined for failure. It can reasonably be inferred that, because of lower standards for minorities, a link is created between the preferred minority and inferior performance (Cohen, 1998, pp. 6-8).

Preferences having been justified to overcome racial disadvantages, an incentive to exaggerate racism and to contend that whites are fundamentally opposed to black achievement has been created. An incentive has been created to view race as the crux of all things and to develop skill in the perception of slights. Moreover, racial preferences tend to create an expectation of a black exception from rules, obligations, and requirements (Graglia, 1998, p. 22)

Opinion polls indicate that a majority of Americans are opposed to affirmative action (Patterson, 1998, p. 38).

Opponents of affirmative action programs favor passive Equal Employment Opportunity (EEO) measures. EEO measures prohibit intentional discrimination, but do not require that employers assess whether there is unintentional discrimination. Under EEO, there are no procedures to test whether the employer has met the goal of equal opportunity. Further, categories are not looked at because there is no means of assessing outcomes (American Psychological Association, 2001, p. 4).

### **The Case for Affirmative Action**

*New opinions are always suspected, and usually opposed, without any other reason but because they are not already common.*

John Locke (1632–1704),  
English philosopher  
Dedicatory Epistle to  
an Enquiry Concerning  
Human Understanding (1690)

Proponents of affirmative action believe that members of disadvantaged groups should be represented in employment in proportion to their representation in the community. The belief is that members of historically disadvantaged populations are entitled to intervention because racism has decreased the depth and breadth of economic, social, and cultural capital inherited from their ancestors. As a result, extraordinary measures must be taken to provide for equality of opportunity.

Merit is not simply an attribute a person is born with; it is built on social processes, which have racial or ethnic dimensions. Unconventional selection methods and recruitment and training efforts aimed at targeted groups are legitimate undertakings to develop talent and avoid permanent disparities (Loury, 1998, p. 31). Proponents point to the fact that merit is not a simple thing to measure. For instance, in college admissions, athletes and those with musical or artistic skills are routinely admitted even though they might be lacking the requisite GPA or SAT rankings to qualify for admission at large.

At least one study indicates that only 37% of the sample found employment through a formal meritocratic process, such as direct application to an advertisement or an employment agency, while at least 57% found employment through personal contacts (Skrentny, 1996, p. 60).

Proponents of affirmative action point to the veteran's preference and nepotism as two realities that invalidate a strict merit-based ideology. The veteran's preference is a widely accepted affirmative action program for veterans, particularly in civil service appointments, including law enforcement (Skrentny, 1996, pp. 37-50). Nepotism, they say, is also contrary to the concept of meritocracy. Blood relation, like race, national origin, and gender is an accident of birth, but employment based on nepotism has been taken for granted throughout history (Skrentny, 1996, pp. 51-57).

The difference-blind paradigm, while consistent in a legal sense, is neither morally nor politically sound. This model would require the discontinuation of all racial, ethnic, and gender classifications associated with the collection of government statistics. The compilation of such demographic statistics, however, is a vital government function (Commentary, 2001, p. 32).

In widely publicized reports, we find that by the year 2030, non-Hispanic whites will no longer be in the majority. A change in organizations, particularly in the diversity of the workforce, must come about to meet the needs of an increasingly diverse population. This change will require a change in organizational culture, which can only be brought about through a diversification of the workforce to reduce current prejudices.

A change in organizational culture is not only about learning new skills and concepts, but also about unlearning things that no longer serve the agency well (Schein, 1996, pp. 63-64). A manager's ability to manage change will greatly impact his or her effectiveness in meeting these needs (Martel, 1986, pp. 27-28). Martel (1986) in *Mastering Change* explains that change is primarily about dealing with the future rather than the present:

This task requires a wholly new way of dealing with the future. It often requires going against advice that is rooted in experience. It means questioning the "tried and true" and discarding precepts that have provided guidance in the past. It calls for opposing what passes as the "common wisdom" and overcoming the temptation to fall back on habitual remedies. It requires, in short, a revolution in thinking, away from past continuities and toward future changes (p. 28).

Public opinions polling support for affirmative action programs are influenced a great deal on how the polls are worded. Most Americans are not opposed to affirmative action; they are opposed to quotas and unqualified racial or gender preferences. In fact, polling indicates that 80% of white workers strongly support the affirmative action programs in place at their place of employment (Patterson, 1998, p. 39).

While opponents point to an inevitable decrease in efficiency associated with affirmative action, controlled experiments have shown that ethnically diverse groups are more creative and exhibit better problem-solving ability than homogenous groups (Long, 1996, p. 107). Further, there is ample indication that academic standards have risen since the implementation of affirmative action programs (Weber, 1996, p. 44, 46, 56).

According to the American Psychological Association (2001), affirmative action programs, rather than passive EEO polices, are still needed for two reasons:

1. "A series of laboratory studies have shown that almost all people have trouble detecting a pattern of discrimination unless they are faced with a flagrant example or have access to aggregated data documenting discrimination . . . Aggregated data are needed, therefore, if decisionmakers are to correct imbalances before they become flagrant."
2. "Data indicate that biases against minorities and women that humans show in laboratory settings are reflected in real-world practices . . . the Federal Glass Ceiling Commission, for example, [reports] a large portion of minorities and women are locked in low-wage, low-prestige, and dead-end jobs" (p. 3).

This last statement is reinforced by data reported by the American Psychological Association (2001):

- Based on 1994 data, women earn 72% of men's salaries, even after adjusting for work experience, education, or merit.
- Based on 1992 data, at comparable levels, black men with professional degrees earn 79% of the salaries of white men, while black women earned 60% of the salaries of white men.
- Proportionally, fewer women and minorities are promoted to senior management positions.
- A 1990 Urban Institute study, which compared pairs of white and black job applicants with identical qualifications, revealed that unequal treatment of blacks was entrenched and widespread.

Specifically related to law enforcement, a report from the National Council of La Raza (2001) indicates that in Florida's Miami-Dade county, whose population is nearly half Hispanic, only 14% of supervisory personnel are Hispanic (p. 1).

Proponents favor affirmative action programs because they require employers to take steps to ensure that they are achieving the goal of equal opportunity



in employment, monitoring their progress, and establishing data collection to determine whether employers have been successful in meeting the goal of parity. Further, affirmative action requires that employer goals be based on demographic employment data (American Psychological Association, 2001, p. 4).

## **Summary**

The striking thing about the literature on this issue is that it becomes clear that there is no universal agreement as to what the term *affirmative action* means. Generally, opponents of affirmative action believe that illegal, immoral, or unwise quotas, based on race, ethnicity, and gender are prevalent throughout education, contracting, and employment to the detriment of the majority and society as a whole. Conversely, proponents of affirmative action policies generally believe that affirmative action is ostensibly a mechanism for the reparation of racial discrimination and gender inequities and that its purpose is to ensure proportional representation in education, employment, and contracting to the exclusion of the concept of merit.

The arguments advanced by opponents of affirmative action policies revolve, principally, around the concept of reverse discrimination, the detrimental effects to nontarget populations, and the lack of moral justification. More specifically, they espouse a strict meritocracy to eliminate the inevitable inefficiencies inherent with affirmative action policies and feel that the costs associated with compiling the data required by these policies outweigh any possible benefit. Further, opponents point to the negative consequences for the recipients of affirmative action, principally, the link created between preferences and inferior performance and the unrealistic expectation of beneficiaries that rules, obligations, and requirements simply do not apply.

Proponents of affirmative action programs principally argue that the concept of merit, as advanced by opponents is an illusion, pointing to the role of personal contacts, nepotism, and inconsistencies, such as the veteran's preference. They state that the goals of affirmative action programs, reparations for past discriminatory practices, enforcement of anti-discrimination laws, and the advancement of diversity are morally sound as well as legally constituted. Furthermore, they point to the fact that scientific data indicates that there has been no measurable negative performance as a result of affirmative action policies and that scientific studies indicate that these policies are still needed.

## **Conclusions**

Although opponents of affirmative action acknowledge the authority of the courts in ruling on Title VII cases, they believe that many of the remedies imposed are rooted in judicial activism. A court-ordered remedy may only be imposed in cases of proven past discriminatory practices. By circular logic, they conclude that court-ordered quotas are unfair if the remedy is a benefit to anyone but the individuals who suffered by the discrimination, and furthermore, that no person should suffer the negative impact of the remedy unless they benefited by the prior discriminatory practice (Lund, 2001, p. 6).

At first glance, this appears to be an equitable line of thinking; however, taking this line of thinking to the next level, to redress a single incidence of discrimination, it would be necessary for the offending employer to fire a current employee to make a place for the victim of discrimination. This would be especially problematical in law enforcement and other civil service agencies, in which a property right exists in employment and a burden of cause for termination must be met. Worse yet, imagine the ramifications of a remedy to rectify a pattern of long-standing discriminatory practices under this model.

Opponents of affirmative action paint a wholly different picture of the state of things than those who favor affirmative action. Many of the arguments for both sides are made from a mostly intellectual or moral perspective with very little discussion of the legal precedents that interpret the controlling legislation. The reason that very little is made of the relevant legal decisions is that they do not favor either side and in effect, render many of their arguments moot and in many cases, disingenuous.

The debate on this issue is obfuscated by an inability of the opposing parties to agree on what the term *affirmative action* means. The fact is that affirmative action is defined by the legislation and legal precedents, but that definition would take most of the thunder out of both sides' persuasive arguments.

In *Regents of University of California v. Bakke* (1978), a case in which a white applicant was twice denied admission to medical school in favor of less qualified minority applicants, the U.S. Supreme Court invalidated a "quota" system. In announcing the decision in this case, Justice Powell unequivocally laid out the Court's position on racial quotas,

If petitioner's purpose is to assure within its student body some specified percentage of a particular group merely because of its race or ethnic origin, such a preferential purpose must be rejected not as insubstantial but as facially invalid. Preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake. This the Constitution forbids.

Affirmative action programs and activities administered by public institutions and government agencies are directly subject to the "strict scrutiny" test to determine their constitutionality.

In the 1980s in two decisions, one of them education-related, the Supreme Court sought to define "strict scrutiny" to which the Constitution subjects voluntary race-conscious decision-making by state and local public entities. To satisfy the Fourteenth Amendment issues, the court held that such actions must be "narrowly tailored" to serve a "compelling governmental interest."

In *Wygant v. Jackson Board of Education* (1986), the court disapproved, as a justification for race-based layoffs, the objective of providing minority faculty role models for public school students in order to remedy general societal discrimination. The court, however, upheld the objective of overcoming ongoing effects of identified past discrimination and confirmed that a school need not be

subject to a finding of past discrimination or admit that it discriminated in the past to adopt a voluntary affirmative action plan.

Concurring, Justice O'Connor observed, "The state interest in the promotion of racial diversity has been found sufficiently 'compelling,' at least in the context of higher education, to support the use of racial considerations in furthering that interest."

In *City of Richmond v. J. A. Croson Co.* (1989), the court applied the same strict scrutiny test to invalidate a local government's minority contracting set-aside program, finding no "strong basis in evidence" that could justify remedial action. The court declared the set-aside unrelated to any proven harm to minorities and criticized the city's failure to consider race-neutral alternatives.

Where race discrimination has been pervasive or obstinate, the Supreme Court has endorsed far-reaching and numerically rigid affirmative action measures. In *United States v. Fordice* (1992), the court gave approval to judicially mandated race-conscious measures to remedy state-sponsored segregation in higher education. In that context, other courts, too, have approved race-based admissions goals and race-exclusive scholarships. In *United States v. Paradise* (1987), which involved a stubborn refusal by the Alabama State Patrol to admit blacks, the court identified five factors to be considered in evaluating whether an affirmative action plan is narrowly tailored:

1. The efficacy of race-neutral alternatives
2. The projected duration of the plan, including provisions for periodic review
3. The relation between numerical goals and the representation of minorities in the relevant population
4. The flexibility of the plan, including provisions for waivers if numerical goals cannot be met
5. The nature and extent of the burden on innocent third parties

Two other key Supreme Court decisions since *Bakke* have upheld employment-related affirmative action plans. *United Steelworkers v. Weber* (1979) sustained private, voluntary preferences for minority workers in a traditionally segregated job category. The court reasoned that interests of nonminorities were not unnecessarily involved, the program was temporary, and it was "not intended to maintain a racial balance, but simply to eliminate a manifest imbalance." In *Johnson v. Transportation Agency, Santa Clara County* (1987), the court approved a public employer's affirmative action plan where there was a "manifest imbalance" with regard to women in skilled craft jobs. The plan was flexible and eschewed "rigid numerical standards"; rights of nonminorities were not encumbered; the plan was temporary; and it was intended to attain, not maintain, a balanced workforce.

Federal District Courts have also decided a number of affirmative action cases specifically related to law enforcement agencies, including a consent decree in which the Virginia State Police agreed to employ African-Americans in a 3 to 10

ratio and women in a 1 to 4 ratio to remedy previous discriminatory practices [*U.S. v. Virginia State Police*, U.S. Dist. Ct. (D. Va. 1982)]. In *U.S. v. North Carolina Highway Patrol*, the agency settled a race discrimination suit with a 50/50 hiring goal and promotional preferences [U.S. Dist. Ct. (D.N.C. 1980)].

Federal Appeals courts and state trial courts have become involved as well. A Federal Appeals Court struck down a 50/50 affirmative action plan for sergeants in which white officers in the 90<sup>th</sup> percentile were passed over for African Americans below the 50<sup>th</sup> percentile [*Middleton v. City of Flint* (6<sup>th</sup> Cir. 1996)]. In a local case, the Circuit Court of Cook County enjoined a dual promotional list scheme. In this case, the Chicago Police Department was required to follow civil service test score rankings [McArdle v. Rodriguez (1995)].

These decisions are critical because they document the procedural standard for evaluating the constitutionality of affirmative action policies. In short, affirmative action policies must satisfy the most stringent of judicial oversight standards, that being "strict scrutiny."

To be legal, an affirmative action policy must be "narrowly tailored" to remedy a "manifest imbalance" and must serve a "compelling government interest." In short, the procedural weighing standard allows race to be considered as a factor, but not the sole or primary factor, in an affirmative action program, and the procedural effects standard requires that affirmative action programs must be appropriate to a documented level of discrimination (American Psychological Association, 2001, pp. 6-7). Thus, the argument that quotas may be indiscriminately applied is not consistent with controlling legal authority.

Proponents of affirmative action programs would be disappointed to learn that they may not consider historical discrimination but may only consider current discriminatory practices. Furthermore, it is clear from the case law that affirmative action policies may not disregard unambiguous, explicit qualification criteria to favor women or minorities.

It is ironic that while the debate rages on the issue of affirmative action, the concept of diversity is being embraced by corporate America. Three quarters of America's 50 largest companies employ a director of diversity. Only 4% of polled executives offered egalitarianism as the reason; almost half said it was a business need; and 38% cited competition as the issue. The issue for corporate America is the ability to compete in a demographically diverse market (Long 1996, pp. 106-108). Currently, white males make up only 45% of America's workforce. Further, it has been estimated that at some point between 2020 and 2030 non-Hispanic whites will no longer be a majority in this country.

Public service employers are not burdened with competition or market share, so a failure to respond to changing demographics affects them in the area of credibility rather than the bottom line. This is especially true regarding law enforcement agencies. Even outspoken critics of affirmative action such as John O'Sullivan (1998) of the *National Review* recognize that law enforcement is a special case in that race or ethnicity is a bona fide qualification. Heady words from one who, with regard to affirmative action, has stated, "There are no good effects that can be traced to it—none, nil, nada, zero" (pp. 33-36).

Law enforcement agencies must be dominated by representation as well as excellence. A manifest test of the legitimacy of the government, police departments in particular, is the extent to which citizens accept that it is made up of persons with whom they can identify (Commentary, 2001, pp. 13-53).

It is important that significant parts of the community participate in the servicing law enforcement agency for more than just the legitimacy and comfort factor. A diverse population requires a diverse agency to meet the needs of the community. As the population becomes increasingly diverse, so do the cultural difficulties faced by the police department. Language barriers must be overcome; cultural differences and religious beliefs must be understood and considered in seeking solutions to community problems.

It follows then that an organization's structure and composition must be formulated to meet the needs of the mission, which is determined by the character and demographics of the community. Issues related to the composition of an agency are addressed in the recruitment process. Police departments across the county are experiencing recruiting deficits at least in part because they cannot compete with private industry's higher entry-level salaries, more casual work environment, and shorter term promotional potential (Tate, 2000, pp. 78-81). Another, increasingly important issue in recruitment is diversity in the workforce (Long, 1996, pp. 105-108).

The fact is that, given the current recruitment dilemma in law enforcement, coupled with the paradigm shift from the professional police model to community-oriented policing, it only makes sense for law enforcement agencies to recruit nontraditional candidates in nontraditional areas. It is just this sort of outreach that is at the heart of affirmative action policies.

As to the notion that affirmative action policies inevitably lead to inefficiencies and decrease the level of public service, it should be noted that there is scant evidence to support this contention. In fact, scientific studies indicate that the opposite is true:

- Two field studies of manufacturing and law enforcement agencies did not reveal any drop in organizational performance as a result of the implementation of affirmative action policies.
- Formal performance appraisals of minorities in organizations failed to reveal a significantly lower performance level as compared to whites (American Psychological Association, 2001, p.9).

As for the argument that affirmative action unfairly stigmatizes minorities, there is truth in this argument (American Psychological Association, 2001, p. 8). However, according to Eric Foner (1995), "People who claim that affirmative action stigmatizes its recipients are influenced by the notion that the 'normal' American is white and that blacks who hold traditionally white jobs are interlopers" (p. 1).

If any consideration of race were inherently racist, as espoused by opponents of affirmative action, it would serve to invalidate social science research, in which demographics are used as variables, as racist propaganda.

Affirmative action is a legal mechanism designed to monitor for discriminatory practices, which the relevant social science research, though scant, reveals is still needed. It is clear that for many reasons, including changing demographics and the propensity of organizations to violate the law, affirmative action will be with us for some time to come, as well it should be to ensure a level playing field for all Americans.

### Student Views

*They use thought only to justify their injustices, and speech only to disguise their thoughts.*

Voltaire (1694–1778),  
French philosopher, author  
Le Chapon, in *Dialogues*,  
“Le Chapon et la Poularde” (1765)

While the arguments of those against affirmative action, particularly those centered on the concepts of meritocracy and the colorblind society tease my intellect and evoke a sense of contentment, my pragmatic nature leads me to the conclusion that those concepts have a great deal to do with the way things ought to be and not very much with the way things are. The notion that the current condition in this country is either colorblind or relies on a system of advancement based strictly on individual ability and achievement is either ridiculous, insidious, or naïve.

Two generations after the major civil rights initiatives of the 1960s, one need only to observe the current state of things to realize that race, ethnicity, and gender continue to be factors in this society. If you think this is not the case, please consider the following:

- During the 2000 Presidential election, much was made of courting the black vote, the gender gap, and levels of support for the candidates among Hispanics.
- A 1991 National Opinion Research Center poll indicated that a majority of white Americans believe that minorities are lazier, more prone to violence, and less intelligent than whites (Long, 1996, p. 118).
- The cases against O.J. Simpson and the white police officers charged with beating Rodney King prove that jury nullification along racial lines is a viable defense strategy in criminal trials.
- Eighty-seven men and 13 women comprise the current United States Senate. Not one is African-American or Hispanic.
- The sitting President and Attorney General of the United States both gave addresses at Bob Jones University, a school with prohibitions against interracial dating and anti-Catholic sentiments.
- The current hot button issue in American policing is racial profiling.

I find it curious that those who thump their chests the loudest today for the concept of the colorblind society today are those who vehemently opposed the Civil Rights Act of 1964 and other civil rights initiatives. They wrap themselves in the pleasing rhetoric of meritocracy and colorblindness while decrying the costs associated with and pleading for the end of the maintenance of all these “Balkanizing” statistics. They favor EEO statements, empty rhetoric though they may be, at places of employment. Who could reasonably argue with that sentiment? They have the advantage, and they know it, so they invoke the words and ideas of those who sought change to maintain the status quo. They are secure in the knowledge that it is much easier to discriminate against individuals than against a group, particularly if no one is paying attention.

Embracing the passive EEO model without maintaining statistical employment data and declaring the end of discrimination would be akin to pointing to the criminal code, eliminating law enforcement and the courts, and declaring that crime in all its forms is over simply because we have a policy against it.

*Nothing in the world is more dangerous than sincere ignorance and conscientious stupidity.*

Martin Luther King, Jr. (1929–1968),  
U.S. clergyman, civil rights leader  
*Strength to Love*, pt. 4, ch. 3 (1963)

Are quotas and set-asides the answer? No, unless through a consent decree or ordered by a court to remedy proven discriminatory practices. Quotas absent cause are contrary to the basic ideal of affirmative action. The notion of quotas and set-asides are what give life to the questions of whether a person is in a position because they deserve the position or merely because they are a member of a particular group.

Those who fall into the camp in opposition to affirmative action on the grounds that it is unfair to subject a person to the doubt of others associated with holding a particular job or position need to understand that this justification is simply a more politic way of stating that women and members of subjugated minority groups should stay in their place for their own good. One need only question if they would prefer to be resented for the position they might hold or be fully accepted in a position of less influence, responsibility, or remuneration to know the answer. What police chief, tenured professor, or CEO would prefer a clerical or custodial position for the warm and fuzzy feelings of acceptance?

The arguments of the opponents of affirmative action sound rather compelling taken separately. The notion that affirmative action, in the form of illegal and immoral quotas, has caused resentment in nontarget populations seems logical if taken at face value. They also argue that lower standards for and the resulting unrealistic expectations of target populations have created a stereotype of inferiority. The next step in the circular logic chain is that affirmative action is not the result of but the cause of racism and sexism in America.

*All animals are equal but some animals are more equal than others.*

George Orwell (1903–1950),  
British author  
*Animal Farm*, ch. 10 (1945)

It has been suggested that if affirmative action were to be eliminated at colleges and universities, the net result would be that enrollment would decline at only the most competitive schools and that marginally achieving African-American and Hispanic students would be better served attending schools with less demanding entry criteria (Chavez, 1998, p 5). Furthermore, many suggest that the institutions themselves would be better served to accept only those meeting stringent criteria. Really. The difference between race or gender-based admissions and the legacy admission is one of semantics. After all, isn't a legacy admission and the gentleman's "C" an affirmative action program designed to benefit the otherwise underqualified white scions of an institution's alumni?

The fact is that power and influence emanate from power and influence. Take a look at the academic institutions attended by the Presidents in the latter half of the 20th century. Our latest election came down to contest between Al Gore, a Harvard graduate whose father was a U.S. Senator, and George W. Bush, a Yale graduate whose father is a former Senator and President. Ivy league, elite military academies and first tier land-grant universities dominate. The latter case is truly ironic in that land-grant universities were instituted as an affirmative action program for white rural America.

Why is the education issue important, particularly for law enforcement? An axiom of American thought has long been that education is the key to success, and it has been a goal of law enforcement since the early days of the law enforcement assistance administration to raise the level of formal education of officers. Neither, however, will do much to provide diversity, unless systemic discrimination is eliminated. Law enforcement recruitment of minority officers to serve the needs of minority communities is a fine short-term goal. The ideal, of course, would be for applicants to compete for jobs in all communities without regard to race, ethnicity, or gender. Unfortunately, we are not at a point in the evolution of our society for that to happen, and we are not likely to get there unless the debate is framed by the middle ground rather than the polarizing extremes.

The tragedy is that the original intent of affirmative action was to level the playing field, but the current polar extremes on this issue both seem to be intent on running a down hill race. At this point, legally constituted affirmative action programs are necessary to keep both sides honest. This is especially true in law enforcement agencies, whose effectiveness is contingent on a community perception that they are fair and following the rules.

I find that my views on this subject do not comport with either of the polar extremes of thought expressed in the current literature. No lasting effective solution can be based in extremism. Most of the literature seems rooted in the political expediency of energizing core constituencies and are justified with anecdotal case studies, peppered with euphemisms and written in a bombastic proselytizing style. In fact, the tone of the debate, coupled with the pundits lack of understanding or lack of veracity on the subject reminds me of a quote from Shakespeare's *Hamlet*: "It is a tale, told by an



idiot, full of sound and fury, signifying nothing.” As a nation, we would be better served with more objective information and practical solutions based on scientific research such as the work done by the American Psychological Association.

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# Feeding the Insatiable Beast: Media Relations and the Chandra Levy Case

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The mysterious disappearance last spring of federal intern Chandra Levy—with few clues, little physical evidence, and no apparent eyewitnesses—produced an enormous investigative challenge for the Metropolitan Police Department of Washington, DC. Compounding this challenge was the intense, really unprecedented media interest generated by the case. How the MPD managed media relations in this environment of almost insatiable public interest and constant media scrutiny offers some valuable lessons to other police agencies that may face similar high-profile cases in the future.

The Chandra Levy “media” story began on May 11—12 days after she was last seen in public and five days after she was reported missing to the police. Unremarkable, seemingly routine, seven-paragraph stories on Ms. Levy’s disappearance ran inside the Metro sections of both *The Washington Post* (NW Woman, 2001) and *The Washington Times* (Woman Missing, 2001). Within two weeks, following indications of an unspecified relationship between Ms. Levy and California Congressman Gary Condit, there were round-the-clock stakeouts of Mr. Condit’s Capitol Hill office and Northwest DC apartment and literally dozens of news reporters, producers, and videographers assigned to the story full time. By early June, Chandra Levy’s disappearance was the subject of 10 or more hours of news coverage a day on the major cable TV networks, and on many days, it was the lead story on both local and national news. With little else on the media’s radar screen, the blanket coverage of the story continued—even accelerated—throughout the summer, right up to the morning of September 11, when terrorists attacked the World Trade Center and the Pentagon.

For the MPD, the Chandra Levy case meant a barrage of media interest—hundreds of media calls, interview requests, stake-outs, and impromptu briefings every week. Being the primary law enforcement agency in the nation’s capital, the MPD has extensive experience handling major events and stories, but the media onslaught associated with the Levy case was unprecedented in both scope and intensity.

## **The Challenges**

From a media relations perspective, the Chandra Levy case presented the MPD with five major challenges:

1. **Size and magnitude of the story.** The Levy case involved multiple players—not just the police and the missing woman as is typical in most cases, but also politicians, lawyers, PR consultants, media-savvy family members, neighbors,

constituents, private investigators, and various “experts.” Just about anybody with an opinion on the case could find an outlet for airing that opinion.

The story was reported on and driven by a diverse mix of media outlets, all operating in an fiercely competitive news environment. Obviously, cable network and local television news devoted extensive resources to the story, but so did network TV news; print media from DC, New York, and northern California; Internet sites; and the tabloids. In some respects, the Chandra Levy media story prompted the tabloids to become more “mainstream,” while the mainstream media at times went “tabloid.” Many of the significant news developments in the story were broken by the tabloids and subsequently reported on by the mainstream media.

The presence of so many out-of-town reporters created particular challenges for the MPD. Part of the challenge involved dealing with the sheer volume of so many additional reporters. Equally challenging was the clear differences in style and approach of some of the out-of-town reporters. In one example, a Bay Area print reporter walked into the MPD’s Public Information Office (PIO), saw one of the unit’s officers on the telephone, and immediately shoved her tape-recorder in his face, assuming he was discussing the Levy case (he wasn’t). She did not want to miss any tidbit of information. Explaining the MPD’s media relations “rules of engagement” (sometimes, rules of common decency) was an added and unexpected burden on PIO personnel.

Over the summer, the story increased in size and momentum not only because of the involvement of Congressman Condit, but also because of the Congressman’s own media strategy. His decision not to publicly comment on the case for most of the summer and then to grant interviews to only selected reporters and news outlets, prompted ever-increasing speculation on his possible involvement in the case—and ever-increasing coverage of the case in general.

Ironically, the biggest challenge facing police departments in most missing persons cases is getting the news media to provide even a small bit of coverage to the case. A brief mention and a photograph are usually considered a victory for police PIO personnel. While the amount of coverage was not an issue in the Levy case, keeping people focused on the missing person investigation, not the numerous side issues, was at times difficult.

- 2. Managing the flow of information.** One of the primary “rules” of PR is to “feed the media beast”—give reporters at least some information. In the Levy case, the media’s appetite for information far exceeded what the police could supply—especially in an active investigation in which some information could not be disclosed. The MPD was alternatively criticized for providing too little and too much information. Some critics interpreted the perceived lack of information as representing a lack of investigative vigor. Some who criticized the department for providing too much information accused MPD officials of “showboating.”

Regardless of what the MPD released officially, there was never a shortage of information on the case. In fact, one of the biggest information management challenges for the MPD was dealing with the media’s tendency toward

over-reporting and “pile-on journalism.” By early June, media outlets were aggressively reporting on each and every new revelation, theory, nuance, and rumor, and they always sought the MPD’s official response to those reports. “Pile-on journalism” refers to the practice of media outlets reporting on other news organizations’ stories—whether they are factual or not—giving legitimacy and momentum to issues that often didn’t deserve the attention.

For example, when *The Washington Post* reported that Congressman Condit had had an affair with a California minister’s daughter when she was 18 years old, other media organizations accepted the report as fact (Minister Says, 2001). *Time* magazine gave the report prominence in a particularly lurid July 23 report (Sex, 2001). Ironically, *The Washington Post* had reported two days earlier that the minister had recanted his original story of the alleged affair (Minister Recants, 2001).

One other information management challenge involved dealing with the media’s rush to judgment on the case. Reporters wanted a “theory.” They wanted a “suspect.” They wanted a complicated and mysterious case to be delivered in a simple and straightforward set of facts that just didn’t exist. This led to extensive reporting and analysis of whether Congressman Condit (or anyone else) was a “suspect.” Chief Ramsey and others continually explained that without evidence of a crime, there could not be a “suspect”—and the police did not have evidence of a crime. (Even if there were evidence of a crime and a suspect, MPD policy is not to name “suspects” who have not been formally charged.) Still, the debate over whether the Congressman was or wasn’t a suspect was a primary theme throughout the media coverage of the story.

- 3. Dealing with rumors, leaks, and inaccuracies.** The misinformation swirling around the Levy case was voluminous to begin with and, like most aspects of the case, grew over time. The rumors and inaccuracies ranged from the ridiculous to the serious. The ridiculous included reports that there were “dozens” of missing interns in DC each year. The more serious included, for example, claims that the MPD failed to collect and review security tapes from Ms. Levy’s building in a timely manner. The reality was that the building reused its tapes every few days, meaning that by the time Ms. Levy was reported missing (about a week after she was last seen) any potentially useful footage had probably been taped over. Moreover, the tapes that were reviewed by police were of such poor quality as to render them almost useless. Had reporters covering this aspect of the story checked on a few basic facts, they could have gotten the story straight—or at least added balance to their coverage, but in the super-charged environment in which being first often meant more than being right, reporters frequently failed to go the extra mile to confirm their reports.

Perhaps the most interesting example of this phenomenon occurred on July 18, when the CBS Evening News aired its first report on the Levy case. Unlike its counterparts in the other networks, CBS had not aired a single Levy story on its national evening newscast for more than ten weeks. Its initial report included “exclusive details” stating that the FBI, dissatisfied with the MPD’s handling of the Levy case, had taken over the investigation and assigned it to the Bureau’s “Cold Case Squad,” indicating that the case had gone “cold,” and investigators

would be starting from the beginning. The CBS report prompted the FBI's Washington Field Office to issue an extraordinary "press response" clarifying numerous aspects of the CBS report (FBI, 2001). Specifically, the FBI release confirmed that the MPD remained the lead investigators on the case, with the FBI continuing to assist. The press response also corrected CBS on some basic facts of its report: the FBI does not have a "Cold Case" squad; it has a "Major Case" squad that includes investigators from both the FBI and the MPD. This unit would provide support to the investigation, but it was not "taking over" the case.

Even with this quick and extraordinary response to the CBS report, other media outlets, true to form, jumped on the story immediately, reporting it as fact without independently verifying the information. This led literally to days of the MPD clarifying and correcting the erroneous aspects of the largely discredited CBS report.

4. **"Expert" commentary.** With the need to fill hours of news coverage every day, the cable news networks turned to a variety of experts—individuals who possessed varying degrees of insight and expertise on the case. Many of these experts were experienced law enforcement professionals or political commentators. Others, however, were self-promoters or professional critics of the MPD. In some cases, "experts" offered opinions that quickly became "facts," which were subsequently reported on by other news organizations.

In many instances, the "experts" (as well as the news organizations that reported on their commentaries) seemed to have amnesia on the case. For example, when the MPD expanded its search of area parks, "experts" asked why the parks hadn't been searched earlier. Had reporters and producers checked their own file footage, they would have seen that the parks immediately adjacent to Ms. Levy's apartment building were searched within days of her being reported missing. The searches occurring during the 11th week represented an expansion of those earlier efforts.

The scramble for "experts" did elicit one brutally honest comment from Washington, DC, attorney Lou Hennessey, the former commander of the MPD's homicide unit and probably one of the more knowledgeable commentators on the Levy case: "I've never done so many interviews about a subject I know so little about" (Chasing Chandra, 2001).

5. **MPD's own missteps.** Like any investigation, the Chandra Levy case did involve some missteps or omissions, but unlike most cases, the hyper-charged atmosphere surrounding the case tended to make these missteps exaggerated and overblown. For example, interest in the Levy case revealed some shortcomings in the MPD's system for collecting and analyzing statistical information on missing persons in DC. While the investigators had carefully scoured records for any similar cases or possible patterns and found none, the department's inability to provide basic statistical information on missing persons gave additional fodder to critics. Similarly, *The Washington Times* reported that almost three months into the investigation, the MPD had failed to contact registered sex offenders in the area (Probe, 2001)—even though those records are accessible to the public through the department's website

(<http://mpdc.dc.gov/serv/sor/sor.shtm>). Again, there was never any indication that the timing with which registered sex offenders were interviewed had any impact on the investigation, but the impression left by the story served to undermine the MPD's credibility on the case.

The reporting on these and other aspects of the investigation led to frequent comparisons to other, completely unrelated but well-known cases, including the O.J. Simpson murder trial and the death of Jon Benet Ramsey. As inappropriate and unfair as these comparisons may have been, they provided for easy commentary and good television.

## **Elements of a Media Strategy**

Developing a media strategy in this super-charged and competitive news environment—and sticking to that strategy—proved to be enormously challenging. Because the media were rewriting many of the “rules” of news coverage, the MPD had to be similarly flexible and agile.

Here are some of the key elements of the strategy:

- **Define (and limit) spokespeople.** At the beginning of the case, the primary police spokespeople were the MPD's public information officer and detectives and officials from the local police district. As the size and scope of the story grew, the designated spokespeople moved up the chain of command, quickly settling on two people: (1) Police Chief Charles H. Ramsey and (2) Executive Assistant Chief Terrance W. Gainer (with PIO personnel offering background information and updates). While some members of the media accused the MPD of “muzzling” the detectives on the case, this strategy freed up the detectives to do their jobs and helped to minimize the number of “mixed messages” that can come with multiple sources.

Ramsey and Gainer were also prominent and respected. Both had played major roles—operationally and in the media—in the MPD's successful handling of the spring 2000 protests against the International Monetary Fund and World Bank Group in DC. Their prominence and respect added credibility to the MPD's message and helped to blunt some of the criticism.

- **Feed the beast.** While feeding the media's insatiable appetite proved impossible for any one organization involved in the case, the MPD adopted a strategy of being as open and accessible as possible (without interfering with the investigation itself). Police allowed the media to follow officers on various searches, and Ramsey and Gainer appeared frequently on local and national TV interview shows. With so many others offering facts and opinions, it was critical that the MPD be a major and proactive player in the media mix.

Some people—both internally and externally—questioned the wisdom of the MPD being so public on the case. The fact remained, however, that the Department was taking “hits” from many external observers, whose facts and understanding of the case were often sketchy. Trying to blunt the criticism and set the record straight required a high profile.



- **Rebut inaccuracies.** Again, identifying and correcting all of the inaccuracies proved impossible, but the MPD worked hard and quickly to shoot down the most serious inaccuracies. For example, many people (including *America's Most Wanted*) advanced the serial murder theory, trying to connect Ms. Levy's disappearance with two other murders in the District that had occurred over the course of three years in northwest DC. Investigators had looked closely at all three cases (as well as many others) and determined that there were very few similarities among the cases (different locations, different MOs, different circumstances, etc.), and they were not related. Chief Ramsey had a detailed response to the "serial murderer" theory from the moment it was advanced.
- **Take advantage of media interest.** With media from across the country and around the world in DC, the MPD worked to portray itself as a progressive, multidimensional police agency, not just one focused on a single case. Throughout the summer, the MPD staged a number of significant public announcements and made those the way for the media to contact the chief that day. As a result, reporters who wanted access to the chief on the Levy case had to attend the opening of the District's new 9-1-1 center, the kickoff of the new photo radar speeding reduction program, recruit graduations, and other events. While many reporters came to these events only to report on the Levy case, some did include coverage of these other events. Even if they did not cover the set events, the backdrop provided a reminder that the MPD was doing a lot more than investigating a single missing persons case.

### **Unanswered Questions, Future Directions**

As quickly as the story developed and gained incredible momentum over the spring and summer of 2001, the story died suddenly, with no conclusion, following the terrorist attacks of September 11. Only a handful of reports on the case—most focusing on Congressman Condit's political future—have run since then.

Nevertheless, there have been some positive outcomes from the media's coverage of the Levy case. First, the MPD and others got first-hand experience with a story of this scope—experience that could prove extremely valuable in the post-9/11 world. Second, the news media seem to have engaged in at least a little soul-searching since September 11, with some acknowledgments of "overkill" on the Levy case. Finally, media awareness of missing persons has been dramatically enhanced. By mid-summer, television stations and others in DC were running regular features on other missing persons in the area—a recognition, perhaps, of their responsibility to inform the public in these cases. It is hoped that police agencies, large and small, trying to get out information on missing persons cases in the future will find at least a slightly more receptive media audience.

The last point is significant, for prior to Chandra Levy's disappearance, local police departments and organizations such as the National Center for Missing and Exploited Children fought tooth and nail to get even a modicum of coverage of missing persons case. The Levy case arguably generated more missing persons coverage, commentary, and analysis than all other missing persons cases combined for the past year, possibly the last decade.

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**Kevin P. Morison**, Director of Corporate Communications for the Metropolitan Police Department in Washington, DC manages the department's media relations, program marketing, internal communications, community outreach, and Internet communications efforts. Prior to coming to Washington, DC in June 1998, Mr. Morison spent five years with the Chicago Police Department, as Administrator of Special Projects (with a focus on community policing) and Director of News Affairs. He also served for ten years as public information officer and publications director for the Illinois Criminal Justice Information Authority, a state planning, research, and information technology agency. A native of Arizona, Morison received his bachelor's degree from the Medill School of Journalism at Northwestern University, in Evanston, Illinois. His professional experience includes a reporting stint with the *Macon (Ga.) Telegraph* and two years as a technical writer with Arthur Andersen & Co. in Chicago. Mr. Morison is active in the Public Information Officers Section of the International Association of Chiefs of Police.



# Certifying Law Enforcement Spanish Instructors

**José M. Alentado**

**Founder, Partners in Training Consultants, Inc.**

Since starting our law enforcement Spanish training business in 1994, I have been asked almost weekly about what makes a “good” Spanish training program and how you can tell the difference. A recent search on the Internet for “Spanish training for law enforcement” resulted in more than 54,000 responses; no wonder there is such confusion! One of the web pages promoted the Spanish training program of one of my ten-day Spanish Immersion for Law Enforcement graduates, who on a scale of one to ten, may be a two in his knowledge of Spanish. In fact, this same “instructor” attended the same basic ten-day Spanish Immersion classes again this past month and shared his handout training material. His material contained the phrase “*manos en el carro*” which can be interpreted as either “hands on the car,” or “hands in the car.” You can well imagine the possible problems with that single command. In all fairness to this “instructor,” he did receive an instructor certification from another source for teaching Spanish to law enforcement officers upon the completion of a 24-hour program, which never had any of the participants actually teach in front of a class or determine if they were even fluent in Spanish prior to obtaining their certification.

On the other hand, there are Spanish teachers and professors who have been asked by local departments to train their officers or have responded to this critical need with offering their services for a fee. These teachers and professors are generally excellent in their grammar and pronunciation, but that still may not address the specific needs of law enforcement. The average migrant worker from Latin America, generally only has a third grade education. Castellon Spanish, the most formal variety, is not always understood by most migrant workers. Street Spanish is critical to officer survival!

On December 27, 2001, the City of Tucson, Arizona paid \$ 1,000,000 to an unarmed individual who was shot by a police officer. The officer had responded to a call for a prowler and came in contact with the man. While attempting to question the man and asking him to show his hands, the officer became nervous when his commands were unheeded and shot the man. The man, a native of Mexico, did not speak any English and did not understand the commands given by the officer. The simple phrase, “*enseñeme las manos*” (show me your hands) may have prevented this officer-involved shooting. Subsequent to the shooting, the Tucson Police Department initiated one of the nations’ best policies for promoting Spanish knowledge for their officers. They conduct a basic three-day Spanish class for all recruits and provide inservice training on a regular basis.

What should your department look for in establishing or maintaining a Spanish language program for your officers? Well, that is exactly how we started our business; we looked at what caused other programs to fail. I will outline the way instructors are selected.

First, we screen all potential instructor candidates. The student/instructor must have superior communication skills in Spanish answering questions in both English and Spanish using different tenses and complex sentence structure. The second phase we analyze is the student/instructor's background and law enforcement experience. In law enforcement, more than any other field, the audience wants to know how long and where the candidate did his or her policing. We require our instructors to have a minimum of ten years of experience as a full-time sworn law enforcement officer or five years with an advanced degree in Spanish. Furthermore, each candidate must have testified in a court of law as to their knowledge of Spanish.

Once the student/instructor passes the prescreening test, then comes what many have described as the "most difficult nonphysical program I have ever attended." Five days of classroom instruction on proper instructional methodology is the kickoff of the program. Like in football, we only see the quarterback throw the football. You only see our instructors teach. They learn instructional methodology, reading and assessing the class, who to call on for certain phrases to solicit responses, etc., while having the opportunity to practice teaching. Every time a candidate becomes good at one technique, then he or she has to learn another. The instructor candidate spends countless hours at night and during the weekend preparing classes.

During week two, the instructor candidate teaches the second 40-hour portion of the program to a real class of basic non-Spanish speaking students. This allows each candidate to see what happens when the audience is or is not responding to his or her teaching objectives. Each candidate is given a variety of blocks of instruction to teach during the follow-up programs.

Once they graduate, they are given lesson plans, class materials, and a lot of advice. They are given a certification to teach up to a 24-hour "basic police Spanish class," for their organization. Those who excel are then asked by us if they would be interested in teaching for us during their off time.

If they accept this challenge, they begin teaching under my watchful eye. This apprenticeship may last for six months to one year before they teach a three-day class on their own. Some are allowed to teach one day after about six months to determine how well they do when the "coach" is not watching.

We then progress with each instructor. Based on the instructor's ability, he or she is trained on methodology to teach more advanced classes. The top level is a 1-A instructor; we currently have two, and I am in the process of grooming two more. These are instructors who have an advanced Spanish vocabulary and grasp the grammar.

Did you know that 90% of Spanish surnamed individuals in this country cannot read or write Spanish? This is due to the fact that individuals could speak Spanish at home; however, reading and writing was never taught to them. These "1-A" instructors are ones who could teach every course we have to offer and have the knowledge to answer a high percentage of questions they receive from students.

It may seem like a lot of training to go through. After listening to many of my clients who used other sources prior to using us, I even made our guidelines much more strict. If I cannot personally teach a class, I do not have any reservations of sending a particular instructor based on his or her qualifications to any of my clients. None whatsoever! That is why we *guarantee* your money back if not satisfied with our programs, period.

What makes our programs different? I think if you have read the previous paragraphs, you can make that decision. It may cost more; however, one day, I will not be able to keep up the pace I have been keeping up for six years. In 2000, I instructed in 29 states! The instructor that Partners in Training Consultants sends you will be providing you with quality instruction.

The real solution needs to come from each state's criminal justice boards that grant instructor status to individuals. The state board can test the potential instructor for his or her knowledge of Spanish, background relating to law enforcement experience and instruction, courtroom testimony as it relates to Spanish law enforcement instruction, and objectives of the training program to determine that they meet the above criteria. What makes our programs so different? We listen and research key elements to success.

Remember that no one can make an officer "fluent" in a short amount of time; however, if done correctly, a concise 24- to 40-hour seminar can teach your officers to defuse a potentially dangerous situation and promote their desire to continue with their Spanish language training.

**José Alentado**, a veteran of 12 years of street law enforcement experience and former Program Manager of the Federal Law Enforcement Training Center's Law Enforcement Spanish Training Programs, has developed more than 15 courses ranging in length from one day to two weeks. While with the federal government, José received five of his nine awards for his work in the law enforcement Spanish training field. José currently owns Partners in Training Consultants, Inc. in Tucson, AZ and is a contract instructor for the U.S. Department of State's Anti-Terrorism program.



## Guidelines for Preparing Manuscripts

There are virtually no restrictions on subject matter as long as the material pertains, in the opinion of the editor, to law-enforcement-related areas. Manuscripts should be typed and double-spaced. A résumé or vitae from the author(s) must accompany submissions. Book reviews and research notes will be considered for publication. No submission will be published until recommended by referees, who will review blind copies.

Final manuscripts must be submitted on 3.5" microcomputer diskettes readable on Macintosh or IBM (and true compatible) computers. Please specify word processing program used when submitting diskettes (e.g., MacWrite 5.0, WordPerfect 5.1, and so on). Also, an ASCII version would be most helpful. Disks will not be returned. Figures and line drawings must be submitted in camera-ready form.

Send three hard-copy manuscripts, vitae(s), and a diskette to . . .

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Manuscripts should be prepared according to the *Publication Manual of the American Psychological Association* (4<sup>th</sup> ed.) (1994). *Webster's Third New International Dictionary* (3<sup>rd</sup> ed.) (1983) is the standard reference for spelling. Contributors are responsible for obtaining permission from copyright owners if they use an illustration, table, or lengthy quote that has been published elsewhere. Contributors should write to both the publisher and author of such material, requesting nonexclusive world rights in all languages for use in the article and in all future editions of it.





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*Emerging Challenges in Illinois Law Enforcement Collective Bargaining*, Lewis Bender, Robert Fischer, and Thomas J. Jurkanin, January 2001.

*Illinois Law Enforcement Executive Forum Journal*, inaugural issue, June 2000.

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*Small Town Policing in the New Millennium: Strategies, Options, and Alternate Methods*, Robin Johnson, author and researcher; published in cooperation with the Illinois Institute for Rural Affairs, March 2000.

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1. *Preliminary and In-Depth Interview of the Victim of Adult Sexual Assault*
2. *Evidence Collection*
3. *Suspect Interview*

*Domestic Violence Investigations Series* (three tapes) in cooperation with the Illinois Coalition Against Domestic Violence and the Illinois Attorney General through a grant from the Illinois Criminal Justice Information Authority, 1997.

1. *Obvious Scenario*
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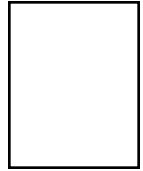
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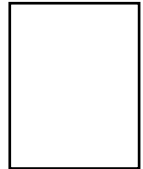
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