Law Enforcement Executive

FORUM

Train the Police Trainer

May 2004

Law Enforcement Executive Forum
Illinois Law Enforcement Training and Standards Board
in cooperation with Western Illinois University
Macomb, IL 61455

The *Law Enforcement Executive Forum* is published six times per year by the Illinois Law Enforcement Training and Standards Board's Executive Institute. The journal is sponsored by Western Illinois University in Macomb, Illinois.

Subscription: $40 (see last page)

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Table of Contents

Police Stress

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Editorial

Until recently, law enforcement instructors had relatively little preparation for their jobs. Today, police trainers aspire to be professionals with expert knowledge of the content and methods of instruction in their particular fields. Training the law enforcement trainer is essential if our communities are to have quality police services. Over the past decade or more, law enforcement trainers and policymakers have sought to define new directions for instructor training in order to prepare trainers adequately for the challenges to be faced in academies, and especially in executive and in-service training programs. Subsequently, attention has shifted to a concern for the quality of train-the-trainer programs.

As law enforcement academies and specialized training institutions have established a wide range of courses to meet the particular needs of police officers, they have discovered unexpected challenges in the area of instructors' methodological preparedness for training. Understanding and utilizing certain instructional principles of effective training is an important obligation of individuals who seek to become law enforcement trainers.

This issue of the *Law Enforcement Executive Forum* investigates some of the structural, methodological, and political obstacles that hinder the progress of train-the-trainer programs in an effort to make them responsive to the needs of local, culturally and ethnically diverse learners in training endeavors. Additionally, this issue elaborates on some principles of the engaged andragogy required to address officers' needs and the broad range of gaps that impact the law enforcement training field. The larger social, economical, and political challenges also impact the way trainers are undertaking the comprehensive change effort. The state's standards developed for law enforcement trainers frequently have received more rhetorical than institutional support as institutions and police executives attempt to cope with often-conflicting political and budget pressures.

The research articles contained herein collectively document emerging trends in train-the-trainer program development.

Vladimir A. Sergevnin, PhD
Editor
Law Enforcement Executive Forum

Train the Trainer

Thomas Dempsey, Director, Police Training Institute, University of Illinois Urbana-Champaign

Use of the phrase "train the trainer," or TTT, has become increasingly common during the past decade within the criminal justice practitioner community, and the larger human resources industry. While this may be a relatively new concept within criminal justice, and certainly the term is important in describing a method for the delivery of training, it is not a new approach to training or education.

At one level, an argument can be made that much of what we learn in life is through a historical process of train-the-trainer. We teach skills to our children (e.g., tying a shoe, riding a bike) that they in turn teach to their children. This is also true in many more complicated skills and abilities like sewing, carpentry, etc. When these skills are not trained from parent to child, it is unlikely that they will be learned otherwise. Even in more complex areas like culture and personal value systems, children are often trained by parents, school teachers, peers, and others (Massey, 1986).

TTT may be contrasted for purposes of discussion with "end-user" training. End-user training is intended to make those being trained capable of applying the information (knowledge, behavior, skill, or ability) in their jobs (or lives) but not in preparing them necessarily to train others in the subject matter.

TTT is used to refer specifically to a training methodology through which individuals are trained in subject matter areas in anticipation of training others. It is perhaps best understood in a skills area like control tactics. If a trainer develops a technique or entire system that seems effective, it would be virtually impossible (though perhaps lucrative) for that single trainer to train 30,000 officers in Illinois or 700,000 nationwide. By training and certifying a cadre of trainers, however, a larger audience can be reached. If those certified instructors are capable, and certified, to train additional instructors, the ability to train end-users is greatly enhanced, and the number of officers with access to the training is greatly expanded. The current effort in Illinois to develop a cadre of trainers to deliver Unified Incident Command training statewide is another example of effective use of a TTT approach. There is certainly nothing complicated about the TTT concept. There may, however, be devils in the details.

For employing agencies, there are obvious advantages to a TTT approach to training their employees. At the top of that list is the convenience and reduced cost of creating a cadre of qualified instructors within the organization who can provide specific content training to end users also employed by the agency. For a department of 100 officers seeking to provide training in a topic or skill, it is far less expensive to create a cadre of five trainers to train the remaining 95 than to send all 100 officers away for training. It may also be less expensive than bringing in a single trainer to train all 100. In addition, that cadre of five trainers is now available to conduct recurrent training, provide the training to newly hired employees, and serve as content experts for the department.

My former department adopted this approach in the delivery of recertification training in vehicle operations. As the command staff became increasingly concerned about injuries to officers and citizens, property damage, and liability resulting from officers' driving, a decision was made to provide refresher training in police driving skills to all uniform police officers and nonsworn service officers. Three options were explored.

The first involved scheduling more than 250 personnel to attend a one-day, in-service skills refresher course offered through the county sheriff's academy at its facility. Another option was to seek another training provider who could conduct the training, scheduled over a 2-year period on-site at our agency. The third option was to send four of our officers through a TTT program leading to certification as police drivers' training instructors.

Because the training offered through the sheriff's academy was "local," it was the most cost-effective option; although, the scheduling of the training would be difficult. Bringing in a trainer (normally a far less expensive option than sending officers away for training) was more expensive due to the high cost of the recurring training and the scheduling difficulty. The final option of training our own cadre carried greater up-front costs, but when projected over two cycles of refresher training (4 years), this option became more cost-effective. It carried with it the added benefit of having our own in-house, training experts.

In short, TTT may carry with it greater front end costs, but when that expense is amortized over the predictable need for the training and serviceability of the trainers, it may be a cost-effective alternative. The value is enhanced by the ability to meet the changing needs of the agency for training end users (e.g., new hires, scheduling) and by having in-house subject matter experts to assist in policy development and even in defending against civil liability. Smaller agencies may be able to enjoy the same advantage by sharing trainer resources and expense with other smaller departments in the same region.

For many law enforcement and corrections agencies throughout Illinois, the Mobile Training Units (MTUs) serve as brokers for local training. The MTUs offer courses for both end users and trainers. This regional approach often allows departments to avail themselves of TTT courses at far less expense than would be incurred if officers had to be sent to more distant locales to receive the training. Likewise, several academies throughout the state, including the Police Training Institute (PTI), offer advanced training for both end users and trainers.

Developing and offering TTT programs may also be advantageous for training providers. Certainly, that has been our experience at PTI. PTI offers two TTT programs: (1) the Master Firearms Instructor (MFI) program and (2) the Master Control Tactics Instructor (MCTI) program.

The MFI program has long been a flagship of PTI specialized training. Through this program, thousands of officers throughout Illinois and worldwide have learned to teach firearms training that incorporates PTI doctrine regarding law enforcement firearms tactics, use of force, and police strategy and tactics. We frequently receive feedback on the quality of the TTT approach from both trainers and end users. The

MCTI program has been modeled after MFI, and we have already experienced the same type of feedback with regard to techniques and doctrine.

For training providers, it seems the advantages of offering TTT programs can be summarized in several areas:

- *Outreach* – Through TTT, the developers of training are able to reach out to far more officers than through delivering only end user training. Trainers can leverage the skills of other trainers across a wide geographic area to provide valuable skills to officers who might not otherwise be served. This is similar to one of the recognized advantages of web-based education. In a word, it makes the training (or education) process more inclusive.

- *Efficiency* – Just as TTT is efficient and cost-effective for employers, it allows the training provider to reach more officers in a shorter period of time. This in turn increases the likelihood that the training will be current and delivered in a "just in time" format.

- *Influence* – Effective use of TTT programs expands the influence of the trainer provider and may result in expanded demand for the specific training curriculum or for other programs offered by the provider. The influence of training delivered to end users is further enhanced when there is follow-up by the trainers in terms of providing resources for improved learning and soliciting feedback from end users to refine training (Trost, 1985).

The advantages of TTT programs are most obvious for nonprofit training providers like academies or MTUs. Adoption of a TTT approach to training reduces barriers to training and allows a wider audience to be reached.

For-profit businesses may need to carefully examine how extensively they provide TTT programs. There exists a possibility of actually reducing the market for training, and thereby profitability, to the company. These organizations may find that the laws of supply and demand mean that difficulties associated with obtaining the training may allow higher prices for delivery. The barriers may result in a captive audience for the training. There is also the risk that TTT instructors may provide the same or similar training, without the knowledge or sanction of the parent organization. Widespread proliferation of training availability could result in reduced profitability. For this reason, it may be desirable for highly unique training programs to be copyrighted.

There are some related risks to agencies and training providers in the TTT approach. For training providers, those risks include . . .

- *Dilution of the quality of the training*. It is possible for a training program to be developed and a cadre of trainers established; however, as these trainers begin to deliver the program, it is difficult for the developer to assure that the nature of the training remains intact. Most of us in this industry can cite examples in which a program was developed and successfully delivered and a TTT process was put in place, and subsequently, the nature of the training being delivered began to differ substantially from the original program. Quality control can be

a major concern for the developer. It is especially critical in high-liability areas like control tactics, firearms, or law.

- *Maintenance of the doctrine or philosophy of the training*. There is related concern that, even if the program remains intact, the trainers delivering it may not fully endorse important aspects of the program. Important components can receive varying degrees of emphasis. I have seen instances in which a trainer can competently teach techniques and then acknowledge to an officer in training that he or she does not really use that technique. Trainers should not teach techniques or information they don't practice on the job themselves.

- *Currency of material*. As the need arises to refresh or modify training content, it may be very difficult to communicate the needed modifications to trainers who have become comfortable in teaching material. Many developers require regular recertification of trainers to address this issue. This is a process PTI has found valuable in the MFI and MCTI programs.

- *Teaching ability*. All of us have observed individuals who are very skilled in techniques but are not adept at teaching the skill to others. Not every accomplished marksman is effective in teaching shooting skills to others; not every accomplished martial artist is a good teacher of martial arts. For this reason, we believe all TTT programs should incorporate significant components of "teacher training" and "evaluation training."

For agencies, the risks associated with TTT include . . .

- *Losing an officer the agency invests in as a trainer*. All of us can likely recall instances in which an agency invested in an employee by providing TTT training. After receiving the training and developing expertise, the officer may become attractive for another employer and move on if appropriate incentive to remain with the agency that provided the training is lacking.

- *Officers using the training provided for personal gain*. Similarly, there have been instances in which an investment was made to train an employee and the employee then used that training to seek off-duty opportunities and exploit the training for personal benefit. While this may not be strictly illegal or a violation of policy, it does raise ethical questions. Certain skill areas like control tactics or accident investigation seem particularly marketable. Of course, this problem relates not only to TTT but to any training. It is not unheard of for officers receiving specialized training to retire at the earliest opportunity and then broker the skill their employer paid for into lucrative employment.

Finally, there is the need for employers to be vigilant in ensuring that employees who participate in TTT training actually provide the training to end users within the organization and maintain their currency in order for the agency to reap a return on investment. It is difficult to measure the commitment of officers who seek TTT opportunities, but steps should be taken to guarantee that the officer will maintain the same enthusiasm for delivering the training.

One question that is occasionally asked is how does TTT differ from end user training? There are several answers, but the most fundamental is that it leads to some

degree of certification that the person is qualified to present the content material to end users. The content developer, certification organizations (professional groups, regulatory agencies like the Illinois Law Enforcement Training and Standards Board), and others determine that those who complete TTT programs are competent to teach the content material.

There are several important components that should be identifiable in any TTT program:

- *Rigor* – Success in the course should demand more knowledge, skill, and effort than an end user course.

- *Expanded knowledge* – The TTT course should require more in-depth knowledge of the content material than an end user course. The instructor needs to be able to address end user questions that deviate from the material presented. TTT students must demonstrate abilities that exceed those expected of end users.

- *Knowledge of philosophies or doctrine* – The TTT program must acquaint the instructor with fundamental, often theoretical, material that makes the program unique from others in the same content area or discipline.

- *Focus on ability to teach* – As stated above, a TTT program must contain content that assists in the development of teaching skills.

Others inquire whether or not it is reasonable to provide TTT to an individual who has not received the end user training the TTT is designed to provide. Normally, we would answer "no." Trainers will be far more effective if they have received the same training, or substantially the same training, they provide. Using control tactics as an example, competent martial artists might be able to effectively participate in TTT for a control tactics program without first receiving the end user training; however, their participation would be more effective if they did so. Likewise, an officer with highly competent marksmanship and gun handling skills would be more successful in a TTT program if he or she had received the end user training.

TTT is an effective approach to providing training for officers. There are many advantages, including development of in-house expertise and cost-effectiveness in delivery; however, it is incumbent on agencies to take steps to assure that the officers in whom they invest as trainers will remain committed and ethical.

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Thomas Dempsey accepted the position of Director of the Police Training Institute, University of Illinois in June 2002. He previously served as university faculty in Virginia for 10 years. Prior to that, he was an officer, supervisor, and manager for the Torrance (California) Police Department for 18 years. Director Dempsey has a bachelor's degree in political science from Arizona State University; a master's degree in public administration from California State University, Long Beach; and a master of science degree in criminal justice administration from California State University, Long Beach. He has authored two books on law enforcement training and numerous journal articles.

Mentoring the New Police Instructor

Frank A. Colaprete, EdD, State University of New York College at Brockport

Introduction

The position of police instructor is one of honor, esteem, and immense responsibility. The police instructor is tasked with transferring contemporary police theory and practices to incoming generations of recruits, and this responsibility may seem overwhelming at times. The quality of the instructor is based only in part on teaching skill. It is also based on the police instructor's ability to conduct contemporary research, transfer knowledge and skills to the trainee that are practical and applicable, and most importantly, withstand the scrutiny of a multitude of legal and administrative requirements. Many who begin a career in police instruction find that the discipline is too costly to pursue. The losses are immense when we lose the ability to transfer quality-based knowledge and skills to the next generation of the guardians of peace. Mentoring has evolved into a proven method to bridge the gap in an effort to decrease attrition rates and provide an environment that is conducive to development.

History

To provide a brief historical perspective, the mentor concept began as a mythical character in Homer's *Odyssey* written in the year 700 B.C. (Guetzloe, 1997; Janas, 1996; Valeau, 1999). The concept of mentoring has emerged in the past three decades as a methodology to develop knowledge, skills, and abilities in most disciplines including the teaching field (Guetzloe, 1997; Rowley, 1999). Applications to the policing field have also been found to be successful in the development of new recruits, women, and minorities (Edmundson, 1999; Townsend, 1998; Williams, 2000). The use of mentoring in law enforcement is somewhat limited as minimal literature exists that has specific relevance.

In contrast, the business and educational realms have conducted an immense amount of research on the practical application of the mentoring concept. With respect to the development of new teachers, mentoring provides the opportunity for seasoned and experienced teachers to pass knowledge to new teachers in a nonthreatening environment (Giebelhaus & Bowman, 2002; Milstein & Krueger, 1997; Valeau, 1999).

Most police instructors are not afforded this opportunity. While team teaching is fairly common in policing, there is no consideration for the pairing of teams other than common interests, knowledge of the topic, and the like. As such, team teaching could prove to be detrimental to the development of new police instructors for numerous reasons. Mentoring also carries with it a specific responsibility to transfer skills to the protégé or new teacher, not transfer the protégé's knowledge to the classroom for him or her. The literature is replete with support for this concept and the benefits it will produce for new instructor development for the future.

Contemporary Concepts, Issues, and Practices

The potential for mentoring as a train-the-trainer concept is limitless. The very essence of mentoring is the transfer of knowledge, skills, and abilities from an experienced person to one of less experience. Shea (1995) provided a functional definition for the role and responsibilities of the mentor:

> Mentoring at its core is a developmental, caring, sharing, and helping relationship where one person invests their time, know-how, and effort in increasing and improving another person's growth, knowledge, and skills. It is also frequently responding to the critical needs in the life of another in ways that prepare them to make better decisions or achieve more in the future, i.e., providing a growth or development experience. (p. 3)

As a new instructor finds, the road is not paved with asphalt, let alone gold. Beginning with a basic school that provides rudimentary skills, the new instructor faces the first obstacle of having to automatically rise to the level of expert in a particular facet of policing. Additional barriers, such as research skills, needs assessment, classroom presentation skills, adult education theory and practice, classroom management, outcomes assessment, and instructor evaluations, all play an ominous role in new instructor development. Research has revealed that many new teachers leave the ranks within 3 years of beginning the teaching service (Robbins, 1999). While no literature existed to quantify an opinion, the tenure for police instructors may prove to be far less. It is critical to maintain police instructor tenure at higher and more acceptable levels given the costs of training new instructors. Mentoring is an intervention strategy for the educational realm and has significant potential in the policing field as well.

The final issue of relevance is that mentoring provides the requisite supportive structure to transfer the intangible skills of successful instructors to those that are new to the opposite side of the podium. Mentoring is a method to transfer knowledge, skills, abilities, and most importantly, positive attitudes that will facilitate the new instructor's practices and drive to teach. Mentoring also provides an opportunity to transfer knowledge and engage in learning management. In addition, two types of knowledge exist that are the basis for transfer: (1) explicit knowledge, codified and written rules, regulations, policies, procedures, and (2) tacit knowledge, the culmination of experiential learning (Collis & Winnips, 2002). For an instructor, explicit knowledge is gained through the research of the subject matter. In-depth research can lead to an instructor becoming a subject matter expert; however, absent the ability to create a learning environment that can effectively transfer that knowledge to the student population, the experience is counter-productive. The tacit skills of the tenured and successful instructor are those that can augment the new instructor's abilities to make the entire situation a success.

Designing the Mentor Instructor Infrastructure

In the design of the mentor instructor infrastructure, three key components need to be incorporated into the process: (1) Characteristics of the Mentor and Selection Process, (2) Program Design and Development, and (3) Program Duration.

Characteristics of the Mentor and Selection Process

The literature revealed that a series of common positive characteristics were demonstrated by successful mentor program participants. Those characteristics should transcend the selection process. The literature also revealed that mentor characteristics are most often engendered intrinsically and successful mentors are lifelong learners (Rowley, 1999) who are open to new experiences, new points of view, and change and growth (Carger, 1996) and who possess a willingness to nurture another person (Janas, 1996). Lasley also argued that the crucial characteristic of mentors is the ability to communicate their belief that a person is capable of transcending present challenges and of accomplishing great things in the future. Good mentor teachers capitalize on opportunities to affirm the human potential of their mentees (Rowley, 1999). In addition, leadership (Bell, 1996; Clark & Koonce, 1995; Messmer, 1999) as well as communication skills (Clark & Koonce, 1995; Janas, 1996; Osgood, 1998; Prisk, 2001) ranked very highly for inclusion in the mentor's repertoire. These characteristics should be assessed properly to ensure the proper fit of the mentor instructor.

Program Design and Development

The design and development of mentor programs was also critical to effective program delivery. Components such as management buy-in (Barbian, 2002; Geiger-Dumond & Boyle, 1995; Poe, 2002), policy and procedural development (Geiger-Dumond & Boyle, 1995; Tyler, 1998), matching and pairing of mentor/protégé teams (Barbian, 2002; Janas, 1996), and confidentiality (Osgood, 1998; Poe, 2002; Tyler, 1998) all were tantamount to the issue of mentor selection.

Program Duration

The final consideration was a commitment of time. The mentor program period should range from 6 months (Chapman, 1997) to one year (Coley, 1996; Geiger-Dumond & Boyle, 1995) for it to be effective.

Conclusion

While the police trainer has an immense responsibility for transferring contemporary police theory and practices to incoming generations of recruits, the train-the-trainer police instructor is perhaps the most daunting of tasks. What a police trainer instructs transcends the students in a single classroom—in contrast to the train-the-trainer police instructor, whose protégés will touch the lives of everyone they instruct. While the potential for success is great, the potential for failure is even greater. Exploring new didactic strategies to overcome identified issues is the responsibility of every police instructor. Mentoring provides a conduit for transferring effective instructor skills through generations of educators to perpetuate the core beliefs that have made policing the most venerable profession known.

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Frank A. Colaprete, EdD, is an adjunct lecturer of criminal justice and institute partner for the Criminal Justice Department and Institute for Public Safety Policy Studies respectively, at the State University of New York College at Brockport. He is also a police lieutenant who has been in the law enforcement field serving the Rochester Police Department since 1985.

The Best Practices Training Model

Andrew Borrello, Lieutenant, San Gabriel, California, Police Department
James H. Fraser, Principal, Fraser & Associates

Optimists would consider training as the ultimate way to improve and enhance one's skills and abilities as well as performance and behavior. Pessimists may view training as a process that must be endured, and while the goal is admirable, it may or may not help or improve anything. Unfortunately, there are plenty of examples in which the latter is true. However you view the glass, half-empty or half-full, training in law enforcement can certainly be considered a defining characteristic of professionalism. The benefits of training can be many. Officer safety tops the list, followed by the ability to do one's job effectively, good old-fashioned crime fighting, protection from exposure to liability and risk, community relations, and the list goes on and on.

Police trainers, presenters, field-training officers, professional associations, and regional academy staff continually strive to grow and hone their skills. Some use solid tried and true techniques while others are lured to new technology and newly developed concepts. Regardless of the methods used, the goal should remain consistent—to provide the best quality of training humanly possible.

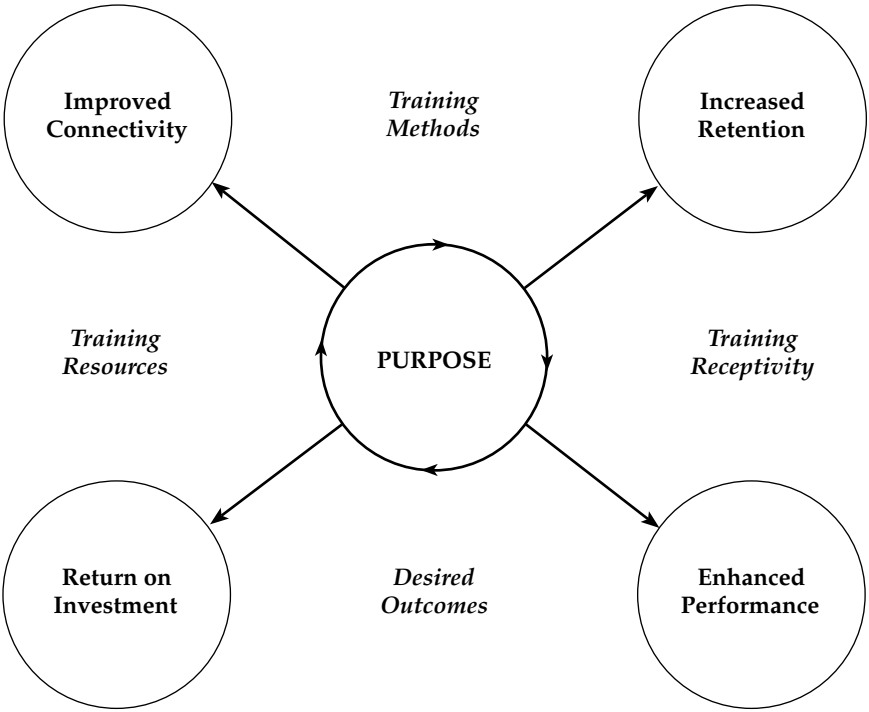
Training philosophies—the "how to"—are diverse and vary greatly from presenter to presenter and from state to state. Given all of this, there is some common ground-training that changes behavior and produces the desired end product. When police administrations and law enforcement trainers know what they want to accomplish, the primary question is how to get there from here. One way to look at it is through Stephen Covey's model found in his highly successful book *Seven Habits of Highly Effective People*. His work would suggest that we begin with the end in mind. To do this, trainers must have a solid fix on the walk-away skills they want students to possess at the end of the training. The value in training occurs when the most effective and diverse methods of instruction are employed to accomplish the desired end result.

It was during the consideration of providing the most effective police training possible and the highest level and most diverse methods that the *Best Practices Training Model* was born. The model is an illustrated representation of what the purpose of training is and the most effective and comprehensive methods and techniques in how to realize that purpose. The model is both a guide and a reference for instructors to plan and deliver exceptional training. The model's foundation is built upon four primary components: (1) Improved Connectivity, (2) Increased Retention, (3) Enhanced Performance, and (4) Return on Investment. These components were developed to identify the primary purpose of the model and more importantly, the purpose of training.

Improved Connectivity

Connectivity is a word that did not exist just a few short years ago. It is a word born and raised by the computer generation that says it has all got to work together to be connected. Too much of our training today is not connected. It is basically blocks of stand-alone training that has little concern toward integration or standardization.

Best Practices Training Model



Training Resources

Administrative Support
- Sufficient budget/ support

Trainers/Facilitators
- Appropriate expertise
- Trained role players

Facilities & Equipment
- An environment conducive to learning
- Safe and sufficient for required training activities
- Full range of appropriate presentation tools
- Break-out areas

Total Training Package
- Lesson plans, learning activities, visuals, etc.
- Quality walk-away materials (handouts)

Training Methods
- Facilitated Activities
- Self-Directed Learning
- Learner as Teacher
- Role Play
- Scenarios
- Small Group
- Demonstration and Drills
- Field Training (FTO)
- Train the Trainer
- Games and Gaming
- Computer Simulation
- Interactive Media
- Simulators
- Training Laboratories
- Case Studies
- Virtual Reality
- Visualization/Imagery
- Video/Audio
- Flip Chart Techniques
- Guest Speakers
- Lecture
- Reading

Training Receptivity
- Student as Stakeholder
- Pre/Post Assessment
- Participative
- Testing
- Trying
- Motivation
- Performance Evaluation
- Practical Application
- Experiencing

R-I-D-E-M
- **R**elevance
- **I**nvolvement
- **D**iscovery
- **E**xperience
- **M**odeling

Desired Outcomes
- Skills
- Knowledge
- Tactics and Safety
- Attitudes
- Ethics and Values
- Principles
- Judgment
- Competency
- Techniques
- Change Through Growth

Learning Domains
- Psychomotor Skills
- Cognitive Learning
- Affective Learning

Across our vast country, professional police officers sit in the traditional classroom style, six in a row, six rows deep, and facing forward to allow the instructor to be the centerpiece of the activities. From that vantage point, the instructor delivers the traditional lecture followed by police war stories and the ever-popular electronic babysitter (the 40-minute video), and they call it teaching. These officers are justifiably bored, and their thoughts tend to drift as a result of their lack of involvement. Learners *must* connect with what is being revealed to them. Officers are adults, and adults need to experience what is being taught. Hands-on, experience-based techniques should be the order of the day to ensure that the student and the subject content are connected. In this kind of environment, learning gives birth to change, and that change manifests itself in the form of higher levels of cognitive and psychomotor development.

Adult learning concepts have been around for decades; however, they have been slow to find their way into American law enforcement training. Trainers, who are fortunate enough to first, gain subject matter expertise in the concepts of adult learning and then to develop the valuable ability to apply it, possess a hidden treasure, and their students and the agencies they serve are the beneficiaries of that wealth.

Increased Retention

Training that does not produce cognitive change or that is simply not used by officers because it's not remembered has a sum value of zero. Officers that retain knowledge or skills and bring them back to their jobs can use them to enhance their performance, provide better service to their community, and do it in a safe and efficient manner. Successful officers can also be used as an inexpensive but valuable resource to pass that training on to other officers, either formally or through simple roll-call training. None of this, however, can be accomplished if retention is not realized.

It takes the average person about 7 seconds to become distracted. Training should be delivered in blended and varied forms, and it should be diverse yet simple. A 4-hour *PowerPoint* presentation with 300 slides will tranquilize the audience. Standing behind a lectern and only lecturing or regurgitating what has already been provided in handouts will numb their interest. Perhaps Confucius summed it up best in three short, yet powerful statements . . .

> "I hear I forget.
> I see I remember.
> I do I understand."

Retention occurs best when the learner understands what has been taught and why it has been taught. Understanding is best achieved when the new skills or knowledge is fully explained, modeling of the proper behavior is demonstrated, and the students are then allowed to practice the new skill or knowledge until they can demonstrate competence or even mastery. Since the learning brings to the classroom varied learning styles, the trainer must respond with varied instructional techniques. *PowerPoint* is a great way to present information, but only when mixed with some other form of instructional techniques like video, lecture, role-play, a demonstration, interactive discussion with flipchart documentation, small group breakout sessions, or self-directed learning. The more learners are challenged and

the more they are involved in the responsibility of their own learning, the higher their retention. Involvement begets comprehension, and comprehension breeds recollection.

While there are dozens of complex learning style inventories to determine whether learners are auditory, visual, or kinesthetic and countless theories on how learning occurs, there are three recognized simple learning domains, and when understood, they produce the results that can facilitate retention of any curriculum. The three learning domains are (1) psychomotor, (2) cognitive, and (3) affective. A simple way of thinking about them is in the hierarchy from hard to soft skills with psychomotor and manipulative skills representing hard skills, cognitive being in the middle, and affective representing the soft skills.

Psychomotor skills are physical, often learned through drill and repetition. They involve muscle memory and learning by physical acts and movement. Cognitive learning relates to thinking, contrasting and comparing, interpreting, reasoning, and contemplating. It delivers learning to the students through reading, listening, discussion, etc. Affective learning relates to feelings, emotions, values, passion, fear, senses, and character.

While all three learning domains cannot be used in every lesson, when they can be combined, the learner's retention can be greatly multiplied. If the course to be taught were an impact weapon course, the course material would include applicable laws and weapon nomenclature, facilitated discussion, and handout material for study and reference (cognitive). During the class, one might share the contents of past use-of-force lawsuits that if successful, may have ended officers' careers or devastated them financially. Also presented would be statistics regarding assaults on police and the importance of being able to protect oneself and the value we must place on life and the protection of others (affective). Finally, officers would strike training bags, participate in confrontational simulations, and complete drills on blocking and striking techniques (psychomotor).

Enhanced Performance

An essential byproduct of quality training is the transformation of the officer's new skills and knowledge into real-world performance. This transformation represents a change or growth and is evidence that learning has occurred. This performance can be measured in many ways. Officers who use what they absorbed in training may work safer and noticeably smarter. They may work more efficiently, getting more work done in less time. Increased performance derived from training can also be seen in the sharing of knowledge—when one officer teaches another or when the officer's performance is recognized or rewarded and others want to model that success.

Performance in police work is often mistaken for productivity. While productivity is important, it is only one of many elements that make up overall performance. When training is successful and goals and objectives are accomplished through improved connectivity and increased retention, enhanced performance is often the welcome and desired outcome.

Enhanced performance is the most visible benefit of police training. A police officer's contribution to his or her agency and the ability to function as an officer are evaluated based on his or her performance.

Return on Investment

Training is expensive. Per diem, lodging, travel, backfill, and overtime can take a big bite out of agency budgets. When officers are sent to training, an investment has been made in the human resources of the agency.

Agency administrators want this investment to pay dividends—to have a return on their investment. While these returns can be seen through enhanced performance, they are also found in the form of reduced risk of liability, a more knowledgeable workforce, improved public relations and trust, standardization and integration of techniques and procedures, and increased employee and team moral and retention. Officers that walk away from training having experienced no change, lasting retention, or improved performance have achieved nothing—a waste of precious time and resources.

Model Content

The remainder of the model provides the foundational content that should be considered and used to build and provide the highest level of training to achieve the model's purpose. "Training Resources" incorporates the entire human and physical resources—the "support stuff" needed to deliver training. "Training Methods" shows the "how to" of the model. By utilizing this diverse list and providing blended and varied combinations of instruction, higher levels of adult learning can be realized, and achieving the purpose of the model becomes much easier. In this area, trainers should use caution in using the more sophisticated methods without proper training and practice in their valuable applications. At the very least, they should have coaching and mentoring from individuals who are trained and competent.

"Training Receptivity" outlines how trainers can determine whether their students are receiving what is or has been taught. These things are considered to evaluate whether learners are "buying in" to the training or benefiting from it. Included in this area is an acronym developed by co-author Jim Fraser. RIDEM (relevance, involvement, discovery, experience, and modeling) captures the essence of how adults learn, and each of those elements should be present in a well-designed and executed learning activity.

Finally, "Desired Outcomes" lists the expectations we should have as a result of the training. These are the skills, knowledge, abilities, qualities, and traits evident in the learners as a result of their training. This is our target area—what we as trainers will influence, improve upon, and affect in the final behavior of the student. The learning domains have an influence on how we train, and they are included here as they also represent considerations on how we will evaluate whether the desired outcomes have been achieved. The hard skills (psychomotor domain) can best be evaluated using hands-on applications tests. The cognitive domain has usually been evaluated using some form of written examination. This area can best be evaluated using practical application tests to see whether that knowledge exists and can be applied under

conditions that mirror, as closely as possible, real-world conditions. The affective domain is more difficult to teach and evaluate, but role-play, specifically designed exercises, etc. can serve to evaluate the student's learning and retention in this area much more effectively than other less realistic and less demanding evaluation methods.

Conclusion

The duties and responsibilities of law enforcement are incredibly diverse and range from setting road flare patterns to investigating complex homicides. The extent to which this diverse work is intermixed with all the levels of society creates a tremendous need for the best and most advanced training possible. Training, in all its forms, has been and will continue to be the police officer's primary path to learning, growing, and improving professional performance. As we become more sophisticated, so does our training, and for those who have never designed curriculum and for those who have never stood in front of a room full of experienced police personnel and provided 8 hours or more of instruction, it is certainly not an easy task.

The Best Practices Training Model was created as a review tool for trainers to deliver a very valuable gift—the gift of growth through learning—and to deliver that gift in the most effective, blended, and connective way possible. The importance of quality training in police work is impossible to measure. How can one determine the value of police training that creates the potential for lives to be saved, takes drunk drivers off our roadways, or prevents children from using harmful drugs? The model is a checklist to identify and remedy what is missing and a guide to reveal what is needed and the methods for filling those needs. This model is not the answer but simply a direction for trainers to seek out higher levels of skill as talented teachers who have accepted the important challenge of developing others. Fewer things are more important.

Andrew Borrello is a lieutenant and 15-year veteran with the San Gabriel, California, Police Department. He is a California POST certified master instructor and has been highly involved with law enforcement training, teaching multiple subjects as a seminar presenter, conference trainer, curriculum designer, consultant, and mentor. Andrew is a published book author and regularly has articles published in a variety of law enforcement magazine publications, newsletters, and websites.

James H. Fraser has been in some form of the training business for nearly his entire adult life. He teaches various subject matter to include training development, advanced instructor training, adult learning, presentation procedures, special events planning and training, supervision and management, emergency and critical incident management, antiterrorism, security and contingency planning, and crisis management. He was the contract developer for the California POST Master Instructor Training Program (MIDP) and the Institute of Criminal Investigation Instructor Update Workshop. He is the author of a number of articles on various topics. He also teaches as a contract instructor for the Federal Law Enforcement Training Center (contingency planning, crisis management, international terrorism, adult learning, facilitation, and terrorism exercises). He was also in the United States Army and retired in 1991 as a colonel after 27 years of service.

Rethinking In-Service Training

Dennis Bowman, PhD, Department of Law Enforcement and Justice Administration, Western Illinois University
Terry Mors, EdD, Department of Law Enforcement and Justice Administration, Western Illinois University

The current approach to in-service training is ineffective in most cases (Mors, 2002). For learning to take place, in-service training must be interesting, meaningful, and purposeful. Trainers must identify the learning needs and styles of students to be truly effective (Merriam & Cunningham, 1989). Most of today's in-service training is centered on past practices. Those past practices revolve around teacher-centered training which is not the optimum delivery method for today's learner.

Most secondary school teachers teach through expository methods. In-service training instructors typically do the same. They define concepts and characteristics, provide examples, and test for understanding. The method is popular because it allows teachers to cover a vast amount of material in a relatively short period of time (Smith, 1990); however, it lacks the critical reflection component that is necessary to learning. According to Smith (1990), the practice has four major flaws:

1. It is likely that a number of students will achieve only a marginal, if any, understanding of the material. Without critical reflection, it is difficult, if not impossible, to assimilate the new knowledge to the student's particular application (how that new knowledge will directly affect them in the workplace).
2. The instructor has no way of knowing just how much the student has learned. The instructor usually finds out how much the student has learned at the post-test, which is not necessarily a true indicator that learning has occurred. Some students memorize material and repeat it at test time without actually understanding it.
3. The process often results in the acquisition of inert knowledge that is difficult to use. Knowledge that is not used soon becomes forgotten.
4. The process does not teach students how to conceptualize new knowledge. Learners must be able to conceptualize on their own. They must be able to think critically in order to make meaning.

Synetics is a way of making meaning from new knowledge. It is the use of metaphorical images and parables to capture the essence of a complex idea (Smith, 1990). Synetics allows students to reflect back on the known and conceptualize material in a way that is familiar to them. Synetics is paramount when learning is complex and abstract. The key to making meaning from the complex and abstract is to make the strange familiar to the student. This is done through the use of metaphors that the student can reflect upon and correlate to the new knowledge.

According to Schon (1983), much of the learning that takes place in a person's profession is in direct response to the profession itself. Schon stated . . .

> The high, hard ground of professional education and training on which the techniques and theories are learned soon gives way to the swamp in which practice usually occurs.

The meaning here is that despite new knowledge gained in the classroom, professionals may soon revert to "business as usual" once they return to the workplace. According to Schon (1983), practitioners are constantly in ambiguous, ill-defined, or conflicting situations, and theories and models do not adequately prepare them to deal with those situations. It is during those times that practitioners rely on practical experience, intuitive knowledge, and reflection-in-action. It is not enough, however, for workers to think critically about how new knowledge affects them and the way in which they do their jobs; management must also be reflective.

Past experience is critical when it comes to gaining new knowledge. Mezirow (1991) claimed that one is never free from the past. He found that adults filter new knowledge through past-life experiences, which include formative learning and socialization. When people are presented with new knowledge that is inconsistent with prior experiences, the tendency is to reject that new knowledge (Mezirow, 1991). Thus, learners validate new learning against the past.

Similarly, Schon claimed that individuals all have certain meaning schemes that they use to filter new knowledge. A meaning scheme is the particular knowledge, beliefs, values, and feelings that become articulated in an interpretation of new material. Meaning schemes are our perceptual filters. They are derived from culture, class, gender, family, religion, and paradigms (Schon, 1983). When adults are presented with new information, they filter it through meaning schemes made up of past experiences, education, values, and beliefs. If the new information fits with past experience, it is readily accepted. If the new knowledge is in conflict with past experience, the new knowledge is either questioned or rejected.

For learning to take place, educators must identify the needs and learning styles of their audience (Merriam & Cunningham, 1989). In-service training has moved away from the instructor-directed mode to a collaborative mode of instruction, shifting from a pedagogical approach to an andragogical approach. The focus has shifted from the instructor's expertise to the incorporation of the learner's life experiences (Mott & Daley, 2000).

Killacky (1990) conducted research on in-service training to determine why learning was not occurring in traditional training. Although Killacky identified a number of barriers to learning, he concluded that the method of instruction was the key to the assimilation of new knowledge and transformation of new learning. Killacky's research did not examine staff development from the perspective of continuous professional education. He focused on classroom instructional delivery methods.

Killacky proposed that the training instructor was the agent of change. He believed process, not content, was the key to change. The purpose of his research was to determine whether in-service training could be enhanced through the use of adult learning methods, principles, and strategies.

Habermas (1987) claimed that there are two domains of learning: (1) communicative and (2) instrumental. The purpose of communicative learning is to understand what others mean and to allow others to understand through communication. Communication may take the form of speech, written words, television and radio, movies, the theater, and the arts. Habermas asserted that communicative learning is the most significant domain in adulthood, as it involves describing values; ideals; morals; and social,

economic, and political issues. Communicative learning is not validated through empirical testing or analytical analysis but through discourse. Because consensus can be reached through manipulation, validity is difficult (Habermas, 1987).

Instrumental learning involves determining cause and effect relationships and learning through task-oriented problem solving. Knowledge is acquired through the testing of a hypothetical meaning scheme. Instrumental learning is empirically verified. It always involves a prediction about observable things or events (Habermas, 1987).

Making meaning is central to what learning is all about. In transformative learning, the learner reinterprets old experiences in light of new information and points of view through a dialogic process resulting in what Mezirow (1991) named perspective transformation. It is the process of becoming critically aware of how and why assumptions have come to constrain the way learners perceive, understand, and feel about the world. It also involves changing the structures of habitual expectation to make possible a more inclusive, discriminating, and integrative perspective (Mezirow, 1991). Perspective transformation involves an empowered sense of self, a more critical understanding of how one's social relationships and culture have shaped beliefs and feelings, and more functional strategies and resources for meaning perspective relates to a significant change in behavior. Transformative learning is fostered through andragogy (Suanmali, 1981).

Transformation is about change, and transformational learning is the process of learning that leads to change (Clark & Wilson, 1990). The learning process is critical to learning, and current in-service training focuses on content as opposed to process; however, it is the job of instructors to provide opportunities for critical reflection. Instructors must recognize that most students will perceive things from their own paradigm. Instructors will have to challenge students in order for transformational learning to occur. It is simply not enough to stand in front of a class and disseminate information. Instructors need to facilitate discussion. Discussion with other colleagues is critical for true transformation to occur in the training classroom. As students apply new knowledge in the field, their assumptions will be tested and validated or reframed.

Continuing professional education (CPE) has traditionally referred to individual growth and development, and training has been more closely aligned with organizational development. Since much of CPE is currently being delivered in the workplace (Cervero, 2000), the organization is taking over CPE. The distinctions between training and CPE are blurred in many professions. Today, training could be CPE for one person and human resource development for another in the same class. Persons coming into the profession having completed an associate's or bachelor's degree may press for more educational opportunities in the workplace. These learners often have higher expectations of classroom-based CPE, and they are often disappointed in the quality of these course.

The answer may lie in marrying traditional training with web-based training. Traditional training has limitations. Traditional training is location specific. Trainees are sent to training at a predetermined location. Sending trainees to training requires the additional costs of travel and possibly hotel accommodations. In addition, the trainee must be temporarily replaced while away. That results in overtime costs to

the employer, as well as tuition and travel expenses. Sending trainees away to site specific training is not cost-effective to the organization.

Web-based training allows trainees to learn in the workplace during slow or down time. There are no time constraints. The employee does not have to be at a certain place at a certain time. Employees can log on to training at any time; therefore, additional manpower is not needed to cover an employee's time away at training. There is no time away from the job. The result is huge cost savings to the company. Since web-based training can be asynchronous, trainees can interact with the instructor and other trainees independent of each other. Training can take place at a time that is convenient to the employee and the employer.

Most traditional training is general in nature. The content is developed with the majority of attendees in mind; however, organizations are unique. A canned, or one-size-fits-all, training program does not benefit all in attendance. Web-based training allows for individual as well as group learning. Trainers can interact with students one-on-one. Usually, there is not enough time in face-to-face delivery of instruction for one-to-one instruction. There are no time limitations to web-based training. Plus, trainees that may be too shy to ask questions or participate in class are usually more willing to participate in online activities.

Most traditional training is teacher-directed. The instructor is considered the content expert, and learning is one-way. A pedagogical approach is used through which banking of information occurs. Paulo Freire (1986) described banking information as if the instructor opened the heads of students and poured in knowledge. There is no guarantee that learning actually took place. In fact, more often than not, students soon forget much of the material presented after the training. Web-based training is self-directed. Web-based training is collaborative learning. Both student and instructor interact in a manner that fosters learning. There is a hands-on aspect, which engages the student.

There are also administrative benefits to web-based instruction. With traditional training, organizations must pay for the training each and every time. The cost of providing training is continuous. If organizations purchase the training, they have made a one-time investment. The up-front cost is more than traditional training, but that training can be delivered again and again for little or no expense. In the long run, web-based training is more cost-effective. Web-based training programs also provide electronic maintenance of training records. Training databases allow for easier storage and retrieval of training records. Plus, training records can follow the employee. Should an employee be promoted or transferred, his or her training records can be electronically sent to his or her new supervisor.

Most traditional training is reactive. Employees are sent to training after an incident has occurred. Usually that approach is done in an attempt to lessen future liability. Web-based training allows a proactive approach to lessening liability. Web-based training can be employed as just-in-time training. Employees can receive knowledge and skills enhancement just before it is needed. That way the new knowledge is less likely to be forgotten.

A unique approach to training has been to marry traditional face-to-face instruction with web-based instruction. The goal is to integrate students into web-based

instruction through a delivery method with which they are familiar. Western Illinois University (WIU) has developed such custom hybrid training courses. The Center for the Application of Information Technology (CAIT) and the Institute for Applied Criminal Justice Studies (IACJS) have joined forces to develop content and delivery methods specific to individual organizations.

The pilot program was developed for a major international corporation. The first step was a needs assessment. University personnel work with key stakeholders from the organization to identify training needs. From that needs assessment, content was chunked into modules by topic. With the entire University as a resource, WIU was able to draw upon subject matter experts from a variety of disciplines. CAIT provided the technical expertise to develop the website and online delivery systems.

Once the content was developed, the organization was able to pick and choose what instruction they wanted for their employees. Another benefit to individualized instruction is the ability to pick and choose selective instruction specific to the needs of the organization. The organization did not pay for content they did not want or need.

This particular corporation chose to use a combination of six modules spread out over six months. Each module was delivered in the same manner. The training module started with 2 days, 16 hours, of face-to-face classroom instruction. A shared collaborate mode of learning was employed in which students were engaged by drawing upon their life and work experiences. During those 2 days together, students were also instructed on how to navigate the training website.

The 2 days of face-to-face instruction was followed up with 3 weeks of online asynchronous learning. New knowledge was delivered via the custom web course in a similar manner as instruction is delivered in most online college courses. Students were also required to complete online activities and participate in online discussions. The online discussion boards fostered the discourse that is crucial to the assimilation of new knowledge. The instructors facilitated the online discussions. At the end of each module, there was a test. Assessment was conducted through the use of an ungraded pretest that was administered at the start of the online portion of instruction and through a graded exam at the conclusion each module. At the end of each module, students were given a week off from training.

Student evaluations stated that students enjoyed the format and believed it fostered learning. Many came into the training afraid of technology. Many claimed that they did not know how to use computers and computer software common to today's business environment. Each student was taught how to use *Microsoft Word*, *Excel*, e-mail, *Flash*, and *Real Player* and how to navigate a custom web course; however, that training was incorporated into the main content, so students did not readily recognize that they were being taught how to use technology. When they reflected back on the overall training project, they were amazed at how much they had learned about technology. Many stated they learned more because it was fun or interesting. Most claimed that they were interested in learning because the content covered the topics about which they wanted to learn. By being a part of the initial assessment, they had a stake in the outcome.

Adults learn differently than children because adults utilize life experience to validate new knowledge. Children have little, if any, life experience with which to compare and contrast new knowledge. Workers are adults, yet most training and CPE still utilizes a pedagogical approach to the delivery of new knowledge. Adult learners are not taught how to critically reflect on past practice, and failure to reflect on the past impedes future change. In order to understand why learners and educators have attached specific meaning to reality, they must reflect on past practice. Since critical reflection is developed through the process of discovering the answer and not from the answer itself, it is imperative that students be taught the process of reflection. Making meaning is paramount to learning, and that comes from filtering new knowledge through past experiences. The combined experience of students in the classroom is a source that is invaluable to making meaning out of new knowledge. The instructor-centered training of the past is not conducive to learning. In-service trainers must rethink learning strategies to make in-service training interesting, meaningful, and purposeful.

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Dennis Bowman, PhD, joined the Department of Law Enforcement and Justice Administration at Western Illinois University as an assistant professor in August 1999. He is a retired captain with the Illinois State Police where among many of his command assignments, he served as the commander of the Office of Community Oriented Policing. In addition to serving as a faculty member in the LEJA Department, Dr. Bowman was appointed in 2002 as director of the Institute for Applied Criminal Justice Studies. He completed his doctorate in workforce education and development from Southern Illinois University at Carbondale in 2001 and earned a master's degree in administration of justice in 1978 from SIU-Carbondale.

Terry Mors, EdD, is an assistant professor with the Department of Law Enforcement and Justice Administration at Western Illinois University. Dr. Mors received a B.G.S. degree from Roosevelt University, an MA degree in law enforcement and justice administration from Western Illinois University, and an EdD degree from Northern Illinois University in 2002. Having worked for the Gurnee, Illinois, Police Department in numerous positions ranging from patrol officer to commander, Mors possesses over 17 years of law enforcement experience. Professor Mors also has experience in teaching at the collegiate level including numerous presentations worldwide on various topics in law enforcement.

Field Training Officer Selection

John L. Bellah, California State University, Long Beach Police Department

The field training officer (FTO) is a vitally important cog within the structure of any law enforcement agency, as a good FTO can help to guide and motivate good officers. The opposite is true with the poor FTO, who can bring about a multitude of internal and external problems for the agency.

The duties and responsibilities of the FTO include guiding the trainee through the final steps of becoming a police officer. Aside from general knowledge of the law enforcement profession, the FTO needs to have patience and the ability to teach in a manner conducive to learning and to document the trainee's performance. Additionally, the FTO needs to keep in mind what is best for the agency in ensuring that undesirable trainees are "weeded out."

Individuals that are to function as FTOs should be properly selected, screened, and trained. Back in the old days, it was customary to place the trainee with a veteran officer or in some cases, several officers, and that was considered field training. It doesn't seem that far back, however, that my field training for one department consisted of being bounced around with every officer and with the watch sergeant on swing shift for a period of about 3 weeks. Every time I tried to get a portion of my FTO book signed off, I was carefully told that this was just *orientation* and my "official" field training would begin when I was transferred to graveyard shift, at which time the watch sergeant was to be my FTO.

I reported for duty and was somewhat taken aback when the watch sergeant told me, "You're experienced. Grab a set of keys and take a car. Call me if you have a problem." Well, I was a lateral transfer from another agency, but still . . .

FTO Selection

Part of the selection process of the FTO should include a review of his or her past performance. Unfortunately, there are still some administrators who share the belief that the ideal officer is the officer that never generates personnel complaints. In all probability, this officer is a "slug." A review of this officer's performance will probably reflect this fact, unless he or she is that rare individual that produces a lot of activity, yet generates few personnel complaints.

Pierce R. Brooks' (1975) book, . . . *Officer Down, Code Three*, describes a fatal shooting of a young rookie officer on his first night on the job. The department operated on a "good-ole-boy" system, and the rookie's training officer volunteered to become a training officer—not to train, but so that the FTO could sleep during his shift while the rookie drove.

Other FTO abuses occur when the lazy training officer utilizes the trainee to carry all of the workload. The training officer that "dumps" the responsibility of writing a complex report (e.g., homicide or fatal traffic collision) on an inexperienced trainee without the proper guidance is not effectively training the new officer. This is especially true when the training officer shreds the original report and demands

a rewrite. Another example of a lazy training officer is when the unit generates enough activity to consume a couple of hour's worth of report writing. The training officer would instruct the trainee to drive to the FTO's girlfriend's residence and go inside while the trainee is sitting in the police vehicle writing reports.

The officer that generates an excessive number of personnel complaints would not be an ideal candidate to become a training officer. An impromptu field training session tragically ended on Christmas Day 10 years ago with the shooting death of a veteran Orange County (California) deputy sheriff. The training officer attempted to recreate an earlier vehicle stop, with another deputy playing the part of the "suspect." The "suspect" produced a hidden pistol as part of the training scenario, and the training officer, using a *loaded* handgun, fatally shot Deputy Darryn Robins in the face. An investigation of the incident uncovered that the training deputy was not suited to be a training officer due to numerous prior citizen complaints against him and what would now be termed "anger management issues" (Madigan, 1999).

Hazing is another FTO issue that should be looked into very seriously. Many agencies still use the "good ol' boy" system, and some training officers will force the new officer to undergo humiliation, undue stress, or even perform acts that are contrary to department rules and regulations or are blatantly illegal. This is done under the rationale that the individual must "earn" the right to become a police officer. If the officer adheres to the "blue wall of silence," he or she is considered to be a "stand-up guy" (or girl). The trainee that goes forth and reports illegal activity (which by law should be reported) will probably have a short and miserable career with that agency.

Many training officers rationalize this by reflecting their former academy and field training experiences and passing this treatment on to the trainee—something like the initiation to a fraternity. These practices should be discouraged. The trainee undergoes enough stress while attending the police academy, and excessive amounts of stress negate the learning process. Unfortunately, we lose many otherwise qualified, potential police officers due to FTOs who insist on browbeating trainees as a type of "payback" received during their early days on the department.

Many years back when I attended FTO school, two of my classmates openly bragged to the class about how they "blew-out" a trainee. They admitted that the trainee wasn't a rookie—he had 18-years experience with a department with one of the highest crime-rates in Los Angeles County. This writer strongly doubts that competence was the issue in this case, but more the ego trips of the two young training officers "washing" somebody out.

This does not mean that discipline is thrown out the window. Discipline and adherence to the chain-of-command are both important items; however, discipline and hazing are two completely different animals. The trainee that reports for duty constantly tardy, unshaven, poorly groomed, improperly uniformed, or with alcohol on the breath needs to have those issues documented and addressed. The same is true with cowardice, poor weapons safety, over-aggressiveness, and poor communications skills. If these issues are not corrected during the training and probationary period, they will continue long throughout that officer's career.

Field Training Scenarios

Many agencies do conduct training exercises in the field during periods of low activity. These exercises often provide valuable training for both the rookie and veteran officer. These scenarios should be properly supervised, and everyone even remotely connected should be briefed. This includes communications personnel. If firearms are to be used in such scenarios, inoperative or dummy guns should be utilized. One person should be designated to secure the live guns, inspect the training weapons, and supervise the scenario.

Late one evening, I finished an overlap shift when working for a moderately large metro department. I turned in my portable radio and went into the locker room to change out of my uniform. Imagine my surprise when I heard the sounds of a "high-risk" car stop outside in the parking lot. I grabbed my off-duty gun and went to investigate, only to find the ongoing watch decided to do training on high-risk car stops—without notifying communications or the other officers that were on duty.

Management Issues

Management should also keep in mind that the trainee is not just an extra body to be reassigned at will. The new officer, while academy-trained, is not yet a fully qualified police officer. Granted, the academy provides *basic* training in law enforcement procedures. Undoubtedly, as part of the academy curriculum, there are situational scenarios involving role-playing. Field training, however, puts the trainee officer onto the streets under actual field situations, far and away from the sterile environment of role-playing. There are many who do quite well during the academy and do poorly under actual conditions.

This puts an extra burden on the training officer, as not only does this individual need to be aware of his or her own safety, the FTO needs to provide guidance and training and to document the performance and progress or lack of. Many FTOs also have to deal with "burn-out," due to the additional stresses placed upon them. Many agencies consider the FTO as a promotion or offer extra compensation to offset the extra effort and responsibility required.

The agency needs to listen to the training officers. If substandard performance is not corrected or dealt with—and the trainee passes probation—shame on the agency! This has happened far too many times, under the guise of not enough personnel, fear of wrongful termination lawsuits, or affirmative action. If the substandard trainee makes probation and then later generates legal action against the department by excessive force, out-of-policy shooting, or a pursuit gone wrong, then the agency will probably be held accountable.

Formal training should be given to those assigned as FTOs. This may be routine for large agencies but, unfortunately, may not happen with smaller departments. Many regional academies offer formal FTO courses and updates.

Documentation

Document! Document! Document! There should be no excuses, and many agencies allow extra time for the FTO to document the *daily* performance of their trainee, for if it was not written down, it didn't happen.

Unfortunately, in the selecting and training of newly hired officers, the "buck" is often passed by many people and departments. A borderline applicant who passes the oral interview will be *assumed* to be weeded out in the background investigation. This individual, however, may pass the background stage, and if so, the rationale is that the academy will wash him or her out. *If* this individual graduates from the academy, there is then field training, which is pretty much the final examination. If the borderline applicant's progress, or lack of, is not carefully documented, or if the agency fails to heed the warnings from the training officers and passes probation, there is little the agency can do to get rid of this individual. Once a substandard officer passes probation, it is pretty much a given that the agency will be stuck with that individual for the next 20 years.

FTO Programs

While smaller agencies may have only one training officer, many larger agencies may use a 12 to 16-week FTO program, where a trainee is rotated to a different training officer every 3 to 4 weeks. This type of program may be mandated by law. Some agencies may have a "shadow" phase during the final 2 weeks. This is when the training officer rides as a passenger, wearing civilian clothes and monitoring the trainee's performance.

Some agencies will also have a portion of the field training dedicated to working with other government agencies—communications, animal control, building inspectors, harbor patrol, and parking enforcement to see how they operate and function.

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John L. Bellah has over 27 years of law enforcement experience and has been a field training officer since 1978. He is a member of the American Society for Law Enforcement Training (ASLET). Currently, Bellah holds the rank of corporal with the California State University, Long Beach Police Department.

Bellah has written numerous articles on law enforcement issues, which have been published in numerous publications.

Training Manager – Position of Excellence

John C. Cooley, Retired Sergeant, Los Angeles Police Department

Organizational excellence and managerial excellence are one and the same. Consequently, any attempt to improve one automatically involves the other. The training manager's position within an agency should be at a managerial level and an integral part of the organizational leadership team. Training is essential to an organization's ability to attain its goals and accomplish its mission.

In law enforcement, the titles training manager and training coordinator are not synonymous and can take on two distinctly different interpretations. If neither title is supported by a detailed training policy and job description, then the person assigned may determine what the minimum standards should be, and these may not be in the best interest of the organization.

Training coordination responsibilities are frequently assigned to a field supervisor as one of several ancillary duties. Often, it is a transitory assignment given to a junior supervisor and held until another supervisor with less seniority becomes available. At other times, it is an ancillary duty assigned to an administrative supervisor's position. The assignment is often perceived to mean nothing more than to ensure that everyone that needs training receives training and to coordinate all required training activities; therefore, a training coordinator may legitimately perceive his or her role as just another administrative coordination chore.

Training responsibilities should be assigned at the managerial level to a person who is not only administratively competent but possesses' the knowledge and skills to understand the complexities involved in administering the training and educational endeavors that are important to the agency and its members. The title training manager is much more appropriate than coordinator. A training manager needs to fulfill three primary roles: (1) manager, (2) learning specialist, and (3) organizational improvement specialist. The training manager's position is a position of excellence and trust that will allow an agency to be more flexible and responsive in coping with the present and future internal and external demands of the organization. Agency heads that believe coordination alone fulfills their legal, moral, and ethical responsibilities towards meeting training requirements will eventually realize that their training program is inadequate and unrealistically simplistic, marginally impacts behavior and performance, and jeopardizes the professional development of their personnel and the agency.

The Training Manager as a Manager

The training manager's position is an integral part of an agency's management team. The training manager's position demands a person who knows how to manage programs as well as people and fulfill managerial functions. The training manager's position is often an ancillary duty, especially in smaller agencies, but the size of the agency does not diminish the importance or need for the position.

A training manager must develop, modify, and update agency training policies. The training manager is responsible for communicating and implementing a comprehensive and relevant training policy throughout every level of the agency.

A training manager is a planner. Every training policy and program must include a formal comprehensive written training plan. If there is no plan, then there is no direction. The training plan organizes the agency's training needs and activities into an organized system that depicts every training-related activity by week, month, quarter, semi-annual, and annual event. The plan identifies the training activities for every position and every member of the agency.

A training manager must determine and assess the agency's training and development needs. This is a continuous and time-consuming effort. The training manager determines whether the best training is being provided to all personnel, in the best manner, and at the best time.

Training managers must have a formal and structured evaluation plan so they can honestly judge or assess the value and impact of training. Student evaluations completed at the end of a presentation merely document how the students felt about the training and are often influenced by the instructor's personality. True evaluation is much more in-depth and requires a critical analysis of the instructor's presentation skills as well as the material presented. Evaluation also extends into the workplace to determine whether the training objectives are being accomplished.

A training manager must manage a comprehensive records system that documents all training of all personnel. Record availability and retention is critical to every training program and must be a matter of policy. Keeping rosters of who has received training and who has not is not a comprehensive functional records system. Besides attendance rosters, there is a necessity for course documents that identify what was taught and by whom, when, and where. There is always a potential for lawsuits that involve training issues. It is imperative that an agency be able to prove or disprove any allegations. A comprehensive well-managed records system will prove to be a valuable asset.

A training manager establishes instructional standards. As a matter of policy, no one should be permitted to provide instruction as a representative of the agency until the training manager confirms his or her competency.

The qualities of a training manager outlined above should be the basic criteria for the position and what agency leaders should expect—in fact, demand. The training manager must be responsible for performing managerial functions. Although the training manager will not likely have line or functional supervision over anyone who is a part of the program, the training manager must still manage and supervise their involvement, evaluate their participation, and utilize their expertise to support the training mission. This includes working with other agency managers and supervisors and ensuring that they provide resource materials, insight into the training needs of their personnel, and subject matter experts to be trained as trainers. It is also their responsibility to ensure that their subordinates attend training and that instructors receive the time and support to prepare themselves to train.

Training Manager as a Learning Specialist

Learning is a complex subject, and a training manager must be a learning specialist. The training manager must understand how people learn and how people learn different topics best. There is more than one method of teaching, and there is more than one way people learn. The objective is not to get the training completed but to ensure that learning has occurred. Specialized expertise dealing with the psychology of learning is essential.

A training manager needs to be a certified instructor so that he or she can better understand the complexities of the instructional process, what instructors need to do the job, and how they can support their instructional cadre. It may not be necessary for them to teach on a regular basis, but they should be part of the instructional process. Completion of a typical 80-hour instructor development course would be a wise investment.

There will be times when other agency managers want an internal problem solved and believe that training is the best solution. It is the duty of the training manager to evaluate these requests and determine their merit. An established training axiom says, "If knowledge is not the problem, then training is not the solution." Often, agency supervisors and managers are frustrated because errors or substandard performance continue to plaque them on some issue. So they believe that retraining people will solve the problem. The answer to solving the problem may be as simple as holding people accountable for doing their jobs correctly, not training. Good leadership often solves more problems than remedial training.

A training manager needs to continually strive to create an environment that will inspire people to want to learn for an entire career. Training managers cannot stop providing training merely because the mandated standards have been met. There is a moral, ethical, and legal mandate to provide training to everyone within an agency for his or her entire career.

Effective training is practical, work-related, and people-oriented. The training manager needs to know and understand how learning occurs. The training manager needs to understand how to develop instructors as well as programs. Instructors who want to teach and know how to teach will produce positive results. Agency in-service train-the-trainer courses will promote interest and competency in teaching assignments. Selection as an instructor by the training manager should be perceived as a coveted position bestowed upon the most qualified people.

Methodology is as important as content. The best topic presented in the worst manner accomplishes nothing. Instructors need to ensure that their training objectives are attainable and measurable and the methodology used is appropriate for the topic. An important, and often misunderstood, component of methodology is incorporating creativity and imagination into presentations. Some topics just naturally invoke a sense of boredom. These presentations are a challenge for any training manager and instructor. Past practice will often create a poor reputation for a particular topic because the previous instructor was not up to the task. Training managers should expect their instructors to make training interesting. Lecture is a last resort. An ancient Chinese proverb says, "What I hear, I forget; What I see, I

remember; What I do, I understand" (Confucius). Training managers must demand training that has people involved in the learning process.

A training manager cannot resist including people-oriented or nontraditional topics into the training program. A training manager must be concerned with the development of the entire person, not just random job-related tasks; therefore, topics like stress management, suicide prevention, and alcohol abuse become important to the over all wellness of individuals and the organization. These types of topics are seen as unorthodox or to be avoided because they make people feel uncomfortable, but it is the training manager's responsibility to ensure that these types of training occur and occur on a regular basis.

Training Manager as an Organizational Improvement Specialist

The training manager must work with the other agency managers and supervisors to ensure that every aspect of every job is evaluated and the existing training plan is continued, modified or, if necessary, a new one designed and implemented. Everyone needs training. Entry-level training as well as continuous updates and reviews are important and expected. Topical issues and special interest topics are an important aspect of personnel development and a critical component of a training program.

A training manager must manage any specialized training provided by an outside entity as closely as he or she would manage agency-provided training. A training manager should be familiar with any training conducted away from the agency and have a course outline and other related resource material on file. The training manager should try to monitor or attend the training if possible.

It is important that a training manager associate with his or her contemporaries in other local jurisdictions. Periodic meetings with other law enforcement training managers or coordinators would provide an opportunity to share information, plans, resources, and experiences. Training managers should seek out every opportunity to attend seminars and workshops that deal with issues related to their responsibilities. Many of these are offered in the private sector and provide valuable information and resource material.

Established training programs within an agency should be evaluated by the training manager to determine their suitability for other job classifications. Often, a good concept for one job classification is ignored for another. As an example, typically new police officers enter into a training program that includes a field performance checklist. This checklist guide provides documentation that probationary officers have been presented with a series of tasks and knowledge domains in which they must successfully demonstrate competency to pass probation. A similar program is often utilized for newly appointed sergeants. This approach to training is very effective but may be ignored for other types of positions. A training manager should evaluate every position within the agency to determine its applicability. The review and determination of the potential for a formal performance-based checklist-training program for specific jobs within an agency should rest with the training manager.

Training affects attitudes. A training manager's attitude affects how training is accepted and how change will occur. The attitude of those doing and managing the training is as important for an agency as the attitude of those receiving the training.

The training manager's attitude permeates throughout an agency, and anything less than a positive, supportive, professional attitude dilutes the importance of the training manager's position and the objectives of the program.

A training manager is responsible for career development. Preparing personnel for promotions and lateral movement within an agency is a critical component of an agency's program.

A training manager, however, does not have to provide all training to all people. Some topics can be taught best within the local community educational system. The training manager needs to promote these opportunities and advertise their availability.

A training manager needs to recognize that an absence can impact an employee's performance. The training manager needs to ensure that anyone returning from an illness, injury, specialized assignment, or significant absence is adequately prepared to return to their assignment, especially field enforcement duties. This requires a flexible plan to ensure that returning personnel have the knowledge and skills to fulfill their duties. Written exams and performance testing and field evaluations should be the norm.

Listening is the single most important trait a training manager must possess. By listening, the training manager will learn what people's interests are, what their training needs are, what their perception of past performance has been, what their expectations are, and what the training program needs to provide. The training manager needs to listen in the other person's workplace. They need to be expected to visit every workplace throughout the agency on a regular basis.

The training manager must be on an agency's management team. Training is a vital ingredient and significant part of every aspect of effective management. It impacts every aspect of every job and every member of the agency. It affects the present and the future. If the training manager is performing his or her job proficiently, their insight and input will be vital to the management of the agency.

An agency's training program must have an annual budget. A training manager needs to anticipate what training expenses will be and be able to plan on an established budgetary resource.

Conclusion

An agency and its training manager will be faced with many challenges. Through managerial excellence, these challenges can be addressed and resolved. These challenges may include the following:

- To develop relevant training goals that meet the present and future needs of the agency and its personnel
- To develop a clear picture of what a viable training plan and system needs to encompass
- To clarify the purpose and role of the training manager

- To develop a workable process for determining the training needs of the organization and its personnel
- To develop a meaningful way to link training to job performance
- To formulate a plan for career development for all personnel
- To create a means for assessing and evaluating the impact of training on performance, delivery of services, working relationships, and productivity
- To formulate a plan for training everyone, in every position in the most realistic manner
- To routinely develop, introduce, and evaluate new methods of delivering training

The role of training manager is complex and demanding. Agencies that allow their training manager to carry out the three major components of the job, as previously described, will enjoy an auspicious future; the quality of performance by their personnel will grow stronger; and the department itself will remain progressive. Agencies need innovative, self-initiating, and goal-directed training managers. There can be no substitute for excellence in the management of training. Excellence begins and ends with the training manager.

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John C. Cooley retired as a sergeant after a 30-year career with the Los Angeles Police Department. He was assigned for 12 years as an academy instructor. He was a member of the in-service instructional cadre and assisted with the design and development of in-service classes for an additional 13 years. He taught in the department's instructor development program and served on several training-related committees for California POST.

The Training and Technology Train: Don't Forget the Passengers

Randy L. Garner, PhD, Associate Dean, Sam Houston State University

The movement toward distance education or e-learning for training and educational purposes has often met with equivocal enthusiasm in policing. Many universities are rethinking their approach to distance education, and several, including a few Ivy League schools, are essentially getting out of the business all together. Some of the current related buzzwords regarding training and education involve terms such as *distance learning*, *distance education*, *e-learning*, *computer-augmented education*, and *technology enhanced training*. The premise has great appeal in that information can be made available to individuals all across the country (and the world), allowing for greater access and greater educational opportunities. A review of recent state and federal grant solicitations involving training has indicated that efforts should be channeled into this mode of delivery. With all of this potential, why has distance education not received the welcome that was once expected?

The answer can be as varied as the situations; however, in a recent survey of police trainers and law enforcement agencies, a few commonalities seem to surface with regularity:

- *Quality* – All distance education efforts are not the same. Some are little more than reading a series of text screens. There are few, if any, technologically enhanced elements. In fact, such an approach probably does more harm than good. Reading numerous lines of text on a computer monitor is both fatiguing to the eyes and strenuous to the mind. Simply posting text to a screen that can be accessed by those with a computer connection can provide an availability of information, but the experience is less than optimal, and the exchange of information could probably be more effectively accomplished by receiving a reading assignment from a text—something that provides less eye strain and is infinitely more portable.

- *Cost* – Other distance education efforts are much better. The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) partnered with Sam Houston State University to create appealing and informative training modules that can be used by officers to fulfill their mandatory retraining requirements. There are components on a wide variety of training areas. These modules were professionally created by content experts. They contain interactive video segments and provide an interactive assessment of retention. As a result, this approach has been generally well received by those who have participated in the training. So, why doesn't everyone do this? Cost. It is estimated that the costs associated with the development of this program have exceeded $2 million! Quality does not come cheap. Most training and education programs do not have this type of funding or start-up capital.

- *Asynchronous Delivery* – Much of the time, distance education courses or modules are offered in an asynchronous format—meaning that the student often works self-paced. Unfortunately, it also means that there is no opportunity to have

any group discussion, ask questions, or interact with an instructor. In effect, the experience is more reminiscent of a traditional correspondence course rather than a new or exciting mode of learning and information delivery.

- *Group Interaction* – Few distance educational programs offer real-time or synchronous interaction with others in the class or group. Frequently, participants in many of our in-service training programs suggest that they get equal value from the interaction with the other participants and the information that is exchanged in the program. With distance programs, this is usually not possible, and the positive face-to-face interaction is lost. Some educational programs do offer the opportunity for asynchronous "string" discussions. This occurs when participants post answers to questions, opinions, or other information to a particular area of the website, and others are allowed to read, review, and reply. When I teach a distance education course in this format, I will frequently require the participants to answer a series of "thought questions" and have others in the course respond to their postings. It's not a group discussion, but it serves as a distant proxy.

- *Technology* – Probably one of the biggest problems encountered in the distance training effort is the compatibility or availability of technology to accomplish the goal. In a survey of police organizations in Texas, it was determined that most agencies did not have the computer resources to fully utilize online materials in their training programs. Lack of adequate computer resources, inaccessibility to the Internet, and equipment limitations were among the findings impacting the viability of the distance education approach.

It seems that while some have rushed to address this new delivery mode, we have not always been appreciative of the end user. While computer-based technologies do offer tremendous promise, we must never forget the needs of those who might best benefit from the services. We can create the biggest, brightest, and best content-enriched program, but if most of our end users cannot access the training, what have we really accomplished? In fact, many of the better distance education sites require computer capabilities and Internet connection speeds that exceed those that are regularly available in many of the policing agencies that were involved in the survey.

Where Do We Go from Here?

This information is not provided to discourage new and more innovative training. This is simply a cautionary admonition to remember our end users. As the training and technology "train" continues to build up speed along the information superhighway, we must not forget our passengers. There are several issues that can help us to address these concerns:

- We can encourage efforts to update and upgrade the computer resources for training in our policing agencies. This can go a long way in dealing with this approach. The cost of computer equipment is less expensive than at any time in history. We can get machines that do so much more for less money than even a few years ago. Most computers today are capable of handling the multimedia demands of quality Internet-based training.

- Alerting vendors and training providers who wish to utilize this technology to the concerns of equipment and connectivity can be helpful. In a recent discussion with a commercial training provider, I found that they were unaware of the results of our survey and the difficulties encountered by agencies that might benefit from their training. As a result, they modified their programs in ways that allowed for users with narrow bandwidth and low baud rates to more easily access their information. Changes included fewer graphics per page, increased number of separate pages (thus, less download time), streamlining of graphics, and variable selection of video segments that accommodated everything from a 28.8 modem to a high-speed connection. There were some tradeoffs; however, a slightly smaller video screen is certainly preferable to the inability to access the information at all.

- Partnering with other resources in the community can also be useful. Some agencies report that while they do not possess the computer resources necessary to accept distance education applications, they have partnered with other businesses or public libraries that do have this capability. One agency reported that they were able to use the resources of a local business to allow their officers access to distance educational programs, both for in-service training and for college credit.

- We can also realize that despite our best efforts, some agencies will simply not be able to access these types of training programs. When one of the regional community policing institutes first began a program of distance education on contemporary community policing issues, it became clear that the Internet-based program that had been developed was not accessible to all potential agencies. As a result, the program was transferred to CD-ROM, which overcame the download problems and Internet connectivity issues. Still other variations of the training were translated to a *PowerPoint* presentation, as well as an overhead/workbook approach. The point is that if we truly want to get our training to the greatest number of potential participants, we must ensure that we have the greatest flexibility to meet their current level of technological sophistication.

The foregoing discussion is not to suggest that we should go "low tech"; rather, it is just a recognition that our training mission may require that low-tech options be available in addition to—not instead of—the more technology-enriched approach. The goal is to provide the best training available to our audience; however, that requires us to be ever-cognizant of the capabilities that they have at their disposal. We must and should continue to develop new technologies to provide educational opportunities for policing that escape the boundaries of geography. As we do this, more officers and agencies will see the benefit of this approach and upgrade the necessary technologies. The wisdom offered in the movie *Field of Dreams* seems particularly appropriate: "If you build it . . . they will come." We should continue to build the best training modules available; we just need to ensure that no one gets "lost" during construction.

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Randy L. Garner holds a BS, MA, and PhD in psychology, with specialization in the area of social psychology and a doctoral minor in organizational behavior and management.

Currently, he is the associate dean and professor in the College of Criminal Justice at Sam Houston State University. Additionally, Dr. Garner previously served as the Executive Director of the Law Enforcement Management Institute of Texas (LEMIT) and the Texas Regional Community Policing Institute. Dr. Garner came to Sam Houston State from the University of Houston where he was the associate director of the Social Psychology/Behavioral Medicine Research Institute.

Dr. Garner began his law enforcement career in 1976 and has worked in all divisions and levels of command. He was appointed as the chief of police for a Houston-area agency in the mid-1980s where he was active in a variety of local, state, and national law enforcement organizations. Dr. Garner was one of the founding members of the Houston-Harris County Chiefs of Police Association.

Dr. Garner is an honors graduate of both the FBI National Academy (139th Session in 1984) and the Southern Police Institute (66th Administrative Officers Course, University of Louisville in 1981). He received certification as a forensic hypnotist from Texas A & M University in 1981 and was licensed as a Texas polygraph examiner in 1983. Dr. Garner has authored a number of publications and has been honored to receive several teaching excellence awards.

The Reno Model of Police Training

Kevin Orr, Lieutenant, Carol Stream, Illinois, Police Department

The Reno Model of Police Training was developed by members of the Reno Police Department and academians with the assistance of a PERF grant. The model was first implemented in the Reno Police Department in 2001. Since that time, several departments throughout the United States have implemented the Reno Model, including the Carol Stream, Illinois, Police Department.

Carol Stream Police Chief Rick Willing attended a presentation given by Reno Police Chief Jerry Hoover on the Reno Model at the Police Executive Research Forum's (PERF) 2002 Annual Meeting in Chicago. Willing liked the concept of the Reno Model and believed that the department would benefit from its new approach to police field training.

In order to conduct an implementation feasibility study, Lieutenant Jerry O'Brien and I attended a 40-hour police training officer class in Reno, Nevada, in February 2003. Both of us returned believing that the training model would greatly benefit the organization. O'Brien and I promptly presented the Reno Model to the Carol Stream Police Department's command staff and field training officers. Both groups liked the concepts involved in the Reno Model. A decision was then made to implement the Reno Model in the Carol Stream Police Department, which was accomplished in October 2003. Carol Stream is the first Illinois police department to implement the model.

I am very pleased with the Reno Model. It allows our training officers to concentrate more on teaching the necessary skills to trainees as opposed to concentrating on evaluating their performance. The model also provides an excellent foundation for problem-based policing.

The Reno Model is a problem-based learning model. The model emphasizes the concept of "failing forward" and is based upon adult learning principles. Adult learning principles include . . .

- the need for the trainee to be involved in the planning and evaluation of instruction.
- learning activities based on experience.
- job-relevant topics.
- problem-oriented learning.

The model also utilizes emotional intelligence concepts, which include self-awareness, self-regulation, self-motivation, social awareness, and social skills.

The Reno Model is a 15-week training program. The trainee will have four Police Training Officers (PTOs) during the training program. The PTO will focus on training, coaching, and mentoring as opposed to evaluation of the trainee. Week 1 is an integration phase and does not count as a training week. During this phase, trainees are introduced to their first PTO and given a geographic orientation to their assigned zone or city. In addition, they acquire necessary equipment, become

familiar with the organization, and begin to develop relationships within the organization.

After orientation, the recruit enters Phase A. This 3-week phase emphasizes Non-Emergency Incident Responses. Some Non-Emergency Incident Response training topics include the following:

- Non-violence in-custody arrests
- Non-custodial incidents
- Alarm response calls
- Traffic accident response
- Subject contacts

Phase B is the Emergency Incident Response phase. This phase is also 3 weeks in length and occurs during weeks 5 through 7. Some Emergency Incident Response training topics include the following:

- Felony crimes in progress
- Injury accidents
- Suicidal subjects
- Weapons calls
- Fights in progress calls

Week 8 is the Mid-Term Evaluation week. During this week, the trainee is assigned to their second PTO. The Mid-Term Evaluation consists of trainees being evaluated, as they handle calls on what they have learned in Phases A and B. This evaluation week is very important for the trainee. Trainees will have their first opportunity to demonstrate what they have learned under an evaluation atmosphere. Trainees advance into Phase C if they successfully complete the evaluation week. Should trainees experience difficulty during the week, they may be placed back into Phase B for prescriptive training, or trainees' retention may be considered.

Phase C is the Patrol Activities phase, which is also 3 weeks in length and occurs during weeks 9 through 11. Trainees are assigned their third PTO for this phase.

The 3-week Phase D (weeks 12-14) focuses on Criminal Investigation. The final week of the program (week 15) is the Final Evaluation week. During this week, trainees are given their fourth PTO and are evaluated on what they have learned during the entire program. The trainee is again evaluated while handling calls and other street duties.

The Reno Model utilizes Problem-Based Learning Exercises during the program. Problem-Based Learning Exercises are real-life, ill-structured problems that are not easily solved by the trainee. The purpose of these exercises is to teach trainees to research solutions and to give them a base of knowledge to reflect on when they are faced with a situation they have not dealt with before. Typically, trainees will be given two Problem-Based Learning Exercises during the program, one for Phases A and B and another for Phases C and D. The exercises should be assigned on the trainee's first day in the program and the first day of Phase C.

The Reno Model also incorporates a Neighborhood Portfolio Exercise. The Neighborhood Portfolio Exercise is assigned to trainees on their first day on the job and will continue for the length of the program. The Neighborhood Portfolio Exercise will require trainees to meet with community leaders and organizations in their assigned geographic areas. The Neighborhood Portfolio Exercise should give an overall description of the social and cultural aspects of the area.

One of the main aspects of the Reno Model is journaling. Journaling is done by both the PTO and trainee in separate stenographer notebooks. The journals can be used for the Problem-Based Learning Exercise, Neighborhood Portfolio Exercise, and notes on calls/activities handled by the trainee. Journaling will allow the PTO and trainee to discover the areas in which learning either occurred or did not occur. The PTO's journal is placed into the trainee's file at the end of the program and becomes a permanent record.

The Reno Model utilizes a Learning Matrix to facilitate learning. The Learning Matrix can be customized to each agency using the Reno Model. The matrix consists of four substantive topics, which coincide with phases A, B, C, and D. Included in the matrix are 15 core competencies, which are required of officers in most situations. Some examples of the core competencies would be police vehicle operation, use of force, and ethics. The activities included in the matrix are high-frequency activities for each substantive topic. For example, Phase A, Non-Emergency Incident Response would include alarm calls and not-in-progress property crimes. Performance outcomes are established for each cell of the matrix and used as performance goals for the trainee. Resource Materials are also a component of the matrix. They consist of policies and procedures, laws, local ordinances, etc. that will assist the trainee in achieving the performance objectives.

The Reno Model utilizes a Coaching and Training Report at the end of each training week. The Coaching and Training Report is used to identify areas in need of improvement. The report is normally done on one call that the trainee handled for the training week. The call must cover as many of the core competencies as possible; however, it is not required that the call cover all of them. The report will require the trainee to take more responsibility for his or her learning, which in turn allows the PTO to focus more on teaching and coaching. The report is in narrative form and requires both the trainee and PTO to write their thoughts on the call and how the trainee performed.

Trainee performance documentation is achieved through journaling, coaching, and training reports, mid-term evaluation, and final evaluation. The PTO will journal on each task the trainee performs. The PTO and trainee will then discuss the task and determine the areas in which learning is occurring and the areas in which additional training is required. The PTO's journal is placed in the trainee's file at the completion of the program. The journal is discoverable in a termination hearing.

The coaching and training reports and evaluation reports are also used for documentation of the trainee's performance. These reports also determine areas in which learning occurred or did not occur. These are also placed in the trainee's training file and may be used in a termination hearing.

The trainee is evaluated twice during the program, once at the mid-term point and again at the end of the program. The evaluation report for these weeks is done by the Police Training Evaluator, who should be an experienced PTO. The evaluator will use the Learning Matrix as a tool to evaluate the trainee. At the conclusion of the evaluation week, the evaluator may pass the trainee onto the next phase, recommend the trainee be returned to the previous phase for prescriptive training, or recommend termination.

The PTOs who have been using the Reno Model in the Carol Stream Police Department have commented that the stress level for the trainee has seemed to decrease. The PTOs believe that not having to complete daily evaluations on the trainee has been a factor in this. The PTOs have also commented that they enjoy not having to evaluate the trainee daily, which allows them to focus more on teaching. Police Training Officer Matthew Rudelich stated, "The Reno Model is nice in that it allows me to focus more on mentoring, coaching, and teaching the trainee instead of evaluating them."

Kevin Orr, lieutenant, is a 15-year veteran of the Carol Stream, Illinois, Police Department. He holds a BS in administration of justice from Southern Illinois University.

Emerging Trends in Training the Police Trainer

Thomas J. Jurkanin, PhD, Director, Illinois Law Enforcement Training and Standards Board
Vladimir A. Sergevnin, PhD, Director, Illinois Police Corps; Research Manager, Illinois Law Enforcement Training and Standards Board Executive Institute

The illiterate of the 21st century will not be those who can't read and write. They will be those who can't learn, unlearn, and relearn.

–Alvin Toffler

Introduction

Increasing numbers of law enforcement agencies are implementing train-the-trainer curricula as police trainers feel that their recruits aren't learning, police executives are worried about the future of the agency's personnel, and metropolitan managers are alarmed at the growth of civil suits. This discussion calls into question content, methods, techniques, and assessment tools—basically, all the dimensions of the contemporary train-the-trainer curriculum.

Policing has become more sophisticated and police officers have to deal with many social, political, technological, and operational issues that they would not have been expected to handle only decades ago. In turn, they must be more extensively trained and educated.

The growth in criminal justice and methodological information will certainly continue to dramatically impact law enforcement training. Knowledge proliferation may increase curriculum-breadth demands on police training, spreading training resources ever thinner and complicating training management decisions. The trend toward continuous training is the result of the criminal justice and law enforcement knowledge explosion and the dynamic nature of the police profession.

In Europe and Asia, law enforcement trainers typically spend 1 to 4 years at a 4-year college or special training program taking traditional teaching and methodological courses and learning about pedagogical and andragogical applications to law enforcement training. Due to the decentralized model of the police forces in the United States, there is a wide variety of standards and requirements for law enforcement trainers.

There is a need for trainers to be better prepared methodologically and academically to serve more diverse law enforcement personnel on the state and federal level. The need for quality train-the-trainer curricula has increased over the past several decades. Law enforcement trainers have to keep up with the latest technological advances in the field, with new conceptual approaches, more comprehensive legal challenges, and culturally diverse police departments. The need to develop new skills, abilities, and knowledge in the law enforcement community is so vast and

dynamic that no existent training system can feed the demand. At the present time, the focus of the train-the-trainer curriculum is on memorizing various training techniques and designs. The curriculum should not be aimed at orienting instructors to memorize information concerning training concepts but at providing them with understanding practical methods and tools of law enforcement training. New developments in adult learning emphasize the importance of helping instructors take control of their own training. A train-the-trainer curriculum should not be built around a transmission of the body of theoretical knowledge but, rather, learning the art of extracting knowledge from training. Training skills that are taught in a variety of training situations and environments are more likely to be utilized in the future than skills that are taught in a single situation. There are, however, methodological approaches that will increase the likelihood that police training will be beneficial for the law enforcement community. This article discusses several important trends in law enforcement train-the-trainer contemporary developments.

Background

The law enforcement community has devoted much attention to training and retraining police officers, supervisors, and executives, but little attention has been paid to training the police trainers on every level of teaching-learning transaction.

Train-the-trainer practices reflect compromises among local, state, and national agencies and associations. The influence of these institutions at each of the three levels of control has fluctuated over time. Train-the-trainer endeavors have been controlled by local law enforcement departments and state agencies.

Traditionally, most of the power over law enforcement training has been centered at the state level. States have adopted bodies of law and regulations relating to the operation of law enforcement training operation in general. These laws have established relatively centralized procedures for financing and managing systems of law enforcement training, but in most cases, they will not touch the area of training the police trainers. State legislation has provided for the creation of locally elected/appointed Peace Officer Standards and Training (POST) boards to manage law enforcement training programs in general and trainer standards. Though state guidelines have influenced the train-the-trainer activities profoundly, they sometimes seem distant to the average trainer. Sometimes, the heavy local law enforcement agency pressure on specific training issues forces agencies to ignore important standards.

State control is exercised in number of ways. POST typically controls the certification of trainers and training courses, which establishes minimal levels of quality for the law enforcement professionals who will be permitted to teach in the academies and police agencies. State legislatures require that certain additional subjects and topics (e.g., racial profiling, cultural diversity) be provided in law enforcement training curriculum.

Local control over train-the-trainer activities from law enforcement agencies oriented on fulfillment the local needs with minimal financial investments and concerns about the inconsistency. The system worked reasonably well so long as the law

enforcement agency was fairly large. Small departments could not afford the cost of training and having a trainer.

Though the federal government has been active in certain aspects of train-the-trainer activities for some time, this activity has increased dramatically in recent years. In modern times, acceleration of federal interest in the train-the-trainer concept can be traced to 9-11 events. An almost immediate public and federal concern developed over anti-terrorism training being provided to police and fire departments. A legislative response to this provided monies to send not only police officers but also police trainers to special training programs to upgrade their skills in anti-terrorism preparedness. The impetus of this effort also resulted in a number of national curriculum projects that brought top experts together to develop new curriculum for the training agencies.

In general, there seems to be a trend toward increased state and federal involvement in train-the-trainer programs. At the same time, train-the-trainer programs lack conceptual approach and structure. In some cases, the police trainer is a self-proclaimed expert and has limited teaching skills. The majority of police trainers maintain close relations with one of the state colleges or a national association like the American Society for Law Enforcement Training (ASLET). The standards and selection process for being a police trainer are vague. In addition, law enforcement trainers and human resource personnel have given minimal attention to learning strategies (Birzer, 2003). Train-the-trainer sessions over the long term are not well planned. They typically cover topics that are easily available on the state and national training market.

Trainers within a given state may have severe differences in terms of their perceptions of how the law enforcement training should be organized. These ideological differences can be a source of faculty discord. Many traditional components of the train-the-trainer programs are there accidentally, and others are not skill enhancement oriented. It is clear that police training varies tremendously from state to state and depends on the individual trainer's choices and preferences in content and teaching techniques selection. Law enforcement trainers tend to use their conventional classroom methods to teach new courses and programs and then become frustrated when attempts are unsuccessful. Evaluation reviews of the train-the-trainer programs indicated the need for trainer development, support, and training; however, despite rising concern over the issue, it is not yet among the top priorities of state law enforcement institutions.

Emerging Trends

Adult Learning Principles for Law Enforcement Trainers

The adult learning concept is beginning to take over traditional pedagogy, which still is relatively widespread in the police academies. In addition to being proficient in law enforcement concepts in specific areas, trainers must also understand how adults learn in order to help participants learn more quickly and effectively. Police officers have special needs and requirements as learners. Training methodologies should be participant-centered while focusing on the goals of the individual officers, on previous life experiences, and on promotion of positive self-esteem. Training should be designed so that police officers are treated as active participants who assume responsibility for presentations and group exercises and projects (Knowles, 1970).

The following should be considered when implementing adult learning principles for trainers:

- Police trainers have considerable experience in teaching; therefore, they wish to share their knowledge, participate, and contribute to training. It is beneficial to utilize the instructor's expertise.
- Police trainers have to enhance their self-esteem. Trainers should make a positive impression.
- Police trainers prefer programs that focus on real training problems rather than theoretical approaches. They would like to utilize new techniques and methodologies for reformatting and modernizing their programs.
- Police instructors should understand how train-the-trainer sessions will reinforce their professionalism and provide an example for participants.
- Trainers focus on current difficulties and issues of their own training courses and programs.
- Police trainers have their own strong vision of content and methodology and expect others to be consultants rather than teachers. It is important to ensure freedom and diversity in opinions.

Instructors come to the train-the-trainer courses with preconceptions about how the training has to be done. They generally would like to sharpen their skills. If their pre-training knowledge is not engaged, they may not be open to new tools and methods that are taught.

Partnership, active engagement, and reality imitation characterize contemporary instructional approaches. The traditional formats of the training roles, responsibilities, and activities of trainers and officers are shifted. Active engagement involves bringing real-life experience to training and absorbing new approaches into one's thinking and action. The trend toward this type of training is not about specific tools but rather about the way trainers view policing, power, and the officers' learning capacity.

Emerging Technologies and Training

One of the most important trends affecting the train-the-trainer curriculum is the advancement of technology. New technology will shift higher law enforcement training from lecture-type training to computerized and technologically enhanced interactive training. Technological fluency is becoming a teaching requirement for trainers.

Heavy high-tech influence in such areas of law enforcement as communications, identifications, and computer crime demands technological and computer literacy of the law enforcement trainers. As new emerging technologies spread throughout law enforcement agencies, new knowledge and skills are needed to install, operate, and maintain equipment and manage the growing training demand.

Trainers have to realize potential resistance from law enforcement executives who are not technologically literate. Resistance is based on the labor-intensive and time-consuming demands required to develop new technologically advanced skills for police training.

In cooperation with POST and the government, the police training community must identify the emerging technologies and provide a curriculum that prepares officers for this challenge. Not every officer needs to become a technological expert. Law enforcement trainers need to understand the technological basics and how to make equipment provide the service or information they were designed to offer. New technology will allow law enforcement trainers to . . .

- Achieve higher levels of learner participation and interaction.
- Simplify and speed up the course teaching process.
- Give step-by-step procedures that produce consistent results.
- Provide foolproof materials for instructors to deliver successfully.
- Maximize cost-effectiveness.
- Focus on technical demonstrations.
- Utilize realistic practice exercises and simulations.
- Select the best format for lesson plans.
- Validate instructional methods and materials.

It is highly recommended that any technology user in the law enforcement training institution considering the advantages of progressive technology implementation pay some serious attention to the available training machines and products.

Rethinking Law Enforcement Training Politics and Economics

The institutional landscape of law enforcement training is changing as traditional programs are declining and for-profit training agencies are growing. This phenomenon could have a dramatic impact on the cost and availability of police training. This trend can widen the gap in quality and quantity of law enforcement training for small and large agencies. The private sector of law enforcement training will focus on those areas in which profits are most easily made, such as security programs and information-technology courses. Colleges and universities will offer more degree-granting courses, while the number of traditional training programs will decline.

With the economy in recession, there are fewer resources for police training and train-the-trainer initiatives, such as specialized instructor development courses. More and more frequently, trainers are requiring flexibility in program structure to accommodate their other responsibilities, such as full-time jobs or family needs. Trainers shop for courses that best accommodate their schedules and learning styles.

Economic hardships force law enforcement agencies to cut training budgets. To worsen the problem, training fees are growing. Some institutions are beginning to consider training partnerships as a possible solution to the problem.

There are several options in dealing with financial constraints:

- Provide officers and law enforcement agencies with better information about the real costs of attending a particular training program.
- Strengthen grant and financial aid advising, making sure that law enforcement agencies are constructing reimbursement packages that fit their needs. Many police departments today are reliant upon resources outside the agency.

- Assess the impact of increasing costs of the training program and choice of the training institution.
- Provide cost-effective and affordable training programs.

The affordability issue of police training is going to stay. Costs of the programs will continue to rise. Training managers must meet the two affordability challenges: (1) how to keep training costs reasonable and (2) how to maintain the integrity of state training standards, curriculum, and the dynamic nature of training needs.

Diversity of the Instructors

Trainers' profiles are changing. They are generally younger, have completed more college and more degree programs, and have a higher level of specialized training. Modern trainers are unlike those of past generations. They are interested more in qualifications, certifications, and learning that can be achieved relatively quickly, at home, and/or fitted around work and social environment. They would like to stay connected with mentors and academics, and there is zero tolerance for delays. The younger generation of trainers generally consists of practical problem solvers. Their law enforcement experiences make them self-directed learners who are goal-oriented in improving the methodology of training. They are motivated by professional expectations, the need to better serve law enforcement officers, law enforcement associations' relationships, and interest in the field of expertise. The percentage of female and minority trainers is increasing.

Although the U.S. law enforcement population is becoming increasingly diverse, the training force has not kept up the pace. African Americans and Hispanics make up nearly 20% of the cadets and officers population, but the proportion of the instructors who are African American or Hispanic is generally estimated at less than 10%. The situation is particularly acute in the largest law enforcement agencies. This underrepresentation of minority groups in the trainer's force is expected to grow even more severe in the future. It is important to recruit more trainers from diverse groups. Instructors from a cultural or ethnic minority group generally are in a better position to serve as positive role models for minority cadets and officers.

The issue of cultural diversity training was introduced through legislation in many states around the nation including Illinois. The growing minority population in the law enforcement agencies has increasing implications for curriculum.

Trainers are offering cultural diversity training in the following formats (Jurkanin & Sergevnin, 2004):

- Awareness-based training, which provides knowledge and sensitivity to diversity issues
- Skills development training
- Integrated training, which merges cultural diversity with other training courses
- Comprehensive training, which incorporates all three previous categories

The current trend is movement from awareness training to comprehensive training, which brings new challenges for law enforcement trainers:

- Instructors may encounter resistance to the training by some police officers and cadets.
- Trainers might have difficulties in diagnosing and managing a multinational audience.
- Trainers need to understand and interpret diverse communication patterns.

Performance Assessment

Trends in performance assessment and training practices have produced changes in our understanding of training concepts. The dynamic nature of current forms of law enforcement training and learning requires continuous assessment procedures, which is the most important part of skills and knowledge transmission/development.

For the past few years, there has been a dramatic shift in how we assess what cadets and officers know and are able to do. Most of the criticism has been directed at the widespread use of paper-and-pencil tests in our academies. The assessment format affects both what is taught and the way it is taught. Critics of current assessment practices argue that the goal should be to have cadets and officers who can use problem-solving, mediation, and conflict resolution skills; collect and use information; and demonstrate satisfactory performance. Performance assessment is one that requires cadets and officers to demonstrate that they have mastered specific skills and competencies by performing at certain levels of the law enforcement agency with a certain role. Performance assessment concentrated more on working with other officers to accomplish tasks; demonstrating proficiency in using force, equipment, or a technique; developing various communication skills, etc.

Conclusion

The implication of these trends is that traditional assumptions and approaches in training will not serve law enforcement well in the future. In summary, the trends require trainers to rethink contemporary concepts and techniques of training.

Many trends in train-the-trainer curriculum and delivery will influence the future of police training. The methodological requirements are growing to surpass the capacity of traditional teaching techniques; trainer profiles are changing; and law enforcement departments are shopping for effective and affordable training.

Technological advances and increased fluency will continue to create opportunities for law enforcement trainers. The training and information technology devices are becoming more sophisticated while technological fluency is becoming a common expectation. Economic challenges are increasing with fewer resources to meet expanding training demands.

Dealing with the train-the-trainer curriculum has increasingly affected law enforcement agencies nationwide. It is unrealistic to expect to provide a quick solution to this critical law enforcement training problem. Only through proper training design and interagency cooperation can a viable solution be found. A permanent and continuous training approach should replace the traditional isolated

and separate training sessions for trainers. It will create new and promising ways for dealing with instructor development.

Progress in improved law enforcement train-the-trainer services requires action on many fronts: improved training curriculum in the area of dealing with new learning technologies, enhanced attention to standards within the in-service training for instructors, and better coordination between the educational entities and law enforcement agencies.

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Thomas J. Jurkanin, PhD, serves as the executive director of the Illinois Law Enforcement Training and Standards Board, a position he has held since 1992. He has 25 years of experience in the policing field. Dr. Jurkanin holds a PhD from Southern Illinois University in education and social justice. Dr. Jurkanin serves as vice chairman of the Governor's Law Enforcement Medal of Honor Committee.

Vladimir A. Sergevnin, PhD, Illinois Police Corps Academy Director, is a research manager at the Illinois Law Enforcement Training and Standards Board Executive Institute. He earned his PhD at the Moscow Institute of National Economy in 1986. He has 25 years of teaching experience at Illinois State University; Western Illinois University; and Saint Petersburg University, Vladimir Juridical Institute (Russia). He has published 60 articles and written seven books.

Neuro Linguistic Programming – Teaching So They Understand

Ronald Shownes, Law Enforcement Coordinator for the United States Attorney's Office for the Southern District of Illinois

Think of something you do very well; maybe better than anyone else you know. If you do not excel at anything, try to think of something in which you would like to establish an expertise. Now list five reasons you believe you have a better than average skill and what you do that makes it possible for you to excel at it. The things you listed are your basic Neuro Linguistic Programming (NLP) for what you believe you must possess to excel in that endeavor.

I have done this exercise hundreds of times with over 1,000 students and instructors. The beliefs usually include some of the following: I enjoy doing it, and I do it because I am good at it; I practice it; I work at fine tuning it; the better I get at it, the harder I work at being even better; I enjoy helping my peers because I am good at it. Now take that skill and break it down to its individual parts and movements. How you execute those moves is part of your belief system that allows you to excel at it. In a golf swing, it may be five things that lead up to staying square to the ball at impact. In a baton strike, it may be the way you load the baton, step and drive forward, and time on target to create a fluid shockwave at impact. In shooting, it may be watching the front sight before, during, and after the shot is fired.

The process for this report was to get 100 of the best in the nation at various skills and survey them for their basic belief system on what they do that enables them to excel time after time, compile those results into a system, and then teach the system. That is how I and the instructors with whom I worked developed the firearms training program that is still in use in many different agencies today. Why? Because it works!

The system, when developed, opens up new avenues of learning, exciting lesson plans, and endless ways to teach for the instructors. The road I took from the concept to the finished version was about 7 years. It started at an Executive Development Program in Southern Illinois where a law enforcement instructor from England introduced me to NLP. Once I was introduced to NLP, I began the journey that led to what I believe was a basic firearms program that met the three basic learning modalities based on right and left brain dominance.

Neuro Linguistic Programming is the study of how the brain perceives, stores, processes, and organizes information. Neuro linguistic is "The language of the mind." NLP encompasses many different areas of learning, but the three areas that will be discussed are the learning modalities. A learning modality is the way we perceive information most easily (DePorter & Hernacki, 1992). The three modalities are (1) the visual learners, (2) the auditory, and (3) the kinesthetic learners. One of, or a combination of these learning modalities or learning styles, will be predominant in an individual. Different learning styles in different people is a result of several things, two of which are an individual's basic belief system and upbringing.

To simplify it, think of each of these modalities as its own language. An individual must be able to speak to a person in his or her own language, and then a sense of rapport will pave the way for trust, which is so important in any relationship (Lewis & Pucelik, 1990). A person's learning style, or learning modality, is actually a combination of two major categories on how we learn: (1) the modality, which is how we perceive information most easily and (2) brain dominance, which is how a person organizes and processes the information. These two combined make a person's learning style. There are many variables that affect the way people learn. These variables include physical, emotional, sociological, and environmental factors. Some people learn best, for example, when the light is bright, while others learn better in low light. Some learn best when working with peers, while others prefer an authority figure such as a parent or a teacher. Some find that working alone is best for them. Some need background noise, such as music, while others cannot concentrate unless the room is absolutely quiet. Some need to spread everything out where they can see it, while others need a structured work environment (DePorter & Hernacki, 1992).

Visual learners are predominantly the largest of the three. Fully 60% of the population is visual. There is no known reason why. Perhaps our basic belief system, when we were younger was to depend on our sense of sight to make our way in the world. Our input has been through television, movies, and hard copy (Brooks, 1989). The expressions, "That looks right to me," or "I get the picture," may be some clues to a visual learner. Many behavior traits may also be clues to zeroing in on the visual learner. Visual people tend to be neat and orderly, speak quickly, are good long-range planners and organizers, and are good spellers. They can actually see the word in their minds, memorize by visual association, doodle during phone conversations and meetings, forget to relay verbal messages, and often know what to say but can't think of the right word, just to name a few (DePorter & Hernacki, 1992). People who organize the world visually prefer to see the information first and to have it presented in written language, charts, sketches, or photographs. Writing, graphics, editing, decorating, and color-coordinating would all seem natural (Markova, 1991).

Auditory learners listen to the world and hear what it is saying. They relate to their environment through sound. Several characteristics of auditory learners are as follows:

- Talk to themselves while working
- Are easily distracted by noise
- Enjoy reading aloud and listening
- Learn by listening and remember what was discussed rather than what was seen
- Find writing difficult, but are better at telling

These are just a few of the characteristics of the auditory learner. Verbal clues of an auditory learner may be someone who says, "I hear what you're saying" or "Clear as a bell" (DePorter & Hernacki, 1992).

Auditory learners tend to learn best from discussions, lectures, debates, or dialogues. They may feel naturally attuned to law, politics, the ministry, and management (Markova, 1989).

Finally, there are the kinesthetic people. These are the people that will dazzle you with their innate ability to recreate your experiences of joy, love, hurt, and sadness. They transform words, sounds, and images into feelings (Brooks, 1989). Kinesthetics tend to speak slowly and have low-pitched voices. The kinesthetic person says, "I feel that I am in touch with what you are saying" (Robbins, 1986). Several other characteristics include the following:

- Respond to physical awards
- Touch people to get their attention
- Learn by manipulating and doing
- Gesture a lot
- Can't sit still for long periods of time

To put it in a nutshell, the way to a kinesthetic's heart is through their feelings, but also listen to them. It would be wise to get a kinesthetic's viewpoint on any important decision.

This background information into the different learning styles, or modalities, is important to the firearms instructor, or any instructor for that matter, to help develop a rapport with students. Police officer students, as opposed to most college students in the classroom, are in a class against their will. Many law enforcement classes held by the local training units are mandatory. Learning these students' belief systems and learning modalities helps develop a rapport between student and trainer. *Rapport* can be defined as a harmonious, empathetic, or sympathetic relation or connection to another self (Webster, 1995). For the purposes here, *rapport* is the ability to enter someone else's model of the world and let them know that we truly understand their model. Furthermore, it's letting someone come into our frame of the world and having an experience of them truly understanding us. Another important reason, probably the most important reason why learning modalities and belief systems are important to the firearms instructor, is because a firearms class includes all three learning modalities. Students hear lectures; they see demonstrations and videos and where their bullets went; they feel the recoil of the gun, and they hold it in their hands.

To expound upon a previous point, people who perform at a certain level do so because of their basic belief system. A shooter at the mastery level operates on that level because of certain basic belief systems. These basic belief systems were tested even further.

Under the supervision of Major General Stubblebine of the U.S. Army, three of the Army's top pistol shots on the Army Marksmanship Unit (AMU) were severely tested—both mentally and physically—in detail about their basic beliefs in shooting. This study was known as the Jedi Project—appropriately named for the Jedi Knights in the famous *Star Wars* trilogy, who were great warriors that had achieved powerful physical and mental powers through extensive and rigorous training (Alexander, Groller, & Morris, 1990).

The Jedi Project had a dual purpose. The main purpose was to establish the basic shooting beliefs of the three top shooters in the nation. As a by-product of these beliefs, a training course would be developed using the beliefs as its foundation.

After 4 days of questioning, on and off the range, 13 beliefs of the expert shooters were discovered. A few of these were as follows:

- Anyone willing to apply him- or herself can become an expert, and this can be accomplished quickly.
- Muscle memory may compensate for miscalculations.
- One becomes the weapon system—you and the weapon are one.
- Shooting is 80% mental, 20% physical—"allowing" the bio-computer to do its thing.

Several physiological components were outlined also. These included the correct stance, trigger squeeze, breathing, and sight alignment.

The Jedi Project then took these beliefs and physiological components and designed a training course with them. The designers took it one step further and developed this training with the three modalities in mind. For example, sight alignment is an important aspect of the master shooter. To effectively relay this information to all three learning styles, a lecture would be given about sight alignment. Then, for the visuals, pictures on paper and on the blackboard would be drawn by the trainer and by the students. Then, the sights would be taken off the gun and handed to the students. They would then hold the sights up to achieve sight alignment.

The Project also verified what Stubblebine and his associates set out to do. After the training was developed, new recruits were brought in as guinea pigs. They were given a nontraditional training program. As opposed to the old training, the recruits were set up to succeed in the beginning as opposed to failing. They were given positive reinforcement and told that the course they were about to embark on was impossible to fail. The recruits were given a mental picture to paint in their heads. The picture was that of success and of being a master shot. After all was said and done, several of the recruits, who admitted to never before shooting a gun, qualified at the master level (Alexander, Groller, & Morris, 1990).

In an attempt to duplicate the Jedi Project, the Range Master of Southwestern Illinois Law Enforcement Commission (MTU 14) devised a similar method of collecting information on the basic beliefs of the master shots, but not those in the military. A survey including 85 questions on all aspects of shooting was completed by Range Master Ronald Shownes, with input from other instructors, and Dr. Lewis Bender, the Director of Regional Research & Development Services, Southern Illinois University. The survey was then administered to master class pistol shots, the firearms instructors, and new recruits in the academy. The test was given to the master class pistol shots via shooting matches all over the nation. Master shots from all 50 states and four European countries were surveyed. Instructors at these matches and at law enforcement academies around the United States were also surveyed, along with their recruits at the academies.

The results of that survey aided in the creation of a firearms training program for recruits that would, just as the Jedi Project did, help them achieve a level of expertise, or mastery, with the firearm. The results were similar to those in the Jedi Project. One hundred percent of the master shots and instructors agreed that trigger control is one of their basic belief systems. One hundred percent of the masters felt that sight alignment was equally important. Eighty-eight percent of instructors incorporated

this into their basic belief system. This result possibly stems from the training of the instructor to shoot center mass (chest area) shots, and not on precision. Of the recruits surveyed, 78% felt that these two belief systems were part of theirs. More than likely, the recruits do not have a complete understanding of trigger control and the sight alignment this far into their training (Bennett, 1996). The percentages were close on the belief that a positive mental attitude is important: 87% of the masters and 83% of the instructors. Of the instructors, 100% agreed that concentration is important to firearms training. Only 89% of the masters thought this was important enough to incorporate into their basic belief systems. What accounted for this? As an anonymous narrative stated on one of the surveys, "At the level we masters are at, concentration becomes a subconscious step in the shooting process. If you think about concentrating, you aren't concentrating" (Mobile Training Unit, 1996).

This survey was compiled and analyzed by the firearm instructors in order to collect the information of the best police pistol combat shooters in the world about their basic belief systems in regards to shooting at high master, match, and grand master levels. Once a skill was identified by the masters, a system was developed to teach that skill in all three modalities based on right and left dominance.

As firearms instructors, these characteristics of the three learning modalities and the information about how different people learn differently, we now have a weapon in our arsenal more powerful than that of any firearm. With this information, we can hone in on the different learning characteristics of those "problem students" or the learners that seem to have problems retaining information and better aid them in their learning process by merely disseminating the information at another angle. It is important to note that even though a person demonstrates a preference for one of the learning modalities, it does not mean that he or she does not use the other modalities too. On the contrary, we all use all of the systems all of the time. It has been observed, however, that whether out of habit, in response to stressful situations, or in other areas of interaction, people tend to depend on their preferred modality, the modality in which they can make the most distinctions about the world. It also appears that, in some people, this modality changes depending on the specific situation confronting them (Lewis & Pucelik, 1990).

NLP is an extremely large field of study that incorporates the mind and how it receives, processes, and perceives information. The three learning modalities is a very small but important part of NLP. NLP is a technology that teaches how to read people's internal processes by identifying their language patterns and observing nonverbal behavior in order to utilize these processes (Wonder & Donovan, 1984).

As firearms instructors, we must remember that our training deals with all three learning modalities, and identifying those modalities in individual students is a powerful trait. We must remember that everything in the learning environment—colors, sounds, textures, rhythms, shapes, even the appearance of the text—is significant in the learning process. Whenever there seems to be that one student that no one can relate to or just can't learn, reflect on a statement by I. Barzakov (1985):

> We (as trainers) orchestrate all of the stimulating elements in the environment.

Emotional, physical, and mental energies are blended to elicit the brain's full capabilities. The mind does not perceive just detailed bits and pieces, but it is constantly weaving a large pattern from our experiences. If you feed it with multi-impressions that are harmonized and orchestrated to achieve a specific objective, there's practically nothing it cannot learn. (p. 116)

This is a statement to dwell on when training seems to be useless and the perception of the trainees is that they aren't learning anything.

As new information is learned, the brain goes through a rhythm of firing that corresponds to the learning. The memory of what is learned is not found in any specific brain region, but rather in unique cell-firing rhythm. The brain's rhythms count for as much or more than the way it is put together. The key to the connections between the dendrites in the brain is a fatty protein substance called myelin. It is released by the brain and coats the connection between the dendrites as new information is learned. It takes a lot of work to get a skill right the first time (Markova, 1991). As the skill is repeated in exactly the same way time after time, the connections become coated and myelinated. Once this has been achieved, learning has taken place and the skill has been learned. This process can take minutes or months depending on the learning modality of the student and the ability of the instructor to relate the necessary information.

Research has shown that the mind can only hold one thought at a time. If the mind is given information through one of the senses that is contrary to the belief it is holding at that instant, the mind blocks the information out. This is called a scotoma. It is a sensory deprivation. An example would be losing the car keys. The mind has already been told that the car keys are lost and can't be found. A spouse walks into the room and points them out laying on the table. This occurred because the individual already had the mind set that the keys were lost. Students experience numerous scotomas during a training session. Any time new information is given contrary to what their life experiences have taught them, they experience a scotoma. Oversimplified, an individual cannot become involved in something unless they understand it and it has meaning to them personally (Markova, 1991).

There is joy in learning and joy in being a facilitator of that learning process. To be effective, and before you try to begin and know someone else, you must know yourself first (Ostrander & Schroeder, 1979). You must be moving in your own rhythm before trying to move in someone else's. This way you will know exactly what you want, need, think, and feel. If you lose contact with that, you've stopped accessing the aspect of your mind that helps you discriminate what's you and what isn't. This is necessary in your work as a trainer and as a movement therapist and artist. It will help you establish a wonderful rapport with the students, but if you are going to leave your home territory so often by getting into others' heads and finding their learning modalities, it is important that you know yourself so you have a map to know how to get back to yourself (Markova, 1991).

Getting in touch with yourself, and your own personal learning style or modality, will not only improve your performance on the job with students, but also your personal life as well.

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Ronald Shownes is a Marine Corps veteran, having served from 1963 to 1966. He has a BS degree in the administration of justice, is a graduate of Northwestern University Traffic Institute Executive Management Program, and has a master's degree in human resource development. He has 37 years of law enforcement experience and 23 years as a police officer, investigator, watch commander, identification expert, major case squad investigator, and special agent. He also has 12 years of experience as an instructor and director of training for the Southwestern Illinois Law Enforcement Commission. He has over 3 years of experience as the law enforcement coordinator for the United States Attorney's Office for the Southern District of Illinois.

Criminal Justice Compliance Officer: A New Title and Duties for Self-Governance Responsibilities Within Law Enforcement and Corrections Agencies

Wayne W. Schmidt, Director, AELE

The Genesis

Two decades of intermittent business investigations focused on the spectacular misconduct of Charles Keating (savings and loan scandals), Ivan Boesky (arbitrage), Michael Milken (junk bonds), Ken Law (Enron), Arthur Andersen (shredding and altering documents), and the lavish home furnishings and lifestyle of Tyco's CEO.[1]

Recently, it was revealed that hundreds of large firms had deliberately overstated their earnings by capitalizing ordinary expenses and otherwise "cooking the books," thus, enhancing the value of executive stock options. The public and Congress were outraged, prompting new legislation and regulations, including the Sarbanes-Oxley Act of 2002, which requires publicly traded companies to adopt and periodically review the effectiveness of their internal controls systems.[2]

The financial industry responded, and securities brokers now must adopt written procedures "that are reasonably designed to achieve compliance with applicable securities laws, regulations, and industry-imposed rules."[3]

Government Self-Regulation

In the past, the public sector—including criminal justice agencies—have followed the lead of the private sector in making key managers responsible for equal opportunity advancement, the prompt resolution of sexual harassment complaints, and increased accountability.

Change, especially in the field of organizational self-regulation, is not always prompted by pure intentions. Legislation, such as enhanced civil rights laws and jury verdicts, also have spawned improved oversight systems.

Police agencies began a form of ritualized self-inspection in the 1960s and 1970s when they contracted for on-site management reviews conducted by the Field Operations Division of the International Association of Chiefs of Police.

The outgrowth was voluntary self-regulation, in the form of law enforcement accreditation. In 1979, the International Association of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National

Sheriffs' Association, and the Police Executive Research Forum jointly formed the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA).

CALEA claims that accreditation creates greater organizational accountability with a proven system of written directives, enhanced training, and clearly defined lines of authority that support decisionmaking and resource allocation. Several states have formed their own accreditation systems for criminal justice agencies.[4]

However useful the process of accreditation is, it also is expensive and in some cases, redundant.

Chief Compliance Officer – Commercial and Services Sectors

Brokerage houses have led the way by creating an *internal* office of compliance, headed by a Chief Compliance Officer (CCO). While some organizations have created a new vice-presidency, others have given the CCO title and responsibilities to the Chief Legal Officer or Chief Financial Officer of the enterprise.

The CCO movement is spreading internationally. The German firm BASF AG, the world's leading chemical company, appointed a CCO in 2003 to enforce the group's "zero tolerance" policy for legal violations and to oversee worldwide training and adherence to BASF's Code of Conduct.[5]

Hospitals and other healthcare institutions have duties, responsibilities, and liabilities that arise from privacy regulations under the Health Insurance Portability and Accountability Act (HIPAA). Many have appointed a CCO to monitor HIPAA and other regulatory compliance.

Banks and other financial service organizations have also embraced the CCO concept. A CCO certification program is offered by the National Association of Federal Credit Unions and by Thomson Media's Sheshunoff Information Services.[6] Compliance checklists and manuals assist the CCO with internal inspections and certifications.

Compliance by police and correctional agencies has been the subject of oversight efforts from a variety of sources, primarily political, citizen, and judicial. This article discusses those systems and then focuses on the creation of an internal compliance office.

Political Oversight

Supplanting a general merit service system, some states have created a police commission, fire and police commission, or police merit board, usually appointed by the mayor with the consent of the governing council.

For example, in Illinois, village presidents and city mayors appoint a Board of Fire and Police Commissioners to supervise the hiring, disciplinary, and promotional processes, but the members lack policymaking authority.[7] Chicago has a Police Board for personnel and disciplinary review purposes, but the city also has an Office of Professional Standards, composed of civilian investigators who examine excessive force allegations and recommend action to the superintendent.

In Missouri, the Governor appoints Boards of Police Commissioners for Kansas City and St. Louis. The Kansas City Board also has an Office of Citizen Complaints. In addition to adjudicating personnel matters, the boards exercise policymaking functions. In Los Angeles, the mayor appoints a Police Commission to exercise policymaking duties, but it does not hear disciplinary appeals.

The U.K. Home Office has an Inspectorate of Constabulary, which makes inspectional site visits at English and Welsh police agencies and publishes its reports on a website.[8]

Critics of the political oversight model claim that political panels lack independence and do not reflect the interests of minority communities.

Citizen Oversight

As stated in a National Institute of Justice publication,[9] there is no single model of citizen oversight, but most systems have features that fall into one or more of four types of oversight systems:

1. Citizens investigate allegations of police misconduct and recommend findings to the chief or sheriff. The Chicago Police Office of Professional Standards (1974)* and Minneapolis Civilian Police Review Authority (1990) are in this category.

2. Police officers investigate allegations and develop findings; citizens review and recommend that the chief or sheriff approve or reject the findings. The District of Columbia Police Complaint Review Board (1948) and the Philadelphia Police Advisory Board (1958) are in this category. In some cities, the panel also has the authority to investigate citizen complaints independently or in cooperation with the police agency. The Kansas City (Missouri) Police Office of Citizen Complaints (1969), the Detroit Board of Commissioners (1973), and the San Francisco Office of Citizen Complaints (1982) are in that category.

3. Complainants may appeal findings established by the police or sheriff's department to citizens, who review them and then recommend their own findings to the chief or sheriff.

4. An internal auditor investigates the process by which the police or sheriff's department accepts and investigates complaints and reports on the thoroughness and fairness of the process to the department and the public. The Portland (Oregon) Police Internal Investigations Auditing Committee (1982), the San Jose Independent Police Auditor (1993), and the Los Angeles County Sheriff's Office of Independent Review (2001) are in this category.

Critics of citizen oversight say that panel members are too lenient, lack resources, and do not have the authority to adopt changes in agency policies and procedures, such as the creation of an Early Warning System.

* The information given in parentheses indicates the year of implementation.

Judicial Oversight

The Police Pattern or Practice statute, 42 U.S. Code § 14141, authorizes the Department of Justice's Civil Rights Division to initiate lawsuits against local and state law enforcement agencies.[10] Since 1994, consent decrees have been entered in more than a dozen cases, and the Department of Justice has issued "Technical Assistance Letters" to end a few other inquiries.[11]

The Los Angeles Police decree covers such things as the use-of-force investigation procedures, search-and-arrest procedures, gang unit operations and administration, the initiation of complaints, the conduct and adjudication of investigations, discipline and nondisciplinary action, motor vehicle and pedestrian stops, and the implementation of a nondiscrimination policy.

Kroll Associates, an international risk management firm, is the LAPD "Independent Monitor," and their quarterly reports are posted on the agency's website at <www.lapdonline.org>, including a "report card" of progress and performance.

The Oakland, California, Police consent decree covers internal affairs investigations, discipline, field supervision, management oversight, use-of-force reporting, a personnel information management system, training, and auditing and review systems. As in Los Angeles, monitor reports are posted on the agency's website at <www.oaklandpolice.com>.

Internally, an Oakland captain functions as the agency's inspector general, and a lieutenant serves as the compliance unit coordinator. The decree also requires management to investigate allegations of misconduct arising from lawsuits filed by citizens, and to treat them "in the same manner as other citizens' complaints."

On the corrections side, inmate rights organizations have filed hundreds of "jail conditions" lawsuits. The American Civil Liberties Union founded its National Prison Project in 1972. Bringing class actions in federal courts, the ACLU has collectively represented over 100,000 inmates. Most of the actions have resulted in a consent decree covering inmate disciplinary systems, medical care, access to courts and legal materials, grievance processing, fire safety, and many other issues.

In general, Department of Justice mandated monitors review and evaluate an agency's compliance with the consent decree, including use-of-force policy revisions, citizen complaint investigations, training programs, the Early Warning System, and protocols for the use of vehicle video cameras.[12]

The Police or Corrections Compliance Office

Introducing the Concept

Successful businesses have learned that you can pay *now* for risk reduction systems, or you can pay *later* in the form of lawsuits and jury verdicts. Almost always, a post-verdict pay out is larger than the cost of prevention. Police and corrections agencies are often slower than the private sector to adopt controls, in part because judgments are usually paid from a general fund and not out of the agency's annual budget.

Congress partially attempted to change that thinking with the passage of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No Fear Act), which protects employee-whistleblowers and other victims of federal discrimination.[13] It requires federal agencies to maintain "No Fear" websites in specified formats. More importantly, agency budgets are assessed any damages imposed as a result of retaliatory and other unlawful treatment of their workers.

Following the lead of highly regulated businesses, several not-for-profit and governmental agencies have created the position of Chief Compliance Officer (CCO), including Drexel University in Philadelphia, Lehman College in New York, the University of Chicago Medical Center, and the UC Davis Health System.

A common thread of organizations with CCOs is that they are substantially affected by state and/or federal laws, they operate under a considerable number of opaque regulations, they are particularly susceptible to media scrutiny, and they are frequently exposed to serious liability claims. Because police agencies and correctional institutions operate in a similar environment, the concept of a centralized compliance office warrants serious examination.

The Litany of Laws and Regulations

Police managers must actively monitor such things as . . .

- Adherence to Constitutional requirements relating to the use of force, arrests, the stopping of pedestrians and motorists, searches, seizures, electronic surveillance, infiltration, and interrogations.
- Violations of internal rules, regulations, policies, procedures, and standards of conduct.
- Unauthorized release of criminal history and driver information.
- Improper disclosure of personnel information.
- Illegal or unethical access of restricted data or privileged information.
- Inadequate investigation of citizen complaints of officer misconduct.
- De-policing, profiling, and other equal protection failures.
- Adherence to injunctions and other judicial decrees.
- Misuse of funds, equipment, or personnel.
- Safety violations.
- Employee whistleblowing.

Corrections managers must actively monitor similar matters, including . . .

- Adherence to Constitutional requirements relating to the use of force, prisoner and cell searches, and access to courts and counsel.
- Violations of internal rules, regulations, policies, procedures, and standards of conduct.
- Improper disclosure of personnel information.
- Deficient investigation of inmate complaints of officer misconduct.
- Indifference to inmate-on-inmate physical or sexual assault.
- Inadequate sanitation and medical care.
- Wrongful censorship of inmate mail.
- Adherence to injunctions and other judicial decrees.
- Safety violations.
- Employee whistleblowing.

Methodology

There are many components in an effective compliance system. Some of the more prominent ones are . . .

- *Periodic inspections*. An *audit manual* and *checklists* help ensure uniformity. In medium-sized agencies, inspections can be delegated to divisional commanders and unit supervisors. In larger agencies, specially trained internal investigation personnel could perform inspectional duties.

- *Random audits*. Nonpatterned examinations encourage voluntary compliance and uncover errors and misconduct. This method has proven effective in detecting and reducing substance abuse.

- *Personnel education and training*. Workers need to be *trained* to follow standardized policies and procedures. Supervisors and managers need to be *educated* on how to implement and interpret policies and procedures. Ethics awareness also should be a component of in-service training programs.

- *Inducements*. Compliance proficiency can be a component of periodic employee competency ratings, leading to promotion and assignment preferences.

- *Fairness and objectivity*. Employee associations need assurance that compliance inspections and random audits will be conducted on a nonselective basis in a standardized manner and that assessments will be free from bias and political or fraternal influence. Union leaders have a fiduciary duty to question the way a compliance office is implemented and how it functions. Management should be prepared to demonstrate how effective compliance can reduce citizen (or inmate) complaints and minimize liability for the agency and its employees.

Compliance officers also need to report what is being done well, along with any improprieties that might be discovered.

Funding and Organizational Staffing

Management will have to define the scope of inspections and audits, in consultation with the entity's legal and risk management offices. It is premature to suggest targets and methodology in the preplanning stages.

Internal inspections and audits, like accreditation, will require a time commitment from managers and supervisors, but the establishment of a central compliance office does not require a substantial budget. Duties and responsibilities may shift, but additional personnel are not required.

The CCO will need to learn new skills and methods, but except in the largest agencies, the assignment requires only the conferring of additional authority, duties, and responsibilities. In medium-sized agencies, the commander of the internal affairs unit or a civilian risk manager could fulfill this role. In smaller agencies, a deputy chief (or chief deputy sheriff) could be the designated CCO. If the agency is accredited, the accreditation manager could coordinate the compliance office.

The CCO should report directly to the chief (or sheriff) on compliance matters without exhausting a chain of command. He or she should be able to contact the agency's legal representatives directly and to discuss problems or concerns from a legal perspective.

Similarly, all employees should be able to contact the CCO directly, especially if they have ethical questions or need interpretive guidance on agency policies and procedures. Normally, paramilitary courtesy usually entails informing one's superiors that the CCO's opinion will be sought.

On hearing of the CCO concept, one chief commented that several agencies might want to form a cooperative arrangement, whereby officers from one agency would conduct random and periodic inspections of participating sister agencies. That model would relieve superior officers from having to confront their direct subordinates and coworkers and would minimize any bias or favoritism.

A multi-agency inspections team standardizes the inspections process for all of the participating agencies. Although the results would still be given to each agency head and CCO for review and remedial action, there is greater transparency when outsiders are involved.

Potential Benefits of Central Compliance

- The chief (or sheriff) and senior management need periodic assurance that subordinates are properly interpreting and following agency policies and procedures.
- Because administrative negligence often is alleged in lawsuits, civil juries need objective proof that management has established a system to reveal mistakes, to uncover misconduct, and to encourage professional behavior.
- Political leaders are less likely to overreact to partisan criticisms by special interest groups when management has adopted a reliable internal control system.
- Periodic reporting by the CCO enhances agency transparency and provides assurances of proper self-governance.
- If the agency currently has a citizen oversight panel, the CCO is in a strategic position to coordinate and converge the interests of the agency and panel.
- If the agency is accredited or in the process of achieving accreditation, the CCO is a pivotal participant.

Potemkin Imagery

In the mid-1700s, Marshal Grigori Aleksandrovich Potemkin built elaborate fake villages to impress the Russian Czarina, Catherine the Great, when she toured along the Volga River in the Ukraine and Crimea. The police agencies that have been sued by the Justice Department also had only ceremonially adequate internal investigations units and training divisions.

There is a danger that a few corporations, nonprofit organizations, and government agencies will create a compliance office in name, without a serious effort to undertake thorough inspections or a commitment to making remedial changes.

The creation of an ineffective compliance office will be recognized as a contrivance. It will not prevent the filing of a pattern and practice lawsuit, nor is it likely to discourage a movement to create a civilian oversight panel. Several cities that were sued by the Department of Justice had achieved CALEA accreditation.[14]

Core integrity is not just a phrase in an agency's mission statement; it must be reflected in the agency's nuclear culture.[15]

Implementation of the CCO Concept

The AELE Law Enforcement Legal Center is committed to advancing the creation of internal compliance offices.[16] Four stages are planned:

1. Receiving comments and suggestions from people who read this article in the *Forum* or on AELE's website

2. Participating in conceptual meetings with criminal justice leaders

3. Hosting a 3-day national seminar in November 2005, which would include a review of the laws, regulations, policies, and procedures that a compliance office would want to monitor

4. Offering a Certified Compliance Specialist designation for those individuals who complete the compliance seminar and also attend qualifying seminars in police or jail liability and internal investigations

If the concept is implemented in several states, it is likely that an association of compliance officers will emerge, so that techniques and experiences can be shared.

Acknowledgments

The author gratefully acknowledges the ideas and suggestions offered by retired Chief George P. Graves, currently of Western Springs, Illinois; IACP Past President Charles A. Gruber, Chief of South Barrington, Illinois; former Leon County Sheriff W. Ken Katsaris of Tallahassee, Florida; LAPD Captain Greg Meyer, the vice-chair of ASLET; the Hon. Emory A. Plitt, Jr., Associate Judge of the Circuit Court of Harford County, Michigan; Robert W. Wennerholm of Oakdale, Iowa, the founder of the Police Law Institute; and Chief Carl Wolf of Hazelwood, Missouri, the treasurer of the IACP and AELE.

Endnotes

1 See in general, Rosoff, S., Pontell, H., & Tillman, R. (2003). Profit without honor: White collar crime and the looting of America (3rd ed.). Upper Saddle River, NJ: Pearson/Prentice Hall. ISBN 13-114874-5.

2 P.L. 107-204, 116 Stat. 745 (2002).

[3] NASD Conduct Rule 3010(b); NYSE Rule 342. Further enhancing regulations are pending.

[4] State accreditation organizations include the Commission for Florida Law Enforcement Accreditation, the Georgia Law Enforcement Agency Certification Program, the Massachusetts Police Accreditation Commission, the North Carolina Law Enforcement Accreditation Network, the Pennsylvania Law Enforcement Accreditation Program, the South Carolina Law Enforcement Accreditation Council, the Wisconsin Law Enforcement Accreditation Group, and the Accreditation Program of the Washington Association of Sheriffs and Police Chiefs. The New Jersey Law Enforcement Agency Accreditation Program is partnered with CALEA to allow joint accreditation.

[5] Germany also enacted a Corporate Governance Code (2002), which is accessible in English at www.corporate-governance-code.de/eng/download/DCG_K_E.pdf. The European Corporate Governance Network highlights other European reforms on its website at www.ecgi.org.

[6] See www.nafcu.org and www.sheshunoff.com for further information.

[7] An attempt to promulgate a residency requirement was declared invalid in *Wierenga v. Bd. Fire & Police Cmsnrs. of Cicero*, #61887, 40 III.App.3d 270, 352 N.E. 2d 322 (1st Dist. 1976) as falling outside the statutory powers of appointment, promotion, and the discipline of police officers and firefighters.

[8] See www.homeoffice.gov.uk/hmic/integall.pdf

[9] Finn, P. (2001). *Citizen review of police: Approaches and implementation*. U.S. Department of Justice, Office of Justice Programs. An online roster of civilian oversight agencies in the U.S. is maintained by the National Association for Civilian Oversight of Law Enforcement at www.nacole.org/RosterCivilianOversightAgencies.pdf.

Also see the following resources for further information:

- Farrow, J., & Pham, T. (2003, October). Citizen oversight of law enforcement: Challenge and opportunity. *The Police Chief, 70*(10).
- Jones, B. (2003, August 9). *A historical analysis of civilian oversight [of police] in America*. Presented at the annual meeting of the American Bar Association's State and Local Government Law Section.
- Bobb, M. (2002). *Civilian oversight of the police in the U.S.* Police Assessment Resource Center. Rio de Janeiro. Available online at www.parc.info/pubs/pdf/Bobbpresentation.pdf
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- International Association of Chiefs of Police. (2000). *Police accountability and citizen review: A leadership opportunity for police chiefs*. Available online at www.theiacp.org/documents/pdfs/Publications/policeaccountability%2Epdf

- Human Rights Watch. (1998). Shielded from justice: Police brutality and accountability in the United States. Available online at www.hrw.org/reports98/police/uspo118.htm

- Johnson, R. (1998, December). Citizen complaints: What the police should know. *FBI Law Enforcement Bulletin, 67*(12), 1-5. Available online at www.fbi.gov/publications/leb/1998/dec98leb.pdf

[10] 42 U.S. Code §14141, Police Pattern or Practice, states . . .

Cause of action . . .

(a) Unlawful conduct. It shall be unlawful for any governmental authority, or any agent thereof or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers or by officials or employees of any governmental agency with responsibility for the administration of juvenile justice or the incarceration of juveniles that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) Civil action by Attorney General. Whenever the Attorney General has reasonable cause to believe that a violation of . . . [subsection (a) of this section] has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

[11] Jurisdictions sued by the Department of Justice, include the following:

- Buffalo, NY, Police (2002) consent decree – Covers policies, procedures, training, supervision, complaint investigation, and compliance

- Cincinnati, OH, Police (2002) consent decree – Covers use-of-force policies, chemical spray, canines, beanbag guns, the filing and tracking of complaints, investigation of complaints, oversight, training, duties of the monitor, and enforcement

- Cleveland, OH, Police (2004) – Technical assistance on use of force and prisoner detention facilities

- Columbus, OH, Police (action filed in 1999 and ended in 2002)

- District of Columbia Police (2001, 2002) consent decrees – Covers use-of-force policies; the use of firearms, canines, and OC spray; use-of-force reporting and investigations; resolution of misconduct allegations; performance evaluations; training; and independent monitoring

- Detroit, MI, Police (2003) – Technical assistance letters

- Highland Park, IL, Police (2000) consent decree – Primarily covers traffic stops and racial profiling

- Los Angeles, CA, Police (2001) consent decree – Covers use of force, search-and-arrest procedures; performance evaluation; internal affairs procedures and documentation; integrity audits; and the duties of the inspector general and the independent monitor

- Miami, FL, Police (2003) – Technical assistance letter on use of force, canines, tasers, early warning systems, etc.

- Montgomery County, MD, Police (2000) consent decree – Covers traffic stop data, handling complaints of officer misconduct, training, oversight, reporting and recordkeeping, implementation, and compliance

- Mt. Prospect, IL, Police (2003) consent decree – Primarily covers traffic stops and racial profiling

- Nassau County, NY, Sheriff (pending) – Complaint alleges that defendants "have engaged and continue to engage in a pattern or practice of using excessive force against inmates."

- New Jersey State Police (1999) consent decree – Covers traffic stops, the handling of misconduct allegations, misconduct investigations, disciplinary procedures, records and reporting, training oversight, independent monitor reporting, and implementation

- Oakland, CA, Police (2003) consent decree – Covers I-A investigations, discipline, field supervision, management oversight, personnel information management, training, and auditing and review

- Pittsburgh, PA, Police (1997) consent decree – Covers supervision, strip searches, disciplinary early warning, traffic stop reporting, racial bias audits, training, community relations, investigating misconduct, complaint adjudication, and the duties of the independent auditor

- Portland, ME, Police (2003) – Technical assistance letter on use of force, citizen complaints, early warning system, etc.

- Prince George's County, MD, Police (2004) consent decree – Covers use-of-force policies, firearms discharges, management oversight, review of misconduct

allegations, an early identification system, the use of video cameras, and the appointment of an independent monitor

- Schenectady, NY, Police (2003) – Technical assistance letter on use of force, citizen complaints, early warning system, etc.

- Steubenville, OK, Police (1997) consent decree – Covers training; use of force; policies on stops, searches, and seizures; internal affairs procedures; and monitoring by the independent auditor

- Villa Rica, GA, Police (2003) consent decree – Relates primarily to vehicle stops and racial profiling

In addition, the California Attorney General brought a suit against the Riverside, CA, Police. The 2001 consent decree covers citizen misconduct investigations.

See also, Livingston, D. (1999). Police reform and the Department of Justice: An essay on accountability. *Buffalo Criminal Law Review*, 817-859. Available online at wings.buffalo.edu/law/bclc/bclrarticles/2(2)/livingston.pdf

[12] For a job-description of the independent monitor position in a police agency, see the Department of Justice announcement for the Prince George's County, MD, Police at www.usdoj.gov/crt/split/documents/pg_police_rfp.pdf

[13] 28 U.S. Code §2301

[14] The Cincinnati, OH, Police Department was CALEA-accredited on July 26, 1997, and signed a consent decree on April 12, 2002. The Columbus, OH, Division of Police was CALEA-accredited on July 31, 1999, and was sued by the Department of Justice on October 21, 1999; the litigation ended on September 4, 2002. The Mount Prospect, IL, Police Department was initially accredited by CALEA on April 2, 1989, and signed a consent decree on October 5, 2000.

[15] See, for example, Hafner, M. (2003, September). Changing organizational culture to adapt to a community policing philosophy. *FBI Law Enforcement Bulletin, 72*(9), 7. Available online at www.fbi.gov/publications/leb/2003/sept03leb.pdf

[16] AELE's website is at www.aele.org. The author can be e-mailed at aele@aol.com.

Wayne W. Schmidt is a Chicago area police attorney and has served as the editor of the *Fire and Police Personnel Reporter* since 1975, which has discussed thousands of employment-related court and arbitration decisions. He is the staff executive for AELE's 3-day seminars on police discipline and internal investigations and the chair of the IACP's Internal Affairs Subcommittee. He earned an LLM degree at Northwestern University Graduate School of Law after serving as director of the school's Police Legal Advisor Program. His LLM thesis was on police administrative rulemaking. He also authored another *Forum* article entitled "New Challenges for Law Enforcement Professional Standards Officers" (2003, May).

Reducing Employment Discrimination Litigation Risk for Law Enforcement Hiring and Promotion Procedures

David L. Friedland, PhD, Friedland & Associates

Police and fire departments have long been a prime target for employment discrimination lawsuits concerning hiring and promotional practices. Many have been the subject of consent decrees that are aimed at increasing diversity. Some long-standing consent decrees have been in place for decades. The monetary cost of litigation and costs of implementation of court-imposed solutions have been very substantial.

Law enforcement agencies continue to be a frequent target for employment discrimination litigation in the areas of hiring, promotion, workplace harassment, wrongful termination, and other areas. These lawsuits involve individual plaintiffs, class actions, and pattern or practice lawsuits by government enforcement organizations. It is not possible in one article to address all of these areas of legal risk; therefore, discussion will be confined to key issues involved in the design and application of hiring and promotion practices.

Employment Discrimination Legislation

There are many statutes that provide a basis for employment discrimination lawsuits. Everyone in the United States is a member of at least one group that is covered by civil rights legislation. The most common laws that apply to these cases are as follows:

- Title VII of the Civil Rights Act of 1964 (Title VII): prohibits discrimination in employment based on race, color, religion, sex, or national origin
- Equal Pay Act of 1963 (EPA): prohibits discrimination on the basis of sex
- Age Discrimination in Employment Act of 1967 (ADEA): prohibits discrimination on the basis of age for individuals who are 40 years of age or older
- Titles I and V of the Americans with Disabilities Act of 1990 (ADA): prohibits employment discrimination against qualified individuals with disabilities for employers other than the federal government
- Sections 501 and 505 of the Rehabilitation Act of 1973: prohibit discrimination against qualified individuals with disabilities who work in the federal government
- Civil Rights Act of 1991: amends the Civil Rights Act of 1964 in several important respects, including addition of a provision for monetary damages for victims of intentional employment discrimination

- United States Code Sec. 1981 (42 USC ¶1981): This provision of the Civil Rights Act of 1866 guarantees equal protection of law on the basis of race

While this is only a partial list of the federal laws available to plaintiffs in employment discrimination litigation, they are the major ones. In addition, each state has fair employment laws that may include protections beyond those of federal law. While the federal Civil Rights Act of 1964 places limits on monetary damages, some states have legislation covering the same topics with no cap on damages.

The state and federal agencies charged with responsibility to enforce these laws have prepared guidelines and regulations that interpret the laws and provide guidance to enforcement agencies.

Why Have Police Departments Been a Popular Target?

Employment discrimination lawsuits against police departments have taken many forms. They have focused on entry-level hiring, promotions, discipline, harassment, and other issues. The suits have been brought on the bases of race, ethnicity, gender, age, and disability. They have focused on entry-level paper and pencil test, physical ability tests, employment interviews, job performance ratings, and other employee selection procedures. The lawsuits have involved individual cases and class actions on behalf of groups covered by the Civil Rights Act of 1964 (as amended), the ADEA, and the ADA. Some cases have been brought as pattern or practice suits by the United States Department of Justice.

There are many reasons for the high incidence of employment discrimination suits against police departments, each of which presents challenges. Some of the chief ones are as follows:

- *Attractiveness of the Job* – Law enforcement careers offer exceptional entry-level salaries and excellent opportunities for individuals with less than a college education. As a result, entry-level employment in these departments is in great demand. Medium to large cities and counties tend to receive thousands of applications whenever a new examination is announced. The City of New York often receives in excess of 30,000 applications when it recruits for the job of police officer.

- *Employment Opportunities* – Police and fire jobs make up a very large proportion of the jobs funded by cities and counties and account for a large share of the public funds spent by government agencies. According to information provided by the City of Los Angeles, 25.5% of the 2002-2003 City budget was used for crime control.

Table 1 provides examples of the number of sworn positions in several large cities. The table shows the budgeted sworn personnel positions for the large law enforcement agencies in the cities of Los Angeles, Chicago, and New York and the County of Los Angeles. The total number of law enforcement jobs in the jurisdictions listed is actually larger than that shown in the table because there are many smaller cities, universities, airports, transit systems, and other agencies that maintain their own police departments.

Given the large number of budgeted positions, it is no wonder that law enforcement jobs attract so much interest, not only from job applicants but from government regulatory agencies and attorneys.

Table 1
Approximate Sworn Personnel and Police Department Budgets for Four Major Law Enforcement Agencies

Jurisdiction	Sworn Personnel (approximate)	Department Budget
City of Los Angeles (2002-2003)	10,200	928,482,383
Los Angeles County Sheriff (2002-2003)	8,900	1,669,161,000
City of Chicago (2002)	13,700	1,014,762,000
City of New York (2003)	40,700	3,516,135,000

- *Adverse Impact* – Due to the fact that entry-level law enforcement jobs are trainee positions, entry-level examinations must assess applicants for trainability. Because of the need to screen a large number of candidates for relatively few jobs and the need to focus on aptitude for training, entry-level law enforcement examinations tend to have an adverse impact on certain groups covered by the Civil Rights Act of 1964. While much effort has been expended to minimize this adverse impact while preserving examination validity, some degree of adverse impact still remains. This allows plaintiffs to establish a prima facie case of discrimination, shifting the burden of proof to the defendant to prove that the selection procedure used is job-related and that it is not a pretext for discrimination.

- *Need for Diversity* – It is widely felt that police and fire departments should have a workforce that is representative of the ethnic and gender groups making up the community.

- *Government Regulation* – Since law enforcement agencies tend to be federal contractors, they have contractual obligations for nondiscrimination and affirmative action required by the U.S. Department of Labor. As a result, local and state law enforcement departments are frequently the subject of pattern or practice investigations by the federal enforcement agencies as well as class action lawsuits filed by groups covered by the Civil Rights Act, the ADEA, the ADA, and other laws. These legal actions have been so common that many departments are working under court-ordered hiring plans to correct ethnic and gender imbalances.

Personnel Selection and Promotion

Personnel selection and promotion have been major areas for litigation involving law enforcement departments. Many departments have entered into consent agreements involving hiring goals for minority groups and women, and many departments have had to pay back pay, front pay, and other remedies as a result of hiring procedures.

Employment discrimination lawsuits in the United States that allege discrimination on the basis of race, sex, national origin, or religion are governed by the Civil Rights Act of 1964 and the amendments to it in the Civil Rights Act of 1991. Lawsuits brought under state law tend to follow the same requirements since most states have adopted similar standards. Many states have antidiscrimination laws that allow more severe penalties than those provided by federal law. Since state law varies, this discussion will focus on federal law.

Discrimination Defined

The definition of discrimination in federal law is of two types.

1. **Disparate Treatment** – This type of discrimination, also called intentional discrimination, involves treating individuals differently based on a prohibited standard, such as race, ethnicity, gender, or other prohibited characteristic. This type of discrimination requires proof that the employer used such a prohibited characteristic in making an employment decision. Penalties for this type of discrimination are more severe than for disparate impact discrimination, and jury trials are common. Under the 1991 amendments to the Civil Rights Act of 1964, plaintiffs may recover both compensatory and punitive damages if they are successful in proving that disparate treatment has occurred. Punitive damages in such cases may be as high as $300,000 per plaintiff. Since some states place no cap on these damages, it should come as no surprise that plaintiff attorneys often prefer to bring such cases under state law. Disparate treatment cases usually involve a jury trial.

2. **Disparate Impact** – This type of discrimination involves selection procedures that are not intentionally designed to be discriminatory but that have the effect of discrimination, as defined by the Uniform Guidelines on Employee Selection Procedures (UGESP). Under this theory, a facially neutral selection procedure, such as a paper and pencil test may be found to be discriminatory if it disproportionately fails members of protected groups. When this occurs, the burden of proof shifts to the employer to prove that the procedure is job-related. This makes it essential for employers to be prepared to prove their selection procedures are job-related. Unlike race, national origin, and gender discrimination, which are covered under the Civil Rights Act of 1964, age discrimination is covered by the ADEA and presents unique challenges with regard to showing discrimination.

If the only charge is disparate impact, the trial may take place before a judge, with no jury involved. The remedies for this disparate impact discrimination are limited to making the plaintiff whole by ordering hiring or promotions to occur and providing for remedies such as back pay (i.e., pay for time on the job the plaintiff would have had if discrimination had not occurred).

There are three stages in a legal case involving disparate impact, and these are based on standards put forth in the UGESP. The courts have applied this standard in many cases, and the definition has been clarified through this process to require a three-part showing:

1. **Prima Facie Case – the Eighty Percent Rule** – It is the plaintiff's burden to make a prima facie showing that discrimination may have occurred. A prima facie

showing of discrimination is established if the plaintiff can show that the selection rate for the group alleging discrimination is less than 80% of the selection rate for the group with the highest selection rate. In addition to the 80% rule, courts have tended to require that this difference in selection rates must be statistically significant at the 5% level. In other words, there must be less than 5% possibility that the observed difference in rates could have occurred by chance.

2. **Proof of Job-Relatedness** – Once the plaintiff successfully establishes the prima facie showing of discrimination, the burden shifts to the employer to prove that the selection procedure in question is job-related. This is normally done with a validity study demonstrating that the selection procedure is related to job performance. If the employer fails to successfully demonstrate that the selection procedure is job-related, the plaintiff wins the case.

3. **Alternatives** – Once the employer proves that the selection procedure is job-related, the plaintiff may continue by attempting to show that there was an equally job-related alternative with less adverse impact that the employer knew of or should have known of at the time the selection procedure was put in place. If the plaintiff succeeds in proving this point, the court may conclude that the selection procedure used by the employer was a pretext for discrimination. It is worthwhile to point out here that Maxwell and Arvey (1993) argue that for tests that are fair by the Cleary definition of fairness (Cleary, 1968), maximizing validity also minimizes adverse impact. The burden is on the plaintiff to prove this part of the case, and it is very difficult and rare for plaintiffs to prevail in this stage of litigation.

Legal Self Defense of Selection and Promotion Systems

There are many ways for law enforcement agencies to be sued for employment discrimination involving selection and promotion systems. The task of risk management is complicated by the fact that there are many types of procedures that are used in making selection and promotion decisions.

Entry-level selection presents unique problems. In most states, since newly hired officers are not expected to possess knowledge of law enforcement prior to being hired, they must be assessed on their ability to learn to perform the job during a normal period of training. As a result, they are tested on their ability to be trained. Many of the selection devices typically used for this purpose tend to show adverse impact against certain ethnic minorities and women. As a result, it is relatively easy for plaintiffs to establish a prima facie case of disparate impact. For this reason, it is essential that the defendant law enforcement agency maintain evidence to prove that its employee selection procedures are job-related.

Terpstra, Mohamed, and Kethley (1999) did an analysis of federal court cases involving nine types of selection devices. While their study dealt with a variety of employment settings (including law enforcement), their results are of interest for law enforcement because many of the nine selection procedures are commonly used by law enforcement agencies. Table 2, taken from the Terpstra et al. study, provides a summary of the frequency of charges by type of test.

Table 2
Frequencies and Percentages of Charges by Selection Device*

Selection Devices	Observed Frequencies	Observed Percentages	Expected Percentages
Unstructured Interviews	91	57**	29
Structured Interviews	9	6	12
Bio. Information Blanks	0	0	7
Cognitive Ability Tests	28	18**	8
Personality Tests	0	0	7
Honesty Tests	0	0	3
Physical Ability Tests	22	14**	4
Work Sample Tests	7	4	26
Assessment Centers	1	1	5
Totals	158	100	100

* From Terpstra, Mohamed, and Kethley (1999)

** Observed risk of litigation is disproportionately high.

The researchers evaluated all federal court cases reported in *Fair Employment Practice Cases* from 1978 through 1997. They found 158 employment discrimination cases involving the nine selection procedures that occurred during the chosen time period. The number of cases involving each type of selection procedure was compared with information from surveys of the extent of organizational use of each procedure.

Table 2 shows that some selection devices attracted a disproportionate percentage of charges. For example, unstructured interviews, cognitive ability tests, and physical ability tests were found to be over-represented in litigation. This indicates that these selection devices tend to carry a greater litigation risk than do other selection devices. Law enforcement agencies using these procedures should make sure that they maintain the evidence that is needed to prove that their use of these selection procedures is job-related and that they have taken reasonable steps to minimize adverse impact while ensuring validity. Evidence of validity provides a defense against charges of discrimination when a selection procedure has adverse impact.

The selection devices that were associated with a lower degree of legal risk were structured interviews, work samples, assessment centers, personality tests, and biographical information blanks.

Once challenged, which selection devices were the most likely to survive a challenge?

Table 3
Percentage of Charges and Outcomes by Selection Device*

Selection Devices	Charges Found Not Discriminatory Frequencies	Percentages
Unstructured Interviews	48 of 81	59
Structured Interviews	9 of 9	100
Bio Information Blanks	0 of 0	--
Cognitive Ability Tests	16 of 24	67
Personality Tests	0 of 0	--
Honesty Tests	0 of 0	--
Physical Ability Tests	11 of 19	58
Work Sample Tests	6 of 7	86
Assessment Centers	1 of 1	100

* From Terpstra, Mohamed, and Kethley (1999)

Table 3 shows that structured interviews fared much better than did unstructured interviews. Physical ability tests fared about the same as unstructured interviews. Work sample tests had an 86% success rate in court. Honesty tests, personality tests, and biographical information blanks tended to not be implicated in any cases, and assessment centers were only implicated in one case.

Minimizing Legal Risk

It is not feasible or desirable to totally avoid the types of selection procedures that tend to result in adverse impact. There are certain abilities that are essential for job performance that are not equally distributed among all groups. It is not against the law to utilize an employee selection procedure that results in adverse impact if it is testing for abilities needed for success in training and success on the job. As a result, legal risk cannot be eliminated, but there are definite steps that employers can take to minimize risk and maximize the ability to prevail in the event of litigation. The following are general recommendations for minimizing litigation risk for hiring and promotion procedures:

- Take steps in the recruitment process to attract a diverse applicant pool.

- Use selection procedures that are legally defensible. Focus special attention on the selection procedures that pose the highest degree of risk, including interviews, paper and pencil tests (i.e., cognitive ability tests), and physical ability tests.

- Conduct research to document and prove the job-relatedness of all personnel selection devices, especially those likely to show adverse impact. If using commercially available tests, make sure that the tests have been validated, and maintain copies of the validity studies. In addition, if using commercially available tests, conduct a test transportability study to prove the relevance of the test for use by your agency. If your agency does not have staff who are technically qualified to perform this work, consider hiring an expert consultant. The cost of the consultant is far less expensive than the litigation that may be avoided if the employer is properly prepared.

- Take steps to consider alternative tests with lower adverse impact, without sacrificing job-relatedness or validity. The U.S. Supreme Court ruled in the case of *Albermarle Paper Company v. Moody* (1975) that the employer has the responsibility at the time that it chooses a selection procedure to search for the selection procedure that best minimizes adverse impact while preserving validity. This selection procedure chosen for use may still have adverse impact, but the search provides a defense against a subsequent charge of discrimination that claims that there is a less discriminatory alternative.

Based on the information cited in Table 2, interviews, cognitive ability tests, and physical ability tests are the most likely targets for employment discrimination litigation. The following discussion addresses strategies that law enforcement agencies should follow to minimize litigation risk for these three types of procedures.

Interviews

The employment interview is the most commonly used employee selection procedure, but it has not always found support in published research. Reviews of research on the validity of the interview prior to the 1970s tended to conclude that employment interviews were too unreliable to be valid (Ulrich & Trumbo, 1965; Wright, 1969).

These early studies did not compare unstructured interviews with more structured ones. The interviews that were evaluated in earlier studies tended to be unstructured and conducted by untrained interviewers. More recent research has found that validity is much improved when interviews are based on careful job analysis and planned to follow consistent structure (Hunter & Hunter, 1984; McDaniel, Whetzel, Schmidt, & Maurer, 1994). Situational interviews, in which candidates are presented with scenarios and asked to explain how they would handle them, tend to have higher validity than some other types of interviews (Lin, Dobbins, & Farh, 1992; Latham & Sue-Chan, 1999). In fact, structured interviews conducted by a panel of trained interviewers tend to have validity comparable to that of objective tests.

It is of interest to note from Table 3 that none of the nine challenged structured interviews were found to be discriminatory, although 59% of the unstructured interviews were found to be discriminatory. Unstructured interviews are highly subjective and are not validated against job analysis information. In addition, since unstructured interviews lack interview standards, they may be found to involve intentional (disparate treatment) discrimination due to their highly subjective nature.

Williamson, Campion, Malos, Roehling, and Campion (1997) examined decisions in federal court cases involving interviews. In examining 84 disparate treatment claims and 46 disparate impact claims, they found that interview structure was clearly related to litigation outcomes. They found that the following aspects of interview structure made interviews more defensible in court:

1. **Interview objectivity and job-relatedness** – Defensibility was enhanced by use of objective and specific criteria, trained interviewers who are familiar with job requirements, and evidence of validity based on job analysis.

2. **Standardized administration** – This includes use of interview guidelines for interviewers, with common questions asked of all candidates and minimal discretion for interviewers to alter the interview content or format.

3. **Use of multiple interviewers** – Defensibility was enhanced by use of interview panels and reviews of interviewer decisions to ensure fairness and consistency.

These findings are consistent with the results reported by Terpstra et al. (1999) that structured interviews fared better in court than did unstructured ones.

An additional factor in interviewing has to do with the effect of race of interviewers and interviewees. Some studies have shown evidence of a same-race rating effect, in that interview panels tend to give somewhat higher ratings to candidates of the same race as that of the interview panel members (Lin et al., 1992; Huffcutt & Roth, 1998; Prewitt-Livingston, Field, Veres, & Lewis, 1996). This research strongly suggests that it is a good practice for employers to use mixed-race panels to avoid same-race rating bias. This practice will increase the defensibility of interviews.

Cognitive Ability Tests

Cognitive ability tests, like the ones used by most law enforcement agencies for selection at the entry level, tend to have a relatively high degree of adverse impact. It is also generally found that these tests have the highest degree of validity of the tests used for police officer selection. These tests are designed to measure the basic aptitudes needed to succeed in training and in performance of certain job functions. Because of their adverse impact on racial/ethnic groups, however, cognitive ability tests used for entry-level law enforcement selection are a frequent target of employment discrimination litigation.

While many attempts have been made to reduce the adverse impact of these tests (Schmitt, Rogers, Chan, Sheppard, & Jennings, 1997), they still result in adverse impact as defined by the UGESP. For this reason, it is essential for law enforcement agencies to maintain evidence documenting the validity of cognitive ability tests used for entry-level hiring or promotion.

Smaller law enforcement agencies may not hire enough officers to make it feasible to conduct criterion-related validity studies on their own. In this case, there are companies that have developed law enforcement selection tests, which have been validated in other agencies. It is often feasible for an agency wishing to use one of these tests to conduct a validity transportability study. This involves conducting a detailed job analysis and evaluating the job against the job analysis profile for the commercially available test.

Murphy, Cronin, and Tam (2003) conducted a survey of 703 experienced doctoral-level psychologists regarding use of cognitive ability tests in organizations. The consensus of the respondents was that these tests are valid and fair. It should follow that if a test is fair and valid but has adverse impact, the differences between groups in test performance should also show up as corresponding differences in job performance. Roth, Huffcutt, and Bobko (2003) conducted a meta-analysis examining ethnic group differences in measures of job performance. They found that job performance measures should ethnic group differences for both subjective

measures of job performance, such as supervisor ratings, and objective performance measures, such as quality and quantity of work and absenteeism. They found that job performance differences did occur and that the differences were larger for objective criteria than for subjective ratings.

While there is consensus that cognitive ability tests are valid, there is also consensus that there are other important characteristics that are not measured by these tests. Since some of these other selection procedures tend to have less adverse impact than do cognitive ability tests, they may be used to increase validity without increasing adverse impact.

Personality Tests

It is important to note that ADA limits the use of personality tests that are designed to diagnose psychopathology. Since these diagnostic tests may reveal psychological disabilities, they should be reserved for use as part of a medical examination conducted after a conditional offer of employment has been made. This prohibition does not apply to many employment-oriented personality tests, which are designed to evaluate variations of normal personality characteristics that may be useful in predicting job behavior.

There has been a recent increase in interest in using measures of normal personality as a part of the selection process. These tests, which include personality tests and integrity tests, are appropriate for a pre-offer employment testing battery. Some of these tests have shown moderate degrees of validity and tend to show no adverse impact on the basis of race/ethnicity or sex. As a result, there has been heightened interest in exploring the use of such tests during the selection process for law enforcement and other types of jobs in order to increase validity and reduce adverse impact.

Employment-oriented personality measures have potential for being used in creative ways that can enhance validity and may be useful as one part of a multi-part selection process to reduce adverse impact and enhance validity. Due to the technical issues involved, however, this should be done carefully, with the assistance of qualified consultants or technically trained staff.

While the validity of personality measures is moderate compared to that of cognitive ability tests, some researchers have explored the use of such tests in concert with cognitive ability tests with the idea that adverse impact can be reduced with no loss in validity. These efforts have produced mixed results (De Corte, 1999; Ryan, Ployhart, & Friedel, 1998; Schmitt et al., 1997). Attempts to combine personality measures with cognitive measures have had limited success in eradicating adverse impact and may reduce validity if the weight assigned to the more valid cognitive ability test is reduced too much.

While personality tests tend to show minimal group differences, a recent study by Saad & Sackett (2002) using data from the U.S. Army showed that in some cases, employment-oriented personality measures tended to overpredict performance for women, in that the level of performance predicted by the tests was somewhat higher than the actual observed performance. Research in ways to use these types of tests in law enforcement selection is still in an early stage. While additional research is

needed to identify effective ways to use personality measures in law enforcement selection, these tests provide a potentially useful tool for increasing validity without increasing adverse impact.

Physical Ability Tests

Physical ability tests are commonly used by law enforcement agencies due to the physical demands of the job. These tests, however, tend to have an adverse impact on the basis of sex, and they have been the subject of many legal challenges. As a result, it is essential for law enforcement agencies to develop physical ability tests on the basis of competent job analysis and to validate these tests for the job.

It is reasonable to consider that an entry-level physical ability test used for hiring police officers should be geared toward measuring the level of physical ability needed by recruits to ensure that they can be successfully trained. If a recruit does not possess sufficient physical ability to successfully complete training, it stands to reason that he or she should not be hired. Consistent with this reasoning, a candidate who is otherwise qualified may be given the opportunity to improve his or her physical fitness and re-attempt the physical ability test in time to be considered for a subsequent academy class. Since academy training generally includes physical training that will result in improvement in physical ability of recruits, this expected degree of improvement should be considered in setting qualifying standards for physical ability tests.

There have been two principal approaches to development of physical ability tests for law enforcement officers (Arvey, Landon, Nutting, & Maxwell, 1992; Arvey, Nutting, & Landon, 1992). Both approaches require validity evidence to demonstrate the job-relatedness of the physical ability exercises used. The content validity approach aims to simulate critical job tasks that are documented by job analysis. The construct validity approach aims to identify the presence, importance, and level of physical constructs, such as dynamic strength, static strength, and endurance, required by the job and to measure these attributes directly.

The content validity approach has appeal because the tasks in the test are designed to look like similar tasks performed on the job. This may make them vulnerable to attack by plaintiffs who successfully argue that since these tasks will be the subject of training, they are not fair to use in a pre-employment test, or they do not faithfully replicate the level of physical ability needed. The construct validity approach can be challenged because the tasks do not look like job tasks. It is essential that these concerns be addressed in the development of the test and in documenting the validity of the test.

Task Simulation Tests, Assessment Centers, and Other Selection Devices With Little or No Adverse Impact

It is useful to note that the selection devices that are most frequently challenged tend to be those with the greatest degree of adverse impact or appear to be highly subjective. Task simulation tests and assessment centers have largely escaped litigation because they tend to have little or no adverse impact and because they appear to juries as intuitively fair because they tend to replicate job tasks. Structured interviews have tended to have no adverse impact, and because they are based on

job analysis and incorporate interviewer training, they are generally perceived by juries to be fair.

Americans with Disabilities (ADA) Act Considerations

The ADA has important implications for legal risk avoidance. Based on this law, it is illegal to inquire about possible disabilities until after a conditional offer of employment is made. No questions can be asked, and no tests may be administered that would reveal the presence of a disability until a job candidate is given a conditional offer of employment. The offer of employment may be conditional on the employee passing a pre-employment medical examination. At that point, a candidate may be rejected if he or she is prevented by a disability from performing essential job functions.

More detailed discussion of the requirements of ADA is beyond the scope of this article, but some references are provided for further reading (See Colbridge, 2001; Friedland & King, 1991).

Conclusion

The foregoing has not been an exhaustive treatment of the subject of litigation risk for law enforcement hiring and promotion procedures. The intention has been to highlight some of the major issues and risks and to provide some guidance for risk avoidance.

Law enforcement examinations are a frequent target of employment discrimination litigation for a variety of reasons. Employee selection procedures that exhibit the highest degree of adverse impact and those that are the most subjective tend to be the most frequently challenged. In addition, under-representation of minority groups in law enforcement departments increases the likelihood of litigation. Cognitive ability tests (including both aptitude and job knowledge tests), interviews, and physical ability tests are the most frequently challenged of the tests used in law enforcement selection.

Highly subjective selection procedures, such as unstructured interviews, provide plaintiffs with a relatively easier task in demonstrating a prima facie case of disparate treatment discrimination. The selection interview is an inherently subjective procedure, but structured interviews tend to be seen as far more objective than unstructured interviews. In addition, structured interviews can be shown to be job-related because they are based on job analysis and involve rater training. For this reason, structured interviews have been much more successful in surviving litigation than have unstructured interviews.

Cognitive ability tests, which evaluate the trainability of job candidates, are the most predictive of the tests used in hiring law enforcement officers; however, these tests tend to have substantial adverse impact, making it relatively easy for plaintiffs to establish a prima facie case of disparate impact discrimination. It is essential for law enforcement agencies to maintain competent evidence of the validity of these tests in the form of a validity study and/or a test transportability study. These tests and the validity documentation upon which they are based should be reviewed

periodically to ensure that they remain job-related and to identify the availability of alternative tests with substantially equal validity and less adverse impact.

Physical ability tests are often the subject of litigation because they tend to have adverse impact on the basis of sex. These tests should be carefully validated by either a content validity or construct validity strategy. In addition, since physical ability is subject to improvement through physical training, these tests should be thought of as readiness for training tests. This approach to physical ability testing will make the tests more defensible in the face of adverse impact on the basis of sex.

Cautions are presented concerning the ADA and other legislation that should be considered in designing employee selection procedures for law enforcement agencies. The risk and potential cost of litigation makes it important that law enforcement agencies either employ or consult with testing experts to ensure that they maintain the most valid and defensible hiring procedures.

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David Friedland, PhD, is President of Friedland & Associates with offices in Culver City, California. He is a licensed industrial/organizational psychologist with over 20 years of experience in the human resources field. He consults with both private and public sector employers, including many law enforcement agencies. He specializes in developing and implementing human resources assessment procedures for use in recruitment, hiring, and promotion of employees. He is a recognized expert in job analysis, employee selection procedure development and validation, statistics, and equal employment opportunity issues. He is often sought out by labor attorneys as an expert in employment discrimination litigation and government compliance issues.

Accommodating the Disabled Police Officer

Raymond L. Sparks, Department of Criminal Justice, California State University, Bakersfield

In September 1993, an off-duty Nevada Highway Patrol trooper opened a package he had received in the mail, and as he did, the package exploded. The mail bomb, sent by a vindictive criminal who had been arrested by the officer two years earlier, contained nails and staples, and the officer sustained serious injuries, including the loss of part of his left hand and eye.

After a period of recovery and rehabilitation, the officer returned to work and was assigned to non-law-enforcement duties in the criminal history records unit. Determining that the officer was no longer able to perform the essential functions of the position of trooper, the Nevada Highway Patrol and its parent organization moved to reclassify the officer's position from trooper to civilian, maintaining his pay grade. The officer sued, claiming that he was "being disposed of like an old car."

Police administrators may find themselves faced with the dilemma of how to deal with an officer who has been disabled, in the line of duty or otherwise, and who can no longer perform the essential functions of the police officer position. Is the best course of action separation from employment (i.e., to retire the officer under medical retirement or industrial disability provisions)? Is it better to maintain the employee in a police officer classification but place the officer in a "modified duty" assignment? Or should the agency move the employee out of the police officer classification into a "non-sworn" or "civilian" position? Each alternative may be troublesome.

Separation from Employment

A fundamental issue in dealing with a disabled employee is the employer's obligation to maintain the employee in his or her position. Title I of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination in employment matters based on disability and establishes statutory requirements, which are supplemented by regulations (29 C.F.R. Part 1601, et seq.) and "Interpretative Guidance" (29 C.F.R. Part 1630, Appendix) promulgated by the U.S. Equal Employment Opportunity Commission. The ADA applies to local and state government as well as private employers, and most police and sheriff's departments will likely be subject to the provisions of the Act (Byers, 1997).

The ADA is intended to eliminate barriers to employment opportunities for disabled persons, and to that end, the Act requires employers to take reasonable actions that will help disabled persons perform their jobs. Failure to "reasonably accommodate" a qualified individual with a disability may constitute employment discrimination. While the ADA prohibits discrimination in employment matters against qualified individuals with disabilities, it does not "guarantee equal results, establish quotas, or require preferences favoring individuals with disabilities over those without disabilities" (29 C.F.R. Part 1630, Appendix).

To fall within the ambit of the ADA, an employee must be a "qualified individual with a disability." The ADA defines "qualified individual with a disability" as a person with a disability who can perform the essential functions of a job, with or without reasonable accommodation. A disabled person must also meet the prerequisites of the position to be considered qualified (Colbridge, 2002). A disability, according to the Act, is a physical or mental impairment that substantially limits one or more of a person's major life activities. In the identification of essential functions of a position, the Act gives weight to the employer's judgment and recognizes that written position descriptions may be considered evidence of essential functions. Reasonable accommodation is determined on a case-by case basis, taking into consideration the needs of the disabled person and the needs of the employer.

It is important to note that states may also address discrimination against disabled persons through state statutes or regulations, which may differ from the provisions of the ADA. The California Fair Employment and Housing Act, for example, is significantly broader than the ADA (Schreibstein, 2002).

If a qualified individual with a disability is able to perform the essential functions of a position, it would be discriminatory to deny employment opportunities based on the disability. If providing a qualified individual with a disability "reasonable accommodation," such as making facilities accessible or acquiring or modifying equipment, would enable the person to perform the essential functions of the job, an employer may be required to provide such accommodation unless the accommodation causes an undue hardship on the employer. If a disabled individual is unable to perform the essential functions of a job, however, even with reasonable accommodation, the person would not be considered a "qualified individual with a disability." For a claim of employment discrimination to be considered under the ADA, a claimant must prove that he or she is a "disabled person" and that he or she is "qualified," within the meaning of the Act, to perform the essential functions of a job (Gutman, 2000).

Police officer positions typically involve activities such as operating a motor vehicle under emergency conditions, proficiently operating firearms, and physically apprehending and subduing resistive and combative persons. Some or all of these functions are often considered essential functions of the position of police officer. When a police officer is disabled and can no longer perform the essential functions of the position, with or without reasonable accommodation, the ADA does not require an employer to keep the employee in that position because, as the Equal Employment Opportunity Commission (EEOC) states in its "Interpretive Guidance," the Act does not exempt a disabled employee from the obligation to perform a job's essential functions. For purposes of the Act, it is immaterial whether an officer was disabled in the line of duty or otherwise.

Thus, in some cases, a police agency may remove a disabled person from his or her position as police officer without running afoul of the ADA, although separating the employee from employment may be unlawful. When a disabled employee can no longer perform the essential functions of police officer, the employee may voluntarily elect to terminate employment with the agency and would presumably be entitled to medical retirement or disability benefits. If the employee was disabled in the line of duty, he or she may be entitled to workmen's compensation benefits and may be eligible for benefits under the Public Safety Officers' Benefits Program

administered by the U.S. Bureau of Justice Assistance, whether or not the employee separated from service.

A disabled police officer, even though unable to perform the essential functions of the job, may not want to terminate his or her position. The nature of the police role has been said to produce a strong bonding effect among officers (Bouza, 1990), and the social status of the position may be important to some persons. Disabled officers who are in jeopardy of removal from their positions may feel that their years of service to the agency, and particularly their sacrifices in the case of job-related disability, are unappreciated. The "psychological contract"—the employee's expectations of the employer's responsibility in return for obligations imposed on the employee—may be violated in the employee's mind (Klingner & Nalbandian, 1998). In addition, managers may believe they face an ethical dilemma because of their responsibility to "balance the jurisdiction's basic values, the needs of workers, and the organization's financial resources" (Berman, Bowman, West, & Van Wart, 2001, p. 26). For these and other reasons, there may be interest in maintaining a disabled officer in the police officer position but modifying his or her duties.

Modified-Duty Assignment

A common practice in police organizations is to create a modified-duty, or light-duty, assignment for an employee with a temporary illness or injury (McNaught & Schofield, 1998). Sometimes referred to as "transitional duty," "limited duty," or "restricted-work activity" assignments and which for the most part are temporary assignments, these are essentially early return-to-work policies through which injured or disabled employees may return to work and are assigned duties that are consistent with their physical or medical limitations (Shoemaker, Robin, & Robin, 1992). The duties assigned are usually not the fundamental duties of a patrol officer position, but when fully rehabilitated, the officer is returned to full normal duties. The theory is that the agency benefits by the additional labor; the employee's recovery is speeded; and workers' compensation costs are reduced (Dolney, 1992).

In the case of officers with long-term or permanent disabilities, the ADA does not require employers to create modified-duty positions (McNaught & Schofield, 1998), as this is tantamount to creating a new position, which would not be a "reasonable" accommodation under the ADA. Nevertheless, some police departments have instituted policies that provide for modified-duty assignments for disabled officers.

In an effort to accommodate officers who are injured or disabled, the San Jose, California, Police Department established, through negotiations with the police union, a modified-duty assignment policy. This policy identified 30 police officer positions—court liaison officer, background investigator, robbery investigative support, and crime evidence/property officer, for example—to which officers unfit for regular duty could be assigned and the qualifications and procedures for such assignment.

In 1995, several officers, who had sustained neck, back, and other injuries that limited their ability to lift heavy objects, sued the City of San Jose, claiming that the police department's modified-duty assignment policy and practice blocked employment

opportunities and relegated them to demeaning, undesirable jobs and second-class citizen status, in violation of the ADA. The officers did not dispute that their injuries rendered them unable to make forcible arrests, an essential function of the police patrol assignment, but alleged that they should be able to compete for other specialized police officer positions for which they were capable of performing the essential functions, as well as compete for promotion to the position of sergeant. The federal district court, ruling that the officers were not "qualified individuals" under the ADA because they could not perform the essential functions of the specialized-duty positions they sought, dismissed the case. In what may be an affirmation of the principle that no good deed goes unrevenged, the U.S. Court of Appeals for the Ninth Circuit ruled against the City, reversing the lower court and remanding the case for further proceedings (*Cripe v. City of San Jose,* 2001).

The San Jose Police Department's policy limited injured officers to the 30 named modified-duty positions; its policy for transfer to special assignments provided that an officer must have served in a patrol assignment for the previous 12 months; and at the conclusion of a specialized assignment (generally 3 years), the officer must return to patrol duties. Because the disabled officers were unable to perform the essential functions of patrol positions, they were ineligible for patrol assignment and, consequently, categorically ineligible for consideration for specialized assignments. Officers promoted to sergeant are initially assigned to patrol, a practice that also precluded consideration of disabled officers for promotion.

The City did not dispute that the policy on specialized assignments had the effect of blocking consideration of disabled officers but argued that an essential function of all the specialized assignments is making forcible arrests, a function that the complaining officers could not perform. The City further contended that all police officers must be capable of making arrests in the event of an emergency that necessitates the mobilization of large numbers of officers.

Because of conflicting evidence regarding the actual necessity of officers in some specialized positions to make forcible arrests, the Court of Appeals concluded that there is a factual dispute concerning whether the ability to make forcible arrests is an essential function of all specialized-assignment positions and remanded this issue to the lower court. The appellate court also rejected the argument that all specialized-duty officers must be capable of making forcible arrests because of the possibility that an emergency may require their deployment in the field, reasoning that since the police department had set aside 30 modified-duty positions, essentially acknowledging that officers in these positions could not perform some of the essential functions of the police officer position, it was of no consequence for the department's ability to deploy the force in an emergency because these 30 officers would be unavailable whether they were in modified-duty or specialized-duty positions.

In addition to potential conflict with the ADA, there are several other concerns that cause the wisdom of modified-duty assignments to be questioned. There may be an issue of organizational justice pertaining to other agency employees if the disabled officer is performing duties that are identical or similar to the duties performed by other employees at lower pay grades. The position classification system, often said to be the "cornerstone of public personnel management" (Klingner & Nalbandian, 1998, p. 22) may be disarrayed, and the physical abilities prerequisite for the police

officer position may be subject to challenge by disabled applicants who cannot pass the physical abilities test. Maintaining peace officer (POST) certification, especially when periodic recertification of certain physical skills is necessary, may also be problematic for disabled persons who remain in police officer positions. As these potential concerns suggest, modified-duty assignments for disabled officers may pose difficult problems for administrators.

Reassignment to Other Position

Although the ADA does not require employers to keep a disabled employee who cannot perform the essential functions of a position in that position or to create a new position for that person, the ADA specifies "reassignment to a vacant position" as an example of an adjustment that an employer may make to constitute reasonable accommodation. A reassignment to a vacant position "places the employee in a new position that invariably entails different duties than that which the employee performed in the previous position" (Befort, 2002, p. 448). Although noting that reassignment to a vacant position is "the reasonable accommodation of last resort," the EEOC (2002) interprets the ADA as requiring such reassignment when a disabled employee cannot perform the essential functions of his or her current position, with or without reasonable accommodation, unless reassignment creates an undue hardship for the employer. There is, however, confusion and disagreement about the types of positions to which an employee may be reassigned and over the term *vacancy* (Berenholz, 1998).

An employer is not required to create a new position for a disabled employee, nor is an employer required to bump another employee to create a vacancy (Befort, 2002). An employer is not required to reassign a disabled employee to a vacant position for which he or she is not qualified (i.e., meets the job requirements and is capable of performing the essential functions of the position, with or without reasonable accommodation) (Befort, 2002). An employee, however, need not be the best qualified for the position, nor does the employee need to compete for the position (EEOC, 2002). In reassigning an employee, the vacant position must be one that is equivalent to the employee's previous position in terms of pay, benefits, and status, if such a position is available, but it need not be a promotion (EEOC, 2002).

According to the EEOC (2002), the only statutory limitation on an employer's obligation to reassign an employee to a vacant position as a reasonable accommodation is when the reassignment creates an undue hardship for the employer, determined primarily by difficulty or expense, but also in consideration of nature or operation of the organization. Large law enforcement agencies with more positions would more likely be considered better able to accommodate reassignments to vacant positions without undue hardship (Byers, 1997).

The Denver, Colorado, Police Department prohibited, by policy, the transfer of a police officer to another city position, at least in part because of two separate civil service systems in the city government. When police officers were injured in the line of duty and had recuperated sufficiently to return to a modified-duty assignment, the officers were permitted to remain in such assignments until they were able to return to full duty or a physician determined that their condition would not improve. In the latter case, an officer was allowed one year to be able to perform the essential functions of the position of police officer, namely to shoot a gun and make a forcible

arrest. If an officer was unable to perform these essential functions at the end of this period, reassignment to a vacant position was not considered because of the city's transfer policy, and the officer was forced to retire.

Three former Denver police officers who had been disabled in the line of duty and forced to retire sued the City and County of Denver, alleging, among other things, that the City's failure to reassign them to vacant positions constituted unlawful discrimination under the ADA. A federal jury found in favor of the officers and awarded them $800,000 in compensatory damages. The City appealed the verdict, and the U.S. Court of Appeals for the Tenth Circuit considered several issues, including the issue of reassignment to a vacant position as a reasonable accommodation under the ADA (*Davoll v. City and County of Denver*, 1999). The City's position was that reassignment is optional. The court rejected the City's argument, relying on its earlier decision in *Smith v. Midland Brake, Inc*. (1999) in which it held that reassignment of an employee to a vacant position must be considered, and if determined to be a reasonable accommodation, "then the disabled employee has a right in fact to the reassignment" (p. 1166).

In addition to the suit brought by the former officers, the U.S. Department of Justice brought an action against the City alleging that the policy of prohibiting the reassignment of disabled police officers to other city positions constituted a "pattern or practice" of discrimination in violation of the ADA. The lawsuit was resolved through a settlement agreement in which the City, among other things, agreed to modify its policies and practices to provide for reassignment to vacant positions in accordance with the ADA. The City also agreed to establish a $1.5 million fund for settlement of claims against the City.

Even the option of reassignment to another position may not be a completely satisfactory resolution. In the case of the disabled highway patrol trooper, he was dissatisfied with the accommodation made for him—creation of a new position at the same pay grade—and pursued his suit against the agency. He was not supported by the troopers' association, which believed he wanted preferential treatment that other injured officers were denied, and his claim of discrimination under the ADA was weak or nonexistent. His suit was finally resolved through an out-of-court settlement, and the trooper retired.

Conclusion

Dealing with the situation of a disabled police officer can be a difficult problem for the police administrator because of the many, often conflicting, values implicated in the situation. When faced with such situations, administrators should be motivated by a sense of fairness to the disabled officer as well as a commitment to help the officer realize the "benefits and privileges" of employment, but good intentions are not enough. The ADA is a frequent source of litigation because the statute is complex (Gutman, 2000) and its meaning elusive (Colbridge, 2002). The legal complexities necessitate well-thought-out personnel policies, including written position descriptions with statements of job-related essential functions. As Cordner (1992) suggests, focus should be on "distinguishing between those disabilities that prevent satisfactory police performance and those that do not, and on determining what accommodations police organizations should make to facilitate employment of the disabled" (p. 233). Finally, administrators should consult with their legal

advisors when formulating personnel policies and before making decisions concerning disabled police officers.

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Raymond L. Sparks is an assistant professor in the Department of Criminal Justice at California State University, Bakersfield. He received his PhD in political science from the University of Nevada–Reno in 2003. Prior to entering academia, he served in law enforcement in the state of Nevada for 24 years, beginning his career as a highway patrol trooper in Las Vegas. At the time of his retirement from law enforcement, he was deputy director for public safety, a position in which he oversaw 10 state public safety and criminal justice agencies, including the Nevada Highway Patrol, Division of Investigation, Parole and Probation Division, Capitol Police Division, Training Division, Division of Emergency Management, State Fire Marshal Division, Office of Traffic Safety, and the Office of Criminal Justice Assistance.

Bakke to *Gratz*: Affirmative Action and Implications for American Policing

K. B. Turner, PhD, The University of Memphis

Affirmative action has played a major role in the social structure of American society. The police bureaucracy has also been affected by this controversial remedy designed to include women and minorities into its ranks. Given the philosophy of community policing, the police bureaucracy must continue to find creative ways to employ women and minorities if there is an expectation of success in fulfilling their mission of protecting and serving citizens. This article traces the history of women and minorities in American policing, their quest for inclusion and the way the courts have shaped affirmative action policy over the last three decades. Considering the court's posture, caution must be exercised in police personnel practices in the use of race. Gender, however, is less certain.

In American police agencies across the nation, the recruitment and retention of qualified employees of all racial and ethnic groups should remain a concern and priority. Of particular attention is how best to attract and hire women and minorities, mainly Hispanics and African Americans into the police occupation. The most successful method for achieving diversity in the police bureaucracy is utilization of affirmative action (Lewis, 1989; Martin, 1991; Walker & Turner, 1992). The U.S. Department of Labor, Office of Federal Contract Compliance defines affirmative action as "results-oriented actions taken to ensure equal employment opportunity, which may include goals to correct under-utilization and back pay, retroactive seniority, makeup goals, and timetables" (p. 2). Affirmative action, however, has drawn considerable criticism from many sectors, including "angry white males," claiming reverse discrimination (Irons, 1994). This group and others have successfully linked this remedy with quotas, which the courts have often frowned upon and determined to be unconstitutional (*Bakke,* 1978).

Despite the controversy surrounding affirmative action, employers continue to recognize the importance of diversity in the workplace and believe that affirmative action is the best way to achieve this goal. Progressive police leaders have also recognized the importance of having a force that mirrors the community served. For instance, it is believed that diversity is important because it makes a department more sensitive and effective in dealing with minority problems. Reiss (1971) pointed out that racial and ethnic minorities are far more likely to summon the police for help with family problems. Diversity tends to reflect a more positive image in many quarters of a community, and integration ultimately results in more minority input in police policy formulation, which results in better police service to minority communities (Balzer, 1976; Walker, Spohn, & DeLone, 1996).

Commencing in the 1980s, police leaders and reformers began to reexamine the police role. It was determined that police departments could better serve citizens by working closely with neighborhood residents and establishing partnerships in the community. The prevailing image of police officers as crime fighters (Manning,

1999) should give way to officers functioning as problem solvers and community organizers (Greene & Mastrofski, 1991). Community-oriented policing was one of the popular names given to this new philosophy. This approach required police departments to establish partnerships with members of the community to resolve crime-related problems and to prevent crime where possible (Trajanowicz & Bucqueroux, 1990). James Q. Wilson (1983) pointed out that the police must have the support of the community if they are to have any degree of success in reducing crime.

Having members on the force that are representative of the community required police leaders to challenge the reality of police departments (i.e., an all-white, male-dominated government institution). The "traditional" way of doing things, including hiring, retaining, and promoting excluded groups would need to become a relic of the past. Affirmative action, whether voluntary or forced, would be necessary to achieve a representative bureaucracy while simultaneously honoring the philosophy of community policing.

Legal battles continue to be waged over the constitutionality of affirmative action. The early cases in this area have had significant consequences for American policing. Undoubtedly, recent court decisions will be just as salient. This article will present a brief history of minorities and women in policing, followed by a discussion of the federal government's response to enhance diversity. The article also reviews early selected court cases on affirmative action as well as the most recent rulings of the United States Supreme Court and concludes with a discussion on the future of affirmative action and possible implications of the most recent decisions on American policing.

Historical Review of Race, Gender, and the Police Bureaucracy

Minority Police Officers

Minorities, particularly African Americans, until recently, have had limited access to the law enforcement field. This occupation has been traditionally staffed and protected by white males; however, African Americans serving as police officers can be found as early as the mid-1800s. For example, Kuykendall and Burns (1980) reported that African Americans were employed as police officers in Washington, DC, in 1861. By 1940, African Americans represented less than one percent of the police population (Kuykendall & Burns, 1980, p. 5). In the same year, there was not a single African American police officer in any city in Mississippi, South Carolina, Louisiana, Georgia, or Alabama, where 40% of the entire African American population then lived (Myrdal, 1944; Rudwick, 1962).

Since World War II, there has been a steady increase in the number of African American officers in policing. The number of officers began to increase, not as a result of the department's desire to have representation, but rather due to pressure from the black community. For instance, African American citizens in Chicago complained frequently of the stupidity, prejudice, and brutality of white officers (Dulaney, 1996).

After 1940, African American police utilization increased modestly as a result of the emerging political participation of African Americans; however, substantial improvement in the numbers of African American law enforcement officers

coincided with the struggles of the 1960s and 1970s when African Americans gained representation in local city governments. When African Americans obtained political control of cities, they also sought to appoint competent citizens to serve on the city's police force. It is also important to note that cities with African American mayors and city council members, along with a significant number of African Americans in the population, were more likely to have a concomitant number of African Americans on the police force (Welch & Karnig, 1980).

The presence of African American patrol officers in African American communities would substantially contribute to a reduction in African American hostility toward the police (Kerner Commission, 1968). Because of this belief, community leaders in some cities would agree to make a few experimental appointments (Johnson, 1947). Walker (1994) also suggested that progress in the employment of African American officers was extremely slow and occurred largely in response to protests by local civil rights activists.

When African Americans began to be appointed to police forces, they were not welcomed with open arms. They were treated with much indifference in regard to powers of arrest, work assignments, evaluations, and promotions (Gaines, Kappeler, & Vaughn, 1997). African American officers were allowed to patrol only in African American neighborhoods and could only arrest other African American citizens (Gaines, Kappeler, & Vaughn, 1997). If a white person committed a crime in an African American neighborhood, an African American officer was required to call a white officer in order to make the arrest (Leinen, 1984). Rudwick (1962) found in a survey of 130 cities and counties in the South that 69 cities required African American officers to call white officers in arresting white suspects, and 107 cities indicated that African American officers patrolled only in African American neighborhoods. *Ebony* magazine revealed in a survey of southern states in 1966 that 28 police departments reported restrictions on arrest powers (1966, p. 102). Furthermore, African American officers rode in cars marked "Colored Police" (Sullivan, 1989, p. 331).

African American officers faced additional hardships as they were frequently restricted in type and location of assignment, and performance ratings were negatively manipulated by superior officers. Dismissal because of race was also a possibility. African American and white officers rarely worked together (Sullivan, 1989). Even as late as 1966, squad cars were not totally integrated in the Chicago Police Department (*Ebony*, 1966, p. 103). Promotions were basically nonexistent for African American officers. When promotions did occur, they were in name only. African Americans were not congratulated by whites, and they were not given duties involving active command but rather, the same responsibilities of a patrol officer. In at least one instance, it was reported that an African American lieutenant took orders from a lower ranking white sergeant (McClarty, personal communication, October 13, 1994). Leinen (1984) also reported that in the mid-1960s, only 22 police departments promoted African Americans above the rank of patrol officer. In the south, whites feared the thought of African American police administrators (Dulaney, 1996). African Americans did not receive promotions to chief until the 1960s. Today, however, African American and Hispanic chiefs have served at the helm of many of the nation's largest city police departments including New York; Chicago; Houston; Dallas; New Orleans; Washington, DC; Atlanta; Birmingham; and Omaha.

Female Police Officers

There is a general consensus that the first city of any size to employ a female police officer was Los Angeles in 1910. Women were not welcome to serve in the various specialty units; rather, they were relegated to deal with women and children who came into contact with police either as victims or suspects. Los Angeles also holds the distinction of being the first major city to hire an African American policewoman. Georgia A. Robinson, a social worker, was appointed for the expressed purpose of working with young African American women in Los Angeles and deterring them from immoral and criminal behavior (Dulaney, 1996). The Chicago Police Department followed suit in 1918 with the hiring of Grace Wilson (Dulaney, 1996). The central theme regarding these women is that they were not assigned to patrol but rather to "nontraditional" roles. In reality, they were not performing real police work, which many of them desired.

According to a recent study, women now make up nearly 12% of the total number of police officers (IACP, 1999); however, their representation has not always been this high. The history of police organizations practicing employment discrimination against women is well-documented (Martin, 1987; Morash, 1986). Prior to the early 1970s, the number of women in policing was minimal (Martin, 1991; Walker, 1993). Women served in limited capacities including matrons, juvenile specialists, and sexual assault investigators. It was not uncommon for women to serve in clerical roles and to a lesser extent in minor administrative roles (Horne, 1980). It was believed that the inclusion of women in this traditionally white male-dominated profession would decrease the morale among the rank-and-file officers and would present a threat to officer safety (Hale, 1992). Moreover, it was hypothesized that the quality of police services would suffer (Hale, 1992). Steel & Lovrich (1987), however, concluded that little, if any, effect on police agency performance can be attributed to differing employment levels of female officers. The inclusion of women in the ranks of American policing has had no significant success in changing the male subculture of policing (Remington, 1981).

The occupation of policing is often portrayed as a dangerous venture for men. The public tends to be well aware of the sensational aspects of the job. Television, movies, and the news media consistently focus on the celebrated exploits of police officers (Walker, 1999). Many individuals, at least in the eyes of police officers, become symbolic assailants (Skolnick, 1966). The symbolic assailant is a dangerous person that must be handled accordingly. For women entering into this image of policing, they need to possess the physical strength to handle and control unruly suspects that they may encounter (Case, 1995).

It is difficult to successfully argue that policing does not require physical activity to accomplish a worthwhile goal. According to McGhee (1987), . . .

> Even though in many instances, brain power is brought to bear in place of muscle power, there are times when police officers must resort to physical force, to effect an arrest, protect themselves from assault, or save their own lives. This aspect of police work demands that police officers possess some degree of strength and endurance. (p. 42)

Another area of contention in law enforcement is police use of excessive force. The Christopher Commission (1991) observed that . . .

> Female LAPD officers are involved in excessive use of force at rates substantially below those of male officers . . . The statistics indicate that female officers are not reluctant to use force, but they are not nearly as likely to be involved in use of excessive force, due to female officers' perceived ability to be more communicative, more skillful at de-escalating potentially violent situations and less confrontational. (pp. 83-84)

Numerous other studies (Bell, 1982; Gaines, Falkenberg, & Gambino, 1993; Hale & Wyland, 1993; Martin, 1990) have addressed the issue of the effectiveness of women versus men in policing. Essentially, the studies support the position that female officers are just as effective as male officers in performing their police duties.

Women police officers continued to face additional obstacles to acceptance in law enforcement. Questions concerning their abilities have been presented from a number of dimensions. For instance, with respect to recruitment and selection, Block & Anderson (1974) investigated differences in work assignments between men and women, attitudes of counterparts, and supervisor's expectations; they produced several significant findings:

- Many police departments assign women to patrols only because of legal requirements.
- Women were assigned to regular uniformed patrol less frequently than men.
- Assignments in the patrol unit were different for male and female officers.
- Men were less often assigned to station duty and more often assigned to one-officer cars.
- Women were given inside assignments.
- Men made more arrests (felony and misdemeanor) than women.
- Arrests made by women resulted as frequently in convictions as arrests by men.
- Women tended to handle more service calls than men.
- Women obtained the same results as men in handling angry or violent situations.
- Women received the same amount of backup, or assistance, from other police units as men.

Despite the overwhelming evidence supporting the performance of policewomen, they have not always been fully accepted by their male peers or the general public. Some male officers, for instance, allege that policewomen do not have the emotional and physical strength to perform well in situations involving violence (Balkin, 1988). Furthermore, some officers' wives resent their husband having a female partner because they consider policewomen a sexual threat and inadequate support in a violent encounter (Bouza, 1988). The general public also believes policewomen to be well suited for some tasks, such as settling family disputes or dealing with a rape victim but are inadequate for certain physical activities such as stopping a fistfight (Kerber, Andes, & Mittler, 1977).

The increase in the hiring of women in American police departments, like African Americans, is critical to the overall mission of the department and further underscores

the importance of social and political transformation in the opportunities of excluded groups. The next section of the article traces the efforts of the government to enhance the representation of women and minorities in various spheres of American life.

The President, Congress, and Affirmative Action

The term *affirmative action*, first officially appeared in President John F. Kennedy's March 6, 1961, Executive Order 10925.[1] Later, Executive Order 11246 was issued by President Lyndon B. Johnson in 1965.[2] The latter executive order, 11246 applies to federal contractors and imposes the duty to take affirmative action in employment and promotion as a condition for receiving federal contracts.[3]

The Fourteenth Amendment to the United States Constitution, which provides that "no state shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of the law; nor deny any person within its jurisdiction the equal protection of the laws," along with Executive Order 11246 and Title VII, have all played a major role in the formulation of affirmative action. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination. In 1972, Title VII was expanded to public agencies and has been the focus of many of the courts' action filed against employers in the area of selection. Section 703(a) of Title VII states . . .

> It shall be an unlawful employment practice for an employer . . .
>
> (1) to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin; or
>
> (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunity or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin.[4]

In sum, Title VII prohibits any discrimination in the workplace based on race, color, religion, national origin, or sex. This federal legislation further authorized the EEOC to oversee enforcement of Title VII and the U.S. Department of Justice to sue public employers charged with employment discrimination.

Most of the legal challenges to employment discrimination are brought under either the Equal Protection of the Laws clause of the Fourteenth Amendment, which protects citizens of all states, or the Equal Employment Opportunity Act of 1972, which expanded to public agencies the anti-discrimination in employment provisions of Title VII of the 1964 Civil Rights Act.

The Courts and Affirmative Action

On a divisive issue such as affirmative action, the United States Supreme Court can provide needed leadership in establishing public policy when the executive or legislative branches of government refuse or fail to do so. The Court, ostensibly

immune from the effects of public opinion, occupies a unique position in American democracy in regard to setting a course of direction for important policies. A close observation of the Court's ruling suggests that initially, the Court was a supporter of affirmative action. In the early 1980s, however, as demonstrated by subsequent cases, the Court's position shifted to one of uncertainty.

How the courts have ruled on questions of affirmative action is the subject of this next section of the article. The goal is not to review every case that appeared before the courts but to discuss cases that are deemed relevant to the focus of this article. The cases discussed below include lower federal court decisions and rulings from the High Court. The first two cases presented are not necessarily affirmative action cases per se; however, they laid the framework and had implications for subsequent cases. Hence, these cases are worthy of inclusion.

Selected Affirmative Action Cases

Griggs v. Duke Power Company (1971)

In *Griggs*, the Court for the first time considered the meaning or application of Title VII. In particular, the Court was required to address the issue of job performance, selection, and discrimination against African Americans. The Supreme Court ruled that the use of a professionally developed examination could not be used if it had a discriminatory effect. The Court pointed out that Title VII prohibited tests that are neutral in form but discriminatory in operation; that is, if a selection practice excluded African Americans or women, even though not intended to do so and such examination could not be shown to be job-validated, it is prohibited. The Court, therefore, placed the burden of showing the job-relatedness of an employment selection procedure on employers once the procedure was shown to have a disparate impact.

Defunnis v. Odegaard (1974)

In this case, the issue of the constitutionality of affirmative action programs reached the Supreme Court. The litigant, Marco Defunnis, a white male, had been denied admission to the University of Washington Law School even though minority students with lower grades and lower Law School Admission Test (LSAT) scores were admitted. Defunnis sued, claiming that he was denied equal protection of the laws. Although his case was in the courts, the lower court ordered him admitted to law school. While in his final term in law school, his case reached the Supreme Court; however, the Court in exercising the doctrine of *mootness*, avoided ruling on the constitutionality of affirmative action, concluding instead that the issue was no longer ripe since Defunnis was about to graduate. As a result, the Court temporarily dodged the bullet on deciding whether affirmative action programs could be used as a means of addressing past and present racial discrimination against African Americans and females.

Regents of University of California v. Bakke (1978)

Bakke is perhaps one of the most often cited and controversial affirmative action cases decided by the United States Supreme Court. Given the importance and popularity of this case, a more detailed discussion and analysis is warranted. The

Court ruled that racial quotas to set aside specific positions for minority candidates would not be acceptable. Race could be considered as a plus factor along with other factors deemed important. In that manner, no applicants would be excluded from consideration solely because of their race.

In this case, during the late 1970s, Allan Bakke, a white male, applied for admission to medical school at the University of California at Davis. His request, however, was denied. He then filed suit against the Regents of the University of California. The plaintiff contended that he was the victim of reverse discrimination, in violation of Title VII of the Civil Rights Act of 1964 and the equal protection clause of the Fourteenth Amendment. Bakke claimed that he was denied admission solely because the school's special admissions program allotted 16 of the 100 positions in the class for disadvantaged minority students. Bakke further alleged that students with lower grade points averages, Medical College Admission Test (MCAT) scores, and total benchmark scores were admitted under the special admissions program. For the first time after affirmative action began to be widely used as a means of remedying years of overt and covert discrimination against racial/ethnic minorities and females, Bakke's case brought to national consciousness the idea that affirmative action policies had a reverse discriminatory impact on white males. Finding the reverse discrimination argument of Mr. Bakke appealing, other white males, some of whom had reluctantly accepted affirmative action as a necessary evil to help America achieve her manifest destiny, now, flooded the courts with all kinds of suits with various arguments attacking affirmative action (Irons, 1994).

The California Supreme Court declared that the university's program was in fact illegal, and therefore, violated the Equal Protection Clause. The Regents petitioned the United States Supreme Court for a review. The Supreme Court's opinion written by Justice Powell reaffirmed the decision of the California Supreme Court but went further and held that race may be one of a number of factors considered by the school in deciding on applications for admission.

In many respects, both sides in the *Bakke* case benefited. The proponents of affirmative action were pleased because the highest court in the land had gone on record as holding that race may be a factor to be considered. On the other hand, opponents applauded the part directing the school to admit Bakke since it appeared to show that the Court would not accept reverse discrimination as a means of addressing direct discrimination. Unfortunately, *Bakke* left many unanswered questions about affirmative action and essentially provided no solid directions for lower courts. After *Bakke*, African Americans in particular, expressed some apprehension about the future of such programs (Welch & Gruhl, 1990).

Johnson v. Transportation Agency (1987)

This case directs our attention away from affirmative action and race and shifts to affirmative action and gender. In *Johnson*, the male plaintiff sued his employer (the Santa Clara County Transportation Agency), alleging that he was not selected for a promotion to road dispatcher because of his gender. His employer selected a woman, whose ranking on the eligibility list was below his. The applicable civil service rules permitted the selection official to pick any of seven qualified candidates. Johnson received the recommendation of the interview panel, but the employer's affirmative action officer and the agency director chose the female candidate.

The district court found that the employer had discriminated against Johnson. The Ninth Circuit Court of Appeals reversed, and the Supreme Court affirmed the Court of Appeals. The Court held that the existence of a valid affirmative action plan provided a nondiscriminatory rationale for taking gender into account in promotion decisions.

Further supporting their position, the Court analyzed the Santa Clara plan and held that a prior finding of discrimination was not necessary, so long as there was a manifest imbalance in traditionally segregated job categories. The Court also favorably commented upon the fact that the Santa Clara plan did not rely solely upon general population statistics in determining under-representation but looked to the pool of candidates with the necessary qualifications.

Justice Brennan, who was in the minority, held that the plan did not unnecessarily trammel the rights of male employees, noting that the plaintiff had no absolute entitlement to the promotion. The Court further observed that the plan was temporary and directed towards gradually attaining a racial and gender balance, rather than permanently maintaining one. Finally, Justice O'Connor reaffirmed her belief that affirmative action may be used as a plus but that blind quotas are impermissible.

Adarand Constructors, Inc. v. Pena (1995)

The decision in *Adarand* demonstrates that affirmative action is still under attack from the conservative Court. In *Adarand*, which involved a federal construction set-aside program, the Court reiterated that affirmative action plans must meet strict scrutiny, be narrowly tailored, and have a compelling governmental interest.

Specifically, the Court held that . . .

> All racial classifications, imposed by whatever federal, state, or local governmental actor, must be analyzed by a reviewing court under strict scrutiny. Such classifications are constitutional only if they are narrowly tailored measures that further compelling governmental interests. (*Adarand,* 1995, p. 2113)

Led by Justice O'Connor and joined by Chief Justice Rehnquist, as well as Justices Kennedy, Scalia, and Thomas, the Court held that this remedy should be allowed only if strict scrutiny is met. The case was, therefore, remanded to determine whether that test was fulfilled. A close examination of the Court's position in this case suggests that all affirmative action programs, regardless of what level of government adopts them, must meet strict scrutiny. The *Adarand* decision changes the direction of affirmative action policy, as the ruling made it extremely difficult to withstand constitutional challenge.

Affirmative Action Cases Specific to Policing

Bridgeport Guardians, Inc. et al., v. Members of the Bridgeport Civil Service Commission et al. (1973)

In this early lower federal court case, African American and Hispanic residents of the City of Bridgeport, Connecticut, filed suit for injunctive and declaratory judgment relief against the city's Civil Service Commission. The plaintiffs alleged that the merit system examinations for initial appointment and promotions within the police department discriminated against them based on their race, color, and/or national origin. The United States District Court of Connecticut agreed with the plaintiffs and entered judgment enjoining the city's hiring examination and ordered the city to institute hiring and promotion quotas to remedy past discrimination.

On appeal to the United States Court of Appeals for the Second Circuit District, *Bridgeport* was reversed. The case was remanded and the Second Circuit Court held . . .

> that the lower court's finding that the defendants had failed to sustain their burden of showing that written hiring examination bore a demonstrable relationship to successful performance of patrolman's job was not clearly erroneous, there was no abuse of discretion in the court's not adjudicating job relatedness character of promotion procedures and that the judge did not abuse his discretion in imposing quotas on hiring [per se], but imposition of quotas above rank of patrolman did constitute an abuse of discretion and was clearly erroneous. (*Bridgeport*, 1973, p. 1344)

The courts arrived at the decisions in favor of the plaintiffs partly because of the nature of the examination that the Civil Service Commission was using to select patrolmen as reflected in this excerpt from the trial transcript:

> The examination used was not prepared by the defendants but was purchased from the Public Personnel Association (PPA), a private non-profit corporation. It was prepared in 1953 and is utilized by several hundred governmental agencies. It is basically an intelligence test not geared in any significant fashion to establish whether or not the applicant will be a good policeman. Thus, many of the vocabulary and arithmetic questions are only superficially or peripherally related to police activity. (*Bridgeport*, 1973, p. 1336)

The transcript contained an example of the type of questions that were being asked of applicants. In reference to the type of questions, the appellate court ruled that such questions had nothing specifically to do with the work of the police.

Detroit Police Officers Association v. Young (1978)

In a highly charged political case, involving Detroit Mayor Coleman Young, who is African American, and the Police Officers Association, the district court addressed height, weight, strength requirements, and the written and oral examination. These requirements tended to effectively exclude applicants from historically disadvantaged racial and ethnic groups and women. Police Chief Phillip G. Tannian, the City of Detroit, members of the Board of Police Commissioners and white

policemen brought suit charging that "the police department's promotional practices resulted in white male officers being intentionally passed over for promotion to the rank of sergeant solely because of their race" (*Detroit,* 1979, p. 980). At the end of the trial, the United States District Court rendered a favorable decision to the white policemen. In effect, the judge found that the police department was guilty of "reverse discrimination" against the white policemen, as the Regents had been in *Bakke*. On appeal to the United States Court of Appeals for the Sixth Circuit, however, the decision was reversed, and the United States Supreme Court refused to grant certiorari.

The Detroit case is perhaps the most significant affirmative action case dealing with law enforcement to be decided by the court. In upholding the City of Detroit's affirmative action plan by which the mayor promoted officers on a one black to one white ratio, the United States Court of Appeals and the United States Supreme Court, by refusing to consider the case, acknowledged that while the plan did discriminate against white officers, there was a strong governmental reason for allowing the city's plan to remain in effect. Whatever burdens the plan caused affected white policemen, but in the opinion of the Court, the good the plan generated for the greater society far outweighed the harm that it presumably caused.

United States v. Paradise (1987)

In *Paradise,* the Supreme Court reaffirmed that affirmative action relief may be imposed to remedy judicial findings of past discrimination even though the relief benefits so called nonvictims. The case arose from a suit filed by the National Association for the Advancement of Colored People (NAACP) against the State of Alabama Department of Public Safety. The plaintiffs established a pattern and practice of blatant and pervasive discrimination by the department. The district court issued an order requiring the department to hire one African American trooper for each white trooper hired until African Americans constituted approximately 25% of the state trooper force.

With a long track record of noncompliance and further litigation, the Supreme Court issued an order concerning promotions within the department: For a nonspecific "limited period of time" at least 50% of the promotions to corporal were to be awarded to an African American trooper, if qualified African American candidates were available. The Reagan Administration challenged the order, claiming it violated the Equal Protection Clause of the Fourteenth Amendment. The Court observed, however, that the relief was narrowly tailored to serve a compelling interest. It upheld the promotion goal as flexible and temporary, noting that no layoffs were required and that only qualified African Americans could be promoted. Based on a strict scrutiny test, all nine justices agreed that the state had a compelling interest in alleviating the pattern of discrimination. Justice Powell provided an important opinion. He believed that the promotional quota was narrowly based on the following five criteria:

> (1) the efficacy of alternative remedies, (2) the planned duration of the remedy, (3) the relationship between the percentage of minority group members in the relevant population or work force, (4) the availability of waiver provisions if the hiring plan could not be met, and (5) the effect of the remedy upon innocent third parties. *(Paradise*, 1987, p. 189)

Justices O'Connor, Rehnquist, and Scalia dissented on the basis that the district court had imposed a promotion quota without consideration of available alternatives.

Most Recent Affirmative Action Cases

Recent legal challenges to affirmative action were most often litigated in the education arena. These cases usually involved white males or white females claiming that an institution of higher learning violated their Fourteenth Amendment rights by denying them admission into their program. This section of the article presents a brief discussion of these cases.

Hopwood v. Texas (1996)

The *Hopwood* case involved plaintiffs Cheryl Hopwood, Douglas Carvell, Kenneth Elliott, and David Rogers who applied for admission in 1992 for the entering University of Texas Law School class. All four were white residents of Texas and were rejected. The plaintiffs claimed that they were subjected to unconstitutional racial discrimination by the law school's evaluation of their admissions applications. African and Mexican Americans were treated differently from other candidates. The numerical system used by the law school placed the candidates into three admissions categories that were lowered to allow the law school to consider and admit more African and Mexican Americans. The admission score for resident whites and nonpreferred minorities was 199. African and Mexican Americans needed a score of only 189 to be presumptively admitted. The presumptive denial score for nonminorities was 192; the same score for African and Mexican Americans was 179. The standards greatly affected a candidate's chance of admission. Because the presumptive denial score for whites was 192 or lower, and the presumptive admit score for minorities was 189 or higher, a minority candidate with a score of 189 or above almost certainly would be admitted, even though his or her score was considerably below the level at which a white candidate almost certainly would be rejected. Out of the pool of resident applicants who fell within this range (189-192 inclusive), 100% of African Americans and 90% of Mexican Americans were admitted; however, only 6% of whites were offered admission. This system of scoring was established by the law school with the goal of admitting 10% Mexican Americans and 5% African Americans, proportions roughly comparable to the percentages of those races graduating from Texas colleges. The U.S. Court of Appeals for the Fifth Circuit found this scheme troubling and ruled against the law school's affirmative action admissions policy of considering race in the admissions process. The Fifth Circuit Court determined that the plan was a violation of the Constitution's equal-protection guarantee. Just as the U.S. Supreme Court acted previously in *DeFunnis*, it exercised the mootness doctrine and declined to hear an appeal of the ruling because the program at issue was no longer in use.

Grutter v. Bollinger (2003)

Petitioner Barbara Grutter, a white female, alleged she was discriminated against on the basis of race and denied admission to the University of Michigan Law School in violation of the Fourteenth Amendment, Title VII of the Civil Rights Act of 1964, and Section 42, 1981. Specifically, Grutter alleged that she was rejected because the law school used race as a predominate factor. This allowed applicants belonging to certain minority groups, a significantly greater chance of admission than students

with similar credentials from disfavored racial groups and that respondents had no compelling interest to justify the use of race.

The Court's majority (Justices O'Connor, Stevens, Souter, Ginsburg, and Breyer) in the case held that the law school's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body is not prohibited by the Equal Protection Clause, Title VII, or Section 1981; however, the Court predicted that sometime in the future, maybe 25 years later, affirmative action would no longer be necessary. It is, today, however, appropriate to achieve diversity. Finally, in this case, the Court warned that affirmative action should not become a permanent policy. Upon further inspection of the Court's ruling, the decision largely upheld the *Bakke* decision.

***Gratz v. Bollinger* (2003)**

Where as most previous cases involving questions of affirmative action programs in admissions dealt with law schools, this case, on the other hand, is unique because it represented an opportunity for plaintiffs to test the constitutionality of a university's undergraduate admissions policy. Specifically, in this case, the Court ruled that the University of Michigan's point system was too mechanistic and unconstitutional. Petitioners Jennifer Gratz and Patrick Hamacher, white Michigan residents, were denied admission to the University of Michigan's College of Literature, Science and the Arts. The University considered African Americans, Hispanics, and Native Americans to be underrepresented racial or ethnic minorities and awarded every applicant 20 of the 100 points needed to guarantee admission. The petitioners alleged that the University's use of racial preference in undergraduate admissions violated the Equal Protection Clause of the Fourteenth Amendment, Title VII of the Civil Rights Act of 1964 and 42 U.S.C. Section 1981. In the ruling, Chief Justice Rehnquist opined that the University's use of race in its current freshman admission policy was not narrowly tailored to achieve the University's asserted compelling interest in diversity. Accordingly, the Chief Justice ruled that the admission policy violated the equal protection clause. Unlike *Grutter*, where the Court seemingly upheld *Bakke*, which allowed race to be one of the considerations, this case was determined to be based on quotas, prohibited by *Bakke*.

Discussion and Conclusion

This article embarked on a mission to discuss affirmative action and possible implications for American policing. Much of the discussion centered on the impact of the courts in deciding affirmative action cases. During the last three decades, the Court has essentially been unpredictable in its rulings on affirmative action. Largely, this inconsistency can be attributed to the personnel of the High Court. As stated previously, the Court ostensibly favored affirmative action; however, with the advent of the Reagan and Bush Court, led by Chief Justice William Rehnquist, the Court has tightened its grip on affirmative action programs and adopted what can be considered a hostile attitude toward this remedy (O'Brien, 1990). Associate Justices Stevens, O'Connor, Scalia, Kennedy, Souter, Thomas, Ginsburg, and Breyer agree with this sentiment.

Over the last decade, affirmative action cases heard before the court are 5-4 decisions with the majority—Rehnquist, Kennedy, O'Connor, Scalia, and Thomas—opposing

the remedy (Spann, 1993) while Breyer, Ginsburg, Souter, and Stevens dissent (Chemerinsky, 1995). Justice O' Connor was observed by Barker & Combs (1989), as becoming increasingly hostile to affirmative action. Her departure from the usual majority in *Grutter* was in and of itself, unusual, but welcoming for proponents of affirmative action.

The most recent cases on affirmative action have dealt with admission policies in institutions of higher learning. Reviews of these rulings demonstrate that the remedy is slowly being determined to be unconstitutional, particularly if race is predominate (*Gratz*, 2003). There was, however, a glimmer of hope for proponents of affirmative action in *Grutter,* as the majority found the law school's plan to be narrowly tailored and that there was a compelling interest in having diversity in the student body.

Given the current personnel makeup of the High Court, there is no reason to believe that the Court would rule differently in affirmative action cases involving police departments. The recent decisions place police departments on notice that any affirmative action program must follow the pronouncements outlined by Justice Powell in *Paradise*. That is, affirmative action plans must consider:

> (1) the efficacy of alternative remedies, (2) the planned duration of the remedy, (3) the relationship between the percentage of minority group members in the relevant population or work force, (4) the availability of waiver provisions if the hiring plan could not be met, and (5) the effect of the remedy upon innocent third parties. *(Paradise*, 1987, p. 189)

Moreover, affirmative action plans for policing must establish that a selection procedure can be scientifically linked to job performance or restructure the selection process in a manner that does not discriminate against qualified racial/ethnic minorities (Moran, 1988). Quotas or set-aside programs used in the early days of affirmative action can no longer be employed because they fail to meet the standards of strict scrutiny (McWhirter, 1996). Moreover, a close analysis of the last three reviewed cases suggests that the justices appear to have made it clear that affirmative action programs have a limited life span; possibly 25 years. Apparently, in the Court's wisdom, this time period is sufficient to eliminate the vestiges of the impact of discrimination.

Attacks from opponents of affirmative action for police departments will continue to join in the chorus calling for its death; suggesting that it has a negative effect on the occupation. For instance, Lott (1998) analyzing crime data from 1987 to 1990 concluded that crime increased as a result of affirmative action; however, Walker (1999) counters by including crime data from 1992 to 1998 and found that affirmative action lowers the crime rate. Walker (1999) points out that "there is no conclusive evidence regarding the impact of any personnel standard, including affirmative action, on crime rates" (p. 312).

Former President Bill Clinton suggested that affirmative action should be mended, but not ended. President George W. Bush appears to be lukewarm toward affirmative action. While the courts continue to render inconsistent rulings, political candidates in the upcoming elections will also be confronted with this important but controversial issue. The challenge for American police departments is that

they must continue to find creative ways to attract qualified individuals from all racial and ethnic backgrounds; however, race cannot be *the* factor in affirmative action decisions (*Gratz,* 2003). Although it may be challenging to find candidates of either gender or of any racial or ethnic group willing to serve as police officers, the effort must continue. As Gaines et al. (1999) lament, "although the law of employee selection may make it more difficult to readily select employees, there is no evidence that police departments cannot fill their ranks with well-qualified individuals while conforming to legal requirements" (p. 103). While more police are generally assigned to minority communities (Walker, 1999), the importance of community policing, which depends upon close partnerships between the police and community groups and the continued use of affirmative action, which has been shown to increase diversity with women and minorities, are very critical to the success of the police mission.

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[1] 26 F.R. 1789; 3 C.F.R. 1959-1963 Comp., pp. 448-54.

[2] 30 F.R. 12319, 12935; 3 C.F.R., Supp., p. 167 (1965).

[3] Supra.

[4] Civil Rights Act of 1964, Pub.L. No. 88-352, § 701-06, 78 Stat.253-66 (1964).

K. B. Turner, PhD, is an assistant professor of criminology and criminal justice at the University of Memphis. He received his BS from Jackson State University, his MS from the University of Nebraska at Omaha, and his PhD from the University of Nebraska–Lincoln. Dr. Turner has nearly 20 years of law enforcement experience and has served in several police agencies. His current research interests are focused on race and criminal justice in America, judicial decisionmaking, and police administration issues. His previous research has appeared in *Challenge, Journal of Ethnicity in Criminal Justice, Journal of Criminal Justice*, and *Criminal Law Bulletin.*

Specialty Pay in Policing: An Initial Characterization

Robert J. Lessnau; Criminal Investigations Division; Prospect Heights, Illinois, Police Department
William P. McCamey, PhD, Department of Law Enforcement and Justice Administration, Western Illinois University
Michael H. Hazlett, PhD, Department of Law Enforcement and Justice Administration, Western Illinois University

Policing today is very diversified, and officers are called upon to serve in a variety of different roles. As calls for service continue to increase, police departments are becoming more self-sufficient and are not relying on other agencies for assistance. In other words, police have specialized in many areas in order to meet the service expectations of their communities. Examples of specialization, known as specialty assignments, include but are not limited to field training officer, juvenile officer, and evidence technician. Of course, the type of specialty assignment in a police department depends upon the specific needs of the individual community. In almost all cases, these assignments require police officers to complete specialized training in order to obtain certification or authorization to perform the assignment.

In recent years, policing has experienced an emerging trend in which police departments compensate officers for their participation in specialty assignments. Specialty pay in policing involves providing compensation in addition to a regular salary for specialty assignments other than patrol. In many cases, the concept of specialty assignments is a bargaining issue during contract negotiations between police unions and management.

This study examined perceptions of police specialty pay. A survey was distributed to 18 municipal police agencies from Cook, DuPage, Lake, and McHenry Counties in Illinois.

Research Studies

Few studies exist that directly address the issue of specialty pay in policing; however, numerous studies have explored the effects of compensation on motivation and the effects of work assignments on employee satisfaction. For example, Sibson (1990) concluded that many organizations offer some type of extra pay. He believed that extra pay contributes to employees having a greater consciousness of employer welfare and greater commitment to excellence of work. In other words, employees gain a stronger feeling of identification with their employer when extra pay plans are designed properly. Furthermore, Flannery, Hofrichter, & Platten (1996) concluded that pay can be very effective in gaining the hearts and minds of employees during times of change and, therefore, can be a powerful motivator. They reported that pay can hasten the acceptance of and commitment to change and is an important tool for communicating and reinforcing new values and behaviors. It is also effective in supporting accountability for results and for rewarding the achievement of new performance goals. Collison (1997), however, found that pay and extra compensation have only short-lived effects. Worman (1999) agreed and reported that money is a

major factor in motivating people, but the key is that additional money is not always the only answer and in many cases not even the best answer.

Bowey (1999) concluded that some employees are motivated by money while others are motivated by working enriched jobs or the potential for growth opportunities from their jobs. Employees often value outside training and the opportunity for advancement (Gagliardi & Collison, 2001). For example, Diener (1984) pointed out that the successful pursuit of personal goals does play an important role in maintaining and increasing an employee's psychological well-being. Spitzer (1995) believed that an employee's natural motivation relies on the fact that all people have human desires for achievement, control, and power over their work. True motivation relies in part on management providing employees with choices about how they do their work and opportunities for input. Furthermore, Spitzer (1995) encouraged organizations to tap into employees' natural desires to perform at their maximum levels of motivation and productivity, which often involve the desires for ownership, competence, recognition, and meaningfulness in their work.

Thus, the challenge to law enforcement executives is to create a work environment conducive to officer enrichment (Brown, 1998). In other words, police officers desire work assignments that allow them to achieve personal and career growth and to use their knowledge and skills.

Methodology

This study explored police officers' perceptions of specialty pay. More specifically, this study examined police officers' attitudes toward specialty pay and the reasons officers seek specialty assignments. A random sample was selected from 203 municipal police departments in Cook, DuPage, Lake, and McHenry Counties in Illinois. The Chicago Police Department was excluded from the sample.

The survey developed for this study was pretested with five municipal police departments, which permitted refinement of the individual questions. A total of 903 surveys were distributed to 18 departments, and 543 were returned for a response rate of approximately 60%. The agencies assumed responsibility for distributing the survey. Completion of the survey was voluntary, and respondents were guaranteed confidentiality. No attempt was made to generalize the results of this study to all police officers.

Data Analysis

The majority of the respondents were male, between the ages of 21-35 (with the middle or median age being 34 years of age). A majority served as a patrol officer in a department of less than 100 sworn police personnel. The typical midpoint of department size was 68 officers. The characteristics of the sample are included in Table 1.

Table 1
Characteristics of Sample

Variable	N*	Percent
Gender		
Male	495	91
Female	47	9
Total	542	100
Age		
21-25	58	11
26-30	108	20
31-35	150	27
36-40	93	17
41-45	59	11
46+	75	14
Total	543	100
Rank		
Patrol officer	415	76
Sergeant	50	9
Detective	37	7
Other	41	8
Total	543	100
Department Size		
1-50	189	35
51-100	215	40
101-150	112	21
151-200	20	4
200+	2	0
Total	538	100

* Differences in N by category due to missing data.

Specialty Pay Data

Specialty pay is extra compensation in addition to salary, which is paid for special assignments, such as field training officer, juvenile officer, and evidence technician. A majority (55%) of the police officers reported that their agency offered some type of specialty pay (See Table 2).

Table 2
Does Your Department Offer Specialty Pay?

Label	N	Percent
Yes	296	55
No	229	42
Don't know	14	3
Missing data	(4)	
Total	539	100

Next, officers were asked to indicate the specific areas in which their department offered specialty pay. The most frequent occurring responses were field-training officer (25%) and detective (23%), while the least occurring response was S.W.A.T. (1%) or a special response team (See Table 3).

Table 3
In What Areas Does Your Department Offer Specialty Pay?

Label	N	Percent
Field Training Officer	247	25
Detective	229	23
Evidence Technician	161	16
K-9 Officer	90	9
Other	60	6
Youth Officer	52	5
Foreign Language	53	5
Accident Investigator	35	4
Traffic/Truck Officer	36	4
Range/Firearms	17	2
SWAT	10	1

The responses to the "Other" forms of specialty pay offered to officers by police departments included bicycle officer, officer in charge, community relations/crime prevention, narcotics specialist, school resource officer, training officer, breathalyzer operator, computer crimes specialist, defensive tactics officer, hostage negotiator, school resource officer, DARE officer, arson investigator, motorcycle officer, elderly services officer, child safety seat specialist, and less lethal specialist.

Next, officers were asked whether they were more likely to apply for a special assignment if they were paid additional compensation. A majority (60%) of police officers indicated they were more likely to apply for a specialty assignment if they were paid extra compensation (See Table 4).

Table 4
Are You More Likely to Apply for a Special Assignment If You Are to Be Paid Specialty Pay?

Label	N	Percent
Yes	321	60
No	181	34
Don't know	33	6
Missing data	(5)	
Total	535	100

Next, officers were asked whether they accepted specialty assignments to satisfy personal goals or to simply make extra compensation. A large majority (78%) of police officers reported that they were involved in specialty assignments to satisfy their career goals (See Table 5).

Table 5
Do You Apply for a Specialty to Satisfy Career Goals or to Make More Money?

Label	N	Percent
Satisfy career goals	410	78
Make more money	59	12
Missing Data	(74)	
Total	469	100

Finally, respondents were asked how specialty assignments should be assigned. The most popular choice (39%) was according to the preference of the individual officer. Assignment of specialties based on rank (1%) was the least popular choice (See Table 6).

Table 6
How Should Specialty Assignments Be Assigned?

Label	N	Percent
Officer choice	205	39
Rank	4	1
Seniority	62	12
Police administrator	169	32
Other	83	16
Missing data	(25)	
Total	523	100

Findings and Implications

The majority of police officers in this study were young, male, patrol officers, who were employed by a municipal police department with less than 100 sworn personnel. These results are similar to those from a comprehensive study completed in 1998 of Illinois municipal police departments (Hazlett, Fischer, York, & Walzer).

Of the departments in this study, 55% offered specialty pay for a variety of specialty assignments. A total of 27 different specialty assignments, for which officers received specialty pay, were identified with the most common being field training officer and detective. A majority of the police officers in this study indicated that they were more likely to apply for a specialty assignment if the assignment included extra pay. In addition, an even larger majority of police officers indicated that they were involved in specialty assignments to satisfy their career goals. Finally, 39% of the officers felt that specialty assignments should be assigned according to the individual preference of the officer.

The findings of this study are consistent with several motivational theories. Specialty assignments encourage officers to learn new knowledge, expand their present skill level, and experience growth, which is consistent with Alderfer's (1969) ERG theory. Thus, specialty pay can be viewed as a method for compensating officers and promoting new learning. Robbins (2003) concluded that among employees

whose lower-order needs are substantially satisfied, the opportunity to experience growth could be a motivator. Furthermore, for many employees, learning brings an intrinsic satisfaction from mastering new skills. Rewarding learning monetarily can support that intrinsic motivation with extrinsic reinforcement (Barkman, 2002). In another study, Hoath, Schneider, and Starr (1998) found that job satisfaction was highest among municipal police officers motivated by extrinsic rewards, who placed a high value on prestige, recognition, advancement, and financial security.

Paying employees to expand their skill levels is also consistent with research on the achievement need of McClelland's Theory of Needs (McClelland, 1961). According to Robbins (2003), high achievers have a compelling drive to do things better or more efficiently. By learning new skills or improving the skills they already hold, high achievers will find their jobs more challenging. Furthermore, Bowker (1980) indicated that because highly educated police officers are more likely to be high achievers, managers should try to keep them satisfied by rewarding achievement, not only to maintain high levels of motivation but also to avoid turnover. Based on the perceptions of police officers in this study, specialty pay appears to be an important avenue police executives could use to maintain job satisfaction.

Even though police officer pay scales in most jurisdictions in the United States are sufficient to meet an officer's basic needs, many people are still strongly motivated by pay incentives even though they may also be responsive to factors higher in Abraham Maslow's Need Hierarchy (Cordner & Sheehan, 1999). For example, Leavitt (1972) noted that wages are more than just money, they are indicators of progress, worth, and even status to employees.

Of course, police managers should be cautious in the implementation of specialty pay and not allow employees to equate learning with pay. According to Barkman (2002), there is a delicate balance between encouraging and recognizing learning with pay and creating a "You want me to learn it, pay me for it attitude." In addition, police managers run the risk of creating perceived inequity in police departments that do not recognize specialty pay. In other words, specialty pay will likely result in substantially higher pay rates compared to police officers in other departments who do not receive specialty pay and are performing similar policing tasks.

Conclusion

The results of this exploratory study may assist police executives in developing strategies to maintain and increase satisfaction and motivation levels of police officers. While specialty pay is not an organizational panacea, further research is needed to confirm and expand on the findings of this study. The relationships identified in this study are worthy of further investigation in order to acquire an understanding of the dynamics and dimensions of specialty pay.

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Robert J. Lessnau received his BA in metropolitan studies from Roosevelt University and his MA (2003) in law enforcement and justice administration from Western Illinois University. He is currently a detective with the Criminal Investigations Division of the Prospect Heights, Illinois, Police Department. He serves as an adjunct faculty member for Harper College and Kendall College. Robert Lessnau is also a certified juvenile officer, evidence technician, and accident investigator.

William P. McCamey received his PhD from the University of Iowa. He has been a faculty member with the Department of Law Enforcement and Justice Administration at Western Illinois University since 1982. He is the production editor of the *Journal of Security Administration* and is co-author of *Contemporary Municipal Policing* (2003). In addition, Dr. McCamey has published articles in a number of professional journals.

Michael H. Hazlett received his PhD from Sam Houston State University. He has been a faculty member with the Department of Law Enforcement and Justice Administration at Western Illinois University since 1986. Prior to teaching at Western, he was a professor at the University of Alabama and worked for several years for the Governor's Office of General Counsel and Criminal Justice in Austin, Texas, as a research specialist, planning and development specialist, and program field evaluator. Dr. Hazlett has published and co-authored numerous journal articles.

Garrity, Immunity, and the Interrogation of the Police: "I Hold My Tongue; I Don't Do Much Talking"

Tom "Tad" Hughes, JD, PhD, Department of Justice Administration, University of Louisville

Introduction

Part of the police mandate in the United States focuses upon solving crimes. These efforts often involve identifying responsible parties and gathering evidence for prosecution. Police interviews and interrogations of suspects and witnesses are valuable tools in amassing this information. Through various techniques, the police may obtain inculpatory admissions, information that leads to other evidence or witnesses, and/or confessions.

While all interrogations present a complex array of legal and psychological issues, the interrogation of police by other police presents additional, unique concerns. In the current cultural milieu, police behavior is an issue of substantial political salience. The behavior of police on duty as well as off duty has received substantial attention. The repercussions from these stories can range from damage to the relationship between the police and the community to civil suits costing taxpayers millions of dollars. One common outcome to most instances of police misconduct is a call for increased police accountability; however, some aspects of police culture make it difficult to hold officers responsible for their actions. Police culture can socialize officers against providing information about the illegal or improper acts of fellow police officers (i.e., the "blue wall of silence") (Crank, 1998). Thus, while investigation of police misconduct is a political imperative, it is potentially an anathema to police culture. Additionally, administrative and procedural legal mandates can provide substantial impediments to the investigation and the ultimate accountability of police officers. One such legal mandate comes from the Supreme Court case of *Garrity v. New Jersey* (1967). In this case, the Court provided a unique form of immunity to officers given the Hobson's choice between discussing alleged illegality or termination of employment for the lack of cooperation. This immunity protection can make the investigation of police corruption difficult and criminal accountability impossible.

This article will proceed in three general sections: (1) the constitutional foundation of *Garrity*—the right against self-incrimination—will be explored; (2) the *Garrity*-line of cases and subsequent jurisprudence will be reviewed; and (3) the policy implications of the current state of the *Garrity* doctrine will be discussed.

The Fifth Amendment

The Fifth Amendment to the United States Constitution establishes a number of protections for those accused of criminality. The Amendment reads . . .

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

One of the rights contained in this Amendment, the right against self-incrimination, has its origins in the experience of English common law. The use of self-generated statements to establish guilt and to repress political rivals demonstrated to the drafters of the Constitution a need to prohibit forced self-incrimination. This right seeks to secure two objectives:

1. By preserving an accusatorial system of justice, this right aids in maintaining the integrity of the judicial process.
2. The right also protects the privacy of a defendant's mind from governmental intrusion.

The parameters of the right against self-incrimination are often misunderstood. This privilege applies only to humans; thus, artificial persons like corporations may not assert it. Moreover, the privilege only applies to cases in which compulsion is present. A person is compelled if that person believes that as a result of not providing statements, he or she will likely be imprisoned. Voluntary statements or statements provided under a grant of immunity are not subject to this privilege. Lastly, the evidence elicited must be testimonial in nature. That is, the right against self-incrimination protects a person from having to reveal information concerning personal knowledge or beliefs. As a result, a person may be forced to reveal physical evidence that could be damaging in a criminal case. For example, defendants may constitutionally be required to stand in a line-up or to provide voice, blood, and fingerprint samples. Thus, privilege against self-incrimination dictates that a natural person does not have to provide compelled testimony that is criminally damaging to his or her cause (Zalman, 2002).

Simply obtaining compelled statements, however, will not create a violation of the right against self-incrimination. For a violation of the right against self-incrimination to spring to life, the compelled statements must be used in a criminal action. In short, it is the use of the compelled statements that triggers the violation of the right against self-incrimination, not their acquisition (Clymer, 2001). The case of *Kastigar v. United States* (1972) supports this idea. In *Kastigar,* the Court held that privilege against self-incrimination did not apply when a person was granted immunity. In effect, the grant of immunity makes use of the statements against the witness impossible; therefore, even though the witness was compelled to give statements against his or her own legal interests, the right against self-incrimination has not been violated because those statements cannot be used to harm him or her at trial due to the grant of immunity. Similarly, several jurisdictions have concluded that the Fifth Amendment is only violated when the coerced statements are used in a criminal proceeding.

The *Garrity* Line of Cases

In the period between the late 1960s and late 1970s, the Supreme Court addressed the constitutionality of using various economic penalties against parties of interest in both criminal and noncriminal cases. The economic levers in these cases included "job termination, loss of pension benefits or political office, disbarment from the legal practice, and ineligibility for state contracts" (Clymer, 2001, p. 1315). Some of these "penalty cases" directly addressed the investigation of police officers suspected of improper behavior.

In 1967, the United States Supreme Court decided the case of *Garrity v. New Jersey*. This case resulted from an investigation by the state's attorney general into the allegations of police officers fixing traffic citations. Before being interrogated, the suspects were informed that their responses could be used against them in a criminal proceeding and that, while they could refuse to incriminate themselves, such action would subject them to removal from office. Removal for noncooperation was authorized by statute in New Jersey.

The suspect in this case answered questions without a grant of immunity. Over objection that the statements were coerced, the evidence was used in a subsequent criminal trial that resulted in the suspect's conviction. The Court framed the issue in the case as "whether a state, contrary to the requirement of the Fourteenth Amendment, can use the threat of discharge to secure incriminatory evidence against an employee" (*Garrity v. New Jersey*, 1967, p. 499). In deciding that such conduct was unconstitutional, the Court relied primarily on the due process clause of the Fourteenth Amendment of the United States Constitution, which provides restrictions upon police interrogation practices. The Amendment reads in relevant part . . .

> No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law.

In general, the due process clause requires that the processes associated with criminal justice be fair. That is, how the government moves a person through the criminal justice system must be a fair process (Gifis, 1984). The Court held that "the protection of the individual under the Fourteenth Amendment against coerced statements prohibits use in subsequent criminal proceeding of statements obtained under threat of removal from office, and that it extends to all, whether they are policemen or other members of our body politic" (*Garrity v. New Jersey*, 1967, p. 500).

The Court examined the facts to see whether the statements were made by the suspect voluntarily and were thus admissible. Noting that coercion can come in physical as well as psychological forms, the Court reasoned that to be forced to select between self-incrimination and job loss was a form of coercion so strong as to render the statements involuntary.[1]

Following *Garrity,* the Supreme Court decided *Gardner v. Broderick* in 1968. In this case, a police officer sought reinstatement and back pay. His dismissal resulted from a grand jury proceeding investigating police corruption allegations. In response to a subpoena, he appeared at the hearing and was "advised of his privilege against

self-incrimination but he was asked to sign a 'waiver of immunity' after being told that he would be fired if he did not sign" (*Gardner v. Broderick*, 1968, p. 274). The officer refused to sign and was terminated after an administrative hearing based on his refusal to waive immunity prior to testifying. Termination for failure to waive immunity was authorized under the New York City Charter.

In examining this case, the Court framed the issue as "whether a state may discharge an officer for refusing to waive a right which the Constitution guarantees him" (*Gardner v. Broderick*, 1968, p. 276). The Court held that the provision of the New York Charter, which authorized termination for failure to waive immunity, was in violation of the constitution and thus could not stand. In reaching this conclusion, the Court distinguished *Garrity* from the facts of this case. *Garrity* involved the use of compelled testimony obtained by threat of job loss at a subsequent hearing. The facts of *Gardner v. Broderick*, however, involved a termination due to a "refusal to waive an immunity to which he is entitled if he is required to testify despite his constitutional privilege" against self-incrimination (1968, p. 278). The Court noted, "if the appellant, a policeman, had refused to answer questions specifically, directly, and narrowly relating to the performance of his official duties, without being required to waive his immunity with respect to the use of his answers . . . in a criminal prosecution or himself . . . the privilege against self-incrimination would not have been a bar to his dismissal" (*Gardner v. Broderick*, 1968, p. 274). Thus, over all, the case indicates that "the mandate of the great privilege against self-incrimination does not tolerate the attempt, regardless of its ultimate effectiveness, to coerce a waiver of the immunity it confers on penalty of the loss of employment." A simple attempt to obtain information about official action does not violate the privilege; however, in those cases in which officials seek both information and the possibility of prosecution, self-incrimination issues arise.

A third Supreme Court case, *Uniformed Sanitation Men's Assn. v. The City of New York* (1968), explored the range of permissible questioning. In this case, several members of the New York Department of Sanitation were accused of keeping fees associated with sanitation services. Each of the employees were summoned to a meeting and advised that under the New York City Charter, a refusal to testify about employment actions based upon the right against self-incrimination would result in termination. Twelve of the workers refused to testify based on the privilege against self-incrimination and were terminated. In determining this practice unconstitutional, the Court noted that "here the precise and plain impact of the proceeding against the petitioners as well as . . . the New York Charter was to present them with a choice between surrendering their constitutional rights or their jobs" (*Uniformed Sanitation Men's Assn. v. The City of New York,* 1968, p. 284). The Court explained, however, that "public employees subject themselves to dismissal if they refuse to account for their performance of their public trust, after proper proceedings, which do not involve an attempt to coerce them to relinquish their constitutional rights" (*Uniformed Sanitation Men's Assn. v. The City of New York,* 1968, p. 285). Thus, it appears that public officers can be required to provide an account of their actions, but the state cannot seek to use it to prosecute them criminally.

The last case in the early jurisprudence surrounding *Garrity* was *Lefkowitz v. Cunningham* (1977). In this case, the Court reaffirmed the principles of *Garrity* and *Gardner*. Under the facts of this case, New York law allowed political office holders to be summoned before a grand jury and to answer questions. A self-executing

provision, which terminated their position and barred them from state office for 5 years, was triggered if an office holder did not answer questions or claimed immunity. In finding this practice unconstitutional, the Court held that a political officer cannot "be removed from his position by the State of New York and barred for 5 years from holding any other party or public office, because he has refused to waive his constitutional privilege against compelled self-incrimination" (*Lefkowitz v. Cunningham*, 1977, p. 802). In effect, the case establishes that sanctions cannot be used against those who exercise their right against self-incrimination in an effort to obtain nonimmunized testimony.

Each of the cases that make up the *Garrity* line involved a public employee subject to state action, not the actions of a private party. Moreover, in each case, "the person being investigated is explicitly told that failure to waive his constitutional right against self-incrimination will result in his discharge from public employment" and that "there is a statute or municipal ordinance mandating such a procedure" (*United States v. Idorato,* 1980, p. 716). The state does retain the ability to compel statements from employees regarding their job duties; however, when the state also compels a waiver of the right against self-incrimination or seeks to use compelled statements in a criminal proceeding, the Fifth Amendment is violated (*Singer v. Maine,* 1995). Thus, the presence of coercion is central to a showing of a constitutional violation.

In *United States v. Friedrick* (1988), the District of Columbia Circuit Court of Appeals announced a two-prong test to determine sufficient coercion to warrant proper invocation of *Garrity*. The first prong of the test addresses the subjective belief of the officer. To meet this prong, the officer must believe subjectively that he or she must either respond or be terminated. The second prong, an objective element, examines whether the officer's subjective belief was objectively reasonable.[2] This prong is determined by examining the actions of the state;[3] therefore, the prong is not met in cases in which the state plays no affirmative role in creating the impression that refusal to provide a statement will result in termination (*United States v. Camacho,* 1990).

Garrity and its progeny create a series of rules applicable to the interrogation of police officers suspected of criminality. Four general rules flow from this area of jurisprudence:

1. As a matter of constitutional law, any statement given by public employees based upon a threat of dismissal from their job if they fail to respond will be inadmissible against the employee in a subsequent criminal proceeding.[4]

2. Employees being questioned in any proceeding about a matter that could result in a criminal prosecution against them may not be discharged solely for invoking their Fifth Amendment privilege and refusing to answer or for refusing to sign a waiver or immunity.

3. Public employees do have an obligation to answer employer's work-related inquiries; therefore, if employees are assured that their answers or information obtained as a result of those answers cannot be used against them in a criminal proceeding and that they may be disciplined or discharged for failure to respond, then they may properly be disciplined or discharged for any refusal to answer such questions.

4. Conversely, questions directed at an officer's personal activities, not affecting on-duty performance, need not be answered (Robinson, 1992, pp. 303-304).[5]

False Statements and Voluntariness

In *LaChance v. Erickson* (1998), the United States Supreme Court addressed the issue of sanctioning government employees who knowingly make false statements about employment-related misconduct. In this case, several employees of different agencies made false statements to investigators about alleged employment misdeeds. These employees were subsequently administratively cited and disciplined. The unanimous opinion of the Court held that "a government agency may take adverse action against an employee because the employee made false statements in response to an underlying charge of misconduct" (*LaChance v. Erickson*, 1998, p. 267). In effect, an employee who lies during an employment-related interrogation may be administratively punished both for the falsehood and for the underlying conduct.

In *Erwin v. Price* (1985), the Eleventh Circuit Court of Appeals addressed the issue of who bears the burden of proving the voluntary nature of statements made by government employees under investigation. Erwin, a police officer, was discharged for pointing a gun at another while off duty. Erwin received substantial assurances that any information he supplied would not be the basis of a criminal action. He was also aware of police regulations that required him to answer questions and that refusal to answer was a ground for termination. Erwin refused to answer questions about the alleged gun pointing and was terminated for his refusal. The court noted that Erwin could refuse to answer until he was assured that the information would not be used against him in a criminal case and that he could not be coerced into giving up his rights. With a grant of immunity, however, he could be required to answer focused questions related to his job. Moreover, the court held that "where there is a formal disciplinary investigation during which a public employee is ordered to answer proper questions under threat of dismissal, coercion is presumed and the government bears the burden of demonstrating voluntariness" (*Erwin v. Price*, 1985, p. 670).

Right to Counsel

In *Williams v. Pima County* (1989), a corrections officer employed by the sheriff's department was investigated for impersonating a police officer while off duty. Williams was assured that any responses would not be used in a criminal case but that a refusal was grounds for termination. Williams was also informed that he could not have his attorney with him during the noncriminal administrative investigation into his alleged actions. He refused to answer any questions invoking his right to remain silent and was terminated for failure to answer questions. The court held that Williams' termination was proper for his failure to answer questions regarding the impersonation of a police officer. Moreover, the court held that Williams was not denied his right to counsel when he was required to answer employment-related questions without an attorney. The court noted that "in the context of employer/employee relationships, the Fourteenth Amendment does not confer an employee the right to counsel at a pre-termination interview with his employer" (*Williams v. Pima County*, 1989, p. 1057).[6]

Warnings and the Interrogation of Police Officers

The warnings that must be provided to police officers under investigation vary according to the goal of the investigation. Specifically, an officer can be investigated for violations of policy, administratively, as well for violations of the law, criminally. Clearly, when a criminal investigation involves a custodial interrogation, *Miranda* is implicated (Wattendorf, 1993). The rule from the case of *Miranda v. Arizona* (1966) hinges the admissibility of statements obtained from suspects subjected to custodial interrogation on the provision of four warnings concerning their constitutional rights. Specifically, those subject to custodial interrogation must be informed of "the right to remain silent, that anything they say can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires" (*Miranda v. Arizona*, 1966, p. 479). Statements obtained without such warnings are not admissible in the state's case in chief.

In *Peden v. United States* (1975), a United States Court of Claims dealt with issues surrounding the investigation of a special agent for the Internal Revenue Service. During an interview by other IRS agents, Peden was Mirandized, and he refused to answer any questions. He was then informed that Internal Revenue Service regulations required him to respond to official matters. Peden was subsequently arrested and subjected to a criminal trial and ultimately dismissed from the Internal Revenue Service. In an action for reinstatement and back pay, the court examined the interrogation of Peden. The court explored the position in which the interviewing agents placed Peden. Administering *Miranda* would lead an experienced criminal investigator to know that he was suspected of a crime but that he did not have to speak; however, the interviewing agents also informed him of work regulations that required him to answer their questions. The court noted that "no explanation of this inconsistency was offered . . . [and that] . . . a regulation of this Treasury type can be used to coerce information from a criminal suspect only if he is given adequate assurance that his response will not be used again in any criminal proceeding" (1975, p. 1102).[7]

Whether *Garrity* warnings are required and what exact form they should take are issues that have not been directly addressed by the United States Supreme Court.[8] *Kalkines v. United States* (1973) expressed a strong statement in favor of warnings prior to interrogation. In this case, a customs agent was terminated from employment because of his refusal to answer questions concerning bribery allegations. At no time during the interrogation process did the investigators inform Kalkines of his *Garrity* protections. In an action for lost wages, the United States Court of Claims found that the failure to specifically inform Kalkines of his *Garrity* immunity left him "uncertain as to the connection between the questioning he was being asked to undergo and a potential criminal action" (1973, p. 581). Because of this lack of express warnings, the court excused Kalkines' failure to respond to questioning and held that his termination was invalid and that he should receive back pay.

In *Debnam v. North Carolina Department of Correction* (1993), the Supreme Court of North Carolina held that in an investigation in which a suspect is not specifically informed of *Garrity* immunity, . . .

> the state does not violate a public employee's Fifth Amendment right against self-incrimination by terminating the employee for refusing to answer questions relating to his employment, when the employee is informed that failure to answer may result in dismissal and the state does not seek a waiver of the employee's immunity from use of his answers in any criminal proceeding. (*Debnam v. North Carolina Department of Correction*, 1993, p. 328)

The court reasoned that once the employee was threatened with dismissal for nonresponsiveness, *Garrity* immunity attached. Since any information could not be used in a criminal trial and the state did not seek a waiver, termination without specific warnings did not violate his Fifth Amendment rights.

The federal appeals courts appear split with regard to whether specific warnings are required. In *United States v. Devitt* (1974), the Seventh Circuit indicated that disciplinary action may not be "taken against a witness for his refusal to testify, unless he is first advised that . . . evidence obtained as a result of his testimony will not be used against him in a subsequent criminal proceeding" (1974, p. 141). The federal circuit also indicated a warning requirement in *Weston v. United States Department of Housing and Urban Development* (1983). In this case, a federal employee was provided with a document indicating that the federal prosecutor declined prosecution in her case, that her statements would not be used against her criminally, and that failure to comply could result in termination. The court found that this document functioned to advise her of the invocation of the *Garrity* rule and noted that "invocation of the *Garrity* rule for compelling answers to pertinent questions about the performance of an employee's duties is adequately accomplished when that employee is duly advised of his options to answer under the immunity granted or remain silent and face dismissal" (*Weston v. United States Department of Housing and Urban Development,* 1983, p. 948). In *Gulden v. McCorkle* (1982), however, the Fifth Circuit held that there was not an affirmative duty to inform an officer of *Garrity* immunity prior to termination. Thus, there appears to be a split among various jurisdictions regarding an affirmative duty to inform an employee of his or her *Garrity* rights.

Policy Implications

Garrity and its progeny attempt to balance the rights of individuals against the general rights of society to maintain social order. The case and its subsequent jurisprudence may, however, negatively impact the ability to address police misconduct, an issue with a substantial amount of public salience. The methods used to control the police and to deter aberrant behavior fall into two broad categories: (1) administrative measures of police departments and (2) legal actions. The first category consists of various internal actions that can be taken by departments to impact officer behavior. The second general force that constrains police behavior is law. The law defines the police in terms of their mission, practice, and parameters of operation (Herbert, 1997). Violations of the law can be processed to punish individuals who have violated norms. In this form, legal actions provide a powerful tool to redress past police misconduct (Langworthy & Travis, 1994). Moreover, legal actions against the police may also provide a bifurcated deterrent against future transgressions. The first way in which legal actions deter future misconduct is by sensitizing officers and departments to those behaviors that lead to litigation. In general, officers and departments are thought to shy away from actions that have resulted in involvement

in the legal process. Legal actions may also have a second, indirect impact on police behavior. What departments learn from previous legal actions may deter future police misconduct through the integration of this knowledge into evolving police policy and practice (del Carmen, 1989; Vaughn & Coomes, 1995). Those policies, procedures, and actions that result in litigation are highlighted and can be modified to avoid future legal controversies.

Recent cases in Cincinnati, Ohio, and Lansing, Michigan, illustrate how the *Garrity* rule can impede investigations, frustrate the public, and limit the ability of the law to aid in controlling the police. In Lansing, an officer was fired for lying about the use of excessive force, yet criminal charges were not filed due to the impact of *Garrity* immunity (Emerson, 2003). Similarly, in Cincinnati, a police investigation was stalled because of the *Garrity* rule. In this case, a man died in police custody from an interaction with several officers, but the investigation proceeded slowly due to the potential of a *Garrity* situation and its resulting immunity (Prendergast, 2000).

Similarly, the impact of *Garrity* immunity can lead to bifurcated investigation proceedings in law enforcement agencies. Police chiefs are advised to prepare policies and procedures to conduct both administrative and criminal investigations simultaneously. Without such preparations, police administrators may be forced to choose between either a criminal investigation or an administrative one (Ferrel, 1994; Wattendorf, 1993). Examples of this bifurcated investigative policy and practice can be found in both the Federal Bureau of Investigation and the Department of Justice (Clymer, 2001; Standards for FBI Investigation, 2003). Organizations unprepared for simultaneous investigations generally must choose either the criminal or administrative route. In short, *Garrity* complicates and can slow down investigations of police misconduct. Investigations of this nature may be perceived by the citizenry as attempts by police to "take care of their own" and, as such, may increase negative perceptions of departments already in the midst of scandal. Additionally, smaller police departments may lack the manpower and expertise to protect cases of police misconduct from the impact of *Garrity*.

The complexity of this process may add to a disinclination of district attorneys to prosecute police officers. A strong positive relationship between the district attorney's office and the police department provides systemic rewards for prosecutors. Zealous prosecution of officers could damage an existing exchange relationship. Moreover, in some jurisdictions, jurors may also be disinclined to convict police officers. In such jurisdictions, prosecutors could be faced with a case that will be difficult to win and that could cause damage to the police-prosecutor relationship. Additionally, the unsympathetic nature of many complaintants-defendants and the potential for a strong "code of silence" among fellow officers contribute to the difficulty of prosecution of police officers. In effect, *Garrity's* complexity may add to a recalcitrance to prosecute police misconduct claims.

Other police accountability methods are also impacted by *Garrity*. For example, civilian review boards are recent popular measures aimed at increasing community control and accountability over the police. These boards consist of a number of non-police citizens who are empowered to review and investigate police actions. While officers may be subject to a compulsory process from these organizations, those officers facing criminal charges must be given immunity prior to testimony. Certainly, officers in this position who are given immunity would be subject to

departmental administrative remedies, but a potential criminal suit would be highly unlikely. Thus, civilian review boards and those who advocate for their creation must understand the limitations placed on their impact and effectiveness by *Garrity v. New Jersey* (1967).

How and if *Garrity* impacts the prosecution of police officers is unknown. It may be that *Garrity* immunity and exclusion has a substantial impact in those cases that are brought against the police, or it may be that *Garrity* impacts the decision to charge. Future research should examine the impact of *Garrity* on decisions to prosecute, administrative procedures, and outcomes, as well as criminal case results. Researchers should examine whether these factors vary by demographic variables relating to the police department and its parent municipality.

Amending *Garrity* would be difficult. The *Garrity* immunity is based on constitutional protections and a precedent that has been upheld for over 30 years. Moreover, the *Garrity* rules and other protections (statutory and contractual) have been praised and promoted by police unions. Additionally, certain aspects of police culture would appear to script a negative reaction to attempts at altering *Garrity* protections. For example, police culture tends to reject civilian comprehension and interference into police matters. Police culture may also foster the belief that officers are assumed guilty in the investigation process until they prove their innocence. These aspects would appear to prompt a strong political reaction toward institutions or individuals who advocate altering *Garrity* protections. Thus, *Garrity* rules may limit the ability of the popular methods of controlling police in our society, yet altering these rules appears to be difficult in both the legal and political arena.

Conclusion

Police misconduct and efforts to control the police are topics of considerable salience. The immunity provided to police officers by *Garrity* must be understood and considered by those who seek to explore and address police misconduct. A failure to consider this case law may result in failed efforts at police accountability and an increase in the public perception that police officers are not held responsible for their improper actions.

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Endnotes

[1] In *Gniotek v. City of Philadelphia* (1986), the Third Circuit Court of Appeals examined due process and self-incrimination issues surrounding the interviewing and termination of officers accused of receiving bribes. The officers claimed that "the city unconstitutionally burdened their privilege against self-incrimination because they were compelled to choose between asserting the privilege and responding" to accusations (*Gniotek v. City of Philadelphia*, 1986, p. 245). The court held that "there is no constitutional defect when one must choose between . . . speaking at an employment termination hearing and asserting the Fifth Amendment privilege" (*Gniotec v. City of Philadelphia*, 1986, p. 246).

[2] See also *United States v. Comacho* (1990); *United States v. Najarian* (1995); *New Jersey v. Lacaillade* 1993; *Idaho v. Connor* (1993). In *United States v. Idorato* (1980), the First Circuit denied a *Garrity* claim by a police officer who was under an obligation to obey orders but who was not ordered to testify, was not threatened with dismissal for failure to testify, was not asked to waive immunity, and was not subject to a statute that required dismissal for refusal to answer questions. See also *Singer v. Maine* (1995).

[3] Whether administrative proceedings other than discharge are proper for *Garrity* application is a difficult legal issue. In *Dwan v. City of Boston*, the First Circuit noted that "it cannot sensibly be the law that administrative measures, although taken in part because an employee pled the Fifth Amendment, are automatically impermissible" (2003, pp. 279-280). In this case, after refusing to testify at a grand jury hearing, an officer was placed on administrative leave, which eliminated ability for the extra pay associated with extra details.

[4] In *Frierson v. City of Terrell* (2003), a court noted that under *Garrity*, statements made in the course of an internal investigation could not be used in a criminal proceeding, but the use of such statements in a civil proceeding was not part of *Garrity* immunity.

[5] See Collins (1995).

[6] Employees may have rights based upon union membership; see *National Labor Relations Board v. Weingarten* (1975). Additionally, employees may have a right to respond to charges prior to termination; see *Cleveland Board of Education v. Loudermill* (1985).

[7] See also *Colorado v. Probasco* (1990). In this case, the Colorado Supreme Court addressed the custody requirement for the application of *Miranda*. It is interesting to note that under the flexible totality of the circumstances test, custody for purposes of *Miranda* may be more difficult to establish for a police officer than for a normal citizen.

[8] The following is an example of a *Garrity* warning that was administered to an officer prior to an internal investigation: "As a police officer involved in an internal investigation, you do not have the right to refuse to answer questions that are directly and narrowly related to your official duties and questions that are narrowly and directly related to this investigation. Employees shall answer all questions honestly, completely, and to the best of their ability. Failure to cooperate, whether by evasion, untruthfulness, or choosing not to answer may result in disciplinary action up to and including dismissal" *(Willams v. City of Fayetteville*, 2002, pp. 10-11).

Tom "Tad" Hughes, JD, PhD, is an assistant professor at the University of Louisville in the Department of Justice Administration. He received his JD from the University of Dayton School of Law in 1991 and his PhD from the University of Cincinnati in 2000. His research interests include police liability, police training, criminal procedure, and private security issues.

Generations at Work: An Analysis of Differences and What You Can Do About Them

Lewis G. Bender, PhD, Public Administration and Policy Analysis, Southern Illinois University–Edwardsville

Generational differences in the workplace are not a new phenomenon. Historically "older" workers have complained about the lack of respect that younger coworkers have for authority, tradition, and time-honored ways of getting the job done. Correspondingly, younger workers complain about the lack of willingness of their older counterparts to be flexible and try new things. These "perennial" differences have appeared historically between older and younger generations.

In more recent times, however, new and previously unforeseen issues and problems have appeared between many younger and older workers. In the past, it was not unusual for younger workers to complain that older workers lacked enthusiasm and didn't want to work very hard. Frequently, younger workers were hungry for advancement and eager to work and take on new challenges. Older employees were perceived as being more jaded. Today, however, it is not unusual to hear supervisors and older workers complain that younger workers do not want to work very hard. "They put more effort into getting out of work than it would take to do the job," lamented a Chicago area street department supervisor.

Recently, for example, a 20-something-oriented computing magazine ran an in-depth article entitled "How to Play Games at Work –And Get Away With It!" (PC, 1999). The article covered many important need-to-know topics such as how to have an "accident" with your out-dated computer so you can get the company to upgrade to a newer faster machine, which will have the capacity to handle the games you want to play. It also discussed what to do if you should get caught playing games on company time. Potential remedies included blame someone else and be aggressive and blackmail the boss. A closer reading of the article reveals that bosses (usually of baby boom age) can easily be fooled and that deception is okay as long as it doesn't become an addiction.

Whether or not the current manifestations of intergenerational discord are unique is open to wide-ranging speculation and debate. This analysis* does not address the question of generational conflict over the decades. Rather, this analysis briefly examines two questions regarding the current generational debate:

1. Are their discernable attitudinal differences between baby boomers (ages 40 to 55) and younger workers (ages 18 to 30) related to work and life-style/social values?

2. To the degree that differences exist, what are some of the major possible implications for supervision in the workplace?

*Thanks to T. R. Carr for providing data analysis of an earlier paper presented in 2000.

These questions are addressed by a review of responses regarding generational difference posed at workshops for public and nonprofit leaders between September 1999 and October 2002 and an examination of case study survey data from one public sector organization. These case study findings provide the basis for a more thorough and extensive future examination of issues involving inter-generational concerns.

Previous Research Findings

Past Generations Research

Research regarding the relationship of age and work values precedes the current generational discussion. In the 1970s, David J. Cherrington (1977) offered three arguments as to why older workers are more work-oriented than their younger cohorts. Essentially, he noted that age and experience change the perspectives and reference points of workers. In addition, historical experiences such as war, economic depression, and personal poverty impact one's values. Finally, socialization and training within the workplace change individuals over the course of their careers. In a later study, Cherrington, Condie, and England (1979) found that older workers placed greater importance on the moral significance of work and the pride of craftsmanship; whereas, younger workers emphasized the importance of money and friends over work. Cherrington et. al. also found that younger workers were more approving of the acceptability of welfare as an alternative to work as opposed to older workers who held more closely to traditional work values. Similarly, Edmond Lee and Elizabeth Wilbur (1985) found that job satisfaction measures positively increase as the employee ages. Salary, education, and job tenure do not affect the relationship of job satisfaction and age.

Work-related behavior provided the focus for Rhodes' (1983) age-based studies. Rhodes' studies suggested that older workers had lower absenteeism, turnover, illness, and accident rates. Correspondingly, younger workers were more likely to have lower job satisfaction levels and were less likely to be supportive of traditional work values. Age and actual job performance have not positively correlated.

Glenn McEvoy and Wayne Cascio (1989) reviewed over 96 independent studies that reported age-performance correlations and determined that there was no significant relationship between age and job performance. Ironically, the central question for many of the researchers of the 1970s and 1980s was whether older workers could perform as well as younger employees (Rosen & Jerdee, 1976). In the current generational debate, the question appears to be the reverse. It is also ironic that all of the studies cited to this point measure the attitudinal and behavioral differences between baby boomers and the generations that preceded them. Indeed, the concerns identified and measured in the literature of the 1970s and 1980s are very reflective of the current gap between baby boomers and workers in their 20s.

Current Generational Research

More current research that specifically focuses on the differences and similarities between boomers and 20-somethings reflects some disagreement over the uniqueness of the qualities attributed to the two generations. Hornblower (1997) and Caudron (1997) generally see the two generations as more similar than different. They see

opportunity and freedom within the job as values that all age groups share. This view is also supported by the work of Coolidge (1997) and Jurkiewicz and Brown (1998). The tendency to stereotype employees based upon their age and attribute psychological, physical, and intellectual characteristics to other generations is also common to all age groups. Each generation enters the workforce with a set of imposed stereotypes, such as self-centeredness and lack of professional commitment (Comer, 1997; Bourne, 1997). Smith and Clurman (1997), however, claim that the tendency to age stereotype is particularly pronounced among baby boomers. Boomers tend to impose their own disappointments, they argue, on the younger generation and view their youthful cohorts as the bleak generation.

This negative view of youth is evident throughout the research and popular literature. Indeed, an entire cottage industry has arisen from the widely held view of boomers that younger workers are lazy, undependable, self-centered, not committed to their organizations or professions, and not respectful of organizational authority. Lankard (1995) reports that this is the dominate view among managers of the baby boom age group. This view is supported by the longitudinal work of Smith and Clurman (1997). They found that leisure has increased as a meaningful part of life for all age groups. From the 1960s to the 1990s, leisure went up 14% (from 13% to 27%) and work went down 16% (from 33% to 17%) as a factor for giving life "the most meaning." Family remained about the same over the three decades moving from 45% to 41%. Other studies measuring leisure versus work affirm this trend towards the increasing importance of leisure and the decreasing life significance of work (Bernstein, 1997).

Several researchers have identified sharp differences in the views of older and younger cohorts regarding the future. Jefrey Arnet (2000) found that emerging adults (21-28 years old) were much more cynical about the future than their older counterparts. At the same time, they tended to be optimistic about their personal futures (Alexander, 2001). Similarly, O'Bannon (2001) noted significant generational differences and suggested that managers must actively pursue approaches to address generational workplace conflicts.

Lancaster and Stillman (2002) also identify significant generational differences that can be partially attributed to societal and life experience changes. Indeed, Wah (2002) found that the lack of organizational loyalty exhibited by younger workers may be directly attributable to seeing their parents "downsized."

Novicevic and Buckley (2001) identify numerous differences in the needs and expectations of 20+ and 40+ employees. Younger employees desire greater task clarity, less authority, more trust and positive feedback, and more information than their 40+ counterparts. These differences have significant implications for managing and motivating younger workers.

The overall profile of younger employees indicates that they have greater desire to learn new things and be a part of a team and need more feedback, flexibility, and short-term rewards than their older cohorts (Kalata, 1996; Ramo, 1997; Tulgan, 1995). In addition, they are disdainful of organizational hierarchy yet have a strong desire to be mentored. They also believe that managers should earn respect as opposed to automatically getting respect by virtue of their title (Coolidge, 1997).

A Case Study

Between September 1999 and October 2002, the author conducted a series of 40 workshops with public sector and nonprofit leaders and supervisors. The workshops focus on . . .

- Identifying differences between workers between the ages of 20 and 35 and those between the ages of 40 and 55.

- Exploring approaches to addressing the differences within the workplace.

At the start of each workshop, participants were randomly divided into small groups and asked to describe the values, work habits, ethics, social values, and general behaviors of younger workers today versus how they were when they started their careers. The results of this open question process provided the basis for forming the case study questionnaire.

This case study examines age-based attitudes regarding work values and lifestyle/social values within one organization. In April 1998, 600 employees of a Midwestern public sector organization were surveyed by mail. Over 300 employees returned the surveys for a response rate of 51%. The final sample was comprised of 177 respondents within the age range of 18 to 30 and 129 respondents between the ages of 40 and 55. Respondents in the study were given assurances of anonymity including the deliberate avoidance of the use of the organization's inter-office mail for dissemination and collection of the surveys.

Study Process and Analysis Techniques

For the purposes of this analysis, the questions in this study addressed related questions. A total of 10 questions were used as indicators of cohort orientation to work values and overall work ethic. Responses to some of the items on the survey were measured on a scale in which respondents indicated the degree to which they either agreed or disagreed with the statement being made. For other items, respondents indicated the degree to which statements characterizing behaviors matched or did not match their perceptions.

The scales were constructed is such a manner so as to allow mean comparisons between older and younger employees to be made for each of the 10 questions. Differences in attitude between the two groups in any of these dimensions are indicators of the underlying values and motivations that produce differences in behavior. The data were analyzed using an independent sample t-test to determine whether attitudinal differences existed in the areas of work values between older and younger workers.

The Data: Work Values

In a series of workshops, public sector managers and supervisors were asked to describe the work ethic, behaviors, and social values they held as young workers compared to their current younger counterparts. Managers and supervisors (of boomer ages) identified the following:

Boomers (When They Were Young)	Twenty-Somethings (Today)
• Commitment to team/organization	• Lack loyalty/commitment to the organization. "Me" focused.
• Accept-occasionally challenge authority	• Reject authority
• Work hard	• Don't work hard
• Strong problem solving skills	• Lack common sense and have poor problem solving skills
• Pay your dues	• Immediate gratification

As noted previously, these responses formed the basis for designing the case study questionnaire. Many of these differences that were identified and discussed by workshop participants were also supported by the survey respondents.

As indicated in Table 1, there are meaningful differences between boomers and younger workers in five of the selected indicators relating to work values.

Table 1
Work Value Differences Between Boomers and Younger Workers

	Mean			
Item	**Boomers**	**20 somethings**	**t**	**p**
People in the workplace are often not held accountable for poor job performance.	4.06	3.22	6.92	.000*
People in the workplace under age 30 often expect to get rewarded without working hard.	3.16	2.58	4.59	.000*
People in the workplace over age 40 think they have earned the right to not work as hard as they used to.	2.53	2.85	2.83	.005*
It's important to respect authority in the workplace.	4.17	4.35	1.95	.050*
People in their 20s are not loyal or committed to the workplace.	2.19	1.64	3.11	.002*

*statistically significant at the .05 alpha level

Figure 1
People in the Workplace Often Are Not Held Accountable for Poor Job Performance.

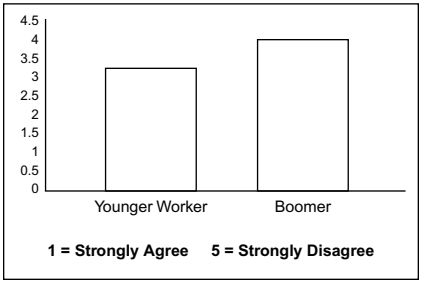


Figure 2
People in the Workplace Under Age 30 Often Expect to Get Rewarded Without Working Hard.

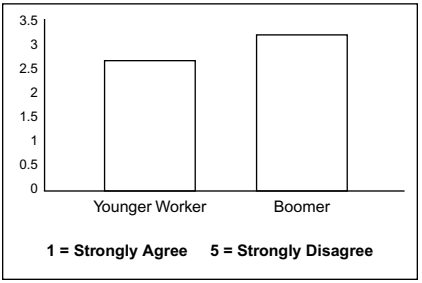


Figure 3
People in the Workplace Over Age 40 Think They Have Earned the Right Not to Work as Hard as They Used to.

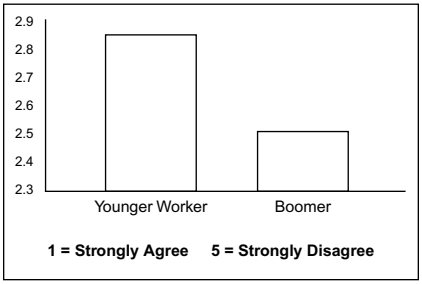


Figure 4
It's Important to Respect Authority in the Workplace.

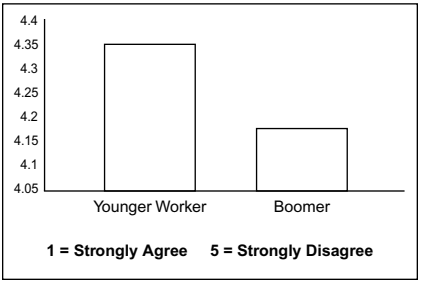


Figure 5
People in Their 20s Are Not Loyal or Committed to the Workplace.

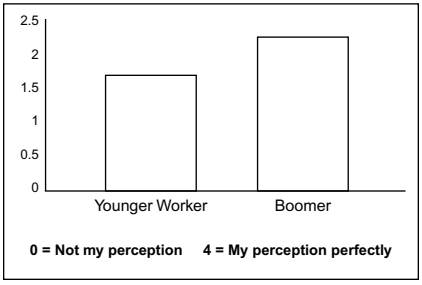
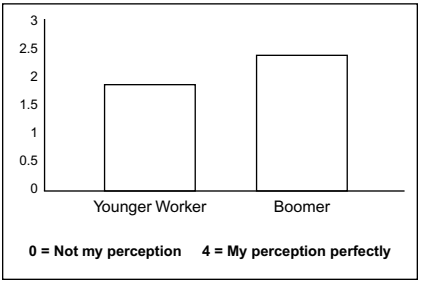


Figure 6
People in Their 20s Want to Be Respected Without Working for It.



Baby boomers felt more strongly than their younger counterparts that people in the workplace are often not held accountable for poor work performance (See Figure 1). This would tend to support Smith and Clurman's (1997) contention that older workers are more likely to harbor a greater sense of disappointment in certain aspects of their careers. As predicted by previous research (Bourne, 1997; Comer, 1997), the tendency to stereotype across generations in the workplace is very strong. In particular, the tendency to label younger workers with negative attributes is particularly strong. For example, in this study, boomers believed that younger workers are not loyal or committed to the organization (See Figure 5), expect to be rewarded without earning it (See Figure 2), and generally want to be respected without working for it (See Figure 6). The contention that baby boomers are somewhat more likely to stereotype younger workers and impose their disappointments on younger cohorts is generally supported by this study.

Correspondingly, 20-something respondents were somewhat uncomplimentary of their older cohorts. Employees in their 20s were very supportive of the view that baby boomers believed that their time in the workplace gave them the right to not work as hard. In contrast, baby boomers self-perceived that their orientation to working had not diminished. Indeed, many baby boomers hold the view that they must work harder to make up for the lack of initiative of their younger cohorts. It is evident that the so-called generation gap has some validity in the minds of younger and older workers.

Beyond the previously noted accountability issue, it is interesting to note that there was little difference in the two groups' responses to work-related questions that were age-neutral. Both groups were similarly supportive of the view that flexible work hours were an important part of any job. Indeed, contrary to the current popular view, boomers were actually more supportive of this perspective than younger workers. Similarly, both groups were generally of the belief that it is important to respect authority in the workplace. Again, contrary to expectations, younger workers were more inclined to support this view than their older counterparts.

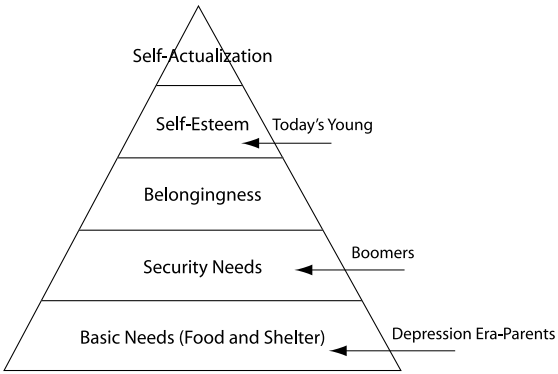
Why the Generational Difference? A Partial Explanation: How Hungry Are You?

Why are so many younger workers less eager to work today than their generational predecessors? In a strange way, it may have to do with "hunger." The famous Abraham Maslow (1954) asserted that a need fulfilled ceases to be a motivator. In other words, when we satisfy a need (or even a desire), we tend to not be further motivated by that need. For example, people may remember when they bought their first house or car. When they purchased their second house or car, they probably were not satisfied to buy that same level or type as before. Most of us probably wanted something better, and so it is from one generation to the next.

The parents of baby boomers grew up in the Great Depression. People of that generation struggled to survive. Work was everything. A job determined whether they had food and shelter and defined who they were. Like others of their generation, the parents of boomers worked hard to make it better for their kids than they had it when they were growing up. The work-oriented motivation of the Great Depression never left people of that generation even after they had achieved some level of comfort.

Generally, baby boomers grew up in better conditions than their parents did. Middle class boomers grew up in homes where there was no question that the basics—food, clothing, shelter, and security—were provided. The baby boomer generation grew up believing that they would always have food and shelter (unlike their parents), and that allowed them to take comparatively more risks with their careers. The boomer generation has been more mobile, better educated, and looser with their money than their parents. They learned their work ethic from their parents, and like them, boomers also tried to make it better for their kids than they had it growing up.

The boomers also succeeded—and that is the problem. The needs they fulfilled for their children are much higher on Maslow's Need Hierarchy than the needs that motivated them or their parents. As indicated below, Maslow asserts that we are motivated by the next level of need that we have not fulfilled. Thus, if we have achieved security (most baby boomers), then we are motivated by belongingness and self-esteem needs.



The kids of baby boomers grew up with possessions and experiences that few in the older generations could imagine. How many clothes did boomers have when they were children compared to their offspring? How many times did boomers eat in restaurants, fly in airplanes, go on great trips, or stay at fancy hotels? For a typical middle class baby boomer, the answers to all of these questions are "much less than my children." Just as boomers had it better than their parents, the offspring of boomers have had it better than their parents. The children of boomers grew up expecting all of those things plus more fun, better clothes, and generally more comforts than their parents.

What Does a Job Mean to You?

Maslow suggests that we are motivated by what we don't have as opposed to things and circumstances we have already achieved. For the parents of boomers, this meant that a job was everything. Their parents did not expect a job to be meaningful, fulfilling, or enjoyable. For baby boomers, a job had to be more meaningful. Boomers wanted to make a difference and/or have a job that was more satisfying and challenging. They also tended to be more flexible in their career paths than their parents.

Today's middle class 20-somethings have had life experiences that are a world away from the challenges of their grandparents. They are probably comfortable with all kinds of instant gratification. Whether it is instant money from an ATM, instant credit, brand named clothes, toys, vacations, etc., young people today are accustomed to a very different set of expectations than their parents or grandparents. So it is with the meaning of a job. Why work hard for a long time to get what you already have? The job and organizational motivators of the past do not work for younger people accustomed to a world of instant results and instant gratification of needs and wants. Most jobs today are still based on older, longer-term reward systems and are meaningless to younger employees. These and other differences in life experiences combined with significant changes in the stability of organizations and changes in society have contributed to significant generational differences about work.

Clearly, there are many more factors that contribute to generational differences in the workplace. Pretending differences don't exist and/or permitting "sides" to become entrenched does not resolve the issues. It is important that leaders and supervisors try to understand why these differences exist and encourage dialogue within teams to bridge the gaps.

Implications for Supervision

Based on the findings of this limited case examination, there are several potential implications related to supervising baby boomers and workers in their 20s.

- *Focus on shared mission/goals, and address stereotyping.*
  The data from this study support the previous research related to tendencies to stereotype across generations. This would indicate that supervisors and managers need to find ways to challenge and address the tendency of age-based work groups to undermine and denigrate each other. This can be accomplished in numerous ways including directly challenging workers when they stereotype and encouraging discussions that focus on shared mission and goals.

- *Break down communication barriers.*
  In order to create greater cohesion and less division within the workplace, supervisors need to help workers identify and discuss areas of consensus and agreement. Compared to the past, organizations may have fewer mechanisms to bring older and younger workers together. Seniority-based shift selection, computerized work, reduction of supervisors, as well as work tasking that involves less team coordination are examples of factors that reduce interaction between older and younger workers. Organizations must actively pursue positive interaction across generations.

- *Implement mentoring in the workplace.*
  Many baby boomers have fond memories of older workers supporting and mentoring them when they first came into the organization. It is reasonable to suggest that individuals who spend time together will be less likely to engage in harmful stereotyping. Some observers such as Zemke, Raines, and Filipczak (2000) have noted that younger workers desire quality (nonjudgmental) time with more experienced workers and supervisors. Mentoring and other approaches

that place older and younger workers in frequent contact could promote more consensus and less divisiveness in the workplace.

Closing Thoughts

There are numerous pundits weighing in with observations on the subject of intergenerational conflict within the workplace; however, there are few rigorous quantitative-based or qualitative-oriented studies examining the validity of the observations. The results of this limited case study indicate that there is stereotyping between generations.

It is also evident that further rigorous research is essential if we are to confirm or discount the existence, let alone the causes, of a generation gap within the workplace.

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Lewis G. Bender, PhD, is a professor of public administration at Southern Illinois University at Edwardsville. He teaches courses in supervision, leadership, and policy analysis. He received his PhD from the University of Georgia and consults in the areas of organizational planning and development.

Police Stress: Could Organizational Culture Be the Culprit?

Jeanne B. Stinchcomb, PhD, Department of Criminology and Criminal Justice, Florida Atlantic University, Ft. Lauderdale

Introduction

To one degree or another, it could be argued that stress has always been an inherent occupational hazard of police work, but awareness of its disquieting presence and disturbing impact has not always been either readily admitted or resourcefully acted upon. To the contrary, the concept of stress in police work has traversed a twisted path over recent years from one dichotomous extreme to another. In that convoluted journey, it has meandered from self-imposed denial, to half-hearted acceptance, to the full-blown notoriety of an occupational status symbol.

First, it was firmly denied. Any personal vulnerability was, after all, inconsistent with preservation of the macho image so befitting the command-and-control era of policing (Herbert, 1997; Moore and Stephens, 1991; VanMaanen, 1978). Stress was a weakness contradictory to the "tough-cop" persona essential to maintaining both reputable public imagery and "professional distance" between citizens and the police (Wilson, 1968; White, Cox, & Basehart, 1994). Within such a cultural milieu, there was no provision for acknowledging the prevalence of anything so inherently humanistic as stress among the steadfast troops of loyal soldier-bureaucrats (Bittner, 1970). There was simply no provision for stress in the policy-and-procedure manual, any more than there was room for minorities, women, or other cultural artifacts that conflicted with the predominate rank-and-file.

Subsequently, however, policing progressed somewhat beyond the origins of its rationally-structured, bureaucratic bounds (Stinchcomb, 1980) to embrace a more sensitive, responsive, and representative perspective (Peak & Glensor, 2002; Trojanowicz & Bucqueroux, 1990). With greater diversification and "humanization" of the workforce, the potential existence of stress slowly emerged from the dark recesses of denial. Reluctantly at first, it was nevertheless gradually recognized that perhaps—under certain exceptional circumstances—some officers might experience the unexpected impact of stress. They were the unfortunate few entangled in the deadly shootout, the high-speed driving pursuit, or some equally dramatic incident that marked the public perception (if not the private reality) of police work. The stress they experienced, however, was still construed as more the unique extreme affecting the exceptional few rather than the universal rule afflicting the entire force.

Ultimately, the routine presence of occupational stress in policing erupted into fully legitimatized acceptance. The weight of evidence had become irrefutable at the same time that a paradigm shift toward community-oriented policing was obscuring old boundaries and encouraging new openness as working partnerships were forged between the police and the public (Mayhall, Barker, & Hunter, 1995; Trojanowicz & Bucqueroux, 1998; Watson, Stone, & Deluca, 1998). Now categorically embraced as part of the police "turf," stress has experienced a complete, 180-degree reversal. No longer is it a source of painful denial, relegated to the shadows of

occupational obscurity. Now, it is not only becoming unconditionally admitted, but wholeheartedly celebrated—figuratively worn almost as a "badge of honor," with any officer of meritorious distinction almost by definition "burned as toast."

What a professionally long and personally painful road it has been, yet in terms of seeking solutions, the end seems to be no more clearly in sight than it was at the onset of embarking on this twisted path. At least to some degree, that may be a result of misguided perceptions along the way that have diverted attention from the reality of police stress and its organizational origins.

Misconceptions of Episodic Stress in Policing

When the acknowledgment that police work generates stress first hesitantly came to the surface, it was traumatic, episodic incidents that were assumed to be the culprit. After all, the "code three" emergencies to which police officers are exposed—from heart-pumping shootings to high-speed pursuits—have been extensively chronicled in the literature as inducing posttraumatic stress (See Aaron, 2000; Brown, Fielding, & Grover, 1999; Paton, Violanti, & Smith, 2003; Stephens, Long, & Miller, 1997).

Exchanging gunshots on a lonely country road, pursuing an armed robber through a dark alley, or chasing a fleeing felon down the interstate at 90 MPH are undoubtedly stressful events. They are the types of lights-and-siren emergencies that disrupt the body's normal physiology. First, they start the adrenalin flowing. Then, the pulse pumps faster. Stomach acids churn. Fists clench. Pupils dilate. Physiological adaptations must be made to accommodate these alterations. Under the pressure of such stressors, the body cannot effectively balance resources and demands without undergoing extensive adjustments (Selye, 1956).

All of this is undeniable, but it is also unreasonable as a valid explanation of *chronic* police stress. In part, that relates to the likelihood of encountering such high-profile episodic incidents. It is, for example, relatively infrequent that officers are killed in the line of duty, and in fact, that risk has been declining over recent years (Kappeler, Blumberg, & Potter, 1993). Even though being on the opposite end of the trigger can be every bit as traumatic, such incidents are equally infrequent:

> To take a single example, the average police officer working in Jacksonville, Florida, (a city with a high rate of police-citizen violence) would have to work 139 years before he or she would be statistically expected to shoot and kill a civilian; 42 years before non-fatally shooting a civilian; and probably about 10 years before discharging a firearm at a civilian. Observational studies of New York police note similar patterns. . . . (Geller, Karales, & Scott, 1991, p. 449)

That is hardly to say that police work is devoid of stress. Certainly, there is an inherent anticipation of such events (regardless of their actual prevalence) that keeps officers living on the perilous "edge" of anticipation (Crank, 2004). There is also another deeper, more onerous and inconspicuous dimension of stress in police work. One that is not a feature of heart-stopping action or high-profile headlines. One that does not result from the once-in-a-lifetime traumatic event that captures media attention and merits heroic distinction. Stress in police work is not primarily about either the prevalence of or potential for heroic action. It is not about survival under literal fire. To the contrary, it is much more mundane. It is about surviving

in the trenches day after day under the "figurative fire" of the habitual hassles emerging from organizational struggles that officers routinely endure.

Episodic Versus Chronic Stress

One of the reasons that the routines of organizational life in an occupation such as policing are often overlooked as significant sources of stress is that they are overwhelmingly overshadowed by the publicity-generating episodic events that have come to be so intimately associated with the job. Despite popular stereotypes of stressed-out cops constantly living on the edge of danger, it is not the physical risks of police work that are generally the most stress-inducing aspect of the job.

To the contrary, there is considerable evidence that police stress is more intimately associated with far more mundane facets of the mediocrity of day-to-day organizational "survival" (Ayres & Flanagan, 1990; Hart, Wearing, & Headey, 1994; On-the-job stress in policing, 2000; Stinchcomb, in press). As a result, there appears to be significant justification for redirecting the search for causality from a preoccupation with the impact of traumatic incidents to a more pertinent focus on the long-term effects of routine irritants.

Like a continuously nagging cough, chronic organizationally induced stress is an integral presence in the everyday work environment of police officers. In contrast to the immediate pressure of isolated and infrequent traumatic events, it is the ultimate product of a slow, gradual process of erosion that, over time, wears-away the victim's physical and psychological resistance. The differences between these two divergent sources of stress can be viewed in the simple analogy of commuting to work:

> Suppose you are driving down a crowded interstate highway at 45 MPH on your way to work. Suddenly, a car cuts over from the middle lane to get onto the exit ramp and comes within inches of hitting your car. You immediately hit the brakes and swerve to avoid a crash. What is happening to you physiologically? Most likely, your heartbeat has increased, your adrenalin is pumping, and your palms are sweaty. When you realize the danger is over, it probably feels as if all of the blood is draining from your body. That is an example of episodic stress. Fortunately, it is not something that you encounter every day on the way to work.
>
> Contrast that experience with what *does* occur every day during your drive to work. . . You are in a long line of traffic. You continually maneuver for a good position, keeping a constant eye on the clock, trying to stay alert, hoping nothing will delay traffic even more. There is no big tie-up today, but everyone slows down to watch a police officer issuing a ticket in the service lane. You mutter something about why people do that, watching the clock even closer. You are due at 8:00 AM. It is 7:52 as you slide into the employee parking lot. You made it. Exhausted, but on time—already feeling like you've put in a full day's work. That is the routine you complete twice a day, five days a week, fifty weeks a year—over 10,000 times until you retire. The toll it is taking over those years is an example of chronic stress (Stinchcomb & Fox, 1999).

The above comparison is not meant to imply that commuting to work is a unique source of stress for police officers, any more than it might be for employees in any other occupation, but a substantial body of research has emerged, which points toward organizational factors as predominate sources of stress in policing (Alexander, Innes, Irving, Sinclair, & Walker, 1991; Biggam, Power, MacDonald, Carcary, & Moodie, 1997; Brown & Campbell, 1994; Crowe & Strandling, 1993; Hart, Wearing, & Headey, 1994). More specifically, the "structural stress" of a paramilitary organizational culture—where productivity is induced through punitive pressure, conformity is reinforced through rigid mandates, and discretionary decisionmaking is inhibited by the chain of command—inherently promotes an atmosphere of lethargy and cynicism, which creates a "debilitating effect" on officers (Oettmeier, 1992).

Person-Environment Fit

Both within and outside of the field of law enforcement, research on the causal factors involved in organizational stress has been accumulating for many years. Among many resulting theoretical paradigms, the concept of "person-environment fit" has significant relevance to the prevailing nature of law enforcement stress.

Person-environment fit is an interactive view of stress, which maintains that situations themselves are not inherently stressful. Rather, it is the combination of a particular situation and a particular individual that results in a stress-producing discrepancy (McMichael, 1978, p. 128). From a practical standpoint, the concept of person-environment fit addresses the balance (or, as the case may be, imbalance) between the individual's knowledge, skills, and abilities in relation to organizational demands and how well the organizational environment addresses the needs of the individual employee (Carroll & White, 1982).

This implies a reciprocal, give-and-take relationship between the employee and the employing agency, but to the extent that it is not, the relationship can become stress-provoking. Thus, stress can arise when personnel are not provided with adequate preparation, incentives, and support systems (Mechanic, 1970)—or more generically, when the very nature of the employee population tends to be incongruent with the inherent features of the employing organization.

From this perspective, the causal nature of stress becomes a function of person-environment incompatibility on the job. Just as two people thrust together at work may find that they are incompatible partners, a larger cohort of employees may feel equally uncomfortable within the cultural parameters of their work-related environment. Given the highly structured, bureaucratically oriented organizational environment that remains typical of most contemporary police departments, (community-oriented policing initiatives notwithstanding; e.g., Maguire, 1997), the potential for such stress-inducing incongruence has existed since the first post-World War II baby-boomers were sworn into police service (Stinchcomb, 1980). In later years, they have been followed by the generation Xers (Karp, Fuller, & Danilo, 2002; Raines & Hunt, 2000; Tulgan, 2000), and most recently, the millennials (McManus, 1996; Mitchell, 1998), with similar potential for stress-provoking person-environment misfit.

Clashing Cultures

Like any culture in American society, law enforcement is firmly entrenched in normative behavior, prescribed values, shared assumptions, and fundamental traditions—from flag-raising ceremonies to funeral rituals. Moreover, there is a universality characteristic of police culture and the structure within which it functions that transcends local variations among individual departments (Crank, 2004; Oettmier, 1992). As evidence of the latter, one need look no further than the hierarchically ordered, top-down, command-and-control, don't-make-waves administrative nature of police departments that has survived relatively intact since the Wickersham Commission's recommendations for reform well over half a century ago. In fact, the following description of a "typical" police agency, although some 30 years old, would be equally recognizable today:

> . . . paramilitary organizational features consisting of centralized command; one-way downward communications in the form of orders; rigid superior-subordinate relationships defined by prerogatives of rank; impersonality; obedience; and stress on the repressive nature of the work. (Sandler & Mintz, 1974, p. 458)

Such organizational features were functionally congruent with mid-20th century demands to reduce corruption, improve efficiency, and extricate the police from political influences (Johnson, 1981; Walker, 1977). Perhaps even more importantly, they also coalesced perfectly with cultural dimensions of the predominant employee cohort at the time. This was the era dominated by "traditionalists"—parents of the baby boomers—many of whom entered police employment after military service. Unlike their boomer children, generation x grandchildren, or the millennials now beginning to enter the workplace, the personal characteristics, interpersonal relationships, and work-related expectations of traditionalists fit well within highly structured bureaucracies. Unlike the generations to follow, they were willing to take orders, knew their place in the chain-of-command, respected their superior officers, and were accustomed to deferring the pursuit of personal autonomy to the power of institutional authority. In essence, . . .

> Traditionalists are classified as coming of age in a "chain of command" environment, whereas for boomers it was "change of command," for x-ers, "self-command," and for millennials "don't command—collaborate!" (Lancaster & Stillman, 2002, pp. 30-31)

Despite the changing nature of the birth cohorts from which police departments recruit, the organizational culture of the departments themselves survived relatively intact, inviting the potential for person-environment misfit, along with the chronic stress that it can induce.

Police Work and Loose Coupling

There is a theoretical concept in the organizational culture literature that captures this disjuncture between line officers working in the field and command staff occupying the front office. Known as "loose coupling" (Meyer & Rowan, 1977), it refers to how disconnected actual operational practices can become from intended organizational goals. Like a railroad train whose engine becomes decoupled from

the remaining cars, the result is that each goes off in a different direction. The cars are heading down their own track, but the engineer still thinks they are dutifully trailing behind.

In like manner, the day-to-day line operational practices of police officers can become estranged from the overall mission and procedural expectations established by the central office. In other words, there is a prevalent tendency for officers to view the "thou-shalt-nots" of policy-and-procedure manuals as, basically, so much "bullshit" that bears little relevance to the realities of the world in which they function (Crank, 2004). Some might argue that such loose coupling is essentially the byproduct of maverick officers who personally elect to "do their own thing," overlooking rules and regulations for their own self-aggrandizement, but mavericks are, by definition, outliers. They do not reflect the norm. Their activities do not represent commonplace behavior. Their decisions do not reflect general consensus. It is when entire cohorts of employees begin to act like "mavericks" that loose coupling, and the chronic stress associated with it, can become an entrenched feature of ordinary organizational life.

Organizational Culture and Stress

Organizational culture essentially reflects the way things are done in a particular work environment—from how the office space is arranged to how the employees communicate, interact, and make decisions (Schein, 1992). Thus, within the cultural parameters of a paramilitary environment such as policing, there are certain expectations, assumptions, and constraints that guide employee behavior. For example, "subordinates" are, by the very nature of their designation, expected to readily accept orders from their "superiors." Coworkers are expected to back-up their partners. Civilians are assumed to have lower status than sworn personnel. "Outsiders" are assumed to be untrustworthy. Too much creativity is frowned upon. Whistle-blowers are ostracized. Employees are implicitly encouraged to "go with the flow." Don't make waves. Keep a low profile. If it ain't broke, don't fix it.

In fact, there is an uncanny similarity between the self-protective guidelines promulgated by police officers and the self-enforced code of conduct predominate among prisoners coping with institutional life through the formation of an inmate subculture.

Officers	**Inmates**
• Do not give up another cop. • Watch out for your partner first, and then for the rest of the shift. • If you get caught off base, do not implicate anybody else. • Hold up your end of the work. Malingerers draw attention to everyone on the shift. • Do not suck up to bosses for special favors. Line officers should not develop special relationships with superior officers (Crank, 2004, p. 275, citing Reuss-Ianni, 1983).	• Don't interfere with the interests of other inmates. • Don't quarrel with fellow inmates; do your own time. • Maintain yourself; don't whine; don't cop out. • Don't exploit other inmates. • Don't trust the guards or the things they stand for; the officials are wrong and the prisoners are right (Sykes & Messinger, 1960, pp. 6-8).

Police officers are hardly likely to envision themselves as remotely akin to prison inmates, yet from an organizational culture standpoint, they share a number of commonalities. Both are subjected to the powerful socialization forces of the environment in which they function. Both are depersonalized by a rational-structural administrative system. Both are at the bottom of the organizational hierarchy. Both distrust the administration to look out for their best interests. Both are intent upon survival—personally and organizationally. All of these characteristics are stressful.

Some of these cultural attributes are more potentially stress-inducing than others. At least in part, that is a reflection of the dynamics of person-environment fit. Just as some inmates adjust more readily to the constraints of confinement, some employees are better able to adjust to organizational constraints. For the age cohorts who have been embarking upon police work since the first baby boomers entered the job market, the highly structural aspects of police organizations represent an especially potent source of stress. In such a bureaucratic, command-oriented climate, it may not be surprising to learn that compared to 22 other occupations, police officers have historically scored lower than average on participation in decisions affecting them at work (French, 1975). It was not lack of participation in and of itself, however, that was determined to generate stressful outcomes. Rather, stress-related problems emerged when the level of participation that officers *desired* was different from that which they actually *experienced*.

In other words, those with stronger needs for job-related independence, self-sufficiency, and personal autonomy are more likely to be negatively affected by working in an environment dominated by strong centralized control. Inasmuch as virtually every generation since the post-World War II traditionalists has sought greater work-related autonomy than their predecessors, and to the extent that the administrative culture of policing remains mired in traditional bureaucratic values, such person-environment misfit has served to promote a chronically adverse impact in the absence of corresponding organizational adjustments.

Coping Versus Curing

The major purpose of identifying causes of organizational stress is obviously to more accurately target appropriate solutions. In medicine, no competent physician would prescribe treatment without properly diagnosing the source of the patient's symptoms; however, the same has not necessarily been true in terms of how stress induced by the organizational culture of policing has been addressed. Doctors would never consider prescribing medications that have not been causally linked by empirical research to the patient's diagnosed illness, but that misguided analogy is common practice in responding to chronic stressors in policing.

Among law enforcement agencies, predominate stress-reduction strategies tend to inaccurately target the stressed-out employees themselves rather than the stress-generating features of their occupational environment (Ayres & Flanagan, 1990; Brown & Campbell, 1994; Finn, 1999; Graves, 1996; Kirschman, 1998). Often this takes the form of employee referrals to either psychological counseling or stress-management training. Counseling is undoubtedly an appropriate response to those suffering from the effects of post-traumatic stress. Whether it has any impact on the more routine day-to-day sources of chronic stress, however, is highly questionable. Likewise, there is nothing inherently wrong with sending officers to

stress-management training. Learning how to cope more effectively with stress through techniques ranging from meditation and biofeedback to exercise and dietary improvement is inherently beneficial, but coping is not synonymous with curing.

Just as we might consult a physician after contracting a cold, counseling and training may be able to help officers better cope with the effects of stress. Like cough syrups and nasal decongestants, both can treat the symptoms. They can enable staff to work despite their discomfort. They may even head-off more serious illness, but just as modern medicine cannot prevent the common cold, these interventions cannot do anything to prevent the same stress-inducing circumstances from reoccurring. The question then becomes where does the stressed-out employee return upon completion of the counseling sessions or the training programs? The answer is right back to the same chronically stressful organizational environment. Perhaps better able to cope with it. Perhaps better protected from its most severe effects. But no closer to preventing it.

In medicine, the key word is not just prevention, but "primary prevention." In contrast to the approaches that are standard practice in law enforcement, primary intervention in medicine would eliminate the cold virus itself. At the next level down in terms of desirability, secondary intervention would help the patient exposed to the virus become less seriously affected by it (e.g., by prescribing medication to alleviate its annoying symptoms). At the lowest level, tertiary intervention would simply assure the patient that he or she does, indeed, have a cold virus (and not something more serious, like anthrax or SARS), that this is something common which is "going around," and that there is not yet an effective cure for it.

Translating this analogy into police-related terminologies, primary prevention would eliminate (or at least reduce) the organizational sources of chronic stress. Secondary intervention would reduce the potential consequences of exposure. Tertiary intervention would simply provide support for stressed-out staff (Brown & Campbell, 1994). Thus far, efforts to confront police stress have almost exclusively focused on secondary and tertiary levels. Essentially, we have been treating the effects of stress by teaching employees coping skills while ignoring its organizational causation (Beehr & O'Hara, 1986).

Shifting the Focus of Stress-Related Strategies

Given the fact that this knowledge is hardly new, the ultimate question is why so little has been done to reduce chronic organizational stress. Lack of funding tends to be the standard response to questions about why government has not successfully responded to a well-recognized problem. It is easy to blame budget shortages, economic downturns, or fiscal austerity for inaction.

In this case, however, cost is not the culprit. In fact, by comparison, it has been quite costly to implement traditional responses. Neither psychological counseling nor stress management programs come without a relatively hefty pricetag, yet neither has proven successful in the fight against chronic police stress. Nevertheless, they have maintained their prevalence as stress-reaction strategies—at least in part because they have managed to quietly and unobtrusively shift attention from the organization to the individual.

By providing counseling in the aftermath of traumatic incidents, police departments can demonstrate their concern for the well-being of officers exposed to post-traumatic stress. By providing stress reduction training for officers, they can demonstrate their commitment to reducing the physiological and psychological repercussions of stress, but only by probing the nature of the organizational culture itself can they begin to have an impact on the more prevalent sources of stress in policing—the chronic, day-to-day stress of the environment in which officers work. This is the stress that permeates far more prolifically than the once-in-a-lifetime traumatic incident. The stress that prevails far beyond the reaches of "feel better" training programs. The stress that is a product of the person-environment mismatch characteristic of the merger between the cultural norms of traditional organizations and the personal values of post-traditionalist generations.

Summary and Conclusion

At first, the dark subject of locker-room rumors, the concept of organizational stress in policing has steadily unfolded over recent years toward an initial state of reluctant acknowledgment followed by an eventual status of realistic acceptance. What was once relegated to the obscurity of painful denial has become celebrated as a praiseworthy distinction, but this incremental edification of police stress has not necessarily been accompanied by increasingly enlightened responses to it.

To the contrary, there still exists a widespread misconception that stress in police work is predominately a feature of code-three emergencies. While such episodic incidents are undoubtedly accountable for some degree of post-traumatic stress, their relative infrequency argues against their involvement as a primary causal factor in terms of the chronic stress that routinely affects officers in the day-to-day environment of police work. To the contrary, there is a much less conspicuous yet more profound aspect of stress that does not generate the media headlines, heart-stopping action, or lights-and-sirens adrenalin rush associated with traumatic incidents. It is simply the chronic stress of day-to-day survival in the trenches of the organizational culture of policing. It is not about physical risks, but rather, psychological repercussions.

More specifically, it is about person-environment fit—or misfit, as the case may be. It is a product of the incompatibility between the cultures of a nontraditional generation of workers and a traditional workplace environment. Inasmuch as the nature of police organizations has not changed substantially over the years—despite the symbolic embracing of community policing—those who are entering police work in pursuit of personal autonomy are instead confronting head-on the powerful impact of institutional authority. As a result, policing suffers from the disjuncture of "loose coupling" as the demands for organizational conformity confront the desires for individual autonomy. Perhaps the ultimate manifestation of this disjuncture is the similarity between the codes guiding the conduct of both police officers and prison inmates—each of which embraces an equally inherent distrust of the organizational environment in which they function.

Nevertheless, responses to occupational stress in policing have overlooked primary prevention in favor of secondary or tertiary intervention—largely in the form of counseling or stress-reduction training. Such approaches can provide support for stressed-out staff. They can also reduce the potential repercussions of stress.

While helping employees cope with stress more effectively, they are still impotent in terms of addressing its organizational causes. Undoubtedly, chronic organizational stress defies simplistic solutions. It will not simply "go away" with the introduction of therapeutic interventions or training initiatives. It will not respond successfully to such approaches, any more than the troubles of an abused child will disappear if the child is treated in isolation and returned to the same abusive environment without family-level intervention. Just as the stress of child abuse is best treated within the overall context of a dysfunctional family, the stress of police work is likewise treated most effectively within the organizational context of what may be an equally dysfunctional culture.

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Jeanne B. Stinchcomb, PhD, is an associate professor in the Department of Criminology and Criminal Justice at Florida Atlantic University–Ft. Lauderdale, where she teaches in the Master of Justice Policy and Management Program. Her career encompasses administrative experience on the staffs of local, state, and federal justice agencies, ranging from the FBI to the Miami-Dade Department of Corrections. She serves as a consultant for agencies such as the National Institute of Corrections and is involved in developing police promotional examinations, designing curricula, and delivering training programs for a number of police and correctional agencies throughout the country. Her published works appear in such journals as *Crime and Delinquency*, *Justice Quarterly*, *Criminal Justice Policy Review*, *American Journal of Criminal Justice*, and *Journal of Criminal Justice Education*.

Police Workplace Problems, Coping Strategies, and Stress: Changes from 1990 to 2003 for Women and Racial Minorities

Robin N. Haarr, Associate Professor, Criminal Justice & Criminology, Arizona State University West
Merry Morash, Professor, School of Criminal Justice, Michigan State University

It is well established in the policing literature that police are exposed to many unique and unpleasant sources of stress and strain that make law enforcement a particularly stressful occupation. Since the mid-1970s, researchers have been systematically studying police stress and stressors in an effort to reveal their intensity, prevalence, and sources (e.g., Aaron, 2000; Brooks & Piquero, 1998; Hillgren, Bond & Jones, 1976; Kirkcaldy, Cooper & Ruffalo, 1995; Kroes, Margolis, & Jurrell, 1974; Laufersweiler-Dwyer & Dwyer, 2000; Liberman et al., 2002; Lord, 1996; Morash & Haarr, 1995; Singleton & Teahan, 1978; Stotland & Pendleton, 1989; Terry, 1985; Violanti, 1985, 1992, 1993; Violanti & Aron, 1993, 1994; Washington, 1981; Wexler & Logan, 1983; White & Marino, 1983). The abundant writing clearly documents that police stress emanates, at least in part, from a combination of job-related stressors (e.g., dealing with unlawful and dangerous citizens, exposure to violence and injury, role ambiguity, job security), organizational and administrative stressors (e.g., lack of organization and supervisor support, office politics, organizational policies), workplace problems (e.g., harassment and discrimination), and individual employee characteristics (e.g., maturity and capacity to cope with change).

A major shortcoming of police stress research is that the stressors studied have often been limited to those identified in the earliest studies (e.g., Hillgren et al., 1976; Spielberger, Westberry, Grier, & Greenfield, 1981) and reflect the experiences of mostly Caucasian male police officers. Many of the early police stress studies have excluded women and racial minority officers and assumed that the causes of stress are the same for officers differing in gender and race. This approach fails to consider distinctive types of workplace problems linked to gender and racial minority status.

More attention should be given to understanding the unique female-related and racial-minority-related stressors, given that police agencies have been undertaking special initiatives to increase the recruitment and hiring of females and racial minorities over the past several decades. In 2000, females and racial minorities represented 55% of full-time sworn personnel in police departments serving populations of 250,000 or more. More specifically, females represented 16.3% of full-time sworn personnel (up from 12.1% in 1990); African Americans made up 20.1% (18.4% in 1990); 14.1% were Hispanic (9.2% in 1990); 2.8% were Asian/Pacific Islander (2.0% in 1990); and 0.4% were Native American (.3% in 1990) (U.S. Department of Justice, Bureau of Justice Statistics, 2000). Additional research on gender, police stress, and coping strategies is justified for a number of reasons.

There has been an increase in the presence of female and racial minority officers, and research suggests that there are unique female-related and racial-minority-related stressors (Ellison & Genz, 1983; Golkasian, Geddes, De Jong, 1985; Morash & Haarr, 1995; Wexler & Logan, 1983). Also, stress can have a negative impact on job performance (Burke & Deszca, 1986; Lord, 1996; Stotland & Pendleton, 1989), job satisfaction (Norvell, Belles, & Hills, 1988), organizational commitment and premature resignation (Dick, 2000; Haarr, in press; Holdaway & Barron 1996; Kop, Euwema, & Schaufeli, 1999).

Police Organizations, Workplace Problems, and Stress

Research documents that policing is heavily influenced by gender and race—so much so that women and racial minorities working with Caucasian men in the same police department, precinct, and/or on the same squad do not necessarily live in the same work world (see Haarr, 1997; Holdaway & Barron, 1997; Martin, 1980, 1990). In comparison to their Caucasian male counterparts, female and racial minority officers confront unique cultural, organizational, and structural barriers, in the form of higher levels of harassment and discrimination, hostility, and other negative social interactions on the job (Martin, 1980, 1990; Haarr, 1997; Holdaway & Barron, 1997; Texeria, 2002). In an ethnographic study of the integration, or lack thereof, of women and racial minorities into a police patrol bureau, Haarr (1997) found that women and racial minorities were not welcomed into the informal police culture and, despite the presence of women in policing for many years, were still subjected to sexist and racist attitudes, discrimination, and harassment. In fact, female officers reported that their male counterparts failed to provide reliable backup and protection, questioned their abilities, and altered their behavior when a female officer was present (see also Martin, 1980, 1990).

Researchers have argued that women and racial minorities working in police departments predominated by Caucasian male officers can experience "triple jeopardy" due to their minority status, "tokenism" (i.e., the belief that an officer was hired or promoted because of affirmative action), and solo status (i.e., being the only one in a work group or setting can bring about feelings of isolation from peers and supervisors and reduce social interactions) (Holder & Vaux, 1998; see also, Bernard, 1981; Kanter, 1977; Pettigrew & Martin, 1987). Some scholars contend that sexism and racism in the workplace have changed in recent decades, from overt and blatant to more covert and subtle forms of prejudice and discrimination against women and racial minorities, making sexism and racism in the workplace much more difficult to see, but nevertheless, just as destructive to those to whom it is directed (see Fernandez, 1981). It has been hypothesized that the workplace problems and power discrepancies that result from one's minority status, tokenism, and/or solo status result in increased stress and decreased job satisfaction for women and racial minorities.

In the 1980s, researchers (Ellison & Genz, 1983; Golkasian et al., 1985; Pendergrass & Ostrove, 1984; Wexler & Logan, 1983) began to give some attention to female stress and unique "female-related" stress, including lack of acceptance from male officers at entering police work, negative and sexist attitudes of male officers, coworker demands that women "prove themselves," and a lack of informal tutoring or mentoring. In a survey conducted in 1990, Morash and Haarr (1995) systematically analyzed the workplace problems that are salient to gender, racial

and ethnic subgroups, and the unique female-related stressors experienced by policewomen. They revealed core similarities in the production of stress for policewomen and men, yet an additional 5% of the variance in women's stress could be explained by workplace problems due to subgroup status, notably bias and language harassment.

To date, only a few researchers have focused on examining the different types of workplace problems and levels of stress experienced by police officers of differing gender, race, and ethnic subgroups (Morash & Haarr, 1995; Washington, 1981; Wexler & Logan, 1983). Despite the lack of attention, understanding the range of unique and common sources of stress and strain experienced by male and female and Caucasian and racial minority officers remains an important area of study.

Coping with Police Stress

Since the mid-1980s, when researchers began to systematically study the coping process of police officers, there has been limited research into how officers' cope with stress and the effectiveness of their coping strategies. Early research tended to focus on the maladaptive coping strategies used by police, specifically the use of alcohol and drugs, cynicism, emotional detachment, and suspicion (Davidson & Veno, 1980; Dietrich & Smith, 1986; Violanti, 1981; Violanti & Marshall, 1983; Violanti, Marshall, & Howe, 1985). Maladaptive coping strategies may provide immediate relief; however, over the long-term, they are often self-defeating and create more problems and increased stress (Burke, 1998; Fain & McCormick, 1988; Violanti, 1985; Violanti & Marshall, 1983). Some researchers (Burke & Deszca, 1986) have even linked the use of maladaptive coping strategies to job burnout and premature resignation.

By the 1990s, researchers began to examine a wider array of coping strategies—problem-focused, emotion-focused, religion-based, and social support—that police officers use to manage job-related stress (Beehr, Johnson, & Nieva, 1995; Hurrell, 1995; Patterson, 2003). Violanti (1992, 1993) found that in the police academy, police recruits draw on a wide variety of coping strategies to manage stressors, and the magnitude of stress is an important predictor of the array of coping techniques officers use. For example, police recruits who experienced high levels of stress used more coping strategies, including maladaptive coping strategies, to manage or reduce stress in comparison to recruits with lower levels of stress. Consistent with Violanti's findings, Haarr and Morash (1999) found that high-stress police officers tended to cope using a wider array of coping strategies than low-stress officers. They relied on escape, expressing feelings of anger and hurt to coworkers, trying to get coworkers to like them, and keeping written records. One possible explanation for the finding that low-stress officers used fewer coping strategies is that they found that the particular coping method they utilized reduced the stress and/or solved their problem(s).

Effectiveness of Coping Strategies

Research reveals that some coping strategies are more effective than others in reducing police officers' stress (Band & Manuele, 1987; Burke, 1998; Haarr & Morash, 1999; Kirkcaldy, Cooper, & Brown, 1995; Violanti, 1981, 1992). Haarr and Morash (1999) found that police officers who changed job assignments and took

formal action were better able to decrease their workplace stress than those who used escape, coworker support, and/or family support. Coping by escape may reduce stress in the short-term, but it typically does not lead to problem resolution, which can result in increased stress over the long-term (see also Folkman & Lazarus, 1988; Violanti, 1992). This is especially true in jobs like policing in which escape can be highly impractical because of constant scrutiny by supervisors, fellow officers, and citizens. In terms of effectiveness, escape/avoidance and self-control coping strategies tend to be maladaptive and not very effective, and in some studies, they were found to significantly increase officers' levels of stress and psychological difficulties (Aaron, 2000). Conversely, officers who engaged in the challenging task of distancing themselves, confronting the thoughts and feelings related to police work, or utilizing problem-solving strategies were found to significantly reduce stress (Hart, Wearing, & Headey, 1995).

Connection of Gender and Race to Coping Strategies

Most police researchers do not consider whether any distinctive coping strategies are related to gender or race subgroup status. "Status-connected" coping strategies may exist either because stressors are related to these statuses (e.g., disapproval from fellow officers, coworkers' demands that women or minorities "prove themselves," a lack of informal tutoring and mentoring, harassment and discrimination), or because gender and race affect the methods that people use to cope with similar stressors. For instance, Holdaway and Barron (1997) found that some African American and Asian officers used premature resignation as a strategy for coping with unique "racial related" stressors.

Haarr and Morash (1999) examined stress and coping strategies among police officers, including "status-connected" coping strategies and revealed a greater number of racial differences than gender differences in strategies of coping with job-related stress. In particular, they found that African American officers tended to cope more often by forming bonds with other officers of their own race; whereas, Caucasian officers tended to cope by escaping, expressing their feelings of hurt and anger to coworkers, trying to get others to like them, seeking coworker camaraderie, and taking formal action. Haarr and Morash theorized that because Caucasian officers benefit from more positive integration into police organizations and informal cultures, as well as positive support from coworkers and supervisors, they can avail themselves to coping strategies of escape, trying to get coworkers and superiors to like them, and expressing their feelings of hurt and anger to others. African American officers, however, may feel that their only recourse in responding to workplace stress is to form bonds with coworkers of the same race. African American officers may also have a greater awareness of turning to members of one's own racial group for support; whereas, Caucasian officers, despite their tendency to turn to other Caucasian officers, do not label it as forming bonds with coworkers of their own race group. Rather, they tend to label their behavior as developing coworker camaraderie, even though it may be the same phenomenon as turning to members of one's own racial group.

Clearly, there is some empirical basis for expecting "status-connected" coping strategies among women and racial minority police officers; however, few empirical studies have investigated the effects of gender and race on officers' coping strategies (see Banyard & Graham-Bermann, 1993). Thus, the purpose of the present study is

to systematically analyze changes over time, from 1990 to 2003, in police officers' workplace problems, coping strategies, and stress, including those unique "female-related" and "racial minority-related" stressors and "status-connected" coping strategies that are salient to women and racial minority officers.

Methodology

In 1990, 1,191 police officers from 24 police departments across the United States participated in a study designed to examine police officer workplace problems, coping strategies, and stress (Haarr & Morash, 1999; Morash & Haarr, 1995).[1] The measures were developed from qualitative research on a racially mixed group of policewomen, and thus, they were particularly salient for women and racial minorities. In 2003, each of the 24 police departments that participated in the 1990 study (Time 1) was approached and asked to participate in a follow-up study that would utilize the same survey instrument and that would explore how and to what degree workplace problems, stress, and coping strategies have changed. Eleven of the 24 police departments agreed to participate in the 2003 follow-up study (Time 2). At Time 2, 849 police officers from 11 police departments completed and returned the survey. Completed surveys from police officers from only those 11 police agencies that participated in the Time 1 and Time 2 study are utilized in this article to systematically analyze changes over time in police workplace problems, coping strategies, and stress.

Police Workplace Problems, Coping, and Stress Survey: Measurement and Scale Construction

The survey instrument used in 1990 (Morash & Haarr, 1995) was informed by both prior qualitative research and a review of extensive research on police stress and coping (Kroes et al., 1974; Wexler & Logan, 1983). Scale construction, factor analysis results, and other psychometric properties were described in Morash and Haarr's previous work (1994; see also, Haarr & Morash, 1999).

Workplace Problem Scales

Table 1 identifies the multi-item scales used in this study to measure workplace problems, and it provides the number of items included in each scale and the alpha statistics at Time 1 and Time 2.[2] The alpha for one scale, reflecting ill fitting equipment and uniforms, was unacceptably low at Time 1. For the remaining scales, the alpha statistics reflecting the reliability of the various scales, ranged from .60 to .93 at Time 1 and .60 to .93 at Time 2; all but three scales had an alpha .70.

Table 1
Workplace Problem Scale Descriptions and Reliabilities

Scale Description	# Items	Time 1 1990 alpha	Time 2 2003 alpha
Lack of Influence: Some sense of little or no influence over practices and procedures at work and "the way police work gets done"	4	.74	.74
Ill-Suited Uniforms and Equipment: Problems with uniforms and equipment not fitting or not being suitable for the individual	2	.30	.66
Sexual Harassment: From coworkers and superiors, unwanted romantic advances, physical attacks and threats, exposure to pornography, and homosexual harassment	12	.94	.92
Overestimate of Physical Capabilities: Coworkers and superiors overestimating physical capability to do the job	2	.67	.63
Underestimate of Physical Capabilities: Coworkers and superiors underestimating physical capability to do the job	2	.60	.60
Lack of Opportunity: Sense that work-related opportunities for advancement are lacking or more limited than for other people	3	.73	.73
Invisibility: Superiors and coworkers fail to recognize officer's presence and contributions	6	.75	.77
Ridicule and "Set Ups": Superiors "setting you up" for dangerous situations and ridicule you for mistakes at work	5	.71	.73
Language Harassment: From coworkers and superiors, profanity and jokes about sex	3	.80	.81
Racial Group Harassment: Coworkers and superiors making harassing and offensive comments about an officer's racial or ethnic group	4	.93	.93
Stigmatization Based on Appearance: Coworkers and superiors making offensive comments about an officer's looks and physical size	4	.82	.84
Bias: Experience bias because of subgroup membership and devotion of energy to responding to bias	5	.79	.79

Some of the workplace problems identified here have been examined as predictors of stress by other researchers (Kroes et al., 1974; Wexler & Logan, 1983), including lack of influence over work operations, equipment not being suited to the individual officer, and sexual harassment (e.g., offensive jokes and comments, romantic overtures and touching, exhibition of pornography, and sexual assault). We also developed measures for several workplace problems that had not been addressed in prior research on police stress: problems of both overestimating and underestimating an officer's physical capabilities as relevant to performing police duties, perceived lack of opportunity to advance or less opportunity for promotion than their coworkers, less access to jobs leading to promotion, and less chance to "advance in my job." The scale reflecting a lack of recognition of one's presence and contributions (invisibility) was composed of occurrences of being ignored, not being looked at, and not being recognized. The scale reflecting overt hostility from other officers included occurrences of being placed deliberately in dangerous situations by others, being set up to fail, and being ridiculed for asking questions.

We also recognized four problems that are specific to persons viewed as "outsiders" or as "different from others" in a workplace: (1) language harassment, (2) racial harassment, (3) stigmatization because of appearance, and (4) the experience of bias and investment of energy to contend with it. Language harassment consisted of offensive profanity and jokes about sex, offensive romantic advances, threats, attacks, exposure to pornography, and comments about homosexuality that

characterized sexual harassment. Racial harassment involved negative comments and jokes about one's racial or ethnic group. Bias was a more generalized concept, reflecting a perception of being treated prejudicially because of subgroup status and spending considerable energy in response. Stigmatization because of appearance refers to negative comments about size or attractiveness.

Stress Scales

At Time 1 and Time 2, responses to four agree-disagree items were combined to indicate self-reported occupational stress:

1. In the last year, the amount of unwanted stress on my job has had a negative effect on my physical well-being.

2. In the last year, I really felt a lot of unwanted emotional stress from this job.

3. For my most recent year in law enforcement, my feeling is that I needed to get some special help in managing the stress of my job.

4. For my last year in law enforcement, it seems that I can deal with the tensions of my job to the point that they do not interfere with family and social life (reverse coded).

For the measure of stress, the alpha statistic reflecting reliability was .77 at Time 1 and .78 at Time 2.

Coping Scales

Table 2 identifies the multi-item scales used in this study to measure strategies of coping with workplace problems. The table sets forth the number of items included in each scale and the alpha statistics at Time 1 and Time 2. The alpha statistics, reflecting the reliability of the various scales, ranged from .55 to .87 at Time 1 and .48 to .87 at Time 2.

Table 2
Coping Strategies Scale Descriptions and Reliabilities

Scale Description	# Items	Time 1 1990 alpha	Time 2 2003 alpha
Informal Coping Strategies			
Escape: Ignore/live with the situation; suffer in silence; avoid superiors and/or coworkers.	4	.67	.67
Expressed Feelings: Express feelings of anger and hurt to coworkers.	3	.78	.76
Get Others to Like Me: Get coworkers to like oneself.	3	.87	.87
Coworker Camaraderie: Blow off steam with coworkers; get help from coworkers/mentor; seek extra training or education.	6	.67	.60
Formal Racial Bonds: Get help from coworkers with whom one shares a racial bond.	2	.62	.77
Formal Coping Strategies			
Keep Written Records: Keep written records of actions to protect oneself.	2	.55	.48
Change Job Assignments: Satisfy or sacrifice career goals.	1		
Formal Action: Formally complain to superior; take legal action; take part in a class action suit; seek professional help.	4	.65	.72

Some of the coping strategies identified here—particularly taking formal action and escape—have been examined in previous research as moderators of stressful situations (see Donovan, 1987; Folkman & Lazarus, 1988). At Time 1, we also developed measures for several coping strategies that had not been addressed in prior research on workplace problems, including police trying to get coworkers to like them, developing camaraderie with coworkers, and changing job assignments. We also recognized two "status-connected" methods of coping that are specific to those viewed as "outsiders" or as "different than others" in a workplace: (1) getting support from coworkers with whom one shares a racial bond and (2) keeping written records of offensive actions to protect oneself or to make a case against another officer. These additional coping strategies were identified through field research that one of the authors (Morash) conducted on policewomen.[3]

Sampling Procedures

In each of the police agencies, a department liaison was identified and assisted us with administration of the surveys. At Time 1, police departments were instructed to distribute the questionnaire to a sample of 30 police officers in each of the following six groups: (1) white male, (2) white female, (3) black male, (4) black female, (5) Hispanic male, and (6) Hispanic female. At Time 2, in an effort to increase the representation of women and racial minorities in the sample, police departments were instructed to distribute the survey to a sample of at least 50 officers from each of the following eight groups: (1) white male, (2) white female, (3) black male, (4) black female, (5) Hispanic male, (6) Hispanic female, (7) Asian male, and (8) Asian female. The goal was to have at least 30 officers from each of the separate race-gender groups complete the survey. At Time 1 and Time 2, when departments did not have 30 or 50 members, respectively, in each of these categories, the sample size was limited to the available officers in each group. We further instructed police departments to administer the questionnaires in a setting where participation was clearly voluntary. Most departments administered the survey to groups (briefings and in-service training classes), and these departments obtained the higher response rates; other

departments distributed the surveys to individuals (via interdepartmental mail). With the contact person in each department, we negotiated a procedure whereby surveys would be administered and collected so as to protect respondents' anonymity, and the completed surveys would be returned to us by express mail.

At Time 1, we distributed the survey to a stratified sample of 2,484 police officers in the 24 departments, and 42% (1,191) of the surveys were returned. The final sample included 1,087 officers who varied in gender, race, and ethnicity. At Time 2, 48% (852) of the surveys were returned, and the final sample included 849 officers who varied in gender, race, and ethnicity. For the purpose of this analysis, the sample of officers includes only those from the 11 police agencies that participated in the survey at both Time 1 and Time 2.[4] The partial sample includes 526 officers from Time 1 and 849 officers from Time 2.

Descriptive statistics for the sample of officers used in this analysis are presented in Table 3. As expected, males are over-represented in the sample, comprising just over 72% of the sample at Time 1 and Time 2; whereas, females represent 27% of the sample. In addition, Caucasian officers comprise just over 69% of the sample, and racial minority officers make up at least 30% of the sample at any point in time.[5]

Table 3
Characteristics of the Sample by Time

Characteristics	Time 1 1990 N=526	Time 2 2003 N=849	Chi-Square & Significance
Gender			
Male	357 (72.3%)	601 (72.6%)	.02
Female	137 (27.7%)	227 (27.4%)	
Group			
Caucasian	348 (69.5%)	571 (69.4%)	.00
Racial Minority	153 (30.5%)	252 (30.6%)	
Age			
Under 21 years old	6 (1.2%)	9 (1.1%)	24.45*
21-30 years old	117 (23.5%)	218 (26.3%)	
31-40 years old	242 (48.6%)	333 (40.2%)	
41-50 years old	121 (24.3%)	298 (23.9%)	
51 years and older	12 (2.4%)	70 (8.5%)	
Level of Education			
High School/G.E.D.	94 (18.7%)	106 (12.9%)	44.31*
Some College, Assoc. Degree	259 (51.5%)	435 (52.8%)	
Bachelor's Degree	150 (29.8%)	227 (27.5%)	
Graduate Courses or Degree	0 (0.0%)	56 (6.8%)	
Marital Status			
Married	405 (86.5%)	744 (89.6%)	2.83
Not Married	63 (13.5%)	86 (10.4%)	
Years of Police Experience			
5 years or less	326 (67.2%)	234 (28.3%)	227.37*
6-10 years	49 (10.1%)	204 (24.6%)	
11-15 years	27 (5.6%)	148 (17.9%)	
16-20 years	6 (1.2%)	110 (13.3%)	
More than 20 years	77 (15.9%)	132 (15.9%)	

* $p \leq .01$; ** $p \leq .05$

The majority of the sample is between 31 and 40 years of age at Time 1 (48.6%) and Time 2 (40.2%), yet the age make-up of the sample significantly differs from Time 1 to Time 2. At Time 2, the age range of officers is a bit more diverse, with fewer officers in the 31- to 40-year age group and an increase in the percentage of officers in the 21- to 30-year group, and 51 years and older. Also, the majority of officers are married at Time 1 (86.5%) and Time 2 (89.6%).

In regard to education, the majority of the sample at Time 1 (51.5%) and Time 2 (52.8%) had completed some college or earned an associate's degree. At Time 2, the proportion of officers with a college education increased significantly, while those with only a high school diploma/GED decreased. Most notable is the increase in the percentage of officers with some graduate course work or a graduate degree at Time 2 (6.8%).

Finally, the number of years of police experience differed from Time 1 to Time 2. At Time 1, 67.2% of the officers had 5 or less years of police experience. In contrast, at Time 2, only 28.3% had 5 or less years of police experience; 24.6% had 6 to 10 years; 17.9% had 11 to 15 years; 13.3% had 16 to 20 years; and 15.9% had more than 20 years of police experience.

Data Analysis

The first step in the analysis was to use one-way analysis of variance to assess the changes in police officers' workplace problems and stress between Time 1 to Time 2. We examined these changes separately for racial and gender groups, and we compared gender and racial groups on their scores for the Time 2 measures. The second step in the analysis was to use one-way analysis of variance to similarly assess the changes in police officers' coping strategies from Time 1 to Time 2, including those "status-connected" coping strategies that are salient to women and racial minority officers. Again, females and males, and racial minority officers and Caucasian officers, were compared for Time 2. These analyses allow us to determine whether any changes in police officers' workplace problems, stress, and coping strategies were significant and to determine the direction of change over time. The experiences of gender and racial groups of officers could also be compared for the most recent 2003 survey.

Findings

Change in Workplace Problems by Gender

According to Table 4, from Time 1 to Time 2, male officers reported a significant reduction in a wide array of workplace problems. Notably, they less often reported problems with having their physical abilities overestimated or underestimated, language harassment, bias, and stigmatization because of one's appearance. Male officers also less often reported problems such as feeling that they were ignored or "treated as though they were invisible" in the organization and lacking as much opportunity for advancement as others. The significant reduction of workplace problems for male police officers from Time 1 to Time 2 may explain why they reported a significant reduction in stress at Time 2.

Table 4
Workplace Problems and Stress Means for 1990 and 2003 by Gender

Scales	Time 1 1990 Male	Time 2 2003 Male	Male F Test	Time 1 1990 Female	Time 2 2003 Female	Female F Test	Time 2 F Test Male vs. Female
Workplace Problems							
Physical Ability Overestimated	5.03	4.81	6.2**	4.56	4.81	3.1	.0
Physical Ability Underestimated	5.51	5.20	7.9*	5.78	5.50	3.2	4.9**
Lack of Advancement Opportunity	8.52	7.66	20.8*	7.23	7.30	.1	2.9
Ridicule and Set-Ups	9.77	9.77	.0	9.61	10.03	1.7	1.4
Lack of Influence	12.86	12.61	.9	12.65	13.00	.9	2.1
Invisible	14.09	13.40	8.5*	13.35	13.79	1.1	1.8
Sexual Harassment	12.72	12.39	3.1	13.53	13.32	.2	14.1*
Bias	13.70	11.88	46.9*	14.88	13.55	7.9*	29.1*
Language Harassment	4.17	3.81	6.9*	5.46	4.49	11.3*	17.7*
Stigma, Appearance	4.84	4.55	5.7**	4.99	4.74	1.3	1.9
Stress	11.50	10.31	26.3*	11.17	11.34	.2	14.6*

* $p \leq .01$; ** $p \leq .05$

Female officers did not benefit from the same significant reduction in workplace problems as did their male counterparts. The only significant reduction in workplace problems that female officers experienced was a reduction in problems with bias, language harassment, and feeling stigmatized based upon one's appearance. As can be seen for the F statistics to test for differences between males and females at Time 2, despite these reductions, bias and language harassment was still experienced by females significantly more often than by males. Female officers also reported an increase from Time 1 to Time 2 in having their physical abilities overestimated, whereas, men reported a decrease. There were not significant gender differences in this problem at the time of the second survey, however. At the time of the second survey, compared with males, females significantly more often reported that their physical abilities were underestimated, that they were sexually harassed, and that they were experiencing job-related stress.

Clearly, female officers experience unique "female-related" workplace problems and stressors, and they did not benefit from the same significant reduction in workplace problems as their male counterparts. The result is that female officers had significantly higher reports of stress in comparison to their male coworkers at Time 2.

Change in Workplace Problems by Race

Between 1990 and 2003, a number of workplace problems significantly lessened for Caucasian officers, including perceived lack of advancement opportunity in the organization, feeling ignored or "treated as though invisible," bias, language harassment, and sexual harassment. Additionally, Caucasian officers reported a significant decrease in stress related to workplace problems.

Table 5
Workplace Problems and Stress Means for 1990 and 2003 by Race

Scales	Time 1 1990 Caucasian	Time 2 2003 Caucasian	Caucasian F Test	Time 1 1990 Racial Minority	Time 2 2003 Racial Minority	Racial Minority F Test	Time 2 F Test Racial Minority vs. Majority
Workplace Problems							
Physical Ability Overestimate	4.85	4.78	.7	5.03	4.87	1.2	.9
Physical Ability Underestimate	5.45	5.26	2.9	5.85	5.32	9.1*	.2
Lack of Advancement Opportunity	8.13	7.62	6.8*	8.20	7.49	6.5**	.4
Ridicule and Set-Ups	9.74	9.83	.3	9.86	9.88	.0	.1
Lack of Influence	12.63	12.65	.0	13.18	12.89	.7	.8
Invisible	13.84	13.36	4.0 **	14.08	13.89	.2	3.6
Sexual Harassment	12.82	12.49	3.9**	13.88	13.00	2.4	4.5**
Bias	13.46	11.98	29.6*	15.43	13.20	26.2*	16.4*
Language Harassment	4.66	3.96	15.0*	4.61	4.11	4.5**	.9
Stigma, Appearance	4.81	4.58	3.6	5.24	4.67	6.4**	.4
Stress	11.52	10.64	13.6*	11.27	10.55	4.4*	.1

* $p \leq .01$; ** $p \leq .05$

Racial minority officers also reported experiencing decreases in bias, language harassment, and stigmatization based on appearance. Despite the significant reduction in some workplace problems, racial minority officers still more often experienced workplace problems than their Caucasian counterparts, particularly problems with being ignored or "treated as though they were invisible" in the organization and sexual harassment. Although racial minority officers more often experienced workplace problems than their Caucasian counterparts, they reported slightly less stress than Caucasian officers at Time 1 and Time 2. In addition, racial minority officers reported a significant decrease in stress from Time 1 to Time 2.

Change in Coping Strategies by Gender

Over time, both male and female officers became more active in responding to their own workplace problems and increased their use of all informal and formal coping strategies from Time 1 to Time 2 (see Table 6). There were some gender differences. Notably, at Time 1, male officers were more likely than their female counterparts to express their feelings of anger and hurt to coworkers and to take formal action; however, by Time 2, female officers were more likely than their male counterparts to express their feelings of anger and hurt to coworkers. There were not significant differences in the use of formal action. Finally, at Time 2, female officers were significantly more likely than males to rely on coworker camaraderie and to keep written records. By Time 2, females were as likely as males to use most of the formal approaches to coping with workplace problems, and in fact, they more often kept formal records of their difficulties. They also used informal coping approaches that involved their interaction with others at work more than men did.

Table 6
Coping Strategy Means for 1990 and 2003 by Gender

Scales	Time 1 1990 Male	Time 2 2003 Male	Male F Test	Time 1 1990 Female	Time 2 2003 Female	Female F Test	Time 2 F Test Male vs. Female
Informal Coping Strategies							
Escape	8.98	10.98	66.2*	9.39	11.44	24.6*	3.2
Express Feelings	6.74	8.37	73.1*	6.61	9.53	101.5*	30.5*
Get Others to Like Me	4.18	4.73	19.0*	4.27	4.77	5.8**	.1
Coworker Camaraderie	15.53	19.56	185.9*	17.01	20.27	5.2*	5.7**
Form Racial Bonds	2.23	2.62	21.5*	2.10	2.79	27.3*	3.5
Formal Coping Strategies							
Keep Written Records	3.22	4.38	82.0*	3.58	5.01	41.2*	18.8*
Change Job Assignments	2.34	4.62	619.1*	2.39	4.67	237.1*	.1
Take Formal Action	4.83	7.95	346.6*	4.50	8.20	181.7*	1.3

* $p \leq .01$; ** $p \leq .05$

Change in Coping Strategies by Race

Between 1990 and 2003, both Caucasian and racial minority officers became more responsive to their own workplace problems. They increased their use of all types of both informal and formal coping strategies from Time 1 to Time 2 (see Table 7). Caucasian officers, however, reported a larger increase in the use of coworker camaraderie than did racial minority officers, revealing a widening of the racial gap in the use of coworker camaraderie.

At the time of the 2003 survey, Caucasian officers more often used escape, expression of feelings, attempts to get others to like them, and coworker camaraderie to address their workplace problems than did minority officers. As would be expected, minority officers more often formed bonds with others along racial and ethnic similarities. Minority officers maintained written records pertaining to workplace problems, but Caucasian officers more often changed job assignments. The groups were the same in their level of use of formal action to deal with workplace problems.

Table 7
Stress and Coping Strategy Means for 1990 and 2003 by Race

Scales	Time 1 1990 Caucasian	Time 2 2003 Caucasian	Caucasian F Test	Time 1 1990 Racial Minority	Time 2 2003 Racial Minority	Racial Minority F Test	Time 2 F Test Race Min. vs. Major
Informal Coping Strategies							
Escape	9.58	11.38	48.9*	7.95	10.52	52.8*	11.8*
Express Feelings	6.88	8.81	102.4*	6.28	8.40	51.5*	3.9**
Get Others to Like Me	4.41	4.88	12.9*	3.78	4.40	10.9*	15.6*
Coworker Camaraderie	15.97	20.15	204.0*	15.89	18.90	42.7*	18.9*
Form Racial Bonds	2.02	2.60	51.0*	2.55	2.82	4.1**	6.8*
Formal Coping Strategies							
Keep Written Records	3.14	4.44	100.3*	3.74	4.85	26.8*	8.4*
Change Job Assignments	2.28	4.72	729.8*	2.57	4.47	156.4*	4.4**
Take Formal Action	4.58	8.07	435.1*	5.18	7.90	100.2*	.6

* $p \leq .01$; ** $p \leq .05$

Conclusion

The findings presented here demonstrate that although most of the workplace problems that we studied persisted over time (in a period over a decade) for the departments included in the research, there was an overall decline in problems. The decline was most pronounced for men, with the result that women still report higher levels of particular problems than do men. Consistent with prior findings, in the most recent year considered in the study, women have the extra burden of difficulties that seem to be directly related to their harassment and rejection by males (Morash & Haarr, 1995). In the year before the 2003 survey, minority officers also reported higher levels of harassment than did majority officers. In contemporary policing, minorities also feel that they are ignored and treated as though they are not present.

Over time, police officers generally became more responsive to their own workplace problems and increased their use of both informal and formal coping strategies. We found that officers tend to employ a wide array of strategies in dealing with workplace problems. Women in particular increased their use of coworker camaraderie to cope with workplace problems. Researchers have argued that coworker camaraderie is especially salient to police officers because of the nature of their work, and their work-related stress may only be completely comprehensible to fellow police officers (Ellison & Genz, 1983). For female and racial minority officers, coworker camaraderie is regarded as especially important as they attempt to integrate into police work and police organizations (Haarr, 1997).

One noteworthy finding is that over time, male officers have increased their use of informal and formal coping strategies and enjoyed a significant reduction in a wide array of workplace problems and job-related stress. The analysis that we have presented does not establish a causal connection, but it does provide some evidence that for males, increased activity to cope with problems at work may have resulted in fewer problems and/or less stress. Female officers, however, also increased their use of informal and formal coping strategies yet did not benefit from the same significant reduction in workplace problems as did their male counterparts. Females continue to experience harassment at a level that is higher than that for males, which may be the extra burden that explains their higher levels of stress.

The only workplace problems in which female officers enjoyed a significant reduction were bias and language harassment. Female officers actually reported that one problem, having their physical abilities overestimated, worsened since 1990. The lack of significant reduction in workplace problems for female officers, coupled with the increase in some workplace problems and the fact that female officers experience unique "female-related" stressors (e.g., bias and sexual harassment), may explain why females reported significantly more stress than their male counterparts. These findings are consistent with the findings of previous research, which revealed that women working with men in the same police department do not necessarily live in the same work world. Female officers are confronted with unique organizational and structural barriers in the form of higher levels of harassment and discrimination, hostility, and other negative social interactions on the job. Our results raise questions as to whether the changes that have occurred in policing (e.g., community policing) and police organizations (e.g., improved policies

against sexual harassment and discrimination) over the past decade have actually improved the workplace for women.

One question that is beyond the scope of the present article is whether the strategies that officers use to manage and cope with stress related to workplace problems are actually effective. In 1990, females more often relied on camaraderie with coworkers and keeping written records. There was a slight tendency for them to less often use formal grievance or other complaint procedures. In 2003, they were again more likely to use camaraderie and keeping records and also more often coped by expressing their feelings. Just keeping written records may be in some way cathartic, but it may have limits in reducing job-related stress or in solving problems. Similarly, camaraderie with coworkers and expression of feelings would seem to be unlikely to produce key changes in the workplace, which for women and minorities is still uniquely marked by harassment and bias.

A recent study that compared the reactions of policewomen in the United States to the reactions of Thai policewomen provided an interesting explanation of the connection of coworker camaraderie to more formal responses to sexual harassment (Chaiyavej, 2002). Women in Thailand were more assertive and less accepting in response to harassment, in part because they were not at all integrated into males' informal networks. Women in the United States, however, felt some level of belonging and being part of the work group, and when they were confronted with harassment, they often handled it by joking or by an informal discussion with the offending officer. The women in the United States did report that this approach was effective, but it is not known whether more assertive responses might have reduced the harassment more than the informal approaches. It is possible that women in the United States are trading some modicum of acceptance by their police colleagues for a reduction in harassment that might occur if they were more assertive.

The findings also reveal that Caucasian and racial minority officers experienced a significant reduction in an array of workplace problems, yet in 2003, racial minority officers still more often experienced problems with bias and sexual harassment than did Caucasian officers. Regardless of the fact that racial minority officers more often experienced workplace problems than their Caucasian counterparts, they reported slightly less stress than Caucasian officers in 2003. One possible explanation is that racial minority officers are better able to manage and cope with workplace problems. For instance, findings revealed that over time, racial minority officers were less likely than Caucasian officers to use informal approaches to cope with job-related stress, with the exception of forming bonds with other officers of the same race. They were significantly more likely to use formal coping strategies, including keeping written records and changing job assignments. Previous research (Haarr & Morash, 1999) has found that problem-focused or direct-action coping strategies, such as changing job assignment and taking formal action, are related to lower levels of stress. The decrease in stress for racial minorities may also be a reflection of the fact that racial minorities reported a significant reduction in problems of bias related to their subgroup status. This finding may, in part, also be a linked to the fact that over the past decade, there has been an increase of racial minority officers, particularly Hispanics, in police departments.

The research findings that we have reported confirm the complexity of the connection between gender and race and workplace experiences. Women and racial minorities

continue to face a unique set of "status-connected" workplace problems; stress is slightly but significantly higher for women than for men, but stress is not significantly higher for racial minorities than Caucasian officers. The analysis presented here does not fully explain the findings. Given the greater workplace problems of women, why is their stress only slightly higher than the stress of men? Exploratory research by Lunneborg (1991) suggests that women in male-dominated occupations protect themselves against the highest levels of stress because they are willing to talk about their feelings and the related stress, reject competitiveness, and make a conscious effort to reduce stress through actions such as taking time off from work. Alternatively, it may be that women and racial minority officers who suffer particularly high levels of stress leave policing early in their careers (Haarr, in press; Holdaway & Barron, 1998) and are not represented in our sample. Another possibility is that women avoid stress because they do not feel the need to prove their femininity through their accomplishments as police officers; whereas, some men feel pressured to prove their masculinity through their work.

Our findings do suggest that despite some overall reductions in workplace problems for police in the last 13 years, women must contend with levels of harassment and other work-related problems to a greater degree than men. Racial minority officers also continue to have difficulties that are not reported by Caucasians. Improved policies and programs have not made the workplace setting equally hospitable for all groups. As a result, it is important that program and policy changes aimed at reducing rejecting and harassing behaviors directed at women and minorities continue to be developed, implemented, and assessed.

In interpreting the findings from this research, it is critical to note that we have not surveyed a representative sample of police departments. The initial sample was recruited from Police Executive Research Forum members and thus, over-represented departments that were committed to the use of research to improve policing. In recruiting from that group for the second survey, we were unable to obtain full cooperation—in some cases because departments were involved in major suits because of sexual harassment. If there is a bias in our sample, it is that the departments that took part in both surveys are more progressive than those that did not and that in 2003, they under-represent departments that are being sued for sexual harassment. Consideration of this bias suggests that a nationally representative sample might reveal more serious problems for women and minorities and less of the improvement that we found in our research.

Police administrators need to direct their attention to not only the work environment but also how officers address their problems with that environment. There certainly needs to be more consideration of effective strategies for righting problematic patterns of interaction. Academy and in-service training programs, as well as supervision, could be used to prepare officers to effectively confront difficulties as they come up. Intervention strategies and programs that promote more open discussion of stressors and a greater willingness on the part of police personnel to acknowledge their effect will likely lead to a police force of psychologically healthier officers who are able to function more effectively in the workplace, at their work, and in their home lives (Aaron, 2000).

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Endnotes

[1] Police departments that participated in the 1990 police stress and coping study were members of the Police Executive Research Forum (PERF), and each department agreed to be a part of the study when PERF announced the possibility of their participation.

[2] All statements measuring workplace problems used a 5-point Likert scale ranging from (1) strong agreement to (5) strong disagreement that the situation had occurred during the last year.

[3] All statements designed to measure the use of coping strategies in the last year used a 5-point Likert scale ranging from (1) never to (5) over 10 times.

[4] Departments varied in size, with four departments having fewer than 100 officers, five departments of 100 to 500 officers, one of 500 to 1,000 officers, and one with more than 1,000 officers. The departments represented all regions of the country, including the far west (2), the northeast (1), the southeast (5), the Midwest (2), and the southwest (2). Although this sample is varied, it is not a representative sample of departments. Thus, it cannot be used to estimate parameters in the population; it is suited to examine the comparisons over time that we carried out for the present study.

[5] We found significant differences in the makeup of the racial minority subgroups from Time 1 to Time 2 (Chi-square^2=43.016, df=6, p=.000). Hispanics made up 11% (n=55) of the sample at Time 1 and 14.9% (n=123) at Time 2. African Americans made up 16.2% (n=81) of the sample at Time 1, and 8.9% (n=73) at Time 2. At Time 1, Asians made up .6% (n=3) of the sample and 2.4% (n=20) at Time 2. Native Americans accounted for 2.8% (n=14) of the sample at Time 1 and 1.3% (n=11) at Time 2. Finally, at Time 2, 3% (n=25) of the sample was "Other."

Robin N. Haarr, PhD, is an associate professor of Criminal Justice & Criminology at Arizona State University West. She received her PhD from the School of Criminal Justice at Michigan State University in 1994. Her areas of specialization include women and minorities in policing, violence against women, and police behaviors and community policing. Her most recent work on policing has appeared in *Justice Quarterly*, *Police Quarterly,* and *Policing: An International Journal of Police Strategies & Management*. Dr. Haarr has been involved in numerous research grants funded by the National Institute of Justice and the U.S. Department of State. Dr. Haarr was a 2001-2002 U.S. Fulbright Scholar in China and was recently awarded the status of Fulbright Senior Specialist. Most recently, her outreach and research has focused on women's human rights and violence against women in East, Southeast, and Central Asian societies.

Merry Morash, PhD, is professor at the School of Criminal Justice at Michigan State University. She received her PhD in criminal justice and criminology from the University of Maryland. She has conducted field research and survey research on policewomen. Other research interests focus on women offenders and domestic violence against immigrant women. She has been the director of the Michigan Regional Community Policing Institute since its inception, and she is the director of the Michigan Victim Assistance Academy, which provides intensive training for people who work with crime victims.

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Zero Tolerance, 1994 Illinois Secretary of State Police. (Videotape produced as well as a satellite interactive television program through Educational Broadcasting at Western Illinois University.)

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