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FORUM

**Best Practices in Recruitment
and Retention**

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Editorial

Police chiefs and sheriffs from small and large departments alike frequently voice concerns about the hassles involved in recruitment and retention of quality employees. A single vacancy in any small or rural police department can quickly create a dramatic chain reaction within the agency and the community it serves. Indeed, there are numerous examples of such situations in which police officers experience burnout from working overtime and the department feels the impact on the budget and deployment strategies. The police recruitment and retention problem can undermine the very mission of law enforcement in society—to serve and protect people and provide law and order.

Professional, cultural, social, and moral expectations of citizens have changed. Today, people expect uniformed police officers not only to fight crime but also to demonstrate high ethical standards and treat people with dignity and respect. To meet these expectations, the law enforcement community has to utilize innovative approaches to police recruitment and retention and elevate the professional requirements for personnel involved in selection and training.

In the recently published book by Thomas Jurkanin and Terry Hillard, *Chicago Police: An Inside View*, former Chicago Superintendent Hillard offers ten tips for police recruits, and one of them is to “treat citizens the way you would want a police officer to treat a member of your family.” It is the recruitment and training of law enforcement officers that has the most significant and powerful effect upon the delivery of the police mission to citizens. The collection of articles contained in this issue of the *Law Enforcement Executive Forum* is designed to assist current and future police administrators in navigating through difficult recruitment, selection, retention, and training issues.

Vladimir A. Sergevinin, PhD
Editor
Law Enforcement Executive Forum

Best Practices Guide for Recruitment and Retention of Qualified Police Personnel

Jack McKeever, Chief, Lindenhurst (Illinois) Police Department
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The IACP is working with the Department of Justice, Bureau of Justice Assistance, to provide services, support, and technical assistance to smaller police departments. The project advisory group, comprised of chiefs from smaller police departments around the country, identified recruitment and retention of qualified police personnel as one of the most challenging issues facing small police departments. This article contains our suggested best practices as well as those suggested by the many chiefs from small departments who have attended our symposiums.

Introduction

One of the greatest challenges facing law enforcement organizations today is the successful recruitment and retention of highly qualified employees. Community safety can be compromised when substantial experience and training is lost through staff turnover and vacancy. It is imperative then, to recruit, select, and retain the kind of personnel who will bring a strong commitment and talent to the department and the community. Over 12,000 of the 17,173 IACP members represent communities of less than 25,000, which are served by less than 25 sworn police officers.

Small police departments require innovative strategies to distinguish themselves from larger departments that may seek qualified individuals from the same applicant pool. Small departments have unique and valuable characteristics, and they are often excellent models of community policing. Quality police work is more clearly defined by the quality of public safety and the satisfaction of the community, not by the size of the police force. For this reason, the IACP has developed a *Best Practices Guide on Recruitment and Retention of Police Personnel* specifically for small police departments—those serving 25,000 or fewer residents by 25 or fewer sworn officers.

Beyond the realities of resources, location, and political agendas, how can you determine whether your department provides a healthy work environment to attract and retain skilled and eager employees?

As these personnel issues are explored, we ask you to “think outside the box.”

Recruitment

The Recruitment Section of the *Best Practices Guide* includes the following:

- Agency Self-Assessment – Determines agency recruitment and retention goals
- Community Assessment – Determines community support for those goals

- Community Partnerships – Describes how hiring goals can be enhanced through community partnerships

The work environment within an agency can also have a dramatic effect upon the successful recruitment and retention of qualified police personnel. This section includes recommendations for building work environments that provide employee growth and satisfaction. When implemented, these recommendations can give small departments a distinct advantage over large departments in hiring and retaining qualified police personnel. Examples of assessments are found at the end of the section.

Agency Assessment

Goal: Determine the Department's Hiring Strengths and Weaknesses.

The first essential step in designing an effective recruitment and selection process is an honest self-appraisal that determines whether your department provides a healthy working environment for employees and whether incentives to join your department exist. This assessment provides information from which a strategy can be developed that incorporates short- and long-term department hiring goals and clarifies department values. You will see how recruitment and retention are interdependent as new hiring strategies are linked to retention strategies. As you succeed in developing recruitment strategies, they will link directly to successful retention strategies. Recruitment strategies incorporate the values and goals of the department and the community. Once you determine the department's values and goals, you can develop effective recruitment and retention strategies that support those goals.

Step 1 – Explore what you think are the advantages of working in your department.

Exploratory Questions for the Chief: What Are the Advantages of Small Department Policing?

- Why would I want to work for this department?
- What does my department have to offer?
- How do I seek the most qualified individuals?
- What can I do to keep quality employees?

Make a list of the things that come to mind. Compare them to the answers we have received from small department chiefs who attended our nation-wide symposiums.

IACP Symposium Responses from Small Department Chiefs: The Advantages of Small Department Policing

- Skilled employees are valued as the department's most important asset.
- Career opportunities for personal growth include specialized duties and promotions.
- It is important to promote a family atmosphere in the department and the community.
- Employees are encouraged to provide input on department policies such as shift configurations, uniform design, and community policing strategies.

- There is a spirit of organizational teamwork between the chief and the department that encourages employee opinions and input at staff meetings.
- All employees, both sworn and civilian, are treated with dignity and respect.
- The chief knows everyone by name and supports all employees to reach their personal and professional goals.
- All employees have access to the chief.

Step 2 – Explore Staff Responses to the Value of Working in the Department.

Having looked at your perceptions of the hiring strengths of your agency, poll your staff and see if there is agreement. Even disagreement will be informative. Use the previous four Exploratory Questions listed above. Once the answers to the four questions have been answered by the chief and the staff, hold a focus group meeting with employee representation, civilian and sworn, to discuss the findings and to set new hiring goals based on those results.

Step 3 – Hold a Focus Group with Staff to Develop Your Department’s Hiring Priorities.

Developing Department Hiring Priorities with Staff

- How can we sell the department to qualified applicants?
- What are the unique qualities of the department and community that will appeal to potential applicants?
- What are the qualities we want to see in applicants?
- Does the department reflect the diversity in the community?
- Is the department prepared to successfully integrate women and other minorities into the force?
- How can I make my department a place that appeals to new applicants and retains experienced officers?

Summary: Review of feedback from the questionnaire and focus group should provide some clear ideas about prioritizing and targeting hiring goals. In order to be competitive with the general workforce and other police agencies, successful small departments must place significant emphasis on creating a work environment that stresses employee value and provides prospective applicants with a clear understanding of the benefits of employment with the department.

Community Assessment

Goal: Determine How the Community Views the Department.

“An accurate assessment of a police department includes community input. Ask yourself, ‘What are they saying about me at the barber shop?’”

– Chief Jack McKeever, Lindenhurst, Illinois

We call community assessment a “community mirror aspect” of the overall department’s assessment. This mirror provides the department with information about the values, needs, and desires of the community. Small departments can benefit by making sure police and community values are consistently articulated to new employees. The community is an important selling point to new employees and

their families. Knowing that the police department is appreciated and supported by the community is a positive factor in recruiting and retention of police staff. Police programs and services like Police Activity Leagues or Community Watch Programs are enhanced when supported by community partnerships. Such partnerships with community-based organizations or the faith community have developed successful volunteer and other community programs for police departments.

Community partnerships can include any of the following examples:

- Form a community partnership group. Include youth, minority group representatives, civic and/or church representatives, and political allies to work on a civic concern together. Choose one with a high probability of success, and document your group's recommendations.
- Tell your story. Have a reporter go on a ride-along with a police veteran. Provide community groups of all kinds with information concerning department outreach and service programs.
- Establish an "Officer of the Year" program. Have the winner speak to community service organizations and schools, and have a newspaper article published about their community service.
- Begin a Police Activity League (PAL) that provides youth after school education and sports programs.
- Encourage development and provide training for neighborhood watch programs.
- Encourage police officers to teach at local community colleges.

The Value of Community Partnerships in Recruitment and Retention

Community partnerships are opportunities for police to listen to public concerns, work together with community groups to solve those concerns, and develop meaningful ways to exchange information with community-based organizations so that the public sees how integral police officers are to the health of community life.

There are several inexpensive and informative methods for determining the community perception of your department. Consider the following examples:

- Informal Survey – Design a survey that asks important questions and solicits community suggestions for departmental improvement. See whether the newspaper will print it, or copy the survey and circulate it through community groups and churches. Perhaps a police survey booth in front of the local grocery store might get responses.
- Opinion Poll – Call a random sample of people, and ask them about their opinion of the department. The number called will depend on the size of the community and the number of staff available to you. Ask three to five direct questions that offer a range of responses. Use a scale of 1 to 5 that will provide a spectrum of choices (e.g., 1. Is doing a fine job, 2. Is doing an adequate job, 3. Needs improvement, 4. Is doing a poor job, 5. Don't know). **Note:** Survey or opinion poll results showing community support for police can be an effective recruitment statement (e.g., 75% say the department is doing a good job).

- Grants – Investigate the availability of foundation or other grant funding for police initiatives, community partnership programs, and equipment or technology acquisition. Money may be available from a variety of sources for community policing initiatives, which include community partnership programs or technology information sharing between law enforcement agencies. TPO Grants provide technology grants; foundation grants are listed at the library in the *Federal Register*. A resource librarian will help you locate law enforcement grants.

Tip: Even if only one suggestion from the community is implemented, the department can benefit from being seen as a department that cares and responds to its citizens.

Summary: Be prepared to respond to and/or publish survey results (include the positive and negative responses), and then suggest ways the department will respond to those needs and suggestions. There are many creative ways that police and their communities can and do work together. The important point is that you, as a law enforcement executive, know successful ways to partner with your community. Departments that enjoy community support often have greater recruitment success because new police officers see the community as a positive place to live and work. Officers and their families are drawn to communities in which they are appreciated as valuable members.

Inexpensive Strategies for Effective Recruitment

The Challenge of Recruiting

As technology advances and the value of problem-solving or community-oriented policing increases, the demand for specialized police services also increases. Qualified applicants must be educated, effective communicators who understand the value of linkage to government and community resources. Recruitment of qualified, diverse applicants who can meet the standards of modern policing is a significant challenge. In order to meet this challenge, small departments must enhance or revise their recruiting and selection strategies. The task of recruiting should be identified as one of the most critical functions within the organization.

How Smaller Departments Can Get an Edge in Recruiting

1. Appoint a Recruiter.

- The recruiter can be a pivotal position in the department. A recruiter represents the department in the community and to prospective applicants. A successful recruiter is a highly talented and motivated person with a passionate conviction that police work, especially in this department, is the best job in the world.
- Due to limited resources, many small agencies do not have the luxury of appointing a full-time recruiter. Still, the effectiveness of this individual, even on a part-time basis, can have striking results when the right person is chosen for this position. Consider the use of auxiliary officers or volunteer personnel to supplement the recruiting function at no cost.

How to Choose a Recruiter

- Look in your department for officers who are mission-driven, possess strong communication skills, and demonstrate an ability to sell the department.
- Look for a non-judgmental person who is free from bias. (Recruiters who are unsuccessful in recruiting qualified women and minority applicants may be hampered by personal bias). If the department values diversity, select someone who enthusiastically shares that value.
- Assign a high status to this position. By spotlighting the recruiting function as prestigious, officers will feel honored to serve in this position and strive to bring the best-qualified applicants into the department.
- A 2-year tour of duty is recommended for this position because the challenges of this position are considerable; however, this arbitrary timeframe may vary given individual differences and job demands.
- Performance measures should be based on the number of qualified applicants recruited, not on the number of applicants eliminated. Help the recruiter succeed.
 - Recruiters should be held to a high performance standard that emphasizes the ability to identify qualified and diverse applicants and bring them into the selection process.
 - Any effective recruitment strategy will include ways to optimize the skills and talents of current personnel. All employees should be considered recruiters on the lookout for talented individuals for their department.
 - The recruiter's most effective tools are personal relationships. Small departments can successfully differentiate themselves from large departments by focusing on people, not objects or equipment. Stress the benefits of your department and community by emphasizing camaraderie within the department and cohesion of the community.

2. Launch Auxiliary Officer, Cadet, and/or Explorer Programs.

Because this is a resource-intensive strategy, especially for the very small department, we recommend that you develop this regionally, or at least with one or two other nearby departments. These programs not only provide additional resources to the department for police services and community outreach, but they also provide an additional pool of potential applicants. These programs promote good will and give citizens an opportunity to invest in their community through public service. Programs like these allow the community to meet its police officers. No one can sell the department as effectively as incumbent officers. Consider asking new officers why/how they chose the department.

3. Poll Your Staff for Strategies.

Focus groups or brief employee surveys can also be informative. You may be surprised by the new recruitment ideas that are generated. Input from new hires can provide valuable insight into ways to streamline the hiring process.

4. Add Employee Incentives for Successful Recruitment.

Incentives such as monetary bonuses, leave time, recruitment recognition awards (uniform pins), or additional training opportunities can motivate current staff to prioritize recruitment.

5. Form Citizen Police Academies.

This is also a resource-intensive strategy for the very small agency, so partner with other agencies when possible. Regional academies can share resources among several departments. Citizen police academies have proven highly beneficial in creating public awareness and appreciation for police work. These academies vary in structure and content and can be formal or informal depending upon the community. They can be developed by several small agencies and serve a region as well as an individual community. Academy graduates often become community advocates for police and can serve a valuable role in any recruitment effort.

6. Hold Career Fairs.

This is another resource-intensive strategy. Partner with other public services like fire, public health, sheriff, or others. The career fair is a way to introduce police work to schools, businesses, and the community. Typically, this opportunity to advertise police work is extremely effective in educating the public and potential applicants. As you plan, consider teaming up with local businesses or community organizations for additional visibility and shared costs.

7. Develop a Connection to Local Colleges and Universities.

Campus recruiting efforts are an excellent adjunct to the occasional career fair. Formal liaisons can be built with campus career counselors, educators, and internship coordinators. Graduate students are excellent resources for additional support in department research, surveys, and grant writing. Officers can cofacilitate classroom studies in criminal justice. (An officer in uniform can be an effective advertisement.)

8. Participate in Community Speaking Engagements.

Chiefs can build community awareness and support for recruiting by speaking at community groups, schools, churches, and service organizations. These organizations can be excellent resources for demonstrating the department's service commitment to the community and effective avenues for reaching minority groups in the community.

9. Develop Military Linkages.

Some innovative departments have linked with military recruiters to learn successful marketing and recruitment techniques. Military recruiters receive extensive training, some of which is applicable to police work and can be a source of information for agency recruiters.

10. Develop a Media Partnership.

Print and broadcast media can be a strong ally to the police department. Media representatives are usually interested in developing a relationship with the local department because they need police information. The media savvy chief knows that a strong alliance with media is needed to provide accurate reporting about police work. An effective media strategy is to take a proactive stance by providing positive, inspirational features about the department, its officers, and programs. Cooperation with the media is a two-way street and must be cultivated with attention toward development of personal relationships based on trust and honesty. A cooperative media is a tremendous asset to any department and can also be an asset to recruitment. Sell the benefits of your department through the media.

11. Use the Internet.

Some small departments have been able to compete in the technology arena by developing partnerships with businesses that share their computer technology and provide websites. The University of Arkansas' Center for Rural Law Enforcement offers free Internet access for qualifying departments. Contact Harold Stuart at (501) 570-8000.

12. Host an Open House.

Many communities have festivals or holidays when town businesses have an open house. During these festivals and holidays, provide facility tours, and educate citizens about policing as an exciting career.

13. Build Recruitment Skills.

The IACP offers a class called "Building Skills for Effective Recruiting." Take advantage of this and other available law-enforcement-focused recruiting classes. These skills must be built and sustained by continued education and collaboration with other chiefs.

Retention

After addressing recruitment challenges, employee retention can also be a major problem for small departments. Some small departments cannot offer the high salaries that larger municipalities do, but they have an edge in several key areas of staff retention. The table below outlines keys to staff retention and the advantages that small departments have to offer. With a little imagination and innovation, the small department can actually have an edge over larger departments.

Keys to Staff Retention

Small Departments Can Have an Edge.

Key to Retention	Description	Small Departments
Quality Relationships	Performance is enhanced by positive coworker relationships.	Small departments offer direct access to the chief; chief is aware of individual work performance and personal concerns of staff.
Meaning and Purpose	Workers are happier and healthier when they derive purpose and satisfaction from their work.	Police are often recognized and valued in smaller communities where people know each other, work together, and live close to one another.
Recognition	Workers place higher priority on recognition and appreciation than salary in most surveys.	The smaller city chief has a unique opportunity to know his or her staff well and provide the kind of recognition needed to promote loyalty and retention of staff.
Promotion and Personal Growth	Officers need to be challenged and given opportunities for promotion and personal growth.	Small departments offer innovative career-pathing by creating specialized positions, such as school liaison, fleet manager, information technology officer, firearms instructor, recruiter, evidence technician, business and community liaison, and public information officer.
Safe, Friendly Communities	People like to live where they work, where schools are good, and where the community is safe.	Small departments are often appealing because their community offers a positive quality of life for individuals and families.

Employee Satisfaction: A Key to Retention

The most effective way to build departmental commitment and loyalty is to demonstrate how the department values employees by providing them with the support and tools needed to effectively do their jobs. Job satisfaction surveys consistently name appreciation and recognition as what workers want more than a salary increase.

Any effort by management to transition employees into the department by stressing appreciation of their work will increase satisfaction and reduce turnover.

The New Officer: Strategies for a Successful First Day

No agency can guarantee employee retention; however, the manner in which officers are transitioned into the department can have a significant impact on their opinion of the department, their job performance, and their decision to stay. Critical to a successful transition of the new officer is the experience of the first day.

- Select officers to meet and welcome each new employee. Let them be responsible for new hire orientations. In this way, develop a mentor program for all new employees.
- The chief should be available to meet and welcome the new employee personally.
- The mentor officer should make staff introductions, answer questions, and be a point of contact for the first week if possible.
- Have this person acquaint new employees with the department, give them a tour, show them to their locker or workstation, and be available for questions. The mentor officer can also introduce new employees to academy staff and their training officers or supervisors.
- The mentor officer should acquaint all new hires with department policy and procedure.
- The mentor officer should inform new hires about uniforms.

This attention to new employees communicates, “you matter to us” and demonstrates the department’s commitment to provide each employee with the tools necessary to become a productive and valued officer.

Mentoring as an Effective Tool for Recruitment and Retention

Although informal mentoring has been influential in the development of good officers and leaders, the implementation of formal mentoring programs, such as “first day mentors,” has emerged as an effective tool for enhancing recruiting efforts and reducing employee turnover. By implementing a formal mentoring program, a police department distinguishes itself from other departments by conveying the message that the organization values its employees. The practice of formal mentoring has been proven successful in reducing employee turnover through the provision of consistent and professional attention to new recruits. The additional support to new employees yields valuable rewards.

What Is Formal Mentoring?

Formal mentoring in this context refers to the process of providing a new recruit with an experienced officer as a consistent point of contact and support for a definite period of time. Unlike the field training officer (FTO), the mentor does not train and evaluate work performance. The mentor provides support and encouragement, is a resource for information, and promotes continued career growth. Although distinct, the FTO and mentor roles complement each other.

Some chiefs in small departments have expressed a concern that a formal mentoring program is impractical because of limited staffing. The mentor function can be accomplished with marginal expenditures or staff time, by using existing personnel who are trained in mentoring skills. Resources for skill development include the following:

- The IACP Training Division provides a class in *Mentoring for Retention of Public Safety Personnel*.
- Police can learn from nonprofit and business organizations that provide training in mentoring because of the success they have demonstrated.

The benefit of this recruitment and retention strategy, mentoring, far outweighs the marginal cost of staff time. When the right person is in the position of mentor, the quality of employee retention for the agency often improves.

The Chief as Mentor

Police officers from small departments have an advantage over employees from large departments when it comes to developing a mentoring relationship with their chief. Through the role of mentor, the chief has the opportunity to help officers identify their strengths and choose the training and career development to enhance their skills and esteem. The chief who emphasizes career development by providing officers with opportunities to build their skill base will develop loyal employees with high self-esteem. For this reason, it is recommended that the chief assume the primary role of mentor to the department and utilize veteran officers to serve as mentors to new recruits.

Police officers from small departments who have the benefit of a mentor chief have a unique opportunity to develop their skills and talents in a way that many officers in large departments often lack. It is recommended that every chief assume the role of mentor and encourage their officers in every way possible to feel valued and to receive the best training available. This can be accomplished through inexpensive means such as assigning officers to task forces in neighboring agencies or more expensive means such as formal training. Most of the strategies listed under the Retention section can be implemented without great expense to the department.

A difficult but important task for every chief is to recognize his or her responsibility to identify and develop a successor. Effective police leaders view their positions as temporary and continually prepare subordinates to eventually take their place without causing disruption to the agency. This is the ultimate act of mentoring. The IACP report, *Police Leadership in the 21st Century*, includes as one of its mandates, “create a network of mentors.” Mentoring can be effective at many different levels of the organization—chief to chief, veteran officer to recruit, or officer to officer. Mentoring is an inexpensive and effective means of transferring information and experience throughout the organization, and the mentoring relationship enhances staff retention because it communicates care and concern to staff.

Frequently Asked Questions About Recruitment and Retention

1. How can I attract and retain quality employees when the salary is not competitive with larger agencies?

Although many factors contribute to effective staff recruitment and retention, the compensation package is an important consideration for most employees. The police chief has the responsibility to educate and inform citizens, business leaders, and elected officials of the necessary compensation requirements needed to remain competitive in the marketplace. It is vital that the cost to recruit, hire, train, and retain police officers is directly related to the benefit of public confidence and safety.

Clearly, the budgetary impact of employee turnover must be compared to the cost of recruiting, hiring, and training new police officers.

Hidden Costs of Officer Turnover

1. Citizen complaints are often higher for less experienced officers.
2. Overtime for officers drains the department's budget of needed resources.
3. New, inexperienced officers tend to have more automobile accidents.

Police officers make important decisions every day that affect the lives of individual citizens. The legal implications of decisions concerning arrest and/or use of deadly force are of growing concern to all communities. The decisions police make require specialized training and experience. The role and impact of the police officer in a small community, from patrol officer to school officer, can be even more influential than in a larger community simply due to visibility. It is important for the community to recognize that the cost of hiring and retaining good police officers is less than the cost related to officer turnover. A community with a positive image of its public safety is more likely to provide financial support to police programs and services.

2. Because of my agency's size, there are limited opportunities for promotions. How can I overcome this obstacle?

Traditionally, the small department has fewer opportunities for advancement and promotion than larger, urban departments. Small police agencies have a unique opportunity to redefine promotion and creatively institutionalize advancement in a manner that separates them from larger departments in a positive way.

The small city chief can develop personal relationships with his or her officers that chiefs from larger departments cannot. These relationships often inform the chief of the interests, skills, and hobbies of the officers. From this information, consider developing "specialist" categories in the place of actual rank promotions. A list of several specialist categories that are being used currently includes the following:

- School Liaison Officer
- Fleet Manager
- Firearms Manager
- Firearms Instructor
- New Hire Mentor
- Recruiter
- Special Programs Coordinator (for youth and community volunteerism)

3. How do I overcome the image that small town policing is not as professional as larger agency policing?

Small town policing should never be equated with a lack of sophistication or an ignorance of contemporary policing trends and issues. For instance, small departments are often experts in community policing techniques, but they may not be able to purchase some of the newer information technology or equipment. There are no easy answers. Positive solutions take time and effort to build.

The first issue to consider is that of image. The way the chief presents him- or herself to the department and to the community largely influences the image of the department. The chief who models a continued commitment to personal and professional growth will lead a department to do likewise. It is important to build a

positive department image by providing the best equipment and training available to your department. Some suggestions for building and maintaining a positive image within your department and community include the following:

- Membership in state and national police organizations will keep you informed of grants and training programs for small departments.
- Whenever possible, attend conferences and membership meetings to take advantage of networking opportunities and information sharing.
- Read law enforcement publications (e.g., *Police Chief*), that provide professional information and personal support.
- Involve yourself in national service organizations with local chapters. Very often, these organizations provide opportunities to network and occasionally provide specialty grants for equipment or program development.

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Recruiting for Diversity: Best Practices for Obtaining Diversity in Law Enforcement Agencies

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A diverse law enforcement agency can better develop relationships with the community it serves, promote trust in the fairness of law enforcement, and facilitate effective policing by encouraging citizen support and cooperation. Law enforcement agencies should seek to hire and retain a diverse workforce that can bring an array of backgrounds and perspectives to bear on the issues the agencies confront and the choices they must make in enforcing the law (U.S. Department of Justice, 2001).

One way to improve diversification in law enforcement is through recruitment efforts. The purpose of this article is to summarize research on diversity and recruitment and offer suggestions for improving recruitment efforts for the purpose of hiring a highly qualified and diverse workforce.

Why Is Diversity Important?

Both gender and ethnic diversity are important to law enforcement agencies for several reasons. Perhaps most important is the image a diverse agency presents to the community it serves. A law enforcement agency that consists almost entirely of white males may be perceived as incapable of relating to the problems of an ethnically diverse community. In addition to promoting a positive perception among community members, diversification of law enforcement agencies has other benefits. Specifically, a diverse department is more innovative because its members come from different backgrounds. This innovation contributes to more effective problem-solving and decreases decisionmaking errors such as “groupthink.”

Law enforcement agencies can improve the diversity of their workforce through recruitment efforts. When developing a recruitment initiative, it is important for agencies to consider which methods of recruitment to utilize, who to use as recruiters, the incorporation of a diversity message into their recruitment, and the inclusion of job information. Each of these considerations is discussed in the following sections.

Methods of Recruitment

Recruitment methods can be dichotomized into two broad categories: (1) formal methods and (2) informal methods. Examples of informal methods of recruitment include social networks, referrals, and word of mouth. Examples of formal recruitment methods include advertisements, employment agencies, trade unions, and school placement. Informal methods are the most frequently used methods for filling positions (Braddock & McPartland, 1987; Kirman, Farley, & Geisinger, 1989). Informal recruitment methods, however, tend to promote homogeneity in the work

force (Jackson et al., 1991). For example, officers will spread the word about openings in their department to those in their social network. Officers' social networks are likely to consist mostly of people similar to themselves. So, a department consisting of predominately white male officers will be likely to attract other white males through informal recruitment methods. In other words, when informal recruitment methods are relied upon, the applicant pool will reflect the current workforce, not the desired future workforce.

Minorities use a proportionately greater number of formal recruiting sources than white applicants. CWH Research, Inc. (2006) conducted research on effective recruitment methods for entry-level positions at law enforcement and fire departments across the country. Results of a survey of over 3,000 applicants indicated that white applicants were significantly more likely than black applicants to have heard about the entry-level position from a current member of the department (i.e., informal recruiting method). White applicants were also significantly more likely to have heard about the position from a website. Black applicants were significantly more likely to have heard about the position from several sources including television, want-ads, radio, community event, high school, church, or by calling the department (i.e., formal recruiting methods). A summary of these results is presented in the following table.

Ways Applicants Heard the Department Was Hiring

Source of Information	Total Sample (N = 3,495)	Percentage of Black Applicants (N = 1,591)	Percentage of White Applicants (N = 1,667)
From a Current Member of the Department*	39.0%	35.4%	43.5%
From a Friend or Family Member	35.6%	36.7%	35.4%
Internet Website*	34.1%	21.9%	45.7%
Called or Contacted the Department*	10.9%	13.7%	8.2%
Radio*	9.8%	18.2%	1.0%
Want Ads*	9.4%	14.8%	4.4%
Television*	7.3%	11.7%	2.9%
High School*	6.3%	7.9%	4.7%
College	3.5%	3.8%	2.9%
Community Event*	2.1%	3.1%	1.0%
Church*	1.5%	2.3%	.5%
Other	4.8%	4.8%	4.6%

* Statistically significant difference between black and white applicants (p < .01)

Recruiters

The utilization of recruiters can be an effective way to develop a diverse workforce. Careful consideration should be made, however, when selecting individuals to serve as recruiters because recruiter characteristics can influence whether minorities decide to apply for a position. For example, in their study on organizational attractiveness, Thomas and Wise (1999) found that recruiter characteristics such as race and gender were significantly more important to minorities than nonminorities. The authors

speculate that potential applicants perceive minority recruiters as representing the value the organization places on diversity. For minority candidates, interacting with a minority recruiter signals that there is someone “like them” in the department and reinforces that their goal of becoming a law enforcement officer is achievable.

Interaction with an incompetent recruiter or a negative experience on a site visit, however, can cause disinterest in employment with the agency (Turban, Forret, & Hendrickson, 1998). One study, which involved following college students through a recruitment process, found that 50% of the female subjects described at least one negative gender-related experience during their recruitment, such as inappropriate comments about their appearance, negative comments about other minority groups, and correspondence addressed to “Mr.” even after an initial interview (Rynes, Bretz, & Gerhart, 1991). Other negative experiences included failing to meet any managerial women on site visits and being told that the organization is “macho.”

Diversity Message

The message potential applicants receive about the diversity of the department or the extent to which the department embraces diversity can impact the application rate among minorities. Thomas and Wise (1999) found that diversity factors, such as the demographics of the organization and the existence of an affirmative action policy, were significantly more important to women and minorities than they were to white males. Highhouse, Stierwalt, Bachiochi, Elder and Fisher (1999) found that black participants were more attracted to an organization described as “an affirmative action employer that aggressively strives to promote women and minorities” (identity conscious) versus one described as “an equal opportunity employer that makes promotional decisions without regard to race, sex, or national origin” (identity blind).

Based on such research findings, departments that want to increase diversity would be well advised to create the perception that their department is diverse or at least values diversity. This perception can be created by highlighting such facts in recruitment materials. One way to do this is to present success stories of the minority and female law enforcement officers currently in the agency (Doverspike, Taylor, Shultz, & McKay, 2000). As with having a female or minority recruiter, the officers whose stories are presented in the recruitment materials serve as role models and signal that the agency values diversity.

Another way to highlight diversity is to have pictures of a diverse workforce on recruitment materials. Studies have shown that increasing the diversity pictured in your recruitment materials can increase the attraction of minority candidates without negatively affecting the attraction of white candidates (Avery, 2003; Perkins, Thomas, & Taylor, 2000; Roberson, Collins, & Yeung, 2005). For example, Avery (2003) presented study participants with three different recruiting ads, each depicting different levels of diversity: (1) all white workers and managers, (2) black and white workers with all white managers, and (3) black and white workers and managers. Results of the study indicated that potential black applicants were more attracted to the organization when black individuals were depicted in both higher and lower status positions (i.e., as workers and managers). White participants, however, were unaffected by the presence of black managers in the recruitment ads. Overall, research suggests that picturing diversity in advertisements can result in

higher attraction, increased perceptions of compatibility, and positive perceptions of the organization's image among minority candidates.

Another effective strategy for recruiting for diversity is to include a statement in recruitment materials about how the agency values diversity. Stating that the department is an equal opportunity employer is only a start. Specifically, departments could implement an affirmative action policy and include a statement in recruitment materials to make it known that such a policy exists. Even without an actual affirmative action policy in place, adding a statement that women and minorities are encouraged to apply can draw attention and lead to positive reactions (Barber & Roehling, 1993).

Going further and adding a paragraph on how the agency values diversity can result in even more favorable reactions (Kim & Gelfand, 2003; Williams & Bauer, 1994). For example, through their research on ethnic identity and organizational recruitment, Kim and Gelfand (2003) found that participants with a strong ethnic identity who received a recruitment brochure containing a paragraph explaining the organization's commitment to diversity had more positive perceptions about the treatment of employees and had greater job pursuit intentions than those with a strong ethnic identity who received the same brochure without the diversity paragraph. People with a strong ethnic identity are those who attach emotional significance to their membership in an ethnic group.

Doverspike et al. (2000) caution that along with a statement encouraging women and minorities to apply, recruitment materials should also emphasize individual merit and the fairness of the selection system. An EEO statement that is not coupled with an emphasis on individual merit may create the perception of favoritism toward minorities. Minorities and nonminorities alike will be less inclined to apply to a department where they perceive a level of inequity in hiring practices. Doverspike et al. (2000) conclude, "Affirmative action should be presented as a method of increasing the fairness and justice of organizational selection systems through its emphasis on the merit principle. As with other groups, minorities are more likely to respond in a positive manner to an organization that creates a climate of achievement" (p. 453).

Job Information

While diversity factors play an important role in a candidate's decision-making process, job characteristics appear to be the most important factor in continuing through a selection process (Taylor & Bergmann, 1987; Thomas & Wise, 1999). Taylor and Bergmann (1987) conducted a study on recruitment activities and job characteristics across a multi-stage hiring process (i.e., interview stage, site visit stage, job offer stage, etc.). Their findings indicated that recruiter demographic characteristics, interview characteristics, and applicants' perceptions of recruiter empathy were only related to positive perceptions of the organization during the initial hiring phase. The favorableness of job attributes among applicants, however, was related to positive perceptions of the organization throughout the hiring process. Although ethnicity was not a variable in the study, results suggest the importance of job attributes to perception of the organization across all groups. In another study, Ryan, Sacco, McFarland, and Kriska (2000) found that one reason applicants—especially black applicants—self-selected out of the first stage of a

police selection process was that they had inaccurate expectations of the job duties. Departments should realize that relying solely on recruitment may not result in obtaining diversity if the characteristics of the job are not a good fit or are not well understood by potential applicants.

Providing detailed information, such as a realistic job preview, during recruitment can help to ensure that all applicants have a clear picture of the job for which they are applying. Recruitment materials should provide specific information about job duties and qualifications. Qualified candidates prefer to have this specific information, and it will also allow unqualified candidates to screen themselves out of the process (Mason & Belt, 1986).

Departments might also benefit from providing applicants' family members with detailed information about the job. This is especially important for cultures in which law enforcement is not typically seen as a viable career option. Ryan et al. (2000) found that those candidates who self-selected out of a police hiring process after passing the first hurdle (a written test) had less support from their family and friends than those who continued on to the second hurdle (a writing sample exercise). In addition, results showed that black applicants reported receiving less support in their careers than white candidates. By providing minority candidates' families with information on the job, the degree of family support received by the candidates may improve, and the rate of attrition could decrease.

Finally, providing an explanation of how to prepare for both the job and the selection process is also helpful, especially for nontraditional candidates (Brown, 1981). Thus, providing some kind of preparation assistance, such as a study skills class for the written test or practice sessions for the physical ability test, could be beneficial to female and minority candidates.

Recommendations

Based on the research literature described in this article, the following recommendations apply to law enforcement agencies interested in diversifying their workforce:

- Avoid relying solely on informal methods of recruitment such as word-of-mouth.
- Use some formal methods of recruiting. Methods such as radio, television, and newspaper advertising as well as recruiting at high school, community, and church events have been especially successful at attracting minority candidates.
- Use successful female and minority job incumbents as recruiters. This sends the signal that the department is committed to diversity, that potential role models exist within the department, and that minorities have a strong likelihood of success.
- Show diversity in recruitment materials, such as ads and brochures.
- Present success stories of minority and female officers who are currently members of the department.
- Devote an entire paragraph in recruitment materials to the value the department places on diversity.
- Include the organization's EEO policy in advertisements, but also emphasize the importance of individual merit in the selection process.

- Be specific about the job description and required qualifications. Provide a realistic job preview to both applicants and their family members.
- Provide mentoring and training/tutoring for the selection process.

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College Internships: An Effective Recruitment Tool

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Employers continue to search for innovative and effective ways in which to attract and hire quality applicants. The employer's objective is to hire honest employees who better fit their job descriptions and who will contribute to the success of the agency for many years. Highly selective hiring and screening procedures, if conducted properly, will also assist in protecting an employer from negligent hiring lawsuits. "A critical component of screening rests in identifying the exceptional qualities of applicants and the knowledge, skills, abilities, and most importantly, the attitude and dedication that they can bring to the profession" (Colaprete, 2005, p. 151). Furthermore, as identified by Colaprete (2005), "Law enforcement is not just another job to be filled by placing a want ad in the local newspaper. Today's professionals face a complex society that demands competence in problem solving, diplomacy, consensus building as well as traditional qualities of courage and the ability to make sound decisions affecting its citizens" (p. 159). Besides the traditional screening methods, what other avenues are available to employers who seek credible and reliable employees? One successful screening technique that can be utilized by organizations to attract quality applicants is the implementation of a college internship program. A well-planned internship program can help to eliminate some of the employment concerns confronting employers today (e.g., employee turnover before 3 months of service).

If you have ever been involved in recruitment activities for your agency, you have probably heard management say that "we need a better and more qualified pool of applicants; we need to recruit more minorities; we need to enhance our retention rate; and we need to think 'outside of the box' in our recruitment efforts." And you are to accomplish this with minimal funding and personnel support. Perhaps your efforts would be well-served if you took advantage of a traditional practice sanctioned by a number of creditable academic institutions, specifically law enforcement internship programs. Illinois currently has 148 colleges/universities (University Information Management Systems Applications, Western Illinois University, September 2005), and many of those have criminal justice programs and activities; the largest one being Western Illinois University's Department of Law Enforcement and Justice Administration (LEJA) with more than 2000 students.

Typically when you hear the terms *internship* and *practicum*, you probably think of the private sector, business, the medical profession, or some other type of an apprentice position; however, participation in a 4-year college internship program by a local, county, or state law enforcement agency can truly be a valuable recruitment tool and ultimately enhance the agency's retention rate.

Internships, field experiences, cooperative agreements, or practicums continue to be an integral part of higher education. Many disciplines (e.g., medical, legal, educational, and social) require some form of field experience before an individual

is granted a license or equivalent to practice. Law enforcement and criminal justice practitioners are seeking well-educated and better-trained personnel, besides professional recognition. Higher education has emerged as a sensible means of developing these qualifications. The internship experience is a vital component of the educational programs within criminal justice.

Internships are available through many disciplines and can vary depending on the particular policies and needs of the organizations providing them. Moreover, many internship programs can provide an agency with a student for 12 to 15 weeks. Usually, each student is required to participate full-time (35 to 40 hours per week), and often any service rendered by the intern is totally gratuitous. In addition, because internships are scheduled through academic institutions, agencies are not bound by the traditional employment requirements (as long as the intern is not placed on the payroll). In other words, an agency does not have to document a reason for denial or discontinuance of a student intern; however, the agency does need to provide other services to the accepted intern to ensure a quality experience. This will also assist the agency in obtaining a realistic view of the intern's (potential applicant's) capabilities, including, as previously identified by Colaprete (2005), their "knowledge, skills, abilities, and most importantly, the attitude and dedication that they can bring to the profession" (p. 151).

Since the internship is such a vital component of the educational program, it is important that the agency designates a qualified person to serve as agency coordinator or liaison of the internship. It is essential that this person have the interest and ability to provide the advice, assistance, understanding, and cooperation interns will need. This person should ensure that the student intern receives a variety of assignments to maximize his or her time with the agency and should develop an itinerary of activities for the intern that includes assignments, designated time schedule, and names of persons with whom the intern will be involved. The agency coordinator will also advise the intern of any policies, rules, and regulations of the agency pertinent to his or her internship. Through the Western Illinois University LEJA Internship Program, the agency coordinator's guidance in this process is usually exemplary. The agency coordinator is excellent at providing students with an opportunity to obtain a realistic view of the criminal justice system. Furthermore, the agency coordinator is intern-oriented, exhibiting the willingness and desire to help interns achieve their professional goals. The agency coordinator has accepted and excelled in the role of mentor, teacher, and boss to numerous LEJA students. His or her guidance has truly impacted LEJA students and has made a lasting and genuine impact on some very impressionable young men and women. The agency coordinator has taken an active role in assisting LEJA student interns with their career pursuits through the direction of the internship program. The agency coordinator has been an excellent ambassador for LEJA students, devoted to both their scholarly and professional endeavors. Having accomplished this, the agency can begin to benefit from an alternate source of innovative and stimulating ideas.

Although various internships exist today, there is still a shortage of high-quality programs on both sides of the equation—criminal justice agencies and educational institutions. Agencies that are involved in the Western Illinois University's LEJA Internship Program allow students to apply their theoretical background to various aspects of the real world (practical experience). Students are given an opportunity to test theory and classroom knowledge in addition to learning about their chosen

career. If a student is offered a position with the agency, he or she comes partially trained because of the experience gained as an intern. Addressing specifically law enforcement internships, even though internships are established with other aspects of the criminal justice system, LEJA has established relationships with a variety of local, county, state, and federal agencies. Many agencies (e.g., The Illinois State Police; DuPage County Sheriff's Office; Palatine Police Department; Quincy Police Department; Macomb Police Department; McDonough County Sheriff's Office; McHenry County Sheriff's Office; Waukegan Police Department; Lake County Sheriff's Office; Rolling Meadows Police Department; Carol Stream Police Department; Schaumburg Police Department; Glen Ellyn Police Department; Washington Police Department; Buffalo Grove Police Department; Springfield Police Department; Sangamon County Sheriff's Office; Cook County Sheriff's Office; Chicago Police Department; Naperville Police Department; Urbana Police Department; Champaign Police Department; U.S. Department of Homeland Security; and numerous other law enforcement agencies throughout the country including Las Vegas Metropolitan Police Department, Dane County (WI) Sheriff's Office, Phoenix Police Department, Colorado Police Department, Los Angeles Police Department), have benefited from an internship relationship. In fact, more than 500 agencies offering law enforcement internships have participated in the LEJA internship program (overall, more than 1,200 agencies have participated). The internship program provides an excellent opportunity for students to obtain hands-on experience within the law enforcement field and a competitive edge for employment. Employers want quality applicants, and the educational arena is an excellent source to fulfill that need. Quality internships can provide a competitive edge for both the agency and the student. Those agencies participating in the LEJA Internship Program provide that practical learning experience and allow their interns to learn how the police department and criminal justice system works through observation and practical application with experienced professionals.

This author believes that employers want to hire applicants for positions who have an appropriate level of both education and experience. At Western Illinois University, LEJA students are required to complete an internship in order to graduate. By requiring students to complete an internship, law enforcement agencies are better assured that graduates will possess not only a 4-year degree but also a realistic perspective of professional work experience and, in many cases, practical experience. It is through the internship experience that students can accomplish such things (among others) as strengthening their understanding of professional terminology, legal aspects, and the art of conducting investigations—the process of determining the truth.

A good internship program will expose interns to concepts and procedures that are not taught in schools. Interns have been used to conduct numerous research projects (e.g., traffic and parking surveys, researching available equipment, audits of equipment) while achieving their overall familiarity of day-to-day agency operations. They have also assisted in training scenarios, public relation events, and service calls. In addition, interns can provide a means of communicating ideas and concerns between the participating agency and the educational institution. Furthermore, college internships will help ensure that competent individuals will be available to participate in the law enforcement application process.

Internship programs allow agencies the opportunity to teach the skills necessary to perform the job and then evaluate their interns in terms of performance. This experience allows interns to prove through their performance that they could do the job, thus being in a better position for employment; however, even when positions were not available with the participating agency at the completion of the internship, interns have gone on to attain quality positions with other reputable organizations through utilization of internship agency networking and positive recommendations. The participating agency still had the benefit of acquiring individuals who may be only temporary but are still energetic, enthusiastic, and able to provide meaningful service. The agency has also established a source of professional networking that may be utilized in the future when an exchange of information is crucial. Additionally, internships in criminal justice help to alleviate the common criticism of institutions graduating inexperienced, academically oriented students who have no firsthand knowledge about the criminal justice system. In the end, all parties involved benefited from the experience.

Internship programs can play an important role in an agency's successful hiring procedures. Participation in an internship program can assist an agency in making a potentially sound investment in their future. At the very least, internships provide agencies with yet another tool to be used in the hiring process. Vital information can be learned from the internship agency if an applicant has completed an internship and has advanced to the background stage. Furthermore, internships will provide the challenges and fulfillment that students desire for their personal growth, resulting in a positive and beneficial impact on their life and future career goals.

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Psychological Police Officer Selection

Part I: History and Forensic Implications

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Police Officer Selection: History and Forensic Implications

Every chief and many law enforcement executives must face the basic task of hiring candidates for positions as officers and possible new departmental leaders. The problem of this task centers on the responsibility of the chief to avoid *negligent hiring*, to select those who are unlikely to breach departmental rules or cost the department reputation and money by violating the civil rights of citizens. Beyond certain medical parameters and background checks, the hiring process often is a “guessing game” in which the stakes are potentially catastrophic. It is here that police psychology may be of assistance.

Police psychology encompasses a broad range of psychological services (Blau, 1994), including law enforcement administrative assistance, officer candidate selection, and risk management. In terms of officer candidate selection, there is a wide diversity of opinion concerning the utility, purpose, and appropriate application of tools and techniques in selection (Kurke & Scrivner, 1995). In this first part of the article, the authors will critically examine officer selection methods and the needs of law enforcement departments to employ experts who can defend their methods under federal law. In the second article of the series, the authors will describe the development of a scientific solution to the problem of accurate and fair selection.

Police Recruitment History

Historically, police officer candidates were hired by police chiefs with little thought as to whether these individuals would be well-functioning police officers. Even with the introduction of a semi-military structure in the late 19th century, little progress was made in the area of accountability of the average officer or recruitment guidelines to identify good potential officers. It wasn't until the “professionalization movement” in the early 20th century that minimal selection procedures, such as cognitive testing and educational requirements, were demanded during the officer hiring process. Even the advent of civil service testing seemed to grow out of police academies and political systems rather than within law enforcement agencies as a practical and justifiable selection procedure (Walker & Bumphus, 1992). Nevertheless, there appeared to be a growing understanding that police officers had responsibilities that went beyond the physical suppression of criminality and that there was a need for officers to show long-term honest, fair, and civil conduct.

In a very early study, Lewis M. Terman (1917) of Stanford University investigated the general level of intelligence and moral integrity essential for successful police officers (Terman & Otis, 1917). This was part of the practical application of psychological

theory and statistical analysis that Terman applied to many occupational groups of the era, but neither his methods nor findings had much impact upon actual police work.

During World War I, psychologists were called upon to develop mental ability tests as screening methods for the U.S. Selective Service system. These early techniques were necessary because of the inefficiency of "interview" methods that were originally the basis for determination of fitness to serve in the military. Formal mental ability tests were elaborated and widely used during the Second World War and the Korean War. Hunt and his associates compared naval recruits who had barely passed psychological screening for military service with those who had easily passed. The "marginally passed" group clearly demonstrated greater difficulty in military service, as measured by less-than-satisfactory discharges and increased costs of post-discharge benefits. Thus, it appeared that tests that were meant to identify weakness prior to military service could also predict both performance in a military organization as well as post-discharge behaviors (Hunt, 1950). Most importantly, these measurable factors were apparently independent of supervision and training experience variables that were common to all recruits.

In 1973, The President's Commission on Law Enforcement and Administration of Justice focused on the idea that difficult or mentally unbalanced police officers could create problems between a community and its police agency (pp. 125-129). The report did little to explain how psychological testing or research should be used as the tools for police selection. For example, Kent and Eisenberg (1972) reviewed the methodology and utility of 29 articles of that era and concluded that psychological testing for police selection lacked any real power to find poor officers to a degree that "bordered on charlatanism." With no uniform or specific outcomes targeted for evaluation, most early studies can be conceptualized as either seeking to "rule out" undesirable traits (e.g., mental illness) or "rule in" the theoretically desirable characteristics of "good officers." Both themes in this line of research, however, seemed to be hampered by a number of logical and practical problems.

One major purpose of assessment methods was to detect mental illness in police applicants. It was believed that mental illness might interfere with the demands of police work and, therefore, the presence of mental illness should exclude candidates from further consideration. While it makes sense that seriously mentally ill individuals may not make good police officers, the opposite is not necessarily true. It cannot be assumed that all individuals who are not mentally ill would be good officers. To complicate matters further, mentally ill individuals who have progressed through the red tape of candidate application (e.g., background checks, educational and physical requirements, etc.) are likely to be screened out *before* mental illness tests are even administered, since they would presumably show related difficulties (e.g., school failures). This makes the impact of such a "rule out" approach minimal.

Research on the "rule in" approach included a search for personality traits that are thought to be possessed by "good cops." This research was usually based on tests that measure characteristics that are believed to be important in police work, such as honesty or integrity. Unfortunately, there has been little agreement on both the definitions of the proposed positive traits and in the roles they may play in the actual conduct of a "good" cop (Blau, 1994).

Clinical Decisionmaking

Clinical decisionmaking in police psychology refers to the practice of a professional evaluator concluding that an applicant should or should not be hired or retained based upon the general “feeling” that may be subjectively derived from the history, behaviors, or test scores of the applicant. This method is similar to the way that mental health professionals make decisions regarding persons who seek help for a conduct or behavior problem (like a patient in a clinic). For example, the professional might find that psychological test scores for “irritability” are high on a particular test and that the applicant appears “nervous.” That professional may then recommend that the applicant not be hired and propose a suspected underlying personality defect that the professional “guesses” may cause the applicant to later act in an “impulsive” manner and potentially violate a person’s civil rights. The problem is that two different professionals may come to very dissimilar conclusions about the applicant’s suitability based on the same data. The two professionals’ experiences, working theories, presumptions about risk, etc. may differ significantly. Defending a judgment of “hire or not” if the decision is challenged may become a difficult matter. Such a weak basis for decisionmaking (“professional guessing”) is unlikely to be helpful in moving to the goal of choosing officers who will behave in constructive ways during their careers.

Actuarial Decisionmaking

Perhaps a better method of officer candidate selection should start with asking police agencies what sort of behaviors they would like to predict or control. Examples of typical police executive responses involve seeking officers who will not demonstrate socially inappropriate conduct, civil rights violations, and insubordinate or criminal behaviors. Not only are these behaviors easier to identify and measure than mental illnesses that are thought to affect work performance, but they are also more in keeping with the practical assistance police executives expect from psychologists. Some writers in the area of police administration and criminology write about supervision as the only important event in officer preparation, as if every officer were a blank slate without independent personality characteristics (Geller & Toch, 1996). Even those who hold this viewpoint, however, seem to admit that there is “something” about the officer candidate that is important regarding that officer’s conduct over years of service.

The use of stable, mathematical collections of data that are then combined in ways that give the best-predicted outcome is called the Actuarial Decision-Making Model. This method is how life insurance companies determine average life expectancy for persons who apply for insurance policies. Data (e.g., blood pressure readings, DWI history, and records of illness, etc.) is combined into an equation that results in variables used to determine the predicted outcome (i.e., age of death). Some unexpected events occur (e.g., early death in a rare accident), but an average determination is accurate to the degree that allows the life insurance company to offer competitive policy costs and not lose money by insuring people likely to experience early deaths. No insurance company asks for the “clinical” opinion of a medical examiner because the error rate for such determinations has been shown to be unacceptably high.

The requirement of predictive outcomes for officer candidate evaluations is best addressed by a continuous data collection methodology that tracks complex relations over time. For example, Bartol (1982, 1991) showed that a combination of MMPI (a test of mental illness) scales known as the "Immaturity Index," was a predictor of later police officer termination. Hargrave, Hiatt, & Gaffney (1988), also employing this logic, found that a combination of MMPI scores discriminated aggressive from nonaggressive groups of officers as was determined by supervisors' ratings. These studies demonstrated the superiority of actuarial prediction outcomes over those based upon clinical methods. Importantly, it is only through the use of comprehensive and scientifically based approaches, such as actuarially based techniques, that selection procedures can be shown to be accurate and legally defended.

Implications for Forensic Practice

The actuarial versus clinical decision-making issue has been noted in forensic (courtroom) situations in which the expert witness may be expected to justify a procedure used to make an officer selection decision. Consider the example of a psychologist using a test that was originally meant to be used to measure mental illness in non-officers (like the MMPI). To be admitted by the court as a forensic expert, the psychologist may need to demonstrate an ongoing research effort connecting the employed procedure with the expectation of bad officer conduct. The expert should be prepared to answer questions about the degree to which a particular set of tests or interview values may unfairly discriminate against applicants from a protected racial or ethnic minority or gender group. The use of clinical test values as a basis for employment decisionmaking may be quite embarrassing and expensive to both the department and its professional consultants if those consultants are eliminated as qualified experts.

Daubert, FRE 702, and Police Psychology

The use of expert witnesses to support or attack a given legal claim comes from the common law test that is best embodied in the *Frye* standard. In *Frye v. US* (1923), the Supreme Court reported on the general acceptance of evidentiary standards.

Somewhere in the twilight zone the evidential force of the principle must be recognized, and while courts will go a long way in admitting expert testimony deduced from a well recognized scientific principle or discovery, the thing from which the deduction is made must be sufficiently established to have gained general acceptance in the particular field in which it belongs. (54 App. D.C. at 47 293 F., at 1014)

In 1975, Congress passed the first modern code of evidentiary rules for the federal courts. Known as the Federal Rules of Evidence (FRE) Section 702 refers to the admission of the testimony of scientific expert witnesses. FRE 702 did not mention *Frye*, but rather states, "If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence, or to determine a fact in issue, the witness qualified as an expert by knowledge, skills, experience, training, or education, may testify thereto in the form of an opinion or otherwise."

This rule remained dormant until 1993 when a class action suit, referred to as *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, made its way to the Supreme Court. In general, the plaintiffs alleged that Bendectin, an anti-nausea drug prescribed for pregnant woman, caused birth defects. The defendant produced live birth studies that covered over 130,000 subjects, showing no difference between groups that did and did not take the drug. The plaintiffs produced a total of eight experts, whose testimony focused on limited and unpublished studies conducted specifically for the litigation. The Court rejected the plaintiff's experts and set a standard in which the judge, as gatekeeper, was allowed to determine the "relevance" and "reliability" (a concept which combines scientific validity and trustworthiness) of expert testimony. In assessing reliability, the Court provided four "considerations," which involve whether the theory or techniques (1) can be tested, (2) have been subjected to peer review and publication, (3) have known error rates, and (4) are generally accepted (the *Frye* standard).

The Court struck closer to home (regarding police psychology) in *Kumho Tire v. Carmichael* (1998). Carmichael brought a tort act against Kumho, a tire manufacturer, following a motor vehicle accident. The defendant objected to the testimony of an engineer who had examined the defective tire using common tools (e.g., magnifying glass). Although the tire was worn and had three poor repairs, he concluded that the tire's construction was the main cause of its failure. The Court acknowledged that ". . . technical and other specialized knowledge must also be grounded in appropriate technical and specialized methods and procedure and must be more than subjective belief or unsupported speculation. Expert testimony cannot be the idiosyncratic musing of the particular practitioner" (p. 182).

The impact of *Daubert* and related case laws on police psychology is too early to know. It has been suggested that the influence of *Daubert* was not yet as widespread as it applied to the behavioral sciences, in contrast to the physical and biological sciences; however, this does mean the most clinical testimony will not lack *Daubert* scrutiny in the future. In spite of the belief that the usual "acceptable" methods would fare better under *Daubert*, it is easy to see how the demonstration of superior methods could make established methods less acceptable or how small changes in the Court's vision of "science" could throw some older clinical methods into doubt.

Conclusion

In circumstances, such as officer selection, in which there are clear predictable outcome measures (e.g., excess force), there must be an actuarial assessment whose validity and fairness can be defended by the police agency's expert. Moreover, legal concerns appear to be creating a demand for a greater scientific standard and transparent, uniform decisionmaking in expert testimony. It is only through the use of data-driven methodologies, rather than clinically based decisionmaking, that a police psychologist can protect the interests of the law enforcement agency.

Part II: The M-PULSE™ Methodology and Inventory

As described in Part I of this article (see Part I: History and Forensic Implications), it is clear that the traditional method of psychologically examining police candidates constitutes a flawed undertaking from both the logical prospective and the needs of the legal system. Neither the “rule out” approach (in which candidates are examined in some way for indications of mental illness), nor the “ideal officer” model (in which candidates are examined for special characteristics that are supposed to make for ideal officers) works. Both approaches are vulnerable to the forensic challenges of those who claim that their civil rights have been violated because they were denied employment as officers. Similarly, such procedures were not meant to scientifically defend claims made by individuals who have been injured by an officer whose violent propensities went undetected by the pre-employment assessment procedure, yet such is the actual “risk management” reality of civil liability that faces the modern police executive and psychologist. Losses related to claims of this type cost law enforcement departments hundreds of millions of dollars and have been damaging to the reputations of law enforcement officials who are targeted as defendants. These losses provide a major motivation for the use of better psychological screening methods among departments that are often looking to protect limited resources.

In light of law enforcement agencies’ need to reduce losses related to improper officer conduct, the authors examined the nature of police difficulties and studied a number of areas connected with police conduct and eventual departmental loss (Davis, Rostow, Pinkston, & Cowick, 1999; Rostow & Davis, 2004). Law enforcement executives indicated that they wished to employ psychological selection methods that would reduce their liability and costs associated with individual officer misconduct, such as the excessive use of force, racism, and sexual misbehavior. They also wished for a system that would reduce insubordination, dereliction of duty, and conduct unbecoming an officer. Finally, they wanted to be able to defend “hire/not hire” decisions when legally challenged in a cost-effective manner, rather than paying lawyers to argue about vague pre-employment hiring decisions. The executives indicated that they did not want psychological reports that were composed of abstract, theoretical narratives, especially if they did not contain specific “hire/ no hire” recommendations. Finally, it was made clear that executives disliked psychological reports with no clear link to law enforcement work and recommendations that could get the department in trouble with the U.S Department of Justice or the Equal Employment Opportunity Commission, who are charged with the enforcement of many civil rights laws.

In many cases, it was difficult for police executives to learn exactly how psychologists made the “hire/no hire” decision. Few police psychologists use methods that give specific probabilities for law enforcement work-related outcomes. Many psychologists depend upon impressionistic clinical models (e.g., the applicant “seems” or “feels” mentally healthy or “right” for the job). A fundamental problem in looking for mental illness in police candidates, however, is that mental illness only accounts for a small percentage of police misconduct, and testing of this sort is generally prohibited by the American with Disabilities Act (ADA). The use of a stable “rule in” model (e.g., “ideal officer”) poses even greater problems since police

needs differ greatly across departments and assignments (i.e., an undercover drug officer's job is very different from that of a state trooper). This observation may account for the generally poor results of psychological officer selection research and the poor view that many law enforcement executives have of the method (Rostow & Davis, 2004).

Matrix M-PULSE™ Methodology

In order to remedy some of the problems cited above, Matrix, Inc. (a professional police psychology organization) developed the M-PULSE™ Methodology. Beginning in 1996, Matrix, Inc. began to track standard test scores and observational, historical, and demographic information as well as observed behavior of police applicants from 240 departments in Louisiana. All of the information was integrated into a database along with objective feedback from law enforcement executives. In this way, test and interview information was tied to actual supervisor observations (e.g., "How many job complaints?"). The use of supervisor observations allows for the removal of the subjective element found in most rating systems. Matrix, Inc. developed mathematical equations to predict the influence of each piece of information, much like insurance companies do with medical findings to estimate mortality risk in offering life insurance policies, on outcomes of interest (e.g., sexual and racial inappropriateness, excess force, etc). In this way, a very large set of meaningful (predictive) pieces of data were identified and "weighted" (i.e., the more important data was given greater influence in the final equation). The unimportant information could then be ignored. As time passed, the prediction equation became better, and exact probabilities could be given for each sort of misconduct (as is required in court under *Daubert*; see Part 1: History and Forensic Implications for a discussion of the *Daubert* standard.).

M-PULSE™ Inventory

Over the years, thousands of general bits of information concerning officer responses were collected (e.g., test items, histories, appearance in interview, etc.) from which Matrix, Inc. began the creation of its own psychological test, the M-PULSE™ Inventory. The significant pieces of information regarding police officer misconduct were refined for redundancy (i.e., repeated items were removed) and police relevancy (i.e., they were phrased as police questions) and were worded at the 4th grade reading level. Validity scales were also developed to deal with distortion and response bias (i.e., denying any common problems, answering questions randomly). The initial pools of items were reduced into 500 scale items. The scale was then subjected to further refinement and use in pilot studies.

The M-PULSE™ Inventory is a fixed, normed, standardized psychological self-report test that assesses personality traits and attitudes pertinent to the law enforcement culture and profession. It is meant to be used in risk assessment for the pre-employment selection of law enforcement agents and in the fitness-for-duty assessment of incumbent officers. It is published by Multi-Health Systems, Inc., a major test publisher.

Scales

The M-PULSE™ Inventory is composed of four sets of scaled scores: (1) validity scales, (2) POST dimension scales, (3) empirical scales, and (4) outcome scales.

Four validity scales measure the approach that the candidate or officer is taking towards the test: (1) virtuosity (moral superiority or righteousness), (2) test attitude (attitudes directly concerning the test), (3) nondisclosure (denial), and (4) deceit (lying, misrepresentation). Scores on these scales indicate the degree to which the test-taker is honestly answering test items.

Ten POST dimensions scales were rationally derived (and later psychometrically confirmed) from the work of the California Peace Officers Standards and Training (POST) Commission in their consideration of the factors or dimensions that police psychologists should examine in psychological screening assessments. The dimensions became the basis for the following scales on the M-PULSE™ Inventory: social incompetence, lack of teamwork, rigidity, unreliability, reckless impulsivity, lack of integrity/ethics, emotional instability/stress intolerance, poor decision-making and judgment, passivity-submissiveness, and substance abuse.

The M-PULSE™ items were statistically analyzed in a series of exploratory factor analyses to determine whether item groups formed meaningful clusters. The analysis resulted in 20 empirical scales (5 factors with 3 subscales each; see Table 1). These scales are meant to provide information about facets/dimensions relevant to policing situations. For example, an overly competitive police officer may not be able to function well in a team environment.

Table 1
M-PULSE™ Empirical Scales and Subscales

Scale	Subscale		
Negative Self-Perception	Negative Emotions	Negative Actions	Negative Attitude
Negative Perception of Others	Cynical Beliefs	Oppositional Actions	Alienated Attitude
Negative Perceptions of Law Enforcement	Inappropriate Attitudes About Use of Force	Overly Traditional Officer Traits	Suspiciousness
Unethical Behavior	Lack of Personal Integrity	Perceived Lack of Integrity for the Department	Amorality
Unpredictability	Risk-Taking	Competitiveness	Novelty Seeking

After years of discussions with police executives, it became clear that information relating to 18 specific police-related outcomes would be of use in selecting officer candidates; therefore, 18 outcome scales were developed for the M-PULSE™ Inventory, one for each of these outcomes:

1. Criminal Conduct
2. Potential for Termination
3. Procedural and Conduct Mistakes
4. Inappropriate Use of Weapon
5. Chemical Abuse/Dependency
6. Property Damage
7. Excessive Force
8. Interpersonal Difficulties
9. Motor Vehicle Accidents
10. Off-Duty Misconduct
11. Misuse of Vehicle
12. Potential for Resignation
13. Racially Offensive Conduct
14. Potential for Reprimand/Suspension
15. Sexually Offensive Conduct
16. Lawsuit Potential
17. Unprofessional Conduct
18. Discharge of Weapon

In order to create these scales, the actions of 500 officer candidates, who had completed the M-PULSE™ Inventory, were followed for several years, and all outcomes were entered into a database. All M-PULSE™ Inventory items were then entered into a forward, stepwise multiple regression in order to determine which items best predicted each of the 18 outcomes. Results from these analyses led to the creation of the 18 outcome scales with 30 to 40 items per scale.

Sample Items

The following are examples of M-PULSE™ Inventory items:

“Because respect is so important, anyone who threatens an officer must be punished immediately.”

“Suspects will not respect an officer who doesn’t use a little force during an arrest.”

“People from certain ethnic groups commit more crimes.”

“An officer should not complain about the behavior of a fellow officer.”

“Never ‘rat out’ a fellow officer in ordinary circumstances.”

“If an order given by a superior officer violates the written rules, I would follow the written rules.”

“Written rules are more important than orders given by a superior officer.”

Note that all M-PULSE™ Inventory items are clearly police related, tend not to look like mental illness questions, and are not objectionable to police officers and police candidates (as mental illness items often are seen to be).

Test Accuracy

After having their actions followed for several years, the 500 officer candidates described above were all classified as “Bad Cops” or “Good Cops.” A “Bad Cop” was an officer who had been arrested on the job for a criminal act; had more than five episodes in one year of misconduct that resulted in complaint, reprimand, or suspension; or had been terminated for cause. A Discriminant Function Analysis (DFA) was performed to determine whether scores on the M-PULSE™ Inventory could accurately predict this group membership (i.e., Good Cop or Bad Cop). Results from this DFA revealed that overall, the M-PULSE™ Inventory accurately predicted group membership 96% of the time. Specifically, 96% of those predicted to be “Bad Cops” based on their M-PULSE™ Inventory scores were in fact, bad cops, while 94% of those predicted to be “Good Cops” based on their M-PULSE™ Inventory scores were indeed good cops.

Table 2

The Statistical Ability of the M-PULSE™ Inventory to Predict Three Types of Officer Conduct

Outcome	Correct Prediction %	Explained Variance %
“Bad Cop”	94% (“bad” 96%, “good” 94%)	35%
Procedural/ Conduct Mistakes	82% (“yes” 78%, “no” 83%)	36%
Termination	83% (“yes” 77%, “no” 83%)	22%

M-PULSE™ Methodology and Inventory

In sum, Matrix, Inc. has developed two approaches to the psychological selection of law enforcement officers. The M-PULSE™ Methodology is a very specific procedure for establishing valid data sets for a particular department or set of departments and uses a wide variety of information sources as basic data. The methodology is very powerful and can give accurate estimates of the likelihood of specific misconduct. Furthermore, the methodology provides an actuarial number (i.e., a specific risk assessment). Once a candidate has completed the entire battery of tests included in the methodology, a specific percentage of risk is provided. For example, a statement such as, “the officer candidate poses a 98% chance of being a bad cop,” can be provided. For these reasons, it is the preferred method for building a powerful selection program for any department or cluster of departments. The M-PULSE™ Inventory, on the other hand, is much faster and easier to use. While it does not provide this actuarial risk assessment, it does provide a valid and reliable tool for use in pre-selection screenings. Both the M-PULSE™ Methodology and Inventory can be used in concert for maximal predictive value.

Every chief should know that there is a useful, logical, and defensible method to approach the needs of officer psychological selection. The M-PULSE™ approach is

useful and understandable to nonpsychologists and meets the requirements of law when challenged for its specific application to police hiring situations.

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Selection Strategies: Trends and Traditions in Entry-Level Law Enforcement Testing

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Donning the uniform of a law enforcement officer symbolizes unparalleled courage, integrity, strength, and devotion to the public good. Upholding this legacy and meeting the demands of contemporary policing are formidable responsibilities that start with a law enforcement agency's frontline selection.

The changing workforce demographics, the availability of new technologies, the infusion of community-oriented policing, and the introduction of evolving legislation all impact the way law enforcement agencies select and evaluate personnel. The National Institute of Justice (NIJ) 2004 Research for Practice Report, *Hiring and Keeping Police Officers*, indicated that declined officer strength due to fiscal constraints, unexpected vacancies, and applicant shortages poses potential hiring challenges. The retirement exodus anticipated over the next few years will only exacerbate matters. According to the NIJ, some agencies might feel pressure to lower the standards or expedite the screening process in order to fill positions in the current environment.

Given the high-risk job demands of law enforcement, selecting the "best" entry-level candidates is imperative. The consequences of ineffective job performance can be lethal. Law enforcement agencies need effective selection strategies to successfully identify the men and women who possess the requisite competencies to meet today's and tomorrow's job demands. The selection process must first be grounded on the foundation of a comprehensive job analysis. The more specific the criteria, the better an agency can calibrate and benchmark the selection process and measure for quality outcomes. Utilizing selection strategies proven to be job-related, fair, valid, reliable, cost-effective, and legally defensible will help ensure selection success.

Extensive job analysis has identified a broad range of knowledge, skills, abilities, and personal characteristics (KSAPs) needed for on-the-job success in entry-level law enforcement. As has been shown (CWH, 1998), requisite competencies include physical abilities; work ethic and integrity; the ability to deal effectively with on-the-job stress; the ability to think clearly, quickly, and logically in complicated situations; the ability to effectively communicate with all kinds of people; and the mental horsepower to comprehend, learn, and retain information. While varied studies place different emphasis on the critical KSAPs, there is, nonetheless, a degree of agreement among agencies about the core competencies needed for successful job performance in entry-level law enforcement.

The Role of Testing

A primary reason to integrate testing into the selection process is to increase the level of information available to management for decisionmaking. Tests can

provide greater insights about job candidates' "can-do" and "will do" capabilities. A primary goal of testing is to identify qualified people for positions in which they are most likely to succeed. Enhancing the selection process with the use of validated assessments is even more critical in avoiding potential bad hires. In our increasingly litigious climate, negligent hiring liability is another viable repercussion of poor selection practices. Furthermore, the proper use of tests is the best way to ensure and document nondiscriminatory hiring practices. Armed with knowledge, management can take advantage of the power of testing to strengthen its legal compliance. Selecting the "best" job candidates is a decisive element in building and maintaining both workforce quality and public confidence.

Adding Science to the Art of Selection

Even though no test is perfect, it is important to remember that the quality of a subjective decision can be enhanced by the addition of quantified information delivered by job-related, validated assessments. The universe of assessment options is vast. Research has demonstrated the predictive powers of an array of selection procedures, such as ability tests, noncognitive/soft skill inventories (e.g., integrity test, work attitude), structured interviews, and biodata to name a few (Schmidt & Hunter, 1998). As a general rule, the higher the validity coefficient, the more confidence you can have in predictions made from the test scores. Cognitive ability testing and noncognitive measurements are among the most powerful predictors of job performance (see chart below):

Validity Coefficients of Various Predictors

Work Sample	.54	Biodata	.35
Cognitive Ability	.51	Conscientious	.31
Customer Service	.50	Reference Checks	.26
Job Knowledge	.48	Job Experience	.18
Accomplishment Record	.45	Education	.10
Structured Interviews	.44	Interests	.10
Integrity Tests	.41	Graphology	.02
Assessment Centers	.37	Age	-.01

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Trends and Traditions

For most law enforcement agencies, the prevailing entry-level selection process includes several, varied assessment techniques. A written test is often the first hurdle in the screening process. The process typically continues with a structured oral interview and physical ability testing. Many agencies also conduct background investigations and/or polygraphs, drug checks, and medical and psychological exams (see the sample selection process below).

Sample Entry-Level Law Enforcement Officer Selection Process

- Step 1 – Preliminary Application Form
- Step 2 – Written Test
- Step 3 – Physical Ability Test
- Step 4 – Structured Oral Interview
- Step 5 – Background Check or Polygraph
- Step 6 – Drug Test
- Step 7 – Medical Exam and Written Psychological Test
- Step 8 – Psychological Interview
- Step 9 – Certification and Appointment

Written Test

Standardized written tests are a very cost-effective way to assess an applicant's job-related competencies. The validity and utility of written cognitive ability tests are well-documented and supported; however, traditional written cognitive tests have consistently demonstrated adverse impact by race. Adverse impact is evidenced when a selection rate for any race, sex, or ethnic group is less than 80% of the selection rate for the group with the highest rate (most favored group). Employers using test and other selection techniques that result in adverse impact must be prepared to show that the selection procedures are job-related for the position in question and consistent with business necessity. Job-relatedness is demonstrated through validation, which becomes the crux of defensibility.

One way to reduce the adverse impact of a written cognitive test is to include noncognitive/soft skill test components. Assessing critical interpersonal skills, emotional skills, and practical skills in addition to basic cognitive abilities provides a broader view of a candidate's capabilities and job fit. Adding noncognitive components also results in better performance prediction than traditional written cognitive tests because more aspects of job performance are predicted (CWH, 2005). Progressive research has recently incorporated this written test model, understanding that there is a wide spectrum of intelligences and abilities critical for workplace success.

Especially in the era of community-oriented policing and problem-solving activities, the ability to cultivate strong and trusting relationships with many types of people accentuates the importance of job-related noncognitive skills in the workplace. The need to assess diverse talents to better identify well-rounded individuals is essential to attaining workforce quality and diversity goals.

Other Testing Techniques

There are a variety of other testing techniques used by law enforcement agencies—each with its own strengths and potential limitations. Common strategies are listed below.

Biodata

This technique weights and scores biographical information extracted from an extended application blank to help predict future job performance. Typically, work

history is considered a good indicator of stability and motivation (Douglas, Feld, & Asquith, 1989); however, such instruments can be expensive and perceived as intrusive by applicants and may contain information that is not easily verifiable.

Structured Oral Interviews

Structured oral interviews are very popular. This technique helps to measure important interactive/interpersonal characteristics, oral communication skills, and other related abilities not measurable in a written test. Each member of the interview panel must be thoroughly trained. The process can be both time-intensive and costly, which is why many agencies utilize it later in the screening process.

Physical Ability Testing

Physical ability tests should simulate the requisite physical activities frequently performed on the job. Such tests can help identify individuals who are physically unable to perform the essential functions of the job without potentially risking injury to either self or others (Douglas et al., 1989).

Drug Testing

Drug testing is becoming increasingly common because of concerns about illegal drug use both inside and outside of the workplace. There are potential benefits (e.g., workplace safety and efficiency) as well as potential drawbacks (e.g., erroneous results and cost) to consider (Douglas et al., 1989).

Polygraph Testing

Polygraph testing is based on the premise that a conscious effort at deception produces involuntary physiological changes that are measurable and can be recorded on a graph. Law enforcement agencies and other employers eager to “scientifically” determine whether applicants are telling the truth have made wide use of this test (Douglas et al., 1989). The polygraph, however, is inherently intrusive and stressful for applicants. There is also debate about the scientific accuracy of this tool.

Psychological Testing

Psychological testing can provide insights about the mental health of candidates—to unveil risk prone personality traits and/or the propensity for counterproductive behavior. Clinical personality tests are generally considered medical exams and administered after a conditional job offer has been tendered. The primary concerns that arise with this component of the selection process are usually related to privacy and job relevance objections.

Overall, testing techniques differ with regard to a number of factors including the level of objectivity, standardization, and quantifiability. There are also varied testing delivery modes available including paper and pencil, computer-based, web-based, and video-based technology. Each method has its own potential advantages and disadvantages. All assessment tools utilized to make selection decisions, regardless of their format, are subject to professional and legal standards. Some of the most important standards include the *Uniform Guidelines on Employee Selection*

Procedures, The Standards of Educational and Psychological Testing, and The Principles for the Validation and Use of Personnel Selection Procedures (Douglas et al., 1989). These standards reflect the principles established in legislation, which includes Title VII of the Civil Rights Act of 1964, amended in 1972 and 1991; the Age Discrimination in Employment Act of 1967, amended in 1987; and the Americans with Disability Act (ADA) of 1990.

Test Use Considerations

Regardless of the testing techniques implemented, considerations surrounding test use and cut scores warrant special attention to ensure alignment with departmental workforce selection and diversity goals. For example, in the “multiple hurdle” model applicants performing below a set standard on one or more of the selection components are eliminated from further consideration in the selection process. This model has the advantage of ensuring that passing candidates meet all minimum selection standards set by the agency. On the other hand, in a compensatory model, poor performance in one area of the selection system can be “compensated” for by strong performance in another area. In this model, several selection components/predictors are weighed and combined to generate a single total composite score. The compensatory model often has the advantage of reducing adverse impact and can help build a workforce that brings broad and complementary competencies to an organization.

Candidates may be required to achieve a minimum cut score or passing standard. In general, cut scores are used to help screen-out those applicants who do not have the minimum knowledge, skills, abilities, and personal characteristics required to succeed on the job. Cut scores do not, however, always ensure that the best-qualified applicants are selected. Thus, agencies must consider a variety of variables when establishing cut scores—labor market conditions, job demands, incumbent performance, size of the applicant pool, the number of positions available, adverse impact and EEO goals, and the consequences of substandard performance. Management must still be able to justify minimum requirements including cut scores on any test procedure, especially if there is adverse impact.

Putting It in Dollars and Cents

Law enforcement agencies are being asked to provide greater service in increasingly complex environments with fewer resources. The expense of evaluating applicants is certainly a legitimate concern; however, when one looks at employee-related expenses such as salaries, benefits, overhead, and training, the “human” resources can represent the largest line item expense in an agency’s budget. The upfront investment in testing yields a substantial return in terms of savings of time, resources, and money. If there is any doubt, just compare the cost of testing to that of the cost of a bad hire.

In Summary

Now more than ever before, law enforcement agencies must be able to identify and select frontline officers who are well-rounded, motivated, service- and community-oriented individuals, who have the requisite intellectual, emotional, and personal characteristics to succeed on the job. How well you evaluate and select your frontline

officers directly impacts the performance of your department and the community you serve.

Assessment techniques should be evaluated for their job-relatedness and used in a purposeful manner, with a clear understanding of what needs to be measured. Make sure that your selection strategies are aligned with your departmental workforce quality and diversity goals. Protecting the lives and the safety of citizens depends not only on leveraging state-of-the-art technology and equipment; it relies on selecting the best men and women to stand behind the badge.

“Best practices” selection strategies include the following:

- Conduct a comprehensive job analysis to determine requisite job knowledges, skills, abilities, and personal characteristics (KSAPs). This should encompass both cognitive and noncognitive attributes. Rate importance, frequency, and necessity at time of hire. Set-up a procedure for reviewing job requirements. Jobs can change over time, and the competencies required to perform the job may change, too.
- Implement testing techniques proven to be job-related, fair, valid, reliable, cost-effective, and legally defensible for the position in question.
- Evaluate a broad range KSAPs proven to be important for successful job performance. Take a holistic approach to get a macro view of candidate qualifications.
- Carefully weigh the job demands, incumbent performance, workforce quality, diversity objectives, size of the applicant pool, number of positions available, and other pertinent variables before establishing cut scores.
- Use a compensatory scoring model, when feasible, to help reduce adverse impact.
- Ensure standardized use and interpretation of assessments. There should be consistency in how each applicant is evaluated.
- Streamline and enhance the testing process to maximize time, accuracy, and efficiency. Place the most efficient, easy to administer, and valid tests first in the screening process. Candidates with the least chance of success should be eliminated early in the selection process before the administration of more costly and time-intensive techniques.
- Select the “best” candidates, creating a diverse workforce of qualified men and women who define a standard of excellence for the 21st century.

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Stephanie A. Jackson recently joined CWH Research, Inc., a full-service public safety consulting firm located in Englewood, Colorado, as the Director of Marketing and Client Relations. She has amassed over 26 years of experience in the personnel selection and testing field. Ms. Jackson has extensive experience and expertise in the test administration and scoring process. She also spent several years as an analyst evaluating comprehensive individualized assessments for high-stakes positions. Ms. Jackson has chaired sensitivity review panels responsible for reviewing test items to ensure fairness and representation of women and minority groups. She has coauthored numerous presentations about employee selection techniques and has been instrumental in the development of specific client reference material (e.g., Q&A on Employment Testing, Guidelines for Accommodating Employment Testing to the Needs of Individuals with Disabilities, Considerations for Setting Passing Standards, and Retesting Considerations).

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Performance Appraisal: Purposes of and Barriers to Effective Implementation Within Law Enforcement Agencies

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Introduction

Organizations are judged by their record of achievement. The private enterprise is judged by its capacity to make a profit for stockholders, the public agency by its ability to provide prompt and courteous service, and the police agency by its ability to suppress unlawful activity. In each of these activities, the factor that determines profit or loss, efficiency or ineffectiveness, order or disorder, is the personnel who make up the organization.

For any organization to accomplish its mission and goals in the most efficient manner, it must be able to effectively use the knowledge, skills, and abilities of its most costly resource, manpower. To do this, the capabilities of employees must be known, and a means must be provided to assess each employee's level of performance in comparison with what is desired. This process is performance appraisal. The evaluation of employees and their performance occurs naturally. Almost as a matter of course, individuals judge each other's work and attitudes and rank people along some scale of best to worse. What does not occur naturally and frequently is a systematic evaluation and the communication of results to those being evaluated.

The use of systematic methods of appraising employee performance began in the public sector. The federal government developed forms in the 1850s to use in rating employees according to personal traits and work habits. When New York City established its civil service system in 1883, it also adopted a procedure for employee evaluations (Hughes, 1989). As county, municipal, and state police departments evolved throughout the United States, the principles of civil service were incorporated into police administration, and the evaluation of law enforcement personnel followed suit.

The federal Civil Service Reform Act of 1978 includes a provision mandating performance evaluations:

Each agency shall develop one or more performance appraisal systems which: (1) provide for periodic appraisals of job performance of employees; (2) encourage employee participation in establishing performance objectives; (3) use the results of performance appraisal as a basis for training, rewarding, reassigning, promoting, demoting, retaining, and separating employees.

Reform legislation at the local and state levels during the 1970s also included language mandating or encouraging performance appraisals. Specific provisions varied, but the basic intention was to affirm the importance of performance appraisals. As professionalism became more ingrained in law enforcement agencies (Gaines & Miller, 2004), it was accepted that performance appraisal systems needed to be developed and implemented to ensure that individual officers were performing their duties to the best of their abilities within the context of an agency's individual mission and goals. Given the importance of performance appraisals and the authors' interest in this area of study, the first objective of the article is to summarize generic uses of and barriers to performance appraisal effectiveness in the literature. The second objective is to identify which uses and barriers law enforcement administrators perceive to be the most effective and problematic.

Uses of Performance Appraisal

Performance appraisal is a critical element of human resource planning that must occur within any organization, especially within law enforcement agencies. Planning should be based in part on an understanding of the strengths and weaknesses of the existing workforce. Part of the process is for top management to set the goals for the organization. Once established, performance appraisal becomes an auditing procedure that generates the necessary information to control and direct the process of an organization. Within the process, overall goals (e.g., reduction of alcohol-related fatalities) are translated into more specific objectives (e.g., saturated patrols in areas experiencing a high level of alcohol-related motor vehicle deaths). It is these and other objectives that should serve as guideposts for employee performance.

Performance appraisal is used for a wide variety of purposes both within and across organizations. Murphy and Cleveland (1995) identified the *purpose* of performance appraisal as the most important contextual factor in the overall appraisal process. Research has indicated that performance appraisal has a significant impact on appraisal processes and outcomes to include the psychometric properties of ratings, accuracy of ratings, rating judgment processes, and the structure and practices of performance appraisal (Falkenberg, Gianes, & Corder, 1991).

Administrative Decisions and Documentation

The oldest use of performance appraisal is as a tool or aid in making administrative decisions (DeVries, Morrison, Shullman, & Gerlach, 1986; Whisler & Harper, 1962). This includes a variety of human resource decisions, such as salary, promotion, retention/termination, and transfers and reassignments. Such decisions have also been referred to as "between individual comparisons" (Cleveland, Murphy, & Williams, 1989, p. 130). By utilizing performance appraisal for these decisions, legal documentation is generated to support and justify future decisions (DeVries et al., 1986). This use of performance appraisal information is evident in field training officer (FTO) programs common within law enforcement agencies. Probationary officers are evaluated on a weekly if not daily basis during the first year of employment to determine whether they will be given permanent status or dismissed from the agency.

Employee Feedback and Development

Performance appraisal is also used extensively for providing employee feedback and development. Performance feedback can inform employees how to perform better as well as motivate them to perform at a higher level. Typically, employee strengths, areas for improvement, potential training needs, and barriers to acceptable performance are identified and discussed at feedback sessions between the employee and his or her immediate supervisor. Feedback and development sessions are likely to be built on goal-setting principles, such as comparing current performance to previously set goals, assisting employees in goal attainment, and creating a career development plan. Critical to this aspect of performance appraisal are clearly identified performance dimensions articulated in the evaluation instrument used by raters. The performance dimensions must reflect key elements of the job, such as criminal investigation, and should be clearly understood by both the employee and the rater.

Organizational Enhancement

Performance appraisal can also be used to enhance the organization as a whole and to implement and evaluate human resource systems in organizations (Cleveland et al., 1989). Within this context, performance appraisal can assist in assessment of workforce skills and planning future training. Accordingly, performance appraisal may be used to align employees' goals with the organization's goals, as well as align the entire appraisal with the organization's strategic objectives. It might also be used to evaluate goal attainment for employees, teams, and departments and to raise performance levels of individuals and work teams. When evaluations are gathered as part of a 360-degree assessment, the information can be used as a tool for comparing self-assessments to supervisor and peer appraisals. Finally, performance appraisals can reinforce organizational culture (Crank, 2004) and enhance agency commitment.

Barriers to Performance Appraisal

There is no shortage of commentary from researchers, employees, and supervisors about the many obstacles that impede effective performance appraisal. Little research exists, however, about just how challenging these issues are relative to one another or how they may vary within law enforcement agencies depending on size, area of responsibility, or legal mandate. The following section reviews some of the most commonly reported barriers to performance appraisal in the literature.

Ineffective Rating Criteria and Format

One potential barrier to performance appraisal effectiveness is the criteria listed for evaluation. The criteria examined may or may not measure important, current, and representative job responsibilities (Thorne, 1996), may be too subjective or objective (Landy & Farr, 1983), and may not reflect employees' efforts to improve performance (Murphy & Cleveland, 1995; Thorne, 1996). The following excerpt from a court case involving performance appraisal shows how this can occur:

... The analyst did not verify the description by making an on-site inspection of the employee who actually performed the job . . . The former procedure

was flawed insofar as it created the possibility of inconsistent descriptions, over- or under-inflation of job duties or requirements, and was associated with the lack of employee awareness of the evaluation procedure. . . . The criteria actually employed by the defendants were not developed by professional consultants but rather, adapted from a commercially available method of job analysis that defendants believed was pertinent to their needs. (*Greenspan v. Automobile Club of Michigan*, 1980, p. 195)

Another issue involves the number of dimensions to be rated, which can impose extensive cognitive demands on the raters (DeNisi, Cafferty, & Meglino, 1984). Finally, in team-structured environments, an overemphasis on individual versus team performance might also be perceived as a barrier to performance appraisal effectiveness.

A substantial amount of research has been conducted on the format for rating (see Landy & Farr, 1980 for a review). Some of this research has examined how the rating form can influence the manager's motivation and ratings. For example, Mohrman and Lawler (1983) suggest that managers are not likely to put much effort into ratings if they do not understand them. While research suggests that format has only a minimal effect on the quality of ratings, managers may still perceive that it hinders performance appraisal effectiveness.

Lack of Rater Training

Another area that has received a considerable amount of research attention is rater training (e.g., Pulakos, 1984). This research suggests that rater training should include information on performance appraisal basics (Schuler & Jackson, 1995), as well as employee jobs and performance (Cederblom, 1982). Raters should also learn how to monitor, document, and evaluate performance and distinguish it from outcomes of behavior and external factors that are outside of the employee's control. Raters should also receive training on the performance appraisal form, the meaning of the performance dimensions, the importance of the criteria listed, and ratings for behaviors. Finally, raters should be given training on how to provide task-level feedback to employees based on their ratings (Hauenstein, 1998).

Lack of formalized training for raters is probably most prevalent in the public sector among police agencies. First-line supervisors are usually promoted from the patrolman rank and, as such, are instructed that one of their supervisory responsibilities is performance appraisal of those under their command. It is generally assumed that they are aware of the performance standards set by the agency and therefore require no further explanation or assistance in filling out the appraisal instrument. Many police agencies rely on the instructions provided as part of the appraisal instrument to answer any questions the rater might have. Unfortunately, bias errors are not understood by most police organizations, and raters are generally unaware that they are making them.

Rater Perceptions

Managers' perceptions about the appraisal process have the potential to influence their motivation and behavior when engaging in an evaluation and impact its overall effectiveness (Thomas, 1999). Specifically, managers' perceptions of fairness

and satisfaction with the appraisal system can influence appraisal effectiveness (Bernardin & Beatty, 1984; Lawler, 1967). Evaluating employees has been widely regarded as a joke and an imposition in practice, making it difficult for managers to perceive value in conducting performance appraisals (Napier & Latham, 1986). Raters often distrust the organization's performance appraisal process (Bernardin & Beatty, 1984; Bernardin, Cardy, & Carlyle, 1982), which can lead to a lack of confidence in the system. This lack of confidence and trust may stem from beliefs that the performance appraisal system does not produce positive changes and that it is a waste of time. In order to value the performance appraisal process, managers must understand and support its various uses as discussed previously. If, for example, the information gathered through the appraisal process is used to provide constructive feedback on individual performance and results in increased employee productivity, the manager's willingness to engage in the process may change.

Organizational Practices

Organizational practices, particularly with regard to the performance appraisal process, are also potential barriers. This includes a variety of issues from logistical constraints like the amount of time necessary to complete the appraisal and provide constructive feedback (Bernardin & Villanova, 1986; Thorne, 1996; Wright, 1974) to conflicting roles for the rater (e.g., both counselor and judge) (Meyer, Kay, & French, 1965), which can lead to appraisal politics or intentional distortions of ratings (Kozlowski, Chao, & Morrison, 1998; Longenecker, Sims, & Gioia, 1987). Research has held that too often performance appraisals are conducted at the last minute, and little time is given to raters to collect and properly discuss performance appraisal information with employees under their command (Hughes, 1989). Organizational practices also include a lack of accountability of the managers who complete the appraisal (Klimoski & Inks, 1990; Mero & Motowidlo, 1995; Smither, 1998) and a lack of integration between the performance appraisal and the organization's strategic objectives (Schuler & Jackson, 1995).

Methodology

There is common agreement among researchers and law enforcement administrators about the various uses for performance appraisal and the many barriers to effective implementation (Landy & Farr, 1983; Hughes, 1989). Little research exists, however, on the uses and barriers that law enforcement administrators *perceive* to be the most problematic. The following section presents findings from a survey designed to elicit practitioners' perceptions of the uses of and the barriers to performance appraisal effectiveness.

Sample Population and Procedure

One hundred twenty three surveys were mailed to Michigan law enforcement administrators, representing county (n=15), municipal (n=44), and state (n=64) agencies. Municipal chiefs and county sheriff participants were part of a Western Michigan Criminal Justice Training consortium while state police participants represented post commanders covering the entire state. The School of Criminal Justice at Grand Valley State University is also a member of the consortium, which allowed access to an established mailing list. Two weeks after the initial mailing, all participants received an e-mail asking that they participate in the survey and

emphasizing that they would receive an executive summary of the results. The response rate was 20% for county sheriffs (n=3), 54.5% for municipal chiefs (n=24), and 75% for state police post commanders (n=48) for an aggregated response rate of 61% (n=75). Participants were asked to answer each of the survey questions based on their overall experience appraising employee performance.

Measures

Uses of Performance Appraisal

A total of 21 uses of performance appraisal (indicators) were identified from the literature and organized into the following three domains: (1) employee feedback and development, (2) administrative decisions, and (3) organizational enhancements. Participants were asked to rate the effectiveness of performance appraisal as a means for accomplishing each purpose on a scale of 0 to 3 (0=not applicable, 1=not effective, 2=moderately effective, and 3=very effective).

Barriers to Performance Appraisal

A total of 27 barriers to performance appraisal (indicators) were identified from the literature and organized into the following four domains: (1) organizational practices, (2) lack of rater training, (3) rater perceptions, and (4) ineffective rating criteria and format. Participants evaluated the degree to which each item was perceived as a barrier to the effectiveness of performance appraisal on a scale of 0 to 3 (0=not a barrier, 1=minor barrier, 2=moderate barrier, and 3=significant barrier).

Analysis and Findings

In order to begin to address the questions of central concern in the current study, organization and analyses of the data were necessary. First, statistical analyses of each performance indicator (both in terms of uses and barriers) were conducted utilizing aggregated data from all agency administrators surveyed. Specifically, means and standard deviations were generated and subsequently utilized to order performance indicators within the following research specific domains:

Uses of Performance Appraisal

1. Employee Feedback and Development
2. Administrative Decisions
3. Organizational Enhancements

Barriers to Performance Appraisal

1. Organizational Practices
2. Lack of Rater Training
3. Rater Perceptions
4. Ineffective Rating Criteria and Format

Following the ranking of indicators within their respective domains, it was possible to review each performance appraisal subject area independently in order to consider emerging trends and/or advanced grounded theoretical considerations. Moreover, in addition to an ordered review of these analyses, it was also anticipated that a comparative examination of data across different agency types would prove insightful.

Upon review of the data generated as a result of returned survey instruments, however, it became evident that because of the low response rate from county sheriffs (20%), it would be necessary to collapse variables in order to produce statistically

meaningful analyses. To this end, data collected from county sheriffs and municipal chiefs were collapsed into a single variable for comparison to responses from state law enforcement. Subsequent to merging these data, an examination by means of a Mann-Whitney U T-test to demonstrate significant statistical differences across performance indicators by agency type (state vs. municipal and sheriffs) was conducted. To this end the following information was evidenced and reviewed by performance appraisal domain.

When considering the use of performance appraisal, three distinct research domains were examined. Indicators analyzed from within the first domain labeled "Employee Feedback and Development" (see Table 1) evidenced a relatively minor aggregated scoring range with respect to the perceived uses of performance indicators (.87). Moreover, it was apparent that indicators for performance appraisal scored using aggregated data were clustered around reactive (top three scored indicators) and proactive (two lowest scored indicators) perceptions regarding the value of this practice. In other words, responses seemed to indicate that while performance appraisals were "moderately to highly effective" (scores of 2.0 to 2.9) in delineating employees with respect to organizational value, such practices were "not effective" to "moderately effective" (scores of 1.0 to 1.9) in developing and addressing long-term work plan issues.

When examining the perceived use of performance appraisals in providing employee feedback and development across different agency types, nearly all indicators expressed divergent findings. Specifically, 90% of the indicators examined denoted a statistically significant difference by agency type. Moreover, it is worth noting that the collective responses from municipal and sheriffs' agencies were without exception higher than responses from state law enforcement administrators. Based on this information, the authors speculated that such substantial differences between agency perceptions is likely the byproduct of organizational and cultural differences. For example, the state agency reviewed herein is considerably larger in size and more homogeneous with respect to standard operating procedures (SOPs) than the municipal and sheriff's agencies.

Table 1
Perceived Uses of Performance Appraisal: Employee Feedback and Development

	Aggregate (n = 75)		State Police (n = 48)		Municipal & Sheriff (n = 27)		Mann-Whitney U T-Test
	M	SD	M	SD	M	SD	
*Recognize exceptional employee performance.	2.43	0.597	2.31	.624	2.63	.492	476.500 Z = -2.133 P = .033
*Provide employee feedback on performance.	2.33	0.600	2.17	.595	2.63	.492	390.500 Z = -3.210 P = .001
*Identify poor employee performance.	2.12	0.596	1.98	.565	2.38	.571	411.500 Z = -2.821 P = .005
*Provide guidance on how to improve performance.	2.00	0.678	1.79	.617	2.37	.629	358.000 Z = -3.549 P = .000
*Identify employee training needs.	1.93	0.684	1.71	.651	2.33	.555	335.500 Z = -3.806 P = .000
*Assist employees with goal attainment.	1.84	0.772	1.69	.689	2.11	.847	447.000 Z = -2.377 P = .017
*Enhance employee motivation.	1.73	0.794	1.48	.684	2.19	.786	340.500 Z = -3.679 P = .000
*Improve team performance.	1.64	0.690	1.50	.652	1.89	.698	450.000 Z = -2.408 P = .016
Create career development plan.	1.60	0.717	1.48	.618	1.81	.834	510.500 Z = -1.687 P = .092
*Uncover barriers to performance.	1.56	0.642	1.33	.476	1.96	.706	312.000 Z = -4.136 P = .000

Note: 0 = not applicable, 1 = not effective, 2 = moderately effective, and 3 = very effective

* = statistically significant difference of indicator score realized across agency types

The second use of performance appraisal domain was titled “Administrative Decisions” (see Table 2) and indicated a somewhat greater aggregated scoring range across indicators of 1.04. A distinction across indicators here, as reflective of their aggregated score rankings, might be noticed, as those performance appraisal indicators representing issues under more immediate control of administrators (the

top four indicators) were perceived as “not effective” to “moderately effective” (scoring between 1.32 and 2.07) than issues typically falling under the purview of human resource departments for decisionmaking (the lowest scored indicator at 1.03 – “not effective”).

An inspection of the perceived use of performance appraisals to inform administrative decisions found that 40% of the indicators utilized in this domain were significantly different with respect to agency type. As was the case in the domain reviewed previously, responses from municipal and sheriff’s agencies illustrated a greater overall perceived effectiveness in the use of performance appraisal to improve administrative decisions. Unlike the “Employee Feedback and Development” domain, indicators here demonstrated greater convergence across different agency types. It is worth noting that those indicators that did express significant differences were specifically related to promotion and retention decisions. From this, it was theorized that such results were again a reflection of differences in agency size and SOPs. In this case, it would seem that smaller agencies (municipal and sheriffs’) perceived a greater use of performance appraisals because they are also more likely to practice greater administrative controls and discretionary decisionmaking, unlike larger state law enforcement agencies that systematically utilize more informed and pre-determined procedures for developing and sustaining administrative decisions.

Table 2
Perceived Uses of Performance Appraisal: Administrative Decisions

	Aggregate (n = 75)		State Police (n = 48)		Municipal/ Sheriff (n = 27)		Mann- Whitney U T-Test
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
*Make promotion decisions.	2.07	0.622	1.96	.582	2.26	.656	487.500 Z = -2.041 P = .041
Meet legal requirements for human resource decisions.	1.93	0.733	1.91	.755	1.96	.706	592.000 Z = -.367 P = .714
*Make retention and termination decisions.	1.89	0.815	1.73	.792	2.19	.786	440.000 Z = -2.456 P = .014
Identify employees for transfers and reassignments.	1.32	0.918	1.21	.849	1.52	1.014	536.000 Z = -1.299 P = .194
Make salary determinations.	1.03	0.838	1.02	.699	1.04	1.055	620.500 Z = -.326 P = .745

Note: 0 = not applicable, 1 = not effective, 2 = moderately effective, and 3 = very effective

* = statistically significant difference of indicator score realized across agency types

The last set of use of performance appraisal indicators analyzed was grouped under the domain name of “Organizational Enhancements” (see Table 3). Within this domain, there was a negligible aggregated scoring range appreciated regarding the perceived uses of performance indicators (.34). This extremely clustered set of scored and ranked perceptions evidenced the smallest domain range found throughout the study and indicated an overall perceived value for performance appraisal as a tool to promote organizational enhancement as falling somewhere between “not effective” (score of 1.0 to 1.9) and “moderately effective” (score of 2.0 to 2.9). This data illustrates that a performance appraisal was not perceived as a significant instrument to effectively tie individual goals to larger agency goals.

Upon review of the perceived use of performance appraisals to promote organizational enhancements, data indicated that two-thirds (66%) of the current domain indicators designated statistically significant findings across agency types. Consistent with the findings from the prior two domains examined, data held that municipal and sheriffs’ agency administrators indicated a greater perceived value for performance appraisal as a tool for organizational enhancement than state officials. In accordance with prior findings in this study, this data indicated a systematic difference between agency types that is likely attributable to organizational size and culture. In regards to organizational enhancement, it is likely that administrators perceive a greater opportunity for change in smaller, more autonomous organizations and therefore understand these agencies to be more responsive to information developed and delivered via performance appraisals.

Table 3
Perceived Uses of Performance Appraisal: Organizational Enhancements

	Aggregate (n = 75)		State Police (n = 48)		Municipal/ Sheriff (n = 27)		Mann- Whitney U T-Test
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
*Align employee goals with organizational goals.	1.79	0.622	1.67	.595	2.00	.620	472.000 Z = -2.203 P = .028
Reinforce organizational culture.	1.76	0.694	1.71	.617	1.85	.818	556.000 Z = -1.131 P = .258
*Enhance organizational commitment.	1.63	0.653	1.46	.544	1.93	.730	399.000 Z = -3.051 P = .002
Compare employee's self appraisal with manager's appraisal.	1.63	0.785	1.65	.668	1.59	.971	626.500 Z = -.266 P = .790
*Measure workforce skills, and plan organizational training.	1.60	0.658	1.42	.577	1.93	.675	364.000 Z = -3.476 P = .001
*Assess and plan future workforce needs.	1.45	0.722	1.29	.651	1.74	.764	414.000 Z = -2.955 P = .003

Note: 0 = not applicable, 1 = not effective, 2 = moderately effective, and 3 = very effective

* = statistically significant difference of indicator score realized across agency types

In attempting to assess potential barriers to performance appraisal, four unique domains were explored. The first of these domains was labeled “Organizational Practices” and designated an insignificant aggregated scoring range across indicators (.68), perhaps again demonstrating a somewhat clustered perceived understanding of the practice of performance appraisal. Furthermore, in review of this information (see Table 4), it was clear that indicators for perceived barriers to performance appraisal were systematically grouped around issues of administrative control and pressure. Specifically, the top scored indicators found barriers related to achieving established outcomes (1.89) and lack of incentives to perform appraisals (1.84) to be “minor” to “moderate barriers” (scores of 1.0 to 1.9). In contrast, agency administrators identified stress of judging and counseling (1.56) and pressure to provide deserved rating (1.21) to be significantly lesser barriers to performance appraisal.

Table 4
Perceived Barriers to Performance Appraisal: Organizational Practices

<i>Potential Barrier</i>	Aggregate (n = 75)		State Police (n = 48)		Municipal/ Sheriff (n = 27)		Mann-Whitney U T-Test
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
*Performance appraisal that does not achieve established outcomes	1.89	0.837	2.10	.751	1.50	.860	390.000 Z = -2.814 P = .005
Few incentives for managers to do performance appraisal well	1.84	0.945	1.92	.919	1.70	.993	566.000 Z = -.949 P = .342
*PA system not tied to organizational mission and goals	1.79	1.027	2.07	.929	1.33	1.038	381.000 Z = -2.855 P = .004
Lack of time to document employee performance	1.73	0.911	1.87	.824	1.48	1.014	489.500 Z = -1.723 P = .085
Employees' goals not aligned with organizational goals	1.59	0.871	1.67	.834	1.44	.934	565.500 Z = -.970 P = .332
Stress of both judging and counseling	1.56	0.793	1.56	.823	1.56	.751	630.500 Z = -.209 P = .835
Pressure to give better or worse ratings than deserved	1.21	0.905	1.23	.951	1.19	.834	634.000 Z = -.163 P = .870

Note: 0 = not a barrier, 1 = minor barrier, 2 = moderate barrier, and 3 = significant barrier

* = statistically significant difference of indicator score realized across agency types

When reviewing the perceived barriers to performance appraisal with respect to organizational practices across different agency types, it was determined that 28.6% of domain indicators reviewed expressed statistically significant differences. Analogous to earlier domain findings exploring the perceived use of performance appraisal, the examination of perceived barriers to performance appraisal found that where significant differences between agency responses were evident, state agencies reported greater perceived barrier scores. From this, it might be postulated that administrators housed in relatively larger, more complex organizations (e.g., state vs. municipal and sheriff agencies) perceived the application of the performance appraisal system as lacking a sense of meaning (i.e., ritual practice only, lack of administrative “buy-in,” not an instrument utilized for meaningful reflection) or the ability to significantly impact agency practices. Again, these findings seem to build support for the apparent influence of organizational size, culture, and autonomy upon administrative perceptions of performance appraisal.

The next barrier to performance appraisal domain was “Lack of Rater Training” (see Table 5). As in several of the prior domains examined, there was a comparatively minor aggregated scoring range across reported indicators (.88); however, a noteworthy division across indicators emerged between the lowest ranked indicator (lack of understanding of work performed by employees) and those over it. Specifically, the scoring gap between this indicator and the indicator ranked immediately above it was .51; whereas, the entire range across all other indicators was only .37. In review of the potential themes presented by this considerable division, the authors hypothesized that the higher ranked domain indicators were significantly different from the final indicator in that they encompassed aspects of “how” to evaluate. The later potential barrier might have been expected to express a lower survey score given that within the American policing culture, individuals typically progress through the organizational hierarchy from an entry-level position and therefore have progressed through the jobs they are expected to evaluate.

A review of the barriers to performance appraisal via the domain of “Lack of Rater Training” identified only 16.7% of indicators as denoting a statistically significant difference by agency type. This nominal difference in reported perceptions by administrators originating from dissimilar agencies was a somewhat serendipitous finding in that all study domains examined thus far had indicated significant differences in related perceptions. Specifically, the researchers had expected administrator perceptions stemming from the larger agency under review (state law enforcement) to report lower scores as a function of organizational size and culture. In other words, it was anticipated that larger organizations would be more likely to regularly utilize performance appraisal as a uniform tool for assessment and, therefore, report lower perceived potential barriers with respect to “lack of rater training.” In reconsidering this notion, it is likely that the cultural differences advanced thus far throughout the current study may still have merit, and a consideration yet unexplored may be responsible here. For example, it is certainly conceivable that logistical constraints and problems with delivering rater training in larger organizations may be responsible for the differences in perception across agency types (e.g., information for interpreting difference between performance appraisal rating levels).

Table 5
Perceived Barriers to Performance Appraisal: Lack of Rater Training

<i>Potential Barrier</i>	Aggregate (n = 75)		State Police (n = 48)		Municipal/ Sheriff (n = 27)		Mann-Whitney U T-Test
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Lack of training for supervisors on how to give feedback	2.05	0.804	2.17	.781	1.85	.818	510.000 Z = -1.618 P = .106
Lack of training for supervisors on how to monitor performance	2.01	0.780	2.10	.722	1.85	.864	543.500 Z = -1.234 P = .217
Lack of training for supervisors on how to appraise performance	1.97	0.822	2.06	.755	1.81	.921	556.500 Z = -1.073 P = .283
*Little information for interpreting difference between rating levels	1.83	0.860	2.10	.722	1.33	.877	330.500 Z = -3.727 P = .000
Lack of understanding of performance appraisal basics	1.68	0.872	1.81	.790	1.44	.974	503.000 Z = -1.712 P = .087
Lack of understanding of work performed by employees	1.17	1.045	1.17	1.078	1.19	1.001	629.500 Z = -.214 P = .831

Note: 0 = not a barrier, 1 = minor barrier, 2 = moderate barrier, and 3 = significant barrier

* = statistically significant difference of indicator score realized across agency types

The third barrier to performance appraisal research domain was “Rater Perception” (see Table 6). Unlike the aggregated scoring ranges reviewed in prior domains, the scoring range was relatively significant (1.52). Moreover, domain indicators seemed to be divided among thematic lines related to valuing and reacting to performance appraisals. Specifically, issues of confidence and belief in the performance appraisal methodology and outcome significance were indicated as “minor” (scores of 1.0 to 1.9) to “moderate barriers” (scores of 2.0 to 2.9). Contrary to this, aggregated administrative responses did not seem to perceive significant barriers in dealing with the social consequences of providing performance appraisal feedback, rating these indicators as “not a barrier” (scores of 0.0 to 0.9) and “minor barrier” (scores of 1.0 to 1.9). Coupling these findings inductively against the unique organizational cultures of the agencies reviewed herein might prove insightful. For instance, the organizational culture of law enforcement typically does not suffer significant employee turnover as a result of an honest appraisal system.

Upon inspection of the perceived barriers to performance appraisal with respect to “Rater Perceptions” across different agency types, it was found that one-third (33.3%) of the domain indicators reviewed evidenced statistically significant differences. As has been the case in the majority of the research domains examined, administrators from state law enforcement agencies reported a significantly greater perception of barriers to

performance appraisal. In this case, the difference between agency types was identified across the top two rated indicators by both agencies: (1) "Lack of confidence in appraisal method used" and (2) "Belief that performance appraisal process does not produce positive changes." Once more, this finding provides support for the notion that there is a linkage between law enforcement agency size, organizational culture, and SOPs and the perceived use and barriers to the practice of performance appraisal.

Table 6
Perceived Barriers to Performance Appraisal: Rater Perceptions

<i>Potential Barrier</i>	Aggregate (n = 75)		State Police (n = 48)		Municipal/ Sheriff (n = 27)		Mann- Whitney U T-Test
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
*Lack of confidence in appraisal method used	2.15	0.833	2.42	.710	1.67	.832	337.000 Z = -3.662 P = .000
*Belief that PA process does not produce positive changes	1.87	0.949	2.06	.885	1.52	.975	446.000 Z = -2.335 P = .020
Belief that performance appraisals are a waste of time	1.50	1.050	1.70	1.061	1.15	.949	447.500 Z = -2.182 P = .029
Concern about employees' reactions to low performance rating	1.25	0.902	1.27	.917	1.22	.892	638.500 Z = -.112 P = .911
Belief that truthful appraisals can do more harm than good	1.00	0.838	1.08	.895	.85	.718	563.500 Z = -.993 P = .321
Belief that honesty leads to turnover	0.63	0.673	.71	.713	.48	.580	541.500 Z = -1.310 P = .190

Note: 0 = not a barrier, 1 = minor barrier, 2 = moderate barrier, and 3 = significant barrier

* = statistically significant difference of indicator score realized across agency types

The final set of barriers to performance appraisal indicators was classified under the domain of "Ineffective Rating Criteria and Format" (see Table 7). Aggregated indicator scores across this domain revealed a relatively minor scoring range (.84). In review of the information generated within this domain, the authors suggested a division between the lowest scored indicator ("Criteria are too objective") and those ranked above it. As the previously reviewed domain suggested, the utilization of objective performance appraisal criteria was not perceived to be intimidating to administrators. Moreover, the higher ranked indicators within the current domain under review suggested a perception by administrators that criteria are often overly subjective and therefore are less than meaningful guides in making decisions based on performance appraisal outputs.

Upon review of the perceived barriers to performance appraisal in terms of ineffective rating criteria and format, data indicated that nearly two-thirds (62.5%) of the current domain indicators designated statistically significant findings across agency types. As has been the case across six of the seven research domains reviewed throughout the study, administrators from municipal and sheriff's organizations perceived performance appraisal indicators as less of a potential barrier than administrators from state law enforcement agencies. In this case, findings are likely related to agency size since larger organizations (state) typically don't allow for uniqueness; whereas, smaller and perhaps less complex organizations have more opportunity to be flexible in their practices. Of course, these findings continue to bolster the understanding that perceptions related to performance appraisal are highly dependent on agency type (e.g., organizational size, culture, SOPs, etc.).

Table 7
Perceived Barriers to Performance Appraisal: Ineffective Rating Criteria and Format

<i>Potential Barrier</i>	Aggregate (n = 75)		State Police (n = 48)		Municipal/ Sheriff (n = 27)		Mann-Whitney U T-Test
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
*Criteria fail to measure what is important.	1.97	0.958	2.23	.831	1.52	1.014	393.500 Z = -2.954 P = .003
*Criteria are too subjective.	1.97	0.915	2.21	.798	1.56	.974	399.000 Z = -2.914 P = .004
*Criteria not part of employee's job responsibilities.	1.67	1.057	1.94	.976	1.19	1.039	391.500 Z = -2.936 P = .003
*Raters are forced to make unrealistic distinctions.	1.57	0.918	1.81	.938	1.15	.718	383.000 Z = -3.078 P = .002
Ratings fail to reflect employee's efforts to improve performance.	1.50	0.864	1.60	.825	1.33	.920	533.000 Z = -1.212 P = .226
Rating forms are too complicated to be meaningful.	1.49	1.045	1.67	1.059	1.19	.962	483.500 Z = -1.889 P = .059
Individual performance is emphasized over team performance.	1.48	0.978	1.46	.944	1.52	1.051	620.500 Z = -.317 P = .752
*Criteria are too objective.	1.13	0.949	1.31	.971	.81	.834	460.000 Z = -2.177 P = .029

Note: 0 = not a barrier, 1 = minor barrier, 2 = moderate barrier, and 3 = significant barrier

* = statistically significant difference of indicator score realized across agency types

Practical Implications

This research provides a number of practical implications. First, in order for any performance appraisal system to be truly effective, it must have employee support and buy-in. To accomplish this, law enforcement agencies must strive to include all employees impacted by the system in its development and implementation. If already in place, employees should at least be instructed on how the information gathered will be used and why those uses were chosen. A continuous dialogue between those doing the appraisal and those being appraised can identify barriers to effective implementation at an early stage and instill confidence in the overall process.

In addition, the importance of training for both the supervisor and the subordinate cannot be overstated. As indicated in the survey results, "providing employee feedback" is an effective and commonplace use of performance appraisal information. Providing effective feedback requires strong communication, interpersonal, and coaching skills. It should not be assumed that these skills are a given just because an officer is in a supervisory position. These skills should be assessed at the selection stage and reinforced as critical to performance appraisal effectiveness. Supervisors should always explain the purpose of the feedback; establish trust; invite the employee to help shape the feedback process; and treat feedback as information, not a value judgment. Training is an accepted and proven vehicle to accomplish these objectives as well as reduce barriers, both real and perceived.

Limitations and Future Research Agenda

This research attempted to provide preliminary information in order to lay the groundwork for more extensive examinations of how perceptions of performance appraisal impact the way it is utilized and the degree to which it is valued within law enforcement venues. Like all research endeavors, however, there were innate limitations to the current design worth noting. Specifically, the sample employed herein was limited in size and scope to the state of Michigan and subsections thereof during the year 2004; therefore, findings should be interpreted with caution in terms of generalizability. In addition, instrumentation was limited in that respondents were restricted to a quantified questionnaire with responses available along a 4-point scale, limiting the sensitivity of the data for in-depth analysis.

In concert with the limitations previously discussed and in light of the fact that little research exists on the current subject matter with respect to law enforcement organizations, future research in this area is certainly warranted. To this end, reproducing the current study with an expanded scope (e.g., sample size, types of law enforcement agencies, temporally) and more sensitive instrumentation would seem a valuable undertaking. Moreover, surveying other populations within law enforcement settings (e.g., supervisors, line officers, and staff) could provide an assessment of generalizability of research findings.

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Best Practices Guide for Generation X Recruits and the Field Training Experience

Margaret A. Fischer, JD, Lieutenant, Michigan State University Police Department, Field Training Coordinator, Mentor Program Coordinator

The most popular current design of the field training program (FTP) is patterned after a program developed in the San Jose (California) Police Department in 1972. It was developed in response to a tragic event involving a person who may have lacked the proper skills to perform his job. The program revised an earlier version of a recruit checklist into a 4-month on-the-job training program of teaching skills for officers, which included an evaluation process.

Since 1972, that early training program has been modified many times to include performance evaluation and documentation, standardized task training, procedures to follow in the event that the new employee does not respond to training, and, if needed, methods to terminate a failing recruit. The use of a standardized system of recruit evaluation that scores every area of performance during the course of the training day can lead to some frustration among trainees.

The recruits now being hired and trained in most police agencies are being called Generation X recruits. These recruits appear to be responding uniquely to several factors in the design of our current training programs due to their individual and generational characteristics. Law enforcement agencies want recruits to be well-trained and enthusiastic about becoming police officers. When recruits experience training in a professional and supportive environment that focuses on safety and learning, the outcome of that training imparts both a successful transition for recruits into their new work assignments and underscores the importance and necessity of the substantial financial investment in the recruit by the local agency.

In an effort to enhance positive training outcomes, generational issues are discussed in this article along with ways to effectively address them during the training experience.

History of Generation X

Generation X is a term used to refer to people born between 1963 and 1984 and was first coined in the 1990s by Douglas Coupland. By 1993, *Time*, *Newsweek*, *Business Week*, and *Fortune* were all using the term to refer to the generation that followed the Baby Boomers, the generation born between 1946 and 1966. The Generation X label stuck, in part, due to the desire by the business industry to successfully market products to this generation. Many events have influenced this generation, including the following:

- The transformation of the family unit
- The AIDS epidemic
- The war on drugs and the implications of drug use at early ages

- Increased violence in society
- Threats of nuclear war
- Environmental decay
- Rapid advances in technology and communication

These issues and others have shaped the views of this generation just as members of each generation before it were affected by the events of their time. Most literature on the development of Generation X values and perceptions include four common themes:

1. Lack of belonging
2. Need to learn rapidly
3. Desire to be an entrepreneur
4. Lack of security in most areas of their lives

If recruitment and retention of new police officers is to be successful, it is important for law enforcement to know how these four themes influence the FTP experience for Generation X recruits.

The FTP Impact on Generation X Recruits

The FTP is an effort to teach recruits how to translate the training and preparation from their academy experience into actual job performance. Throughout my experience as a trainer and manager of training programs, I have seen the impact of those training techniques on Generation X. Many good trainers will recognize differences between individuals and make the needed adjustments to support successful training outcomes for the individual and the agencies that hire them. This strategy is imperative if we are to successfully recruit, train, and retain Generation X recruits. Law enforcement has a huge investment in assuring positive training outcomes for recruits that both enhance learning and support officer and community safety.

Scoring and Evaluation

The presence of low training performance scores is extremely troublesome to Generation X recruits and threatens their feeling of belonging and security. They are a generation that has been inundated with numbers to identify who they are and to assign their stations in life. The negative impact of any low performance scoring causes much consternation to Generation Xers. Generation Xers sometimes lack a strong sense of security, in part because of growing up in a hero-worshipping environment without tolerance for second-best and also watching parents get downsized by jobs they felt were secure. When Gen X recruits see a low evaluation score, it strongly influences the vision of their future in the organization. If they are to be successful, it is important for them to maintain a secure environment.

Providing Feedback

Another important issue is the timeliness of the feedback that recruits receive in the FTP. Having grown up with computers, Generation X recruits are typically comfortable with technology and want to receive rewards or reprimands in a timely

fashion. This need for timeliness in the feedback loop is indicative of their experience with access to computer-generated information as well as their need for security.

Supplying Innovation

Many Generation Xers desire to be entrepreneurs and do not like to be micromanaged. Much of the FTP experience emphasizes the rigidity of following written guidelines and includes personalized and close supervision as they learn. In field training, we generally do not encourage innovation or problem solving as a way to learn our jobs. Still, it is important to note that Generation X recruits typically want to be involved in program design and implementation as well as innovative problem-solving. Don't be surprised if they volunteer ways to improve a training exercise.

Critiquing Performance

For this generation, and others as well, the most effective way to provide critical evaluation of performance is within a context that is both positive and negative. Generation Xers need to sense that they belong and are appreciated. Performance criticism that is negative and not constructive shuts that need down. For the safety of the recruits, fellow officers, and the community they serve, it is extremely important to evaluate and correct substandard performance in the FTP. Utilizing an evaluation process that both educates the trainer to give feedback in the most effective manner and supports a positive learning environment for recruits can improve positive training outcomes for Generation X employees in the FTP.

Using a Strengths-Based Learning Model

Trainers need to find ways to provide Generation X with opportunities to define and solve problems, demonstrate resourcefulness, and prove themselves as being innovative. Proper reward and timeliness of feedback is critical to the success of training Generation X recruits. Performance criticism and instruction must also include individual achievement and improvement. Emphasize positive achievement while correcting deficient behavior.

Selecting the Right Field Training Officer (FTO)

Proper selection and training of the FTO is paramount to the success of the FTP. This FTO training should include enhancement of interpersonal and communication skills as well as differential learning techniques. This training will help the FTO to engage effectively with Generation X employees in the FTP and augment recruitment and retention efforts simultaneously. Organizational loyalty will grow as employees feel anchored to the organization that shows them respect and consideration.

Measuring Program Effectiveness

The chief or FTP coordinator should also employ an FTO evaluation that models and reinforces the strengths-based model intended for new officers. Measuring the effectiveness of the FTP and your trainers will help identify ways to correct deficiencies. Proper training and evaluation of your FTOs may remedy most management problems encountered with Generation X.

Applying Adult Learning Theory to All Agency Instruction

Adult learning theory applications that employ multiple layers of learning styles are the most effective approach to use with Generation X. Most Generation X individuals learn through a complex set of styles that focus on problem solving and the use of technology.

Combining Numerical Evaluation with Recognition of Personal Achievement

The basic premise of field training is to evaluate job skills and performance by assigning numerical scores to each task. When used alone, this evaluation style appears arbitrary to Generation X recruits and conflicts with their need for positive feedback. A useful evaluation technique in this case is to find creative ways to downplay the significance of the actual numerical scores while emphasizing the skills learned. This technique combines critical evaluation and recognition of personal achievement, and it is interpreted by this generation in a more positive context. Finding ways to reinforce and reward positive behavior in a nonnumerical way will produce more positive outcomes with this generation.

Implementing a Mentoring Program

A final recommendation to address many of the issues involving the four themes of Generation X, with special application to security and belonging, is to implement a mentoring program. Proper peer mentoring relationships provide another tool to help Generation X survive and thrive in the FTP. Providing a mentoring relationship to address the social aspects of the training program and the recruits' sense of alienation and fear will provide your FTOs more time to spend in the actual tasks of training.

Generation Xers are technologically oriented and may find ways to problem-solve through the use of existing technology. As a rule, these individuals are eager to learn and attempt to do so at a very rapid pace with emphasis on innovation and individual accomplishment. An analyst interviewed by Bruce Tulgan (1996) for his book *Managing Generation X* described his supervision preference in this way: "The kind of manager I like is the one who gives me an assignment and then leaves me alone to work on it on my own." To ensure successful FTP outcomes with this generation, training strategies need to include recognition of individual accomplishment within the context of overall team success.

You may solve many of the challenges related to training the Generation X employee by addressing the four themes of Generation X in your training environment, utilizing successful models of mentoring in police organizations, and establishing ways to provide new employees with the tools to succeed.

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Margaret A. Fischer, JD, is the mentor program coordinator for the Michigan State University Police Department. She has successfully implemented a mentoring program that has innovatively meshed with the FTP to create new solutions to training problems. It was first implemented in 2000, patterned after a model created in the Lansing (Michigan) Police Department by Captain Julie Williams. The Michigan State University Police Department currently has 25 trained mentors that work with 20 sworn members and five civilian cadet employees. It was successfully used as a recruitment tool to hire two new members of the department from cadet ranks. Their progress in the FTP is nothing short of amazing, with work performed at each step in excess of that required. Cadets said that the mentoring they received prior to the FTP and during it helped them adjust very rapidly and helped them feel a sense of security.

Best Practices Guide for Institutionalizing Mentoring Into Police Departments

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During the summer of 2000, the IACP project, Services, Support, and Technical Assistance for Smaller Police Departments, published the first report of the Best Practice Series: *Recruitment and Retention of Qualified Police Personnel*. One of the strategies cited as an excellent means of enhancing law enforcement recruitment and retention efforts was the practice of employee mentoring. At the request of the project advisory group and the many chiefs who have attended our symposia, this article is written to provide chiefs from small police departments with a step-by-step method for institutionalizing mentoring within their agency. It is the authors' belief that mentoring is an essential function in the development of the next generation of police leaders.

What Is Mentoring?

Mentoring is a mutually beneficial relationship in which a knowledgeable and skilled veteran officer (mentor) provides insight, guidance, and developmental opportunities to a lesser skilled and experienced colleague (protégé).

Mentoring is not a new concept or practice. History abounds with examples of professional mentoring. *Mentor* was the name of the man charged with providing wisdom, advice, and guidance to King Odysseus' son in Homer's *The Odyssey*. During the Middle Ages, boys served as apprentices to masters in a craft or trade while gaining skills to eventually qualify as journeymen, and finally, as masters. During this time, the mentoring relationship ensured the continuity and quality of the craft being handed down to the next generation.

The modern concept of mentoring, which has recently been used to effectively recruit and retain new employees in business and academic institutions, provides law enforcement with an opportunity to engage and anchor new employees at a time when industry competition for those employees is at an all-time high.

Mentoring Relationship Goals

- Promote professional growth.
- Inspire personal motivation.
- Enhance effectiveness of police service.

Mentoring Benefits for Mentors

- Mentors are personally rewarded for spotlighting and developing talent.

- Mentors must be knowledgeable of department policies, procedures, and contemporary policing practices.
- Mentors pave the way for others, thereby leaving their legacy in the department.
- Mentors are viewed as valuable in the organization and are respected by colleagues.
- Mentors obtain varying perspectives from their protégés, which generates creativity.
- Mentors “get by giving.”

Frequently, people become mentors because they were previously protégés who experienced the rewards of a mentoring relationship. Others become mentors because they wish a mentor had been available to them during their career. Whatever the reason, mentors derive great satisfaction from seeing a colleague succeed because of their efforts.

Mentoring Benefits for Protégés

- Increases likelihood for success (Mentors help protégés gain competency and avoid failure.)
- Assists protégés in setting goals and charting career paths
- Encourages and provides opportunities for new experiences and professional growth
- Helps the protégé avoid pitfalls and learn through real-life examples
- Enhances the protégé’s feeling of worth to the mentor and the organization
- Encourages self-confidence by cheering protégé achievements

Many successful people attribute their achievements to a mentoring relationship. Many “repay” their debt to the mentor and the organization by becoming mentors themselves. When mentoring begins with new employees, it is the first step toward institutionalizing mentoring in the department.

Formal Versus Informal Mentoring

Some police organizations have implemented new-hire mentoring programs as a method of reducing employee turnover while others have chosen the more frequent method of informal mentoring. Examples of informal mentoring have occurred throughout the history of policing. Typically, a veteran officer encourages friends or acquaintances to apply for positions in their department. There is a natural tendency for the veteran officer to encourage, support, and give information to his or her friend during the hiring and training period. This informal mentoring relationship provides an advantage to new employees by helping them to feel connected to the new department.

The Benefits of Formal Mentoring

- Ensures that all employees will received the benefits of a mentoring relationship
- Promotes agency loyalty and inclusiveness
- Identifies program goals
- Creates program structure and procedures

- Defines mentor/protégé roles and responsibilities

The best reason for creating a formal process is that it affords every employee the opportunity and benefit of mentoring and promotes loyalty and inclusiveness within the organization. In addition, a formal mentoring process identifies goals, creates structure and procedures, and defines mentor/protégé roles and responsibilities. Although the program requires time to plan and initiate and some oversight, it often results in enhanced employee self-esteem and a “great place to work” environment. Whether launching a formal mentoring program or creating a mentoring environment in an organization, mentoring can improve and promote any leadership initiative.

Generational Benefits of Mentoring

One of the most beneficial aspects of formal mentoring is how it appeals to police recruits who represent new generational needs and attitudes. In the past 5 years, law enforcement has experienced a reduction in applicant pools and higher employee turnover. In many areas of the country, mentoring is having a significant impact on lowering employee turnover by anchoring the employee to the agency and providing a formal leadership development process. When new employees know that they matter to the organization; have an opportunity to contribute to organizational decisionmaking; and receive frequent, constructive performance feedback, they are more likely to be retained by that organization.

Three generations are currently represented in the workplace: (1) Baby Boomer, (2) Generation X, and (3) Generation Y. With the goal of employee recruitment and retention in mind, it is important to understand the most effective way to engage these employees. The characteristics and needs of each generation are manifested by significant historical events and the cultural dynamics occurring during that period. Let’s consider the three generations that are currently in the workplace.

Significant Historical and Cultural Events

Baby Boomers (1943-1960)

- Kennedy assassination
- Vietnam War
- Civil Rights Movement
- Women’s Movement
- Woodstock
- U.S. moon landing

Generation X (1960-1980)

- Iran Hostage Crisis
- Downsizing of the 1980s
- Both parents working/Latchkey kids
- High divorce rate for parents
- Introduction of computers
- Expanded media emphasis

Generation (Y) (1980-2000)

- September 11, 2001
- Terrorism threat
- Economic boom
- Technology boom
- School shootings
- Strong parental involvement

There are significant differences in the events and experiences encountered by each of these generations. To successfully recruit and retain employees within these generations, it is important to look at the values and behaviors that generally apply to each generation. These generational descriptions are meant to provide some clarity for understanding differences among age groups, not to assign blame or pigeon-hole employees. Individual exceptions will always occur, but understanding generational differences helps to put behaviors in an understandable context. That is the goal here.

According to Zemka, Raines, and Filipczak (2000), the following are generational characteristics:

Generational Workplace Values and Behaviors

Baby Boomers

- Driven
- Good team players
- Service-oriented
- Need to please
- Overly sensitive to feedback
- Fear of change
- Self-focused
- Manipulative of rules
- Judge others who see things differently

Generation X

- Independent spirit
- Creative
- Adaptable
- Like challenge
- Multi-tasking capabilities
- Skeptical
- Impatient, especially with technophobes
- Careful with loyalty and commitment
- Organizational longevity not a priority

Generation Y

- Optimistic spirit
- Collective action

- Patriotic/heroic character
- Polite and tenacious
- Need supervision and structure
- Deal well with change
- Collaborators
- Inexperienced in dealing with difficult people

Many employees from the baby boomer generation have begun retiring from police service. For many organizations, the loss of these officers leaves a vacuum of knowledge and experience that is difficult to replace; however, both Generations X and Y are not only receptive to, but in some cases, dependent on mentoring relationships with their senior colleagues. If workplace values and behaviors of Generation X are examined, many individuals appear independent and adaptable but search for a sense of belonging as provided by a mentoring environment. As youngsters, many Xers lacked guidance, support, and feedback if both parents worked outside the home. As a result, some of those same Xers who are now parents have doted upon their children because they believe that the lack of parental involvement and nurturing of their generation was detrimental. Consequently, mentoring is absolutely essential for members of Generation Y because they have become accustomed to being cared for and valued by parents and friends. Mentoring is a highly effective method for engaging and retaining Generations X and Y. Implementing a new employee mentoring process, one that begins long before the agency appointment date, demonstrates organizational value and commitment. In addition, career development mentoring keeps veteran officers engaged and motivated by providing them with career planning and a continuous learning and skill-building atmosphere. As employees representing each generation progress through their careers, they will model mentoring behaviors to colleagues, reinforcing the institutionalization of mentoring within police organizations.

Law enforcement as an industry has experienced many challenges to recruitment and retention of personnel due in part to local and national economic change, generational differences of recruits, and a transformation of effective recruitment methods influenced by the Internet. For law enforcement agencies interested in improving effective recruitment, retention, and personnel leadership development by initiating a mentoring program, a step-by-step mentoring plan follows.

Institutionalizing Mentoring: A Step-by-Step Plan

1. Teach mentoring skills to all employees (sworn and civilian).
2. Chief must demonstrate and support total agency mentoring.
3. Establish formal new hire mentoring process.
 - a. Appoint mentor coordinator.
 - b. Identify employee workgroup.
 - c. Draft mentoring policies and procedures.
 - d. Define mentor/protégé roles and responsibilities.
 - e. Select and train mentors.
 - f. Pair mentors and new hires.
 - g. Evaluate and fine-tune process.

4. Create career development mentoring system.
 - a. Identify command coordinator.
 - b. Identify supervisory workgroup.
 - c. Draft career-planning/goal-setting policies and procedures.
 - d. Define mentor/protégé roles and responsibilities.
 - e. Select and train mentors and protégés.
 - f. Pair mentors and protégés.
 - g. Evaluate and fine-tune process.
5. Plan succession.
 - a. Chief mentors commanders.
 - b. Commanders mentor supervisors.
 - c. Supervisors mentor line employees.
 - d. Officers/civilian employees mentor colleagues and new hires.
6. Chief grooms and prepares his or her successor.

What Mentors and Protégés Do

Before defining the roles and responsibilities of the mentor, the goals of the mentoring process should be understood by the mentor and protégé. For example, if implementing a new hire mentoring process, is it your goal to provide a welcoming atmosphere that will anchor new employees to the organization, provide a career development mentoring process to help employees identify and map out career targets, begin a mentoring program that ensures the continuity and quality of the next generation of police leaders, or all three? Once mentoring program goals are identified, the roles and responsibilities of the mentor and protégé must be established in order to avoid confusion and potential conflict and to maximize program success.

Mentor Responsibilities

- Encourage and model value-focused behavior.
- Share critical knowledge and experience.
- Listen to personal and professional challenges.
- Set expectations for success.
- Offer wise counsel.
- Help build self-confidence.
- Offer friendship and encouragement.
- Provide information and resources.
- Offer guidance, give feedback, and cheer accomplishments.
- Discuss and facilitate opportunities for new experiences and skill building.
- Assist in mapping career plan.

The mentoring relationship requires commitment and shared responsibility for the protégé also. The partners should discuss mutual roles and responsibilities at the beginning of the relationship and review them periodically as necessary.

Protégé Responsibilities

- Clearly define personal employment goals.
- Take and follow through on directions given.
- Accept and appreciate mentoring assistance.
- Listen to what others have to say.
- Express appreciation.
- Be assertive; ask good questions.
- Ask for help when needed.
- Share credit for a job well done with other team members.
- Respect the mentor's time and agency responsibilities.

The Chief as Mentor: The Knoxville, Iowa Model

Successful leaders are often successful mentors. In most large agencies, line employees seldom have direct interaction with their chief, but in small agencies, employees interact with their chief on a daily basis. As a result, chiefs of small agencies can enhance their leadership effectiveness by demonstrating mentoring and by encouraging a total agency mentoring environment. As the lead agency mentor, the chief can model employee value to the agency by supporting employee career planning, providing opportunities for training, and encouraging learning and skill building. Chief Harvey Sprafka, who leads an agency of 18, sworn officers in Knoxville, Iowa, models the chief as mentor.

A Goal-Setting and Career-Planning Approach

Goal-setting and career-planning sessions with the chief of the Knoxville Police Department are usually conducted once a year with each sworn and civilian employee. These sessions are intended to promote employee growth and skill development.

The chief has seen reduced employee turnover and increased employee loyalty since instituting this practice. These sessions may occur with greater frequency for some employees when goals are being achieved quickly or with less frequency for employees who have not met short-term objectives. Because employee goals and interest continually evolve, the periodic review and monitoring of employee progress is vitally important to maintaining this program.

These goal-setting and career development meetings with department employees are flexible in structure because the sessions must be tailored to meet the age, personality, and work/life experiences of each employee. By making the individual sessions informal and relaxed, the process can be an insightful and rewarding experience for the employee and the chief. *The skill of active listening is an essential component of the success of the mentoring process.*

The Knoxville Police Department employee goal-setting and career-planning process requires two meetings. The first is preparatory, and the chief explains this part of the process during which the employee identifies and clarifies his or her current and future career goals. The employee is encouraged to consider the present and future in the short, intermediate, and long-term goals. Their goals must be achievable

but challenging. If the goals are achieved with little effort, they are seldom long lasting or fulfilling.

Next, the employee is asked to conduct a self-assessment in which he or she identifies personal strengths and weaknesses. This assessment provides both the employee and the chief with additional insight into the employee's disposition and temperament. The employee is required to succinctly document his or her goals on one type-written page.

During this stage, the chief offers to include a spouse or significant other in the goal-setting and personal examination process. This is an example of the "family-centered" policy of the Knoxville Police Department.

One week later, a second meeting is conducted during which the employee's one-page goal statement is reviewed and discussed. After reviewing the goal statement, the chief prepares questions and feedback for clarification and then offers his recommendations for achieving the goals. The chief and employee mutually decide upon a timeline for review and accomplishment of the goals.

A copy of the typewritten goals are retained for consultation when planning and scheduling training opportunities or specialized assignments for the employee. As agency leader, Chief Sprafka believes that he is responsible not only to influence and direct but also to create an environment for positive growth by providing resources, job-related opportunities, and experiences that will improve employee personal and professional skills. As their mentor, the chief strives to meet employee training and assignment "wants"; however, greater emphasis is placed on meeting individual training and assignment "needs." The chief and employee determine the training and assignment need based upon the personal assessment completed with the chief, employee work experience and previous assignment evaluations, and completed education and employee goal plan.

The chief provides private sector customer service and communication skill training as ways to augment agency educational opportunities beyond the traditional police training topics. Local banks and other businesses provide contemporary service-based training for the agency's sworn and civilian employees. Private sector customer service and communications training provides police employees with the opportunity to interact with citizens and members of the business community. This cross-training builds agency and community cooperation and supports broad-based perspectives of work, service, and community—something the chief feels is essential for law enforcement professionals.

The model of employee goal-setting and career planning in Knoxville may not work successfully for everyone. This model requires time and commitment to agency growth and improvement by both chief and employees. The program has worked to the advantage of the Knoxville Police Department and community. The commitment of time and attention to his employees pays off for the chief through successful labor negotiations, sustained employee loyalty, and low turnover rates.

This model is particularly beneficial to recruiting and retaining X and Y employees who are focused on work and family relationships and the development of job skills. Perhaps the smaller agency chief has the advantage of knowing and working

closely with employees. It is the author's hope that elements of this program and the chief/mentor model can be successfully implemented in agencies of any size.

Frequently Asked Questions

1. What is the difference between a mentor and an FTO for new employees?

The role of the mentor and FTO are distinct yet complement each other. The role of the field training officer is to train and develop effective police officers. As required during field training, the FTO evaluates the recruit's performance on a daily basis.

The mentor's role is supportive and relational. Mentoring is *not* performance evaluation. The mentor is responsible for contacting the new employee before the agency appointment date and assisting with an effective transition into the police organization by answering questions and serving as a resource for information. The mentor maintains contact with the recruit during Academy training to provide support, guidance, and encouragement. Unlike the FTO, the mentor does not evaluate recruit performance.

2. How do you prevent conflict between the FTO and mentor?

The first step in avoiding conflict between the FTO and mentor is for the chief to demonstrate support of the mentoring process. Include some field training officers and ask for their input in the development of the mentor program. Train mentors and field training officers so that they understand the differences in their roles. Periodic review and oversight by a mentor coordinator will help diminish the potential for conflict.

3. Is the mentoring process lengthy and a drain on staffing requirements?

The time devoted to the mentoring relationship is based on the needs of the protégé. For example, a new employee who is an area native will have fewer needs than the employee who is hired from outside the area.

More time is needed to transition a new hire into the police department and the community. It is important to be flexible and support the mentor to provide this important assistance to a new employee. The benefits in terms of employee retention, enhanced morale, and department loyalty far outweigh the marginal commitment of staff time. The mentoring function can be accomplished while the mentor is on duty in conjunction with fulfilling primary duties.

4. What resources are available to assist in developing a mentoring process for my agency?

- IACP Training Division offers a class titled, *Developing a Mentoring Process*. Contact Shirley Mackey at (800) The-IACP, ext. 221.
- IACP Research Center project, *Services, Support and Technical Assistance for Smaller Police Departments*, provides grant-funded consultation and training in *Mentoring for Law Enforcement*. This project specializes in providing services for agencies with 1 to 25 officers.

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Harvey Sprafka is the chief of the Knoxville (Iowa) Police Department.

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Trainers: Are You Liable for Trainees' Injuries Caused by Your Alleged Negligence? Another Appellate Court Says "No" and Follows the Decision in the *Martinelli* Case

Michael P. Stone, Esq., Michael P. Stone, P.C., Lawyers
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LLC; Officer Safety Institute

On October 26, 2005, the California Court of Appeal filed its published opinion in the case of *Saville v. Sierra College, et al.*, 133 Cal. App. 4th 857, 3rd Civ. No. C047923, which followed an earlier case on the same subject, *Hamilton v. Martinelli & Associates* (2003) 110 Cal. App. 4th 1012, at 1020-26. Dr. Martinelli was sued for personal injuries by a peace officer inservice trainee who claimed that in teaching a defensive tactics program for San Bernardino County, Martinelli negligently exposed Hamilton to an unreasonable risk of injury. She claimed that his failure to use due care to avoid injury to trainees who were required to perform the defensive tactics maneuvers (designed to simulate real attacks and assaults), resulted in permanent disability to Hamilton's spine and neck.

Dr. Martinelli instructed his Texas insurance carrier to place the defense of this case with our law firm which specializes in every variety of law enforcement litigation. So, I asked Dr. Martinelli to collaborate with me on this article, to help trainers and agencies protect themselves from lawsuits brought by trainees who become injured (or claim to be) during dynamic interactive training.

The *Martinelli* Case

This was a case of first impression, which featured Ms. Hamilton, a probation officer, as a trainee in a use-of-force and defensive tactics inservice school taught by Martinelli and Associates for the county. The training featured typical instruction and testing, which we all know, needs to be dynamic, hands-on, and as "real" as possible. No matter how carefully the instructors and participants in these simulation exercises perform them, risk of unintended injury cannot be completely eliminated. Later in this article, Dr. Martinelli will describe his protocols to achieve maximum safety together with effective training, assimilation, and testing in these critical officer safety skills. Suffice to say, we were prepared to prove to the jury beyond peradventure of doubt that his precautions, instructions, and techniques in the *Hamilton v. Martinelli* case were entirely consistent with professional standards of care in the relevant professional training community. As it turned out, the case never made it to the jury because the trial court granted our motion for summary judgment as to *no liability as a matter of law*. The plaintiff appealed, however, and that is how the *Martinelli* case became a precedent (published) decision of general applicability throughout the United States.

Our defense in *Martinelli* rested upon two interrelated legal doctrines long recognized in statutes and case law throughout the country: (1) assumption of risk and (2) the so-called Firefighter's Rule. The *Martinelli* court found that both of the doctrines applied to Hamilton to bar her claims of negligence against Dr. Martinelli, thus affirming the trial court's grant of summary judgment in favor of Dr. Martinelli.

We pause here to consider the impact of *Martinelli* on professional police training if the decision had gone the other way. Law enforcement trainers recognized many years ago that training in defensive tactics and arrest and control techniques must be dynamic, involving hands-on interactive physical contact and exertion, in order to teach and test assimilation of these critical skills. Because the skills are perishable, they must be refreshed periodically by inservice training such as that Dr. Martinelli was providing for the San Bernardino County Probation Department.

Today, many police organizations turn to outside private training providers for specialized use-of-force training. When the training is actually provided by the agencies' own trainers, employees who claim injury are limited to the exclusive remedies of state workers' compensation statutes and may not sue their own agencies and employees for tort damages, for example in a negligence action like Ms. Hamilton's. When the training is provided by outside providers like Martinelli & Associates, however, tort actions against them are theoretically possible because they are not the trainees' employers. So, workers' compensation statutes do not bar such lawsuits, and if the agency has paid worker's compensation or pension benefits to an injured trainee, the agency-employer could intervene in the trainee's lawsuit against the trainer to recover the costs of the benefits and medical care it paid to and for the injured trainee.

Three obvious results would inevitably flow from the *Martinelli* case if the Court of Appeal justices ruled that Hamilton's lawsuit could go forward:

1. Dynamic, reality-based interactive training would be scaled back or eliminated because the trainer would be too vulnerable to personal injury claims by trainees.
2. Private, independent-contractor trainers would stop offering such training for the same reasons.
3. Insurers would withdraw policies affording coverage for trainers against negligence claims, or the premiums would be cost-prohibitive for most independent contractors.

The overall result is that available training options in these critical skills would be substantially curtailed. In these circumstances, public policy should favor denying even deserving injured claimants a tort remedy because the benefits of permitting and encouraging challenging, dynamic, interactive physical training by professional trainers substantially outweighs the limited harm to the occasional, seriously injured trainee. After all, since the training is usually sponsored by the employer and trainees attend "on-duty," workers' compensation and medical pension benefits are available.

The above considerations are part of the legal fabric in the *Martinelli* and *Sierra College* cases discussed herein, that support these two independent Court of Appeal

decisions barring the plaintiffs' tort claims by application of assumption of risk and the Firefighter's Rule.

Assumption of Risk and the Firefighter's Rule

Assumption of the risk, of which the Firefighter's Rule is a variant, is based upon the principle that certain activities involve a level of anticipated risk of injury to participants. When persons voluntarily engage in inherently risky activities, such as downhill skiing, mountain climbing, bungee jumping, and whitewater rafting, and are injured by the very risk they voluntarily confronted in order to enjoy the sport, they should not be able to sue the sport's providers for negligence. Reducing the risk of injury to almost none would deprive participants of the enjoyment of these sports. So, public policy counsels against permitting injured participants to sue. Police training is similar. If we curtail the dynamic training to a near no-risk proposition, trainees and their employers would be deprived of the benefits of dynamic, reality-based interactive training.

The Firefighter's Rule generally bars public safety members from suing persons whose negligence is the reason for the member's presence at the scene and which is the proximate cause of the member's injury. Again, it is based upon the principle that police officers and firefighters voluntarily assume risky employment for which they are specially compensated and may not sue tortfeasors for injuries sustained in the normal course of performing duties occasioned by the wrongful conduct of others.

Assumption of risk and the Firefighter's Rule are highly fact-oriented and complex in their application to particular cases. Both have numerous exceptions and subtleties that are far beyond the reach and purpose of this article, but, for a more detailed discussion, see our Training Bulletin (Volume 6, Issue 7) entitled "Police Trainers Cannot Be Held Civilly Liable for Trainees' Injuries During Training," which discussed the *Martinelli* case at length.

The Sierra College Case

Plaintiff Robin Saville wanted to become a search and rescue helicopter pilot. To improve his chances of being hired, . . .

. . . plaintiff enrolled in a class at defendant Sierra College entitled Administration of Justice 600, also referred to as PC 832 (referring to Pen. Code, § 832), Arrest, Communications, and Firearms. Sierra College is a community college operated by the Sierra Joint Community College District. (For convenience, we refer to the different Sierra College entities named in plaintiff's complaint as the College.)

The course was open to any student who could pass a firearms background check. The College's catalog for spring 2001 described the course as follows: "P.C. 832: ARREST, COMMUNICATION, AND FIREARMS [¶] . . . [¶] Meets requirements of California Penal Code Section 832 requiring individuals having Peace Officer powers to complete a training course prescribed by the Commission on Peace Officer Standards and Training (POST). Partially satisfies POST Level III Module training. Covers ethics, courts, community relations,

laws of arrest, use of force, search and seizure, investigations, arrest and control methods, shooting principles, and range qualification.

The course consisted of three portions: lectures, methods of arrest and control, and a firearms portion. Plaintiff declared in his separate statement of undisputed facts participation in the activity to learn arrest and control methods was required: "The class was pass/fail. In order to pass the class, the students were required to attend and pass all three parts including arrest and control procedures.

Auburn Chief of Police Nick Willick was the lead instructor of the course. He taught the lecture portion of the course, and other officers taught the control methods and firearms portions. Willick explained the arrest techniques portion of the course to the students. Although he did not use the words "role-playing," Willick informed the students they would learn the techniques in as realistic an experience as possible, and they would be "modeling" the actions an actual police officer would take when performing a takedown in the field. (Saville, 133 Cal. App. 4th at 517-18)

At one point during the class, Saville and another student engaged in a slow-speed takedown maneuver. Saville was "taken down" by his partner and hit his neck on the partner's knee. Saville suffered a herniated cervical disc and other injuries that necessitated surgery.

Saville sued the College, claiming that the College negligently failed to inform him at registration of the risk of injury in participating in takedown maneuvers; evaluate or screen him, or advise him to do the same in light of the risks; and supervise and properly train him and his classmates to perform the maneuvers correctly.

Relying on a long line of assumption of the risk cases, and then focusing on those cases that involved training injuries when the plaintiff was trying to learn a sport or physical maneuver, the Court of Appeal cited the *Martinelli* case with approval as an example of correct application of the assumption of the risk doctrine (See slip op. at p. 17). Ultimately, the Third Appellate District panel ruled the same as our Fourth Appellate District justices did in *Martinelli* and affirmed the grant of summary judgment in favor of Sierra College.

Trainers need to remember, however, that assumption of the risk may not bar an injured trainees' tort claims if he or she can show that the trainer *actually increased* the risk of injury inherent in the training by grossly negligent or intentional misconduct. It is very important to employ industry-recognized safety protocols and individual precautions such as those discussed below by Dr. Martinelli.

The Martinelli Safety Protocol

What follows below is the Training Safety Protocol and Normal Injury Assessment Protocol utilized in Dr. Martinelli's Officer Safety Institute (OSI), which offers dynamic, reality-based interactive training for law enforcement self-defense and arrest and control tactics.

The Training Safety Protocol

All OSI instructors follow this Training Safety Protocol each time they instruct any use-of-force or dynamic role-playing training scenario. Instructors should always error on the side of safety and *repeat* the student assessment protocols whenever there is any question as to whether the student might have any of the following:

- A prior (latent) injury within the last few years
- A recent or previous surgery to any “protected area,” especially to the head, neck, shoulders, joints, back, hips, arms, legs, knees, feet, or any internal organs
- A history of breathing difficulties (e.g., asthma)
- A history of high blood pressure
- A history of any heart disease
- Is overweight (25 to 49 lbs. over normal body weight) or obese (50+ lbs. over normal body weight)
- Is experiencing or complaining of soreness as a result of being out of shape

Normal Injury Assessment Protocol

- Instructors explain the training objectives of each course of instruction and underscore that dynamic scenarios with physical competency testing while the student is “stress inoculated” are required to pass the class.
- Instructors fully explain the Training Safety Protocol to the class and then to each student individually. Instructors inquire about the students’ physical and medical history as indicated above. If a student advises an instructor that he or she has any physical limitations as described above, the student will be identified by a conspicuous piece of colored tape placed on the clothing, which will also identify any “protected area(s).”
- If a student is identified as having a significant protected area or preexisting medical problem, he or she will be identified by a large “X” in colored tape, placed over the chest. The “X” identifies the student as a “non-dynamic scenario” trainee, precluded from participating in high-stress or dynamic physical training. All test forms will indicate that this student participated in the training but was not tested or certified under dynamic conditions.
- Prior to and immediately following each dynamic testing scenario, instructors will ask each student how he or she is doing physically and whether any have sustained any injuries or have any new physical/medical problems.
- During the class, instructors make continuous contacts with the students, especially those marked with colored tape to determine whether there are any difficulties. Instructors constantly monitor their students and are proactive in assessing any potential problems before injury occurs.
- Throughout the class, students are repeatedly encouraged to seek out an instructor at the first sign of unusual soreness or potential injury. Examples of warning signs are unusual muscle fatigue, muscle strain, sharp pain, throbbing pain, shortness of breath, prolonged and rapid pulse, headache, and pain in joints.

- Instructors immediately assess any student who experiences any of the symptoms described above to determine whether the training should be continued, modified, or stopped.
- Instructors identify all injuries and medical problems sustained during the class on an injury report and ensure that injured students fill out a departmental workers' compensation injury form.
- Instructors identify any unusual physical or medical problems in the section provided on the course test form to document the existence of that problem regardless of whether or not that student was injured during the class. Examples are injuries to protected area(s) or pre-existing problems identified by the student and marked with tape in the beginning of class. This helps protect the trainers from claims by students that they were injured in the class, when in fact the injuries were pre-existing.
- At the conclusion of each class, the instructors personally assess each student to ensure that the student was not injured in class and document any injury or problems that the student did not identify to the instructor during class.
- All injuries and medical problems are reported in writing to the department's training manager immediately following the injury. Minor injuries such as small cuts, muscle strains, or significant soreness can be reported at the end of class.

Michael P. Stone, Esq., has been a police defense (civil, criminal, administrative, appellate) specialist, based in southern California for 25 years. He is a former police officer, agent, supervisor, and police attorney; he served in three municipal police departments in California and Colorado from 1967 to 1979. He has been an active police trainer throughout his entire career and has trained thousands of police executives, managers, investigators, and association representatives in all aspects of police law and litigation. Formerly the General Counsel for the Los Angeles Police Protective League (Lieutenants and Below Unit), he is presently General Counsel for the Los Angeles Police Command Officers Association (Captains, Commanders, and Deputy Chiefs Unit), as well as for the Riverside Sheriff's Association Legal Defense Trust and the Los Angeles Port Police Association. He regularly represents individual local, state, and federal officers and officials as conflict counsel for the City of Los Angeles (tort and civil rights); the U.S. Department of Justice, Civil Division, Torts Branch (*Bivens* actions, BOP prison litigation, VA physicians and surgeons; *Qui Tam* litigation); and as PORAC-LDF and FOP panel attorneys. His firm, Michael P. Stone, P.C., Lawyers, generally limits its practice to police and corrections law and litigation cases.

Ron Martinelli, PhD, directs Martinelli & Associates: Justice Consultants, LLC and its Officer Safety Institute. He is a Master Instructor in all levels of force, and has been a certified Police Practices Expert and Trial Specialist for 25 years in state and federal courts.

The Americans with Disability Act (ADA): An Overview for Employers

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Overview

This article presents an overview of the Americans with Disabilities Act (ADA), which will acquaint the reader with a basic knowledge of the ADA. Topics covered are prior laws leading up to the ADA, definition of terms, what an employer can and cannot do in the hiring process of a qualified applicant with a disability, lawful and unlawful acts by an employer, investigation of ADA complaints, and a listing of websites for employers requiring more information on the ADA. Because this is only a brief overview of the ADA, questions concerning any application of the Act should be directed to the reader's human resource personnel or labor attorney.

It is important for employers to understand the ADA since many workers are delaying their retirement until an older age, and with age can come disabilities that may fall under the purview of the ADA. In addition, with the current world events in the Middle East and the war on terrorism, many employees have been called away from their employment to fight the war in Iraq. These workers will be returning to employment, some with disabilities either physical or mental. An article published in *The Dispatch and The Rock Island Argus* newspaper on Tuesday, April 5, 2005, entitled "Illinois Soldier Who Lost Eye Can't be Peoria Police Officer" makes my point (Cosdispoti, 2005). An Army reservist was on the Peoria Police Department's eligibility list prior to being deployed to Iraq. He suffered an eye injury, which rendered him blind in one eye. The police department required officers to have vision in both eyes. The City of Peoria offered the reservist other jobs within the city, but he declined the offers.

Events and Laws Leading Up to the ADA

To understand the ADA, one needs to become acquainted with the history of other laws that led up to the signing of the Act by President George H. Bush on July 26, 1990. The ADA is a civil rights law. Proponents of the ADA claim the Civil Rights Act of 1964 was the framework for the ADA. No where in the Civil Rights Act of 1964 did it mention people with disabilities, but it did make it unlawful to discriminate against race, sex, national origin, and religion. The 1960s, 1970s, and 1980s were filled with laws providing equal rights for all individuals of society ("Understanding," 1996). The following laws provided a level playing field for all of us (ADA & IT Technical Assistance Centers, 2003):

- Architectural Barriers Act of 1968 – Federal law requiring federal buildings or buildings built with federal funds to be accessible for people with disabilities
- Rehabilitation Act of 1973 – First federal law to prohibit discrimination against people with disabilities; applies to federal employers or programs funded with federal money
- Air Carrier Access Act (1986) – Deals with access to air travel for individuals with disabilities

What Is the ADA?

The ADA is a federal civil rights law that gives protections to individuals with disabilities just as we have protections against discrimination under the Civil Rights Act of 1964. It guarantees equal opportunity for individuals with disabilities. It is a wide-reaching law that covers more than employment. The ADA covers more than just equality opportunities in employment and is broken down into five separate areas (Illinois/Iowa Independent Living Center Business Advisory Council & Access Center, 1996):

1. Title I covers employment (private sector more than 15 employees and all government employers regardless of number of employees).
2. Title II covers local and state governments and the services they provide including transportation, rail, and bus.
3. Title III covers public accommodations, which include restaurants, hotels, theatres, retail stores, shopping centers, malls, hospitals, museums, parks, zoos, private schools, day care centers, restroom facilities, and elevators.
4. Title IV covers telecommunications.
5. Title V is a miscellaneous provision for enforcement by the U.S. Equal Employment Opportunity Commission (EEOC).

The ADA does not apply to the federal government because they fall under the provisions of the Rehabilitation Act of 1973. The ADA also does not apply to those private employers that have less than 15 employees; although, they are covered by the state statutes (Illinois/Iowa Independent Living Center Business Advisory Council & Access Center, 1996).

Title I Employment

Title I of the ADA makes it unlawful for an employer to discriminate against a qualified applicant or employee with a disability. “No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; and other terms, conditions, and privileges of employment” (ADA Titles I and V). To begin to understand the ADA, we need to understand some of the different terms mentioned, such as *disability* and *qualified individual*.

What Is a Disability?

The ADA breaks down a disability into a three part definition (ADA & IT Technical Assistance Centers, 2003); however, an individual need only to satisfy one part to be considered disabled under the Act. A *disability* is defined as a physical or mental impairment that substantially limits a major life activity, or has a record of such an impairment, or is regarded as having such an impairment. What is a physical or mental impairment that substantially limits a major life activity? To understand, we need to break the terms down even further and define *substantially limits* and *major life activity*.

The Supreme Court has helped us somewhat in a couple of court cases. Some examples of “minor limits” as opposed to “substantial limits” are near- and far-

sighted vision that is correctable, hypertension that is controlled by medication, and blindness in one eye in which the individual has learned to compensate for the loss of depth perception are all considered minor by the courts (Weiss, 2004). Major life activities are functions such as caring for yourself, performing manual tasks, walking, seeing, hearing, breathing, and working. This list is not exhaustive, and other activities could include sitting, standing, lifting, etc. The courts have provided some examples of conditions that hinder major life activities, which include back problems, visual-speech-hearing-impairments, diabetes, HIV, alcoholism, heart disease, muscular dystrophy, epilepsy, and the ability to reproduce (Weiss, 2004). Again, this list is not exhaustive.

We need to focus on conditions that substantially limit a major life activity. Items that are not included in this category are illegal drug use and any psychoactive substance abuse disorders resulting from the drug use; temporary conditions such as broken arm in a cast; all forms of sexual orientation such as homosexuality, transvestism, transsexuals, etc.; kleptomania; pyromania; and gambling addictions (Fleischer, 2004). The second part of the definition, "or has a record of such an impairment," includes prior medical treatment of conditions (ADA & IT Technical Assistance Centers, 2003). Examples of such things include the treatment of cancer, drug use, or mental problems. Although recovered from the medical condition, the applicant is discriminated against because of such record. The last part of the definition, "or is regarded as having such an impairment," can be explained as follows ("ADA Basic Building Blocks"): The employer treats the individual as if he or she has an impairment even though he or she does not. An example of this is an employee that has high blood pressure and is assigned to a less strenuous job because the employer is afraid the employee will have a heart attack.

Who Is a Qualified Individual?

The term *qualified individual* refers to an individual who with or without reasonable accommodation can perform the essential functions of the job he or she is seeking or currently holds. There are two important terms in this definition, *essential function* and *reasonable accommodation*, that must be defined. The first definition we need to look at is the *essential functions* of the job. In the ADA Act, it is written that the employer's judgment as to what functions of the job are considered essential will be given consideration so long as the employer has written job descriptions in place before any advertising or interviewing of applicants for the job ("Americans with Disabilities Act – Questions and Answers," 2002). Items to consider when deciding on the essential functions of a job include the number of other employees available to perform the same job, degree of expertise or skill required to perform the job, actual work experience of past and present employees, and the consequence of not requiring that an employee perform the function. A good test on an essential function of the job is whether the reason the position exists is to perform the function.

Employers must understand that just because a job description lists a particular duty of the job, it does not mean it is an essential function of the job. For example, a job description for a file clerk includes answering the telephone. The essential function of the position involves filing and retrieving written materials, while answering the telephone is only a minor duty and is actually assigned to another employee; the file clerk only answers the telephone on rare occasions. If an employer were to disqualify an individual with a hearing impairment based on the job description, he

or she would probably be violating the ADA since answering the telephone is not an essential function of the file clerk's position ("ADA Basic Building Blocks").

A *reasonable accommodation* can be defined as any change or adjustment to a job or work environment that permits a qualified ADA applicant to participate in the job application process, perform the essential functions of the job, or enjoy benefits equal to those employees not disabled ("ADA Basic Building Blocks"). Reasonable accommodations may include job restructuring, modifying or acquiring equipment, modifying work schedules, reassigning to vacant positions, providing readers and interpreters, and making the workplace readily accessible to and usable by people with disabilities ("Americans with Disabilities Act: Questions and Answers," 2005). It is a violation of the ADA not to provide a reasonable accommodation unless it would cause or impose an undue hardship on the business or organization.

What Is an Undue Hardship?

There are no hard and fast rules on what constitutes an *undue hardship*. What may be an undue hardship on one business or employer may not be on another because of size, financial condition, or the nature and structure of the business. Some examples of undue hardships include accommodations that would be unduly costly, extensive, substantial, or disruptive to the business or one that would fundamentally alter the nature or operation of the business (Guerin & Delpo, 2002). If one reasonable accommodation can not be met because it would cause an undue hardship, a business or employer should look to see whether other accommodations can be met or ask the applicant or employee for ideas on accommodations.

Unlawful Acts in the Application or Interview Process

An employer may carry out any of the following acts during any phase of the employment process ("Americans with Disabilities Act: Questions and Answers," 2005):

- It is unlawful to ask applicants whether they are disabled or the nature or severity of their disability.
- It is unlawful to refuse to hire any person because he or she has a disability as defined by the ADA and is a qualified applicant.
- It is unlawful to ask on an application or during an interview questions regarding physical or mental conditions that prevent applicants from performing the job functions.
- It is unlawful to require applicants to take a medical examination before making a conditional offer of employment.
- It is unlawful to fire an employee because of a disability unless it can be proven that he or she is a direct threat to the safety of him- or herself or others.
- It is unlawful to retaliate against any applicants or employees because they made a charge of discrimination or asked for accommodations.

Lawful Acts in the Application or Interview Process

An employer may carry out any of the following acts during the employment process to determine qualifications for employment ("Americans with Disabilities Act: Questions and Answers," 2005):

- It is lawful to ask questions about abilities to perform job-related functions as long as the questions are not phrased in terms of a disability.
- It is lawful to ask the applicant to describe or actually demonstrate how, with or without reasonable accommodations, he or she will be able to perform the essential functions of the job.
- It is lawful to give a job-related fitness test and pre-employment drug test prior to a conditional offer of employment. They are not considered medical exams and are therefore exempt from the ADA.

What the ADA Does Not Say

There has been a lot of confusion about the ADA since its passage. The ADA does not indicate that an employer has to give preference to a qualified applicant with a disability (“Americans with Disabilities Act: Questions and Answers,” 2005). The employer is required to give a qualified applicant with a disability an equal opportunity for the job. If an employer is hiring for a typist position and an applicant with a disability can only type 50 words a minute with or without reasonable accommodations and typing ability is an essential job function of the typist position, and another applicant can type 100 words a minute, the employer would obviously hire the most qualified applicant.

The ADA does not require an employer to have written job descriptions or perform lengthy or costly job analysis to prove what the essential functions of the job are. In the Act itself, it is written that the employer’s judgment as to what functions of the job are considered essential will be given consideration so long as the employer has written job descriptions in place before advertising or interviewing applicants.

The ADA does not require an employer to make all accommodations for an applicant or a current employer (“Americans with Disabilities Act: Questions and Answers,” 2005). It only requires the employer to make a reasonable accommodation. If an accommodation would cause an undue hardship on the employer, then he or she would not be in violation of the ADA for not making the accommodation.

The ADA does not require an employer to hire a current illegal drug user. If an applicant is currently using illegal drugs, he or she is violating the law. An applicant who has a history of illegal drug use may be qualified under the ADA, but only if he or she is not currently using drugs and his or her drug use was an addiction rather than minor casual use (“Questions and Answers,” 1997). Employers cannot screen out applicants because of a history of use or treatment; however, an employer can screen out those applicants with a felony drug conviction if the employer screens out all applicants with felonies and shows that the felony exclusion is job-related and necessary for business-related concerns (“Questions and Answers,” 1997).

The ADA does not require an employer to create a position for a qualified applicant with a disability or a current employee with a disability, but it does require that the employer transfers the disabled employee to a job within the organization that he or she is qualified for, with or without reasonable accommodation (“ADA Basic Building Blocks,” 2005). The employer does not have to promote the employee. If another employee is performing a job that a disabled employee can do, then the employer would need to reassign employees. There are conditions under which the employer would not be obligated to reassign, and this occurs when a collective

bargaining agreement is in place. The Courts recognized that bargaining agreements take precedent (“ADA Basic Building Blocks,” 2005). For example, if an organization has a collective bargaining agreement, which allows for job assignment bidding and the disabled employee is not as senior as the employee currently assigned to the job, the employer is not required to reassign employees.

Investigation and Violations of ADA Complaints

The Equal Employment Opportunity Commission (EEOC) is the federal agency tasked with investigating Title I complaints alleging disability-related violations of the ADA (“ADA Basic Building Blocks,” 2005). The complainant has between 180 to 300 days to file a complaint with the EEOC. In states that have agencies to handle discrimination complaints, the time limit is 300 days; it is only 180 days for those states with no agencies responsible for investigating complaints. If the complaining individual does not file a complaint with the EEOC, he or she loses the right to sue in civil court. The EEOC can also initiate an investigation on behalf of an employee. Once a complaint is filed with the EEOC, they will investigate, and if the complaint has merit, they will seek to mediate or settle the complaint with the employer. If settlement efforts are unsuccessful, the EEOC may file a lawsuit on behalf of the complaining party. The EEOC can also conclude its investigation without filing a lawsuit against the employer on behalf of the complainant but instead issue a “right to sue letter.” The letter entitles the complaining party to seek civil relief for the complaint through the court system. The complainant has only 90 days from the time of issuance of the letter by the EEOC to file a lawsuit (“ADA Basic Building Blocks,” 2005).

According to the EEOC website, “In fiscal year 2004, EEOC received 15,376 charges of disability discrimination. EEOC resolved 16,949 disability discrimination charges in FY 2004 and recovered \$47.7 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).”

For those employers in local or state government, the agency responsible for investigating complaints of violations of the ADA can be the U.S. Department of Justice since it is primarily responsible for Title II and Title III complaints; however, they can refer cases to the EEOC (“ADA Basic Building Blocks,” 2005).

ADA Positives Affecting Law Enforcement

The State of Illinois enacted legislation to remove discrimination in its police and fire pension codes after a complaint was filed by the Department of Justice. This case centered around the issue that municipal pension funds were requiring their officers to submit to a separate physical from the one that was conducted when the officer was hired in order for the officer to become a member of the pension plan. The municipal pension plans were excluding officers from becoming members of the pension fund because of a disability. In Illinois, an officer with the Aurora Police Department was denied membership into the pension plan because he had diabetes. He had been performing his job with the police department for 10 years and doing the same job as other officers, yet he was denied the same pension benefits as afforded to other officers without a disability (U.S. Department of Justice, 2000).

In Denver, Colorado, an officer sued the city after he was injured in the line of duty and unable to perform the essential functions of a police officer. He was capable of performing the duties of a criminal investigator or probation officer; however, the Denver Police Department refused to reassign him to any of those vacant positions (U.S. Department of Justice, 2000).

Sites for Assistance

There are numerous government websites that can help employers answer many of their questions about the ADA. A partial list of government websites with information on the ADA follows.

U.S. Department of Justice

- Questions and Answers: The Americans with Disabilities Act and Hiring Police Officers
www.ada.gov/copsq7a.htm
- Commonly Asked Questions About the Americans with Disabilities Act and Law Enforcement
www.ada.gov/q%26a_law.htm
- Enforcing the ADA: Looking Back on a Decade of Progress – A Special Tenth Anniversary Status Report from the Department of Justice
www.ada.gov/pubs/10thrpt.htm
- Americans with Disabilities Act Questions and Answers
www.ada.gov/q%26aeng02.htm
- The ADA and City Governments: Common Problems
www.ada.gov/comprob.htm
- ADA Standards for Accessible Design
www.ada.gov/stdspdf.htm

Businesses and Nonprofit Service Providers

- ADA Basic Building Blocks, a project of the ADA & IT Technical Assistance Center, offers an online course in reviewing the laws surrounding the ADA.
www.adabasics.org
- ADA Business Briefs
www.ada.gov/business.htm#anchor-bbriefs
- Commonly Asked Questions About Service Animals
www.ada.gov/qasrvc.htm
- Commonly Asked Questions About Child Care Centers and the ADA
www.ada.gov/childq%26a.htm

Local and State Governments

- ADA Guide for Small Towns
www.ada.gov/smtown.htm
- ADA and City Governments: Common Problems
www.ada.gov/comprob.htm

U.S. Equal Employment Opportunity Commission

- The Family and Medical Leave Act, the ADA, and Title VII of the Civil Rights Act of 1964
www.eeoc.gov/policy/docs/fmlaada.html
- The ADA: A Primer for Small Business
www.eeoc.gov/ada/adahandbook.html
- Your Responsibilities as an Employer
www.eeoc.gov/facts/ada17.html
- Your Employment Rights as an Individual with a Disability
www.eeoc.gov/facts/ada18.html
- Job Applicants and the ADA
www.eeoc.gov/facts/jobapplicant.html
- Small Employers and Reasonable Accommodation
www.eeoc.gov/facts/accommodation.html
- Obtaining and Using Employee Medical Information as Part of Emergency Evacuation Procedures
www.eeoc.gov/facts/evacuation.html
- Diabetes in the Workplace and the ADA
www.eeoc.gov/facts/diabetes.html
- Epilepsy in the Workplace and the ADA
www.eeoc.gov/facts/epilepsy.html
- Persons with Intellectual Disabilities in the Workplace and the ADA
www.eeoc.gov/facts/intellectual_disabilities.html

Conclusion

The ADA is a simple law to understand and follow as long as the employer remembers that the law was created to provide equal job opportunities for those qualified individuals with a disability. It is not a preferential treatment law, but one of equity and opportunity. The employer can hire the best candidate for the job. The law requires a little thought and understanding of a few key definitions of the ADA by the employer to understand how to work within the framework of the law. The law does require an employer to make a reasonable accommodation for job applicants or current employees, but the accommodation has to be reasonable and not create an undue hardship on the employer.

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The Impact of the Americans with Disabilities Act on Police Officer Selection

John W. Kolberg, Deputy Chief of Police, Oakbrook Terrace (Illinois) Police Department

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The Act is an antidiscrimination statute designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same employment opportunities that are available to persons without disabilities. The ADA extends federal civil rights protection in several areas to people who are considered “disabled.” The ADA was built upon existing legislation, particularly the Rehabilitation Act of 1973 and the Civil Rights Act of 1964, and has been further refined by the courts.

The ADA is not an affirmative action statute. It seeks instead to dispel stereotypes and assumptions about disabilities and to assure equality of opportunity, participation, independent living, and economic self-sufficiency for disabled people (Goldman, 1990). To achieve these objectives, the law prohibits covered entities from excluding people from jobs, services, activities, or benefits based on their disability. The law provides penalties for discrimination. Specifically, the act prohibits the following:

- Limiting/classifying/segregating any job applicant or employee because of a disability
- Participating in any contract or relationship that results in discrimination against qualified applicants or employees because of a disability
- Not making reasonable accommodations to the disabled employee unless such accommodations would impose an undue hardship based on business necessity
- Denying equal job opportunities to a qualified individual with a disability
- Using qualifying standards, employment tests, or other criteria that screen out an individual or class of persons with a disability
- Retaliation against anyone for asserting his or her rights under the ADA

Not every disabled person is covered by the ADA. To be considered “disabled” under the act, a person must have a condition that impairs a major life activity or a history of such a condition or be regarded by others as having such an impairment (Twomey, 1998). Impairing a “major life activity” excludes minor impairments and those of a temporary nature such as a broken bone or minor illness. The act covers individuals with the human immunodeficiency virus (HIV) and *past* drug addiction, and alcoholism. Current drug addiction specifically excludes an individual from the definition and, hence, protection under the ADA (ADA, Section 104a). In an attempt to clarify what a “disability” is under the ADA, the U.S. Supreme Court in *Toyota v. Williams* (2000), ruled that the plaintiff must show that he or she is impaired, not only on the job, but in his or her daily life as well, and that the limitation on the major life activity is both “substantial” and “permanent or long-lasting” (224 F.3d 840).

The ADA defines who must comply with the law and who is exempt. An “employer” includes all private employers, employment agencies, local and state governments, labor organizations, and joint labor-management committees. Excluded from the act are the United States government, corporations wholly owned by the United States, Indian tribes, and private membership organizations (other than a labor union) that are tax exempt.

The ADA has five titles: (1) employment, (2) public services and transportation, (3) public accommodations, (4) telecommunications, and (5) miscellaneous provisions. The accompanying table outlines the first four titles and the agencies responsible for their enforcement.

Title V (Other Provisions) contains miscellaneous regulations and provisions. Included in Title V is the provision that the illegal use of drugs is not a covered disability and that states are not immune from suits under the ADA. To re-emphasize this point, the Supreme Court, in *Tennessee v. Lane* (2003), specifically ruled that Congress can legislate against a state’s rights when violations of civil rights under the ADA occur (315 F.3d 680). This decision clears the path for plaintiffs to seek compensatory damages against public agencies. Title V also creates the Architectural and Transportation Barriers Compliance Board to issue regulations and standards for accessibility to the disabled.

Title	Issue	Responsible Agency
I	Employment	EEOC
II	Public Service	Justice Department
	Public Transportation	Department of Transportation
III	Public Accommodations	Justice Department
	Private Transportation	Department of Transportation
IV	Telecommunications	Federal Communications Commission

Source: Goldman, 1990

Title II prohibits local and state governments from discriminating against any qualified individual with a disability from participating in their programs, services, and activities, including employment. The size of the agency, or whether or not it receives funds from the federal government, is immaterial. It is through both Title I and Title II that a complaint of discrimination against a municipality from employment will be made. To avoid litigation stemming from a complaint of an alleged violation of the ADA, law enforcement officials need to be mindful of unacceptable practices in hiring of police officers.

The ADA prohibits making disability-related inquiries or giving applicants for police jobs medical examinations until a conditional offer of employment is made. In the past, people with disabilities, particularly those with hidden disabilities, were denied jobs once potential employers found out about their disability. The ADA prohibits discrimination by limiting an employer’s knowledge of an applicant’s disability to a later stage in the employment process. An employer may only ask about an applicant’s disability or give a medical examination after the employer makes a job offer. The job offer can be conditioned on the applicant successfully passing a medical examination. If the person is then denied the job because of information obtained from the medical examination, the reason for the decision is out in the open.

Physical agility and fitness tests are customarily given to police applicants to measure their ability to perform job-related tasks prior to making a job offer. Tests that simply measure the ability of an applicant to perform a task is not considered a medical examination. These are permissible under ADA as long as they do not tend to screen out persons with disabilities and are consistent with business necessity. Requiring an applicant to provide medical certification that he or she can safely perform the physical fitness test is allowed by ADA as long as the certification offers no other medical information or explanation.

The tasks that an applicant is required to perform in a physical agility test must be directly related to the essential elements of the job. To identify and document these tasks, a detailed job analysis should be performed and a job description subsequently written for the position to be filled. Although the job analysis serves many purposes outside of the recruitment stage, this article will limit the discussion to how it pertains to officer recruitment and the ADA.

A *job analysis* is “the determination of the tasks which comprise the job and of the skills, knowledge, abilities and responsibilities required of the worker for successful performance and which differentiate the job from all others” (NUTI, 1994, p. 1). Conducting the analysis is a critical part of establishing what the “business necessity” is with regards to a police officers’ job function. The establishment of this business necessity is paramount to defending a complaint that an agency acted in a discriminatory manner towards a disabled applicant.

A properly performed job analysis will answer three questions regarding the tasks necessary to successfully perform the work required of the offered position:

1. The analysis describes *what* the worker does. This includes a description of not only the physical effort required but the mental effort as well. An applicant’s ability to plan, judge, decide, and reason are as essential to a police officer’s daily tasks as his or her ability to drive a car or shoot a gun.
2. The analysis describes *how* the worker does the job. This involves the tools and equipment that a police officer uses daily. Again, the mental processes engaged in applying this equipment to perform the task at hand is included.
3. The analysis should identify *why* the worker does the task. What is the purpose of the task? This is often an overlooked part of the job analysis, particularly at the recruitment stage, but can become the most important for an agency if a disqualification results in an ADA complaint, as it will counter allegations that the described tasks are arbitrary or capricious.

Many police agencies use private testing companies to administer and develop the various tests that police recruits are given at the pre-employment stage. These companies rely on their experiences with a vast number of local governments to develop both physically and mentally challenging tests based on the necessary minimum requirements to perform the tasks associated with a police officer. These tasks have been identified throughout the field as critical functions of the job description. The tests must be *content validated* based on a detailed job analysis of the tasks that make up the important elements of the job (Twomey, 1998). The test, then, may measure the performance of those functions. Agencies that administer

their own tests must likewise adhere to the same validation principle to avoid a disparate impact judgment.

An applicant possessing a “known” disability that would reasonably appear to interfere with or prevent performance of job functions can be asked to demonstrate how those function(s) would be performed (EEOC Rule 1630.14a). For example, an applicant with visibly impaired fingers could be required to demonstrate that he can pull the trigger of a pistol and be able to reload it, even if other applicants are not required to do likewise. The use of a sidearm is considered an “essential element” of the job description for a police officer. Having an applicant with a visible and apparent disability demonstrate the above task would not be considered unreasonable. Having the same applicant demonstrate his ability to use a typewriter, for instance, may be prohibited if it is determined that typing is not an “essential” but instead, a “marginal” function of the job. In this case, other reasonable accommodations to the person’s disability would be expected of the employer. The determining factor is that the disability was readily apparent and not the result of any questioning or medical examination by the employer, *and* the function is truly an essential task based on business necessity.

The police executive must tread lightly when applying this “essential element” standard. Citing the above example of requiring the apparently disabled applicant to demonstrate his ability to operate a pistol, it could be construed as discriminatory if the applicant was disqualified because he could not operate a specific make or model of handgun when an acceptable alternative model is available. Similarly, attempting to disqualify a hearing impaired applicant on the premise that he may not hear a radio call is unreasonable if the applicant could use a hearing aid to overcome this disability. The employer would be completely within his or her rights to require the employee to wear the hearing aid while on duty but would be hard pressed to defend a complaint if they refused to consider such an accommodation. Again, the standard of “reasonable accommodation” will be the issue looked upon by the courts should litigation be filed.

Corrective action for ADA violations are available under Title VII of the Civil Rights Act of 1964. The remedies can include the following:

- Reinstatement
- Training
- Hiring
- Seniority rights
- Reassignment
- Punitive damages
- Promotion
- Compensatory damages

Back pay is limited to not more than 2 years prior to the filing of a charge. In addition to the above remedies, attorney fees can also be awarded to the prevailing party by the court. The attorney fees can include any expert witness fees that may have been paid (Twomey, 1998).

The ADA is more than just an antidiscrimination law. It is an equal opportunity act designed to not only protect but to encourage the hiring of persons with a

disability who are qualified to do a job. Although not an affirmative action law mandating employment of a protected group, it removes many of the barriers to employment with which disabled people have had to contend. Congress recognized that disabled Americans have an important contribution to make to society. The legislative intent of the ADA was to enact a powerful law affording these citizens an equal opportunity to contribute and enjoy the benefits of meaningful employment. Police officials involved in the selection process need to be familiar with the ADA in order to avoid tests and procedures that would place individuals with a disability at a disadvantage and still offer the agency the best method of selecting the most qualified candidate.

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Violation of “Speak the Truth at All Times” Rule Is Not *Per Se* Grounds for Termination: Fourth Appellate District Rejects “Lying Is Dying” Justification for Termination of Veteran Sergeant

Michael P. Stone, Esq., Michael P. Stone, P.C., Lawyers
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Although it is true that a peace officer can be terminated for a sustained charge of dishonesty on the first offense, there is no requirement in the law that a sustained untruthfulness charge *must* result in termination. In fact, California case law has long established the principle that “just cause” requires a case-by-case analysis of the sustained misconduct to determine the appropriate level of discipline to impose. In the seminal case of *Skelly v. State Personnel Board* [(1975) 15 Cal 3d. 194], the California Supreme Court held that in determining the appropriate level of discipline, the “overriding consideration in these [public employee] cases is the extent to which the employee’s conduct resulted in, or if repeated is likely to result in, [h]arm, to the public service.” Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence” (5 Cal.3d at 218). Additionally, except in cases in which the sustained misconduct is particularly egregious, the principle of progressive discipline is generally followed.

Despite the established principles of “just cause” (i.e., harm to the public service and progressive discipline), the clear language of the *Skelly* decision, and the many decisions that have applied *Skelly*, the Riverside County Sheriff’s Department has admittedly adhered to an unwritten policy or rule wherein any sustained violation of Department General Order (G.O.) 202.20 (“Department members shall speak the truth at all times whether under oath or not.”) shall be grounds for termination. In other words, any sustained allegation of untruthfulness in a duty-related matter will result in a termination. Hence, under this unwritten policy or rule of discipline, untruthfulness is *per se* grounds for removal.

The written rule (G.O. 202.20) commands that personnel shall always tell the truth, but it is the unwritten rule that calls for the administrative death penalty in every case of a violation of G.O. 202.20. Applying a meat-axe approach to employee discipline frequently leads to injustice, such as happened in a recent case we litigated in the Fourth Appellate District of the Court of Appeal, Division 2.

In order to celebrate completion of a deputy’s tour of jail assignment and his welcomed transfer to patrol, a sergeant decided to bring a live chicken to the deputy’s final jail assignment roll call and to have the deputy hold the chicken on his lap. The sergeant and deputy had a running joke about the chickens that the sergeant raised at his home. Prior to the roll call, the sergeant was questioned about the wisdom of

bringing a live chicken into the facility by fellow sergeants. Although the sergeant did not recall his response, two of the sergeants present stated that the sergeant implied that there was administrative approval to bring the chicken into the roll call. The sheriff felt that this was dishonesty and removed the sergeant on February 18, 2003. Mr. Horvath of our firm assumed responsibility for handling the appeal.

After 3 days of hearing, the hearing officer found that the sergeant did engage in acts of horseplay or mild hazing and misrepresented to fellow sergeants that there was "administrative approval" to bring the chicken into the facility. Additionally, the arbitrator found that the sergeant had a long career (12 years) of exemplary service without any record of previous discipline (principles of progressive discipline were not applicable). The hearing officer ordered the department to reinstate the sergeant to his position in good standing, with backpay and benefits subject to a 30-calendar day suspension.

The department's position throughout the hearing and in closing argument was that any form of dishonesty is *per se* automatic grounds for removal, regardless of the employee's record. The hearing officer rejected this argument in a well-reasoned opinion that distinguished the numerous cases cited by the department from the facts of the case under review. In reinstating the sergeant, the hearing officer offered the following commentary regarding the department's position:

While noting the Department's contention that "lying is dying," and while also noting the case citations which the Department submitted and is relying upon . . . while the courts made reference to the higher duty of law enforcement sergeants and of the seriousness of lying, every one of those decisions appeared to turn on much more serious and egregious misconduct associated with the lies. Interestingly, in none of those analyses did the courts simply state words to the effect that it didn't matter what the underlying employee's conduct was—that his/her simple lie was sufficient by itself—to terminate. . . .

As such, the lifting of language in some of these decisions as to the seriousness of such conduct (i.e., as in *Talmo*, supra) that "once a peace officer chooses to lie, he or she has forfeited the trust of his or her department and the public" was not given the same weight by the undersigned as the Department contends. For, if the courts were intending to have based their decisions on that premise alone, there would have been no reason for their extensive recapitulation and analysis of the particular facts in each of their individual cases. Therefore, while I recognize the Department has made logical arguments in support of its position that termination is proper in this case, for the reasons noted above, and below, I did not find those arguments persuasive.

More specifically, I did not find those arguments persuasive based upon a number of reasons, including my analysis of the principles and concepts of "just cause," the standard adopted in these proceedings and a standard readily recognized by labor/management arbitrators.

As for example, I initially note the absence of a case cited by the Department which says in effect "lying in and of itself, no matter the nature of the lie irrespective of the underlying misconduct" is grounds for the automatic termination of a public employee. Further, I note that arbitrators also routinely

consider and evaluate factors that might be considered in mitigating the severity of the disciplinary action, when misconduct has been demonstrated. And, I do note that there are significant factors of mitigation (i.e., the specific nature and context of the appellant's misrepresentation coupled with the appellant's 13-year tenure and extremely positive record of service).

I also did not find, despite the Department's arguments and contentions to the contrary, that the appellant's misrepresentation was related to the very duties and laws that he is entrusted to enforce and/or that it was likely that he would engage in such conduct again—another factor considered by several of the court decisions cited by the Department.

As such, based upon the foregoing, I find that the appeal is meritorious. More specifically, I found the Association's arguments persuasive to the effect that the termination was not predicated on the principles of just cause in that the severity of the disciplinary action violated the principles of just cause.

The Department petitioned the Superior Court for a writ of administrative mandamus to reverse the hearing officer's decision. Superior Court Judge Dallas S. Holmes, denied the petition in a six-page order.

In clarifying an important distinction in administrative mandamus writ proceedings, Judge Holmes noted that the standard of review to be applied in the Superior Court when it reviews an administrative hearing officer's decision depends upon the *identity of the petitioner*. Had the sergeant lost his appeal (hearing officer upholds removal of sergeant), the sergeant would be the petitioner in Superior Court, seeking to reverse the administrative decision. Because the sergeant held his position as a "fundamental vested right" subject to discharge only "for cause," the Superior Court should apply its *independent judgment* on the evidence, rather than the more narrow review to determine whether "substantial evidence" supports the decision below, but here, it is the department that is the petitioner. Therefore, since the department's right to discipline its members is *not* a fundamental vested right, the proper standard of review to be applied is the "substantial evidence test." The question is, "Is the hearing officer's decision supported by substantial evidence?" If so, the superior court cannot disturb the decision, and the sergeant wins. This is a huge distinction in applying the proper standard of review.

In applying this test to the findings, the court found that the hearing officer's decision was supported by substantial evidence.

But the law is also clear that penalty decisions are even more difficult to overturn because a superior court judge may not substitute his or her judgment regarding a proper penalty for that of the hearing officer, *regardless* of which party is the petitioner. Judge Holmes correctly ruled that penalty determinations can only be overturned when they constitute a manifest abuse of discretion, or are arbitrary or capricious.

Not to be outdone, the department's lawyers raised the novel argument that the decision which should be under review is the sheriff's decision to fire the sergeant and that the hearing officer could not substitute his judgment on penalty but must uphold the sheriff's penalty if he found the charges were true.

Judge Holmes soundly rejected the department's effort to end-run the Riverside Sheriffs' Association MOU-adopted hearing procedure, by "proffering an erroneous standard of review." Undaunted, the department lawyer filed an appeal in the Fourth Appellate District, Division 2.

In the Court of Appeal, the three-justice panel in *Riverside County Sheriff's Department v. Zigman (Real Party, Struxness)* [4th Civ. No. E037222 (September, 2005)] affirmed the decision of the Superior Court and awarded Real Party his costs. Therefore, as was ordered by the hearing officer, the department is required to reinstate the sergeant to his position in good standing with backpay, benefits, and interest after 2 years and 8 months since his discharge.

As it did in the trial court, however, the department floated the "erroneous standard of review" rejected by the trial court. The Court of Appeal found no support for this novel effort to obfuscate the appropriate standard of review, by sowing seeds of confusion. Moreover, since the department could not show that the trial court abused its discretion in upholding the hearing officer, the court rejected the department's appeal.

Conclusion

Our many stern warnings to law enforcement members over the years in lectures, training bulletins, articles in law enforcement periodicals, and pleadings demonstrate that we generally agree that deception about material matters in official investigations is *serious misconduct*, and that termination is usually appropriate and will be upheld. We have never taught or argued, however, that dishonesty is *per se* grounds for removal, irrespective of the circumstances. Indeed, the many appellate decisions cited by the department in support of its unwritten "*per se*" rule show the fallacy of the assumption. These appellate decisions (supporting terminations) go to great lengths to explore the factual circumstances of each case—an exercise that would be wholly unnecessary if a "*per se*" rule applied, whether written or otherwise.

So, while law enforcement agencies should continue to emphasize the central prominence of integrity and character for truth, honesty, and veracity in managing and disciplining police personnel, they should not assume that "you lie, you die" and that "zero tolerance" for deception will pass muster in every appeal or judicial review.

We continue to advocate that employers should apply a case-by-case approach to the problem of the deceitful officer. Don't charge false statements and lying unless there is clear and convincing evidence of willful deception amounting to more than a bare denial of wrongdoing.

Michael P. Stone, Esq., has been a police defense (civil, criminal, administrative, appellate) specialist, based in southern California for 26 years. He is a former police officer, agent, supervisor, and police attorney; he served in three municipal police departments in California and Colorado from 1967 to 1979. He has been an active police trainer throughout his entire career and has trained thousands of police executives, managers, investigators, and association

representatives in all aspects of police law and litigation. Formerly the General Counsel for the Los Angeles Police Protective League (Lieutenants and Below Unit), he is presently General Counsel for the Los Angeles Police Command Officers Association (Captains, Commanders, and Deputy Chiefs Unit), as well as for the Riverside Sheriff's Association Legal Defense Trust and the Los Angeles Port Police Association. He regularly represents individual local, state, and federal officers and officials as conflict counsel for the City of Los Angeles (tort and civil rights); the U.S. Department of Justice, Civil Division, Torts Branch (*Bivens* actions, BOP prison litigation, VA physicians and surgeons; *Qui Tam* litigation); and as PORAC-LDF and FOP panel attorneys. His firm, Michael P. Stone, P.C., Lawyers, generally limits its practice to police and corrections law and litigation cases.

Stephen J. Horvath is an associate who is part of the firm's police litigation unit and collaborates with Michael P. Stone on many cases like that described herein.

The firm serves as General Counsel for the Riverside Sheriffs' Association Legal Defense Trust.

Community-Oriented Policing Program (COPP)

Gerald R. Hilger, Lieutenant, Cicero (Illinois) Police Department

Executive Summary

Community-oriented policing will become the operational strategy of the Cicero Police Department throughout the upcoming year and into the future. Community-oriented policing has become a national trend. No single unit alone will be designated to conduct community-oriented policing in Cicero. Instead, the entire department's mission is to work collaboratively with the community to first identify problems in our town, then to jointly develop long-term solutions to those problems. This will occur at every level in the department. In 2005, the concept of community-oriented policing will be introduced in Cicero and instilled in all department personnel with associated training. This change in philosophy needs to take root in theory as well as practice. The concept has proven effective over the last 10 years across the United States. The emphasis has changed from the old numbers game of racking up arrests to addressing the systemic problem at hand with the help of the community residents, members of the business community, and civic leaders. The job of solving problems is not limited to community relations/crime prevention personnel or police administrators. It is the responsibility of all personnel to approach each assignment with a new focus asking, "What are the actual problems? Who do the problems involve? What can be done to permanently solve the problems?" Empowered by this new philosophy, patrol officers will hit the street and begin meeting their residents. Community relations/crime prevention efforts will continue with many projects and a renewed vision of collaborating with the community as often as possible. Detectives and youth officers will become more involved in preventative measures and programs. Cicero residents will be perceived, for the first time, as customers or consumers to be served well and effectively. A newly formed community-oriented policing program (COPP) will coordinate the efforts of special programs, such as Sarah's Inn Domestic Violence Intervention, PACT Camp, Safety Town, Police Explorers, juvenile counseling, the GREAT school program, the GATE school program, and the School Safety Plan Program. The community-oriented policing approach employed by all department personnel will alleviate criminal activity and change the perception of crime within the Town of Cicero.

Introduction

Perception of crime is a major factor in determining the effect of crime on the quality of life in a neighborhood or town. According to *Lessons on How People React to Crime in Their Neighborhood* by D. Garth Taylor (1993), there are ten lessons to be learned from several years of researching residents in the Chicagoland area (p. 5):

1. The quality of life in a neighborhood declines not when residents experience victimization, but when they become dissatisfied with the "safety problem."
2. People's dissatisfaction with the extent of the "safety problem" is the primary reason they move.

3. The experience of being victimized is not the primary reason most people become dissatisfied with the “**safety problem**” in the neighborhood.
4. Most people have a fairly accurate sense of the crime rate in a community.
5. The crime rate in a neighborhood is not the primary reason most people become dissatisfied with the “**safety problem**” in the community.
6. The primary issue affecting whether most people are dissatisfied with the “**safety problem**” in their neighborhood is whether the benefits from living in the neighborhood are high enough to make the crime level tolerable.
7. When the benefits of living in a neighborhood are high, even high crime rates are often considered tolerable.
8. When the benefits of living in a neighborhood are low, even moderate crime rates can be considered intolerable.
9. Crime is now the dominant symbol affecting people’s judgments about the quality of life in a neighborhood and their sense of what the future will bring.
10. Anti-crime efforts take place in the context of people’s general feelings about the amenities of the neighborhood and expectations for the future.

Our first challenge is providing the best possible service to a community that is diverse, with regard to ethnicity and economics, in a well-established political system.

The population of Cicero was recorded as 86,616 in the 2000 census. It is conservatively estimated at 105,000 today. Census information reported Cicero’s cultural make-up as 77% Hispanic, 22% white, and 1% black. While the population and demographics have changed markedly in the last 20 years, increases in the Hispanic community were dramatic. A police department of 209 employees as of January 2005 meets the challenges produced by the diverse composition of our population. The present total equates to 138 sworn full-time officers, 26 part-time officers, and 27 auxiliary police officers.

The Cicero Police Department has identified that short-term solutions are only *stopgap* measures. Crime reduction dictates real problem-solving techniques for long-range solutions to problems at their source. According to *Crime Control Digest* (1993), mayors and police chiefs from 30 major cities throughout the country identified this same aspect for crime reduction.

One of six issue areas identified by the participants was addressing the root causes of violent crime. Their statement reads as follows:

All of the actions specified above are short-term responses to violent crime. If we are to stem the tide of violence, we must address the root causes. A jobs program should be established to attack the problems of unemployment in our cities. We must build strong neighborhoods and encourage community involvement to prevent crime from occurring in the first place. We need to address a number of issues related to young people, including making parents responsible for the actions of their children and providing young people with

year-round jobs and with recreational activities, such as midnight basketball, which address their needs. (*Crime Control Digest*, 1993)

The Cicero Police Department addresses these issues in a variety of ways. Theoretically, the Cicero Police Department's 2005 Strategic Plan challenges all department members to conduct all policing and service activities with community involvement and citizen orientation, to perform quality police service, and to employ a problem-solving approach toward all activities. In practicality, jobs are being sought for unemployed individuals who expressed an interest in changing their lives through town employment services. This does not solve the problem of unemployment, but it does address the needs of our citizens and neighborhoods.

To provide an understanding of the comprehensiveness of the Cicero Police Department's commitment to further deter crime with the assistance and support of our citizens, this article illustrates the many levels of community contact, resources, and support that are employed by department personnel, division by division.

Administration

The deputy superintendent for administration oversees the Dispatch Center, Records Division, Budget, Report Review, and Operations Support. He is frequently in contact with elected officials and other town departments. The Dispatch Center of the Cicero Police Department is the front line contact with the citizens of Cicero. Besides their responsibilities of answering phone lines regarding emergency and criminal issues and dispatching the appropriate fire and police personnel, the members of this division under the manager, offer educational tours of their division for community groups or other police and law enforcement agencies.

Besides providing educational information, this division uses an emergency contact program for all businesses in Cicero. Information about who to notify in the case of an emergency at the business is gathered and updated periodically to ensure the best possible protection by the Cicero Police Department. Recognizing the necessity of providing adequate language interpretation for our non-English speaking residents, this division implemented the use of the *AT&T language line*, which provides language translation for over 200 foreign languages.

The Records Division has personal contact with citizens on a daily basis. Besides providing support for our officers and other law enforcement agencies, they assist citizens inquiring about police reports, warrants, or copies of accident reports in which they were involved. It was identified that providing service from 8:00 AM to 8:00 PM Monday through Thursday, would better benefit our citizens who work during the daytime. Also, many of our citizens speak Spanish, so staffing is provided with personnel versed in Spanish. These additions are the vehicle for offering the best possible service to our citizens.

Executive Operations Coordinator (EOC)

The executive operations coordinator (EOC) reports directly to the superintendent and acts in his absence as his representative in matters involving official police department business. The EOC serves as a researcher and advisor to the superintendent on issues related to equipment procurement and testing, training

program development, revision of general orders, policies, and procedures, dignitary protection, homeland security, disaster response, terrorism intelligence, and community special event planning in addition to many other matters. The EOC serves as an administrative community liaison between the Cicero Police Department and the various entities of the Cicero public and private community at large, including various local, county, state, and federal public safety agencies. The EOC often functions as the overall project coordinator on various community-related police department initiatives and is responsible for the successful implementation of those programs as proposed by the superintendent. In addition, the EOC is actively involved in the collaboration of multi-jurisdictional and area-wide partnerships and mutual aid agreements with other governmental agencies, private businesses, and community groups. Such collaborations have resulted in the development and operation of the following: a Homeland Security Working Group, National Incident Management System, Community Disaster Response Plan, Emergency Bio-Hazard Pharmaceutical Distribution Plan, School Active Shooter Rapid Response Plan, and participation in the Illinois Law Enforcement Alarm System (ILEAS) and Northern Illinois Alarm System (NIPAS) Mutual Aid Programs. Additionally, the EOC represents the interests of the Cicero Police Department as a committee member of an executive law enforcement organization, who was delegated, with the task of distributing Department of Homeland Security funding for training and equipment to area emergency responders.

Our direct involvement in these important community safety and emergency response programs demonstrates that the Cicero Police Department is making every effort to ensure the safety of its citizens and protect them from harm due to terrorism or other criminal acts and is striving to be fully prepared to respond to any man-made or natural disaster that may occur in the Cicero community.

Community Services Commander

The community services commander encounters, on a daily basis, the needs of the community. As an assistant to the superintendent, this officer is involved in the direction and administration of COPP and the part-time and Auxiliary Unit.

Community-Oriented Policing Program/Neighborhood Watch Meetings

Crime Prevention/Community Relations programs are the framework for COPP. For years, programs such as Neighborhood Watch, Security Surveys, Public Education Presentations, and Crime Prevention through Environmental Design concepts have educated the community about safety issues. Now, they have all been rolled into COPP.

Directed by the commander of community services, COPP/Neighborhood Watch meetings are formed because of interest among the citizens in a particular area to reduce or avoid crime in their neighborhood. The initial contact comes in many ways, from a letter from Crime Prevention/Community Relations after an area burglary or picking up a brochure at a safety fair, to word of mouth from another Neighborhood Watch member or a police officer. The objectives of the program are to distribute information to homeowners and citizens on how to protect themselves, their property, neighborhood, and community. The program will foster better

communication and helpful relationships between not only neighbors but also with neighbors and police.

Through this communication, a mutual respect and concern is often developed. Community members ask to become more involved in assisting police. At the present time community residents assist in crime prevention through the Detective Division, Juvenile Division, Training Unit, and police administration. This process educates the community in law enforcement procedures and constraints. It also gives the participants an individual forum in which to express their experiences and educate police personnel on the image and effectiveness of their labors.

In December of 2004, the Cicero Police Department launched its first Shop with a Cop Program. The yearly event was started with financial support that provided \$100 for each of 10 underprivileged families and was hosted by the Cicero Target store. Ten members of the department escorted members of the chosen families on a shopping spree 2 days before the holiday season.

Cicero Business Security Working Group (BSWG)

The Business Security Working Group (BSWG) has commenced. This working group ultimately will provide security surveys and crime prevention through environmental design for area businesses. This unit allots the largest portion of time for presentations to the business community. In coming months, cable access television will further the communicative capabilities of the department with a series of crime prevention telecasts.

Auxiliary Police Department: "The Unit"

The Cicero Police Patrol Division is supplemented by an Auxiliary Police Department. Their assistance is helpful in providing security at activities, town facilities, schools, and parks. This uniformed patrol is a proactive presence in our community parks during the months of April through October to ensure safety for our children and citizens. They also perform traffic direction duties for services and special events. These officers work special detail assignments for Cicero organizations and numerous local religious and civic groups. These officers offer additional support in patrolling the central business districts on foot and outlying shopping areas with bicycle patrols.

Patrol Division

The deputy superintendent of patrol directs the Patrol Division, Court Services, and Traffic Enforcement. Additional units driving all terrain vehicles patrol the town when weather permits.

As head of the Traffic Unit, the deputy is responsible for the collection and analysis of all traffic-related issues for the Town of Cicero. They deal with citizen complaints regarding accidents, illegal parking, speeding, abandoned vehicles, truck routes, accident reconstruction, traffic control devices, etc. This unit often has contact with elected officials as they write, rewrite, clarify, and update ordinances dealing with traffic issues. All court liaison work and this unit completes paper processing as well. They conduct DUI safety checkpoints in cooperation with MADD (Mothers Against

Drunk Driving), the Illinois State Police, the Cook County Sheriff's Police, and the Illinois Department of Transportation. The Cicero Police Department and its officers have led the state during the last several years in DUI enforcement arrests.

Traffic reconstruction is a scientific method of investigating, documenting, and reporting serious traffic accidents. The Cicero Police Department maintains two reconstructionists to carry out these important duties and will soon be aided with a state-of-the-art traffic reconstruction computer, Total System, purchased with traffic enforcement grant funds.

The Cicero Police Traffic Unit also teaches seatbelt safety and works with departments across the area in assisting citizens in the proper installation of child safety seats. Cicero currently employs four state-certified child safety restraint technicians, who offer free child restraint installations and inspections to the community.

Patrol Division personnel are the ambassadors of the Cicero Police Department. They respond face to face, 24 hours a day, with the citizens of Cicero. Each watch's primary goal is to produce quality work with a problem-solving emphasis. Every officer is instructed to be creative and resourceful in his or her approach to problem resolution and community service.

The day watch will initiate a Citizen Contact Program, which will require each officer to make a meaningful problem-oriented contact with the community each day with ordinary citizens. This means initiating the contact, not merely responding to a call for assistance. These problems may entail, but are not limited to, abandoned cars, nuisance identification and abatement, business community enhancement, or church contacts. Officers are encouraged to conduct Walk-and-Talk visits in the business areas of their beats. They are also becoming involved in the local school activities, such as those of Unity Junior High School and Morton High School.

All watches execute the Selective Traffic Enforcement Program (STEP), which identifies the highest volume intersections for accidents. Each watch responds with appropriate selective enforcement of these intersections to help alleviate further problems.

Like the day watch, the afternoon watch deploys the Citizen Contact Program. A particular interest is taken in business contacts on this watch to further a cooperative effort in preventing crime and maintaining a safe environment. The afternoon and midnight watches are moving to enhance the role of the reporting officer by demanding more investigation at the initial scene. In the past, these officers simply responded to the call, offered what assistance was immediately necessary, and then recorded the incident. The Investigations Division then performed the follow-up investigation. The result was that citizens felt that their circumstance was not handled as quickly or efficiently as possible. With patrol officers spending more time thoroughly investigating each incident, the citizen perceives that the level of service is better and more satisfactory. The benefit for the police department is that our officers become more experienced and educated in investigative procedures and provide a high quality of police service to the citizens of Cicero.

Since most neighborhood groups meet in the evening hours, the afternoon watch has the largest number of contacts with COPP/Neighborhood Watch groups. The beat

supervisors and officers attend the meetings to assist in identifying the problems of their areas with neighborhood residents and find amiable solutions. Afternoon watch officers are encouraged to stop and interact positively with youths in their beats. For instance, if a group of kids are playing basketball in the area park, officers are encouraged to shoot a few hoops with the kids to build a better police image with our youth.

Along with STEP deployment measures, the afternoon and midnight watches participate in a DUI Enforcement Program. The goal of this program is to identify and arrest drug and alcohol DUI offenders. Each watch maintains a “zero tolerance” goal with regard to drunk driving investigations.

By paying particular attention to business areas, officers may become aware of security risks for a particular business entity. When this is noticed, they will utilize community-oriented policing Crime Stop Notices. The beat officers leave a Crime Stop Notice to inform the citizen or business that a condition exists that may contribute to their victimization. The purpose of the notice is to raise the citizens’ awareness in order to better protect their property. The notice states, “Thank you for helping us help you,” followed by written indication of the problem. All three patrol watches are in constant contact with other police/law enforcement agencies and court services. They work also with Sarah’s Inn for Domestic Violence, local CEDA services, area hospitals, and Metra and CTA transportation authorities.

School Liaison Officer

Often children’s problems or issues are manifested at school. Cicero police have an active school liaison officer program. Support for the high school and all of our middle schools are provided. In the schools, they offer educational talks and classes regarding safety issues. They work collaboratively with school staff on individual student cases, involving the parents as well as teachers. Most importantly, they project a positive police image to students.

Officer Friendly Program

This program is the first interaction with a Cicero police officer in a school environment in which an officer promotes a positive relationship with all students from kindergarten through 3rd grade. The program consists of a Cicero police officer giving a presentation in each classroom on the importance of basic safety rules and regulations in the school and home environment, building confidence in obtaining necessary help when needed, promoting the correct method of emergency calling 911, promoting positive student-teacher interaction, and formulating a positive relationship with a Cicero police officer.

Recently, a day watch tactical car was staffed to respond to all Cicero schools regarding gang activity. This two-officer car is working to become familiar with each and every school in town putting educators at ease and responding immediately to gang intelligence that is produced by the police-school interagency agreement passed by the Cicero Board of Trustees.

The school liaison officers teach the GREAT program. GREAT (Gang Resistance Education and Awareness Training) teaches 6th graders, in an 8-week course, the

necessary skills and techniques to avoid becoming involved in gangs. With gang crime on the rise, this is a necessary preventative measure. Besides teaching GREAT, the middle school liaison officer is involved in many of the school's extracurricular activities.

Investigations Division

Led by a deputy superintendent, the Detective/Investigations Division maintains a mission to provide prompt, efficient, and thorough investigation of criminal incidents. The Cicero Police Department expands that mission. Effective community-oriented policing deems that prevention and collaboration be utilized as well as routine investigative measures.

Offering the best possible service to our citizens is always a priority at the Cicero Police Department. Time and money are the normal constraints faced, but creativity is encouraged in overcoming these roadblocks. Communicating information to our citizens at large through the local media is also a function of the Investigations Division. If a serious crime or incident occurs, a press release is developed and released. Should a series of incidents or a suspicious activity be noted, the media is contacted in order to warn citizens of the situation. This helps to prevent crime and keep our citizens informed.

To prevent crimes such as fraud and forgery, the Cicero Police Department detectives have established a quarterly meeting with the Cicero Chamber of Commerce to educate them in recognizing and protecting themselves from these types of crimes. Presentations regarding burglary protection, women's safety tips, firearm awareness, and crimes against the elderly are provided on a request basis, free of charge to any group within the town no matter how large or small. Each presentation will garner a community with members who are better educated about their personal safety and ultimately reduce victimization. These proactive approaches allow citizens to be advised before victimization as to protecting themselves with security devices or measures. The crime prevention through environmental design concept advocates working with city planners, architects, builders, etc. to prevent potential security risks from being built and eliminate those existing, which will hopefully lead to a reduction in crime and fear of crime, producing an improvement in the quality of life. A component of that goal is to establish a bank security network similar to the above group to discuss and share ideas and information regarding security for financial institutions.

Not only businesses are victims of fraud or financial crimes. The elderly are often targeted in scams. The Cicero Police Department initiated a Senior Citizen Outreach Program. The Elderly Liaison Officer works with Senior Services to enhance their services through better criminal investigation, information, and education. Staff members of this unit are trained on how to identify and report elder abuse. The Cicero Police Department assists agencies with issues or problems including dealing with elder abuse, caretaker or spousal neglect, and financial scams.

In general, police work is reactive: something happens and police respond. There is very little continuing contact that allows them to address long-term problems, and many of the seniors' problems are long-term. Some become confused and are unable to care for themselves. Others have no family – or

family who live thousands of miles away – so they live, and often die, in virtual isolation. In addition, seniors are repeatedly the trusting victims of telemarketing scams in which they purchase unneeded merchandise and services, respond to requests for donations, answer construction scams in which they receive faulty roof repair, or purchase unnecessary water treatment equipment. (“Street Crime,” 2005, p. 78)

Crime Analysis

The new crime analysis function supplies statistical data to governmental agencies, other law enforcement agencies, businesses, the media, perspective new city residents, commercial and residential property owners, and social agencies. Within the department, information is gathered and analyzed to determine whether a pattern exists, and the information is disseminated so that solutions may be devised and implemented regarding the particular identified problem.

The crime analyst function of the Cicero Police Department will be carried out by a team of sworn and civilian personnel from different departments, who strives for concise accurate data. This function provides statistical data for department administrators, allowing them to adjust patrol strategies to address specific crime issues and crime patterns.

Gang Tactical Unit

The commander of the Gang/Tactical Unit along with a supervisor lead a community-oriented policing strategy. In this position, they often advise city, county, state, and national elected officials in gang crime related issues. Drugs and gangs seem to go hand-in-hand. There are dozens of active gangs in the Cicero area. The Gang/Tactical Unit tracks gang activity and saturates areas in which gang crime is increasing. They use all resources available to suppress criminal activity related to gangs. A local parental responsibility ordinance and a state improper supervision law have been enforced in Cicero with regard to gang members participating in criminal activity. Parents are warned when the police department has contact with their child and has identified him or her as a gang member, that any ensuing contacts will be grounds for arresting the parents for not controlling the actions of their child. Similarly, the unit will begin using the Agent Agreement for trespassing by gang members. The gang members congregate at specific locations. The Gang/Tactical Unit contacts the owners to make them aware that known gang members are gathering on their property on a regular basis. If owners confirm that they do not wish to have these people trespassing, they can sign an agreement that allows the Cicero Police Department to act as their agent and arrest all trespassers found on their property. Another avenue used is to meet monthly with parole and probation officers in order to determine whether any local gang members are on parole or probation. Gang/Tactical Unit members monitor the parolee or probationer’s activity to determine whether any breaches have occurred.

Suppression is not the only tactic employed by this unit. They are working with kids who want to get out of gangs to get them the support they need, doing everything from working with area businesses to hire them to getting them counseling and finding suitable housing. They work individually with identified gang members to assess their involvement and commitment to gangs before making the determination

about where they should be sent if arrested. They determine whether they should be referred to the victim assistance coordinator or sent away to the Department of Corrections. They even form mentoring relationships with some of the members and take the time to talk with them or even check on their schoolwork.

Since they are authorities on the major Cicero gangs and their members, this unit also makes numerous presentations throughout the year. These presentations are made to parent/teacher groups, businesses, kids, and social clubs. The purpose is to educate others on how to identify gang members. This unit also works with the Code Enforcement Unit.

Other agencies with which the unit works are the Cook County Sheriff; Drug Enforcement Administration; Alcohol, Tobacco, and Firearms; the Secret Service; and the FBI.

West Suburban Gang Intelligence Group (WSGIG)

Recognizing that gang intelligence is the only way to suppress gang violence, the Cicero Police Department initiated the first ever West Suburban Gang Intelligence Group (WSGIG) in 2005. This group includes members from the western suburbs, the Cook County Sheriff's Police Department, and the Chicago Police Department. This group will communicate on a regular basis and hold meetings to exchange gang information relating to gang crime in the entire metropolitan area of Chicago. The group will also provide training to its officers regarding trends in gang activity.

High Incident Drug Trafficking Agency Enforcement (HIDTA) Detail

The Cicero Police Department appropriates one officer of the Gang/Tactical Unit to the Cook County Sheriff's High Incident Drug Trafficking Agency (HIDTA) Enforcement Unit. They are encouraged to use all existing laws necessary to eradicate drug activity. They are not alone in their battle against the unlawful activities of illegal drug sellers and users.

HIDTA officers work collaboratively with a local rental board by appearing before this board to attest to known drug activity by potential renters. This is an important service since federal laws provide a means of holding owners responsible for allowing known drug activity to occur on their property. By this law, they can receive punishments of not being able to rent or sell their property for a specific length of time. Properties occupied by owners involved in drug activity are confiscated under asset forfeiture laws. Any monetary gains from asset forfeiture are used to fund activities such as the At Risk Youth Program. Contact is also maintained with School District 99 and 201 and all the Cicero schools. Safe School Zones are posted and enforced in Cicero. Members of the Gang/Tactical Unit have arrested individuals selling illegal drugs within 1,000 feet of a school, and these arrestees have been prosecuted accordingly.

The Gang/Tactical Unit will become involved with the Town of Cicero's Code Enforcement Unit when conducting police activities in homes in Cicero. They photograph code violations with the Code Enforcement Unit following up and taking action against the violators.

Community Action Groups

These groups consist of a variety of units that work directly with citizens in preventing crime and looking for creative solutions to crime and issues that affect the quality of life in our community.

- **Cicero Youth Commission**

The Cicero Youth Commission (CYC) is a nonprofit organization made up of volunteers that have a goal to promote fun and safe activities for the families and youth in Cicero. The CYC offers over 30 programs and events to residents. The CYC knows the pressures that face children in today's society, and young people need the support of family and community members to overcome gang and drug influences and peer pressure. The CYC represents all walks of life that come together to plan events. It is important that the children in Cicero feel safe and secure while enjoying everything that the community has to offer them (Tamer & Piscipo, 2005a).

- **Cicero Senior Services**

The Town of Cicero Senior Services Department offers the following support to senior residents and people with disabilities: daily social activities including exercise classes, seminars, trips and monthly movies, plays, dances, and museum trips all at no cost. Minor home repairs are also made at no cost. Lawns are cut; snow is shoveled; buses transport those in need to medical appointments and special events 7 days a week (Tamer & Piscipo, 2005a).

- **Sarah's Inn Domestic Violence Counseling Services**

Sarah's Inn has been serving the Town of Cicero for over 20 years, offering counseling services to survivors of domestic violence as well as a Court Advocacy Program located at the Maybrook Courthouse. As part of the Cicero Police Department's COPP, Sarah's Inn provides a bilingual court advocate on site at the Cicero Police Station on a biweekly basis to act as a resource for officers and victims (Tamer & Piscipo, 2005a).

- **Youth in Crisis**

Youth in Crisis (YIC) is a nonprofit, licensed child welfare organization serving the Cicero community. YIC's bilingual services are offered at no cost to youth and their families and include counseling and mentoring services, 24 hours a day/365 days a year crisis intervention, peer support, and the Gang Intervention Program (Tamer & Piscipo, 2005a).

- **Safety Town**

Directed and instructed by a Cicero police officer in which all 1st grade students are taught basic safety issues through the use of informative videos, verbal instruction, and student interaction. The students are taught in crossing the street, emergency calling 911, fire safety, railroad crossings, school bus safety, and safety issues that affect the everyday lives and quality of life of the children. The students are given outdoor hands-on practical instruction in the above lessons. The Cicero Police Department would like to promote through education a positive relationship and interaction between children and police officers at a very early age in which adherence to safety rules, not only in school but at home,

is instrumental to a child's safety to reduce injuries and preventable accidents (Garza, personal communication, February 27, 2005).

- **Police Explorers**

This program is directed by volunteer police officers appointed by the superintendent of police. Exploring is a worksite-based program. It is part of the Learning for Life career education program for young men and women who are 14 through 20 years old. Police Explorers' purpose is to provide experiences that help young people mature and to prepare them to become responsible and caring adults. Police Explorers programs are based on five areas of emphasis: (1) career opportunities, (2) life skills, (3) citizenship, (4) character, (5) education and leadership experience.

In this component of COPP, teenagers interested in pursuing law enforcement as a career learn about police work, assist in fingerprinting children, work security and crowd control at civic events, escort citizens in need of assistance, and work traffic control. They train each year for a national conference in crime scene search, felony arrest and search, building searches, and shoot-don't shoot exercises (Marlar, personal communication, February 28, 2005).

- **Police and Children Together (PACT) Camp**

Police and Children Together (PACT) is a day camp for at-risk children from Cicero in which Cicero police officers and Cook County youth deputies interact and participate in camp activities and promote positive interaction and direction on making good positive choices in each daily activity—be it at home, school, or with friends. The camp is directed toward children, and police officers are positive role models for the campers. The camp encourages cooperative relationships with families and police officers and reduces at-risk influences and adverse life outcomes for the children (Garza, personal communication, February 27, 2005).

- **School Safety Programs**

School safety is paramount in a world rife with gang activity, sexual predators, the proliferation of guns, and terrorism concerns. The Cicero Police Department has developed a close association with the schools in Cicero. Recently, the department entered into an agreement to share data regarding criminal activity with school personnel. District 99 and the Cicero Police Department have formed a committee to develop school safety plans for all of their schools. Since the infamous tragedy at Columbine, police officers across the country have developed new strategies in responding to such events. These strategies help prepare the police and school staff in responding to emergency events with the latest techniques of rapid response in which all police personnel are being trained. It will bring a level of safety never before seen in Cicero schools. In 2005, the Cicero Police Department will host a series of full-scale exercises illustrating these new skills in responding to violent events. (Wick, personal communication, January 28, 2005).

- **Homeland Security Working Group (HSWG)**

Since the terrorist attacks of 9/11, all American municipalities must assess their vulnerabilities and take precautionary steps to safeguard their infrastructures, schools, transportation facilities, businesses, and everything else related to the safety of its citizens. In assessing such town locations, it is easy to see that the

Town of Cicero is a target-rich environment. It is also important to realize that this process is collaborative and requires input from every town official responsible for town facilities along with those responsible for public transportation, high-risk business concerns, and utilities. In 2003, the Cicero Police Department introduced the HSWG, which consists of representatives from law enforcement in surrounding municipalities and agencies at the county, state, and federal levels. Also, this membership is open to private security personnel and officials who are attempting to help locate grant funding for security purposes (Johnson, personal communication, January 20, 2005).

863-COPS-311 Nonemergency-Reverse 911

863-COPS was initiated in 2000 by the Cicero Police Department in cooperation with the Cicero President and Board of Trustees. It has provided an avenue for anonymous reporting, and in the near future, a nonemergency 311 system will provide an avenue for requests for service and complaints regarding all town services along with a reverse 911 system that will equip the town with the capabilities to notify its residents by phone of safety alerts and other pertinent information.

Conclusion

Creating a new approach to a long-established system is not an easy task, but asking how that system can be improved and involving the population you serve in determining the answer is community-oriented policing. Great value has been gleaned from our experiences of collaboration. It is our hope that sharing the process or our implementation will be of value to others who accept the challenge of community-oriented policing.

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Gerald R. Hilger is currently a lieutenant with the Cicero (Illinois) Police Department where he has been employed for 15 years. His personal accomplishments include earning his graduate degree in public safety administration (PSA) from Lewis University in 2004. He also holds a double minor degree in psychology and criminal justice from the same university. During Lieutenant Hilger's tenure with the Cicero Police Department, he has served 8 years in the investigations division, earning the honorable Lyons Club "Officer of the Year" in 1999, for the success in solving five cold case homicides and charging ten defendants with those murders. As Lieutenant Hilger moved up the ranks to sergeant in 1999, and then to lieutenant in 2005, he again received the honorable Lyons Club "Officer of the Year" for 2004, for his success with a host of administrative duties that included a complete overhaul of the Cicero Police Department General Orders and Standard Operating Procedures program, the Training Needs Assessment Program, the Supervisor Training Liaison Program, and a complete rewrite of the Cicero Auxiliary Police Unit *Rules and Regulations Manual*. He is currently delegated with the overall responsibility as the executive operations coordinator for the National Incident Management System and the Department of Homeland Security. The purpose of this publication manual is to enhance the strength of community policing principles, bring about education and encouragement to the men and women of all law enforcement agencies, and bridge the gap between the police/citizen relationships for our future. Special thanks goes out to Dr. Wayne Johnson for his mentoring during the tenure he served as Cicero Police Superintendent between 1993-1995.

A New Police Facility for the Lyons (Illinois) Police Department

Brian D. Kuratko, Commander, Field/Patrol Unit, Lyons (Illinois) Police Department

Introduction

Problem Statement

The Lyons Police Department is a municipal police agency that serves the 11,000 residents of the Village of Lyons, Illinois. Increased requests for police services in small- to medium-sized communities have placed greater demands on law enforcement, and community-oriented policing has the police and the public interacting on a more personal, one-on-one, basis than ever before.

The Lyons Police Department has been somewhat successful in meeting the past needs and requests from the public it serves; however, there is an extremely important element that is missing. The Lyons Police Department is currently housed in a police facility that was constructed in the year 1900. This 103-year-old building can no longer meet the needs of the community, the police officers who work there, civilian staff, or the prisoners that are processed at the facility.

The current facility has inadequate space for the daily operations of the department. Basic police functions, such as report writing, accident report investigations, and the processing of prisoners are hampered due to the lack of space.

Lyons police personnel wish to expand community programs and offer space to host crime prevention meetings, gang awareness seminars, and a citizens' police academy. These programs have been temporary and inconsistent due to the lack of space to host monthly meetings at the facility. The Committee on Architecture for Justice, American Institute of Architects stated in their conference report that community policing is "a philosophy that recognizes the interdependence and shared responsibility of the police and community in making each community a safer, more livable city, producing a quality of life for all citizens. It encourages a partnership that identifies community-safety issues, determines resources, and applies innovative strategies." Effective community policing requires a level of trust and comfort to promote partnerships between the police and members of the community. The Village of Lyons needs a police facility designed to bring the community into the building and reflect a new "customer" orientation approach to public service without compromising the security or safety of the police officers or prisoners.

In addition to the lack of adequate space, the jail/detention area of the building does not meet the Illinois Municipal Jail and Lockup Standards as required by the Department of Corrections. Due to the age of the facility, these mandated standards were waived under a "grandfather" clause several decades ago. Code violations and the lack of fire sprinklers are a concern for police personnel and a source of potential liability to the Village.

Purpose of the Study

Given the current age and overall condition of the Lyons Police Department facility/building, research is warranted, if not desperately needed, to pursue all possibilities for designing, planning, and constructing a new, modern police facility that will serve the Village of Lyons community for years to come. This article will document several areas of inefficiencies in the current police facility/building and list the results of a survey that was completed by current Lyons police officers and other local police officers approximately one year ago. The survey inquired about officers' attitudes at work in a dilapidated facility and the possibility of the efficiency and effectiveness of operations being adversely affected by the deteriorating condition of the facility.

The Question at Hand

What are the effects on the efficiency and effectiveness of a police agency in 2005 when the current police facility/building is 103 years old?

History

The Village of Lyons is a suburb located approximately 8 miles southwest of the City of Chicago. The Village was incorporated in the year 1888 and was one of the first incorporated suburbs of Chicago.

French explorers Father Pierre Marquette and Louis Joliet were the first to discover the area of what is now Lyons as they traveled by canoe on the Des Plaines River and later, the Illinois and Michigan Canal as they traveled to the area believed to be the early beginnings of Chicago.

Lyons is a blue-collar community with a population of approximately 11,000 residents. Lyons has a strong sense of family and community as evidenced by the diverse range of churches, fraternal and civic organizations, historical landmarks, and the new home to the Lyons School District #103 middle school. This newly constructed school was completed in 2001 and serves approximately 3,000 students from the nearby communities of Brookfield, Stickney, Forest View, and Riverside.

The Hoffman Tower, located on the banks of the Des Plaines River, is a national landmark and serves as a museum. The Hoffman Tower is open to the public several times during the year and offers breathtaking views of the Chicago skyline. This landmark is located almost directly at the center point of the Village of Lyons, and there is currently construction on a river walk around this site that will include a condominium development and attract new residents to the Village.

Along with the historically significant past of the Village, there was also a negative reputation associated with Lyons several years ago. Lyons was the home to several gentlemen's clubs and numerous taverns along Ogden Avenue in the 1970s and 1980s. After a federal investigation in the late 1980s, the majority of these clubs were closed, and some of the club owners were incarcerated. This came as a relief to the residents of Lyons and marked a new vision for the Village.

The Lyons Police Department also went through several changes during these turbulent times, but it continued to serve the residents of the Village year after year. The police service received by the citizens has always been steady and consistent, and several new officers have joined the police force over the years. The only thing that has not changed after all these years of history in the Village of Lyons is the building that houses the police department.

The Current Police Facility

The facility is comprised of three floors located in what was the Village Hall and courthouse built in 1900. The entire third floor was originally the Village Courtroom, which was used to conduct criminal trials in front of Cook County circuit judges, who traveled from town to town on a monthly basis.

This large room is no longer used due to low insulation factors caused by the decaying walls and roof, and there is obvious evidence of water infiltration. An addition was built in the 1970s to house the Village administration offices. The windows of the entire police department are single pane, which does not allow for the inside of the building to maintain a constant room temperature. There has been some remedial updating, but it has only addressed short-term needs.

The front public entrance to the lobby is not handicapped-accessible, and most doors do not have enough clearance for wheelchairs. On both main floors, rooms double for other functions. This lack of space has caused existing rooms to serve multiple purposes. This is problematic when several citizens are utilizing police services and rooms are already in use.

Existing mechanical pipes in the booking/processing area are a potential cause for injury to the prisoner or officer should the prisoner become uncooperative or violent. This area is in the lower level of the facility, and prisoners must walk up or down a steep set of seven stairs to the lockup area. This area is also not handicapped-accessible. There is exposed electrical conduit running directly behind the handcuff bench. Due to the room being so small, prisoners could access several pieces of computer equipment and desk drawers. Liability concerns exist here for both the officer and prisoner.

The patrol sergeants' office is 149 square feet and is used by four sergeants. The division commanders' office is 188 square feet and is used by three commanders. Both of these offices need to be larger in order to accommodate personnel. Space heaters are used to heat these rooms during winter months due to a lack of insulation and circulation.

The office of the chief of police is only 175 square feet. There is no room for a small desk and chairs to hold staff meetings or meet with members of the community in a comfortable manner. The heating and cooling in this office is not adequately controllable, as a steam radiator is the source for temperature control. The building was not built to accommodate today's technology for computer and data lines; therefore, all computer lines are exposed and lying on the floor of the office.

The break room for the officers is located in the basement of the building. This room also serves as the locker area, file storage, temporary evidence holding, and kitchen

area. There are no separate locker areas for women and men, and no showers are available for personnel to utilize.

The investigations office is only 222 square feet and is used by six people. There is no storage space for investigative files or photographs. At times, sewage has backed up and overflowed down into the investigations office where the computers are located.

The evidence storage room is located in a second floor remote location that is separate from the interior police areas. Transfer of evidence is difficult and may cause questions and concerns in regards to chain of custody issues.

There is no secured parking area for police vehicles, and there is no secure area for transferring prisoners from vehicles to the building. Parking for the general public is the same small parking lot that the police vehicles must use, causing severe parking problems for public events.

The conditions listed above illustrate some of the inadequacies of the current physical building and the lack of space to offer community groups and seminars. These examples do not illustrate the image that the facility portrays to the members of the community.

If the building is outdated and inefficient, does that represent the attitudes or image of the police officers in the eyes of the community members? Some members of the community might feel that the police building represents the level of professional service they might receive from those police officers.

Attitude vs. Efficiency

In an effort to collect data on the attitudes of the police officers working in older police facilities and newer facilities, a survey was distributed to over 50 police officers representing over 20 different police departments. The survey asked six questions in regards to the police facility and the attitudes of the officers working there. The survey also asked whether efficiency in a department could be affected, either positively or negatively, as a direct result of the age or condition of the facility.

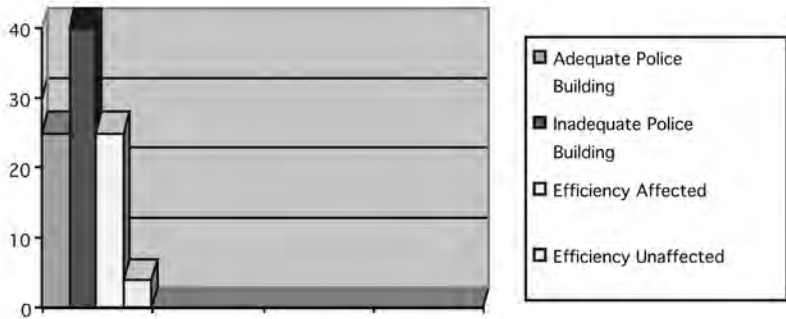
The following questions were asked on the survey:

1. How old is your current police facility? (Approximate years)
2. How many years have you worked in your current facility?
3. Do you feel that your facility is adequate for conducting police-related functions?
If no, what is lacking as it relates to the physical facility?
4. Do you feel that an inadequate facility affects the attitudes or productivity in your officers?
5. Do you feel that a new, updated, modern facility generates better attitudes or improves efficiency within a police department?
6. Please add additional thoughts or comments on this topic.

Survey Results

The survey results revealed that almost 100% of respondents believe that the police facility has some direct effect on the attitudes of the officers who work in that building. Most officers mentioned an expected increase in morale with a new facility, and others felt that morale suffered in an older facility. Officers need to feel that their employers appreciate them and that they are not the “forgotten soldiers” of the organization. An older facility gives the impression to citizens and employees that what is housed within is not an important part of the community. Citizens might judge a police agency building and predetermine the level of the competency of the officers who work there. This statement does not seem fair, but human nature shows that some people will “judge people by the house they live in.” Morale relates to pride in the agency and city or town and often correlates to the level of general happiness with the job.

Survey results indicate that most officers feel that modern, updated facilities will improve efficiency in the department. High morale and positive attitude should equal more eager and enthusiastic police officers.



Economical Issues

Unfortunately for the Village of Lyons, a new police facility has been discussed on several occasions with several different Village officials, but a project feasibility study was not included in the budget until 2003. Lyons, like many cities in Illinois, is experiencing budget constraints, and funding options will have to be explored. The citizens of Lyons recently accepted a school district tax increase after several referendum attempts failed. State improvement grants and the use of general obligation bonds must be explored as alternate funding opportunities for this project if a tax referendum increase request should fail.

Lyons police command officers and the current Village manager have discussed several different funding options in an effort to expedite this project. One item discussed was the revenue anticipated by combining services or police facilities with another police agency. Lyons police could also detain and house prisoners for the Immigration and Naturalization Service as well as the Illinois State Police. The Village of Lyons could then charge fees to the state and federal government. The convenient location of the Village of Lyons in southwest Cook County is an excellent location for a substation for the Illinois State Police.

Existing and Future Needs

Important factors to consider in designing a new police department for the Village of Lyons are as follows:

- *Demographics* – It has been determined with population forecasts that Lyons will reach 14,000 residents by the year 2020, which is an increase of 3,000 people from the current population of 11,000.
- *Growth* – Residential and commercial growth has been the subject of a challenging river-walk area and senior housing. This growth will have to be considered when determining the size of a new police facility.
- *Land Use/Location* – A central location in the community would allow equal access to citizens and visitors to the community. With retail concentrations on both the east and west sides of the Village and the easy access to Interstate 55 for criminals, a central location could aid in police response and accessibility.
- *Gender Integration* – With the addition female officers in Lyons and the trend toward hiring more women in law enforcement has increased the need for additional locker rooms, rest rooms, shower areas, and common areas for men and women.
- *Firing Range* – With the increase in violent crimes across the nation, the thought of a department having its own firing range is no longer a luxury item.
- *Technology* – Technology in law enforcement is constantly changing, and new police facilities should be designed to accommodate new technology and space needs. Computers, lasers, breath intoxilyzer machines, digital cameras, and automated fingerprint systems are increasing the efficiency and effectiveness of police programs; however, this technology needs extra space and infrastructure support.
- *Community Expectations* – The community expects a citizen-friendly, approachable police force. Citizens want to feel comfortable coming into the police facility and attending community meetings, neighborhood watch groups, and social events. They should feel safe and secure in the building without being subjected to the sight or sounds of prisoner processing or criminal investigations being conducted in the next room. The community expects a professional police department and deserves a professional police facility that can be utilized by all citizens and in which the Village can take pride. The facility should also serve as a safe house where people can come for social assistance or guidance.

The new facility must also have a dedicated area to serve as an emergency operations center. This area would be used for major crime investigations, hostage-barricaded subject command post, and any acts of domestic terrorism. This room would need computer access lines, extra telephone service, space for video presentations, television access, and a large separate area for media briefing.

Conclusion: “A Light at the End of the Tunnel”

There is no doubt that the Village of Lyons is in desperate need of a new, updated police facility. The mission and goals of the Lyons Police Department cannot realistically be met without a new police station. Planned community meetings and informational seminars are always at risk of being cancelled due to the possibility of a room being occupied. It is evident that the community wants the police department to be more active within the community, but without a facility to offer the citizens, some of these community requests have been denied.

Officers surveyed unanimously believe that their attitudes are affected by their workplace. Officer’s attitudes and pride are affected by the condition of the facility. Ultimately, a poor working environment will negatively affect some officers’ work habits or cause a desire to complete the bare minimum of tasks required. Police officers should not be embarrassed to bring groups such as Cub Scouts and Girl Scouts into the facility and try to explain the conditions that even children question.

Results/Status

In November of 2004, the residents of the Village of Lyons approved a tax referendum by almost a 2-to-1 margin to spend up to \$7 million dollars in anticipation of constructing a new Lyons Police Department. This estimate includes the land acquisition costs, construction, design, and furnishings. This referendum was approved after the chief of police hosted several open houses at the current facility to showcase the horrible conditions of the building to the residents. Resident reaction was one of “shock and awe” that police officers in their community would be subjected to this work environment on a daily basis. The chief and his command staff walked door to door in the Village 2 months prior to the election and personally asked residents for their support of the referendum. It worked. While meeting with the chief in person, residents were also able to relate other neighborhood problems that they were experiencing. It was an eye-opening experience both for the police officers and the residents. With the approval of this referendum, construction on the new facility should begin within the next 2 years.

The Lyons Police Department needs this new facility to properly serve the public. The officers believe that it will assist in the general fight against crime and it will drastically improve attitude and morale of the police officers. In conclusion, the residents of the Village of Lyons will finally be reaping the benefits of a new police facility, and it will be a structure in which everyone will take pride.

Brian D. Kuratko is a commander with the Lyons (Illinois) Police Department. He is currently the commander of the Field/Patrol Unit. His previous experience has been as detective, patrol sergeant, and gang crimes officer. Commander Kuratko was one of the original officers that began teaching a gang prevention program to grade school children and continues to teach gang awareness to school groups, parent-teacher organizations, senior citizens, and other community groups. He has been with the Lyons Police Department for 16 years.

Performance-Based Budgeting in Police Management

Chet Epperson, Deputy Chief, Rockford (Illinois) Police Department

One of the fundamental aspects in managing a police agency is the ability to maintain financial resources to operate. Specifically, a police executive must have financial resources to operate the agency to meet the needs and demands of the community. Many police agencies have had the luxury of gaining additional funding from their cities and villages in order to hire staff, purchase new equipment, and initiate new programs. Such expenditures are made with little, if any, accountability. Police agencies utilize various budget forms in order to operate their agency. Some budgets come with built-in accountability measures, and some lack necessary internal financial reporting. This article will examine the performance-based budget and its components. Specifically, the article will cover the introduction of the performance-based budget, strengths and weaknesses of the budget, and overall analysis of the budget.

Introduction

Of the many budget types, the performance-based budget allows for better tracking of expenditures and measures how well those costs have benefited the police agency. The performance-based budget provides the police executive with the ability to examine and assess personnel, program, and capital expenses. A common budget widely utilized by most police agencies is the line item. The line-item budget does not assist in tracking expenditures and ensuring money is spent in the best way. The line-item budget lacks the financial ability to assist a police executive with his or her decision to allocate dollars. I prepare an annual \$40 million budget, and I am an adjunct undergraduate public finance and budget instructor. Based on my professional and academic experience, the line-item budget has fared well for most police agencies in the past, but its shortcomings have a negative impact in general. An alternative to the line-item budget is the performance-based budget.

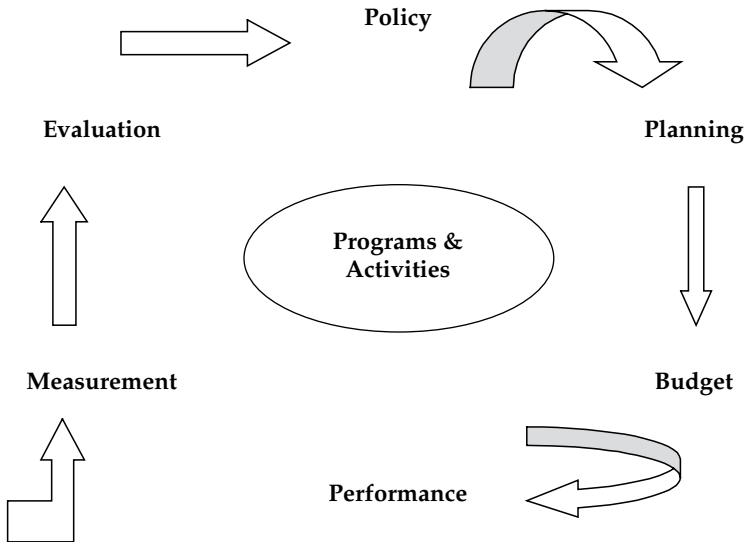
The performance-based budget offers an alternative approach. The performance-based budget has a built-in accountability function—a needed component in these lean financial times for municipal policing. Any police agency can utilize the line-item budget. This budget method makes it simple to request, spend, and monitor funds. Police executives prefer to utilize the line-item budget because of its simplistic method and accountability. Police executives have utilized this type of budget in their agencies for a number of years. This process allows for easy entry of items, but it does not provide information on outputs—how much work gets accomplished or with what level of efficiency (Bland & Rubin, 1997).

The single most important consequence of performance-based budgeting is that it increases the responsibility and accountability of police managers for output as opposed to input (Swanson, Territo, & Taylor, 2004). At the end of the business day, the police executive will be better prepared to convey to his or her immediate report level how well expenses have paid off in relation to the agency and what type of impact such expenses have made.

Budget Process

Performance-based budgeting is a good financial tool for the police executive to utilize. This tool will provide some executive longevity, as financial concerns dictate an agency's ability to operate and provide service. Performance-based budgeting gives an overall plan to a police agency. This budget system allows agencies to develop a plan as to "where they are headed." One of the first components of the performance-based budgeting process is the development of a strategic plan. Strategic planning is a powerful tool for setting priorities and making informed decisions about the future of the police agency (New Mexico State Police, 2002). The strategic plan provides an organized framework, which gives a sense of what the police agency is trying to accomplish. Once the strategic plan is completed, the police agency can incorporate basic principles of performance-based budgeting into the agency budget process. The performance-based budget process can be incorporated in three primary ways: (1) allocate resources based on results, (2) improve internal management of a given level of resources, and (3) use performance measures in financial reporting (Government of Alberta, 2005). As shown in Figure 1, performance-based budgeting is an integral part of an ongoing process, which focuses on government accountability and performance improvement (Government of Alberta, 2005).

Figure 1
Budgeting as Part of the Performance Measurement Cycle



Source: Government of Alberta, 2005

Although performance-based budgeting has some enormous advantages, the process of implementation requires agency time and commitment. Police agencies may choose to implement performance-based budgeting in their department,

with the remaining areas of the city or village maintaining their current form of budgeting. This will present some conflict, especially in the allocation of funds to departments across the board. Some departments may not demonstrate a cost-benefit argument like the performance-based budget department, which could result in nonperformance-based budget areas receiving larger allocations from the general fund. Performance-based budget departments may demonstrate greater accountability in their method of operation, which could result in lower initial allocation of money for the budget. Conversely, a nonperformance-based budget department may not recognize their ability to curb expenses because of their lack of accountability for performance measures. Furthermore, typical implementation of performance-based budgeting may take 2 years, and rushing the design phase may result in poor or *pro forma* measures and generate skepticism about the process (Bland & Rubin, 1997). Depending on the type of government structure, there may be some political pressure for fast implementation under a mayor-council rather than a manager-council government (Bland & Rubin, 1997). Under a mayor-council, results of the process are a priority due to their elected positions; politicians want re-election based on their performance. The manager-council form will eliminate some of the political pressure due to the manager being a professional who is often rated overall for his or her performance.

Performance-based budgeting is based on efficiency and the comparison of unit costs, workloads, and outputs (Garner, 1991). Performance-based budgeting describes what activity the personnel would accomplish and how the below-the-line money would be spent to support the activity (Garner, 1991). Unlike other budgets, the performance-based budget strives to allocate financial resources to programs that are effective and demonstrate some positive outcome. Programs that do not meet expectations are often deleted in next year’s budget. Figure 2 represents a sample of individuals not wearing their seatbelt and fatality car crashes. Personnel costs are allocated for safety road checks to ensure individuals are wearing their seatbelt. Studies have demonstrated that there is a high percentage of fatalities of individuals not wearing their seatbelts. The figure demonstrates that additional personnel funds are allocated for safety checks because there are fewer fatalities when there is an increase of seatbelt compliance.

Figure 2
Sample Performance Budget, Police Department, City of Rockford

Objective 1: To control the number of fatal traffic accidents in Rockford by increasing the number of seatbelt violation tickets from 35% in 1995 to 75% by the year 2010. Additional personnel costs are needed to staff overtime costs for safety checks.

1995 Actual	1995 Expenditure	1996 Estimate	1996 Budget
35%	\$10,150	37.5%	\$14,500

Outcome Indicator: Percent of individuals ticketed for seatbelt violation

Source: Hypothetical Situation/Rockford Police Department

Performance measures are important components of the performance-based budget. Tracking productivity uses two types of measures—one for quantity and one for quality (Bland & Rubin, 1997). Quantity indicators for a police agency may

include the number of calls responded to and the number of reports written (Bland & Rubin, 1997). Quality indicators may include the proportion of calls resulting in arrests or tickets being issued, the proportion of arrests that led to convictions, the proportion of stolen merchandise recovered, and the proportion of citizens who say that police are doing a good job (Bland & Rubin, 1997). Performance-based budgeting is able to capture various components of the expended item and relate how it has benefited the department. Unlike the line-item budget, performance-based budgeting clearly demonstrates accountability on program work and whether there is a need to continue. Additionally, performance-based budgeting acts as a sort of grade report on how well an agency is doing its task within a particular area. Figure 3 demonstrates several types of measures within a police agency: demand, workload, output, outcome, and impact.

Figure 3

Type of Measure	Example
Demand	Number of reported thefts, past 5 years Number of calls for burglary in progress, past 5 years Dollar value of material reported stolen
Workload	Number of burglary and theft calls responded to Number of burglaries and thefts investigated Number of hours per investigation Number of reports written Number of court appearances in theft or burglary cases
Output	Number of arrests for burglary and theft Number of convictions for burglary and theft Dollar value of recovered goods Percentage of reported dollar value of stolen goods recovered
Outcome	Decrease in reported burglary and theft Increase in proportion of residents and merchants reporting that they feel safe Decrease in number of citizens taking out gun permits Reduction in insurance costs for residents
Impact	Higher assessed valuations Higher sales tax base (more business in the area) Lower turnover rate in homes and apartments, lower vacancy rates More stable middle class

Bland & Rubin, 1997

Limitations

Performance-based budgeting is an alternative financial process for police executives to utilize. This budget has enormous potential to guide a police executive in making sound financial decisions. This is extremely important due to the shrinking municipal budgets and close scrutiny for effective performance of taxpayer dollars. Although this budget process has significant potential, a few limitations are worth notation.

Once a police agency decides to implement the performance-based budget, it is important to ensure that the process is not rushed for political reasons. Typically, 2 years of intense effort are required to devise appropriate performance measures (Bland & Rubin, 1997). Pressure for swift implementation may be particularly likely to occur in mayor-council communities, in which performance-based budgeting is adopted for somewhat political reasons (Bland & Rubin, 1997). Some police agency personnel may lack the skills and knowledge of the performance-based budgeting process, and some agencies may resort to outsourcing their budget process because they do not possess the personnel to implement the change. There are also a few other conditions to consider.

The person or office developing the performance budget will be expected to define the agency's objectives for the year, the specific activities or programs needed to achieve those objectives, and the associated costs (Kessler & Davis, 1982). Performance-based budgeting has limited application in police agencies and should be used initially in areas of work in which quantification is clearly feasible (Kessler & Davis, 1982). Performance based-budgeting requires careful attention to sound, effective, and efficient management of records, and it depends on sophisticated programs of cost accounting (Kessler & Davis, 1982).

Conclusion

Performance-based budgeting is an additional tool that police executives may utilize in their police organizations. This tool will assist police executives in developing an overall plan for their police agency—operational and financial. First, a police agency utilizing the performance-based budget will develop a strategic plan for the department. The strategic plan will chart the direction for the agency and cover the programs and activities that the department will initiate. The strategic plan will keep the department on track and act as a compass for the agency. Part of the strategic plan will contain the associated costs of activities and programs that the agency requests. At the end of the budget cycle, the police executive will examine what programs were successful based on quantitative measures—Was there a decrease in vehicle burglaries because of the added tactical team members to concentrate on overtime hours? Was there a decrease in fatalities on a particular stretch of street? The police executive will examine the various programs and measure the success and failure of each program. Failed programs will receive scrutiny for continued use, and successful programs will be included in next year's budget. This is the heart and soul of performance-based budgeting—measuring success and failures. This is also one of the strongest points of performance-based budgeting. Conversely, a weakness of the process is its time-consuming process and tedious implementation. Most police agencies will not possess the personnel to develop and implement this budget process. Large agencies will have the luxury to have enough personnel committed to this change, and smaller agencies will rely on others to do the work. Having others do the work may result in an added expense to the agency.

Performance-based budgeting offers an alternative to police executives. This budget process offers tremendous internal financial tools to assist an agency in its decision to start or continue programs. Due to the current financial crisis in most police agencies, police executives must be careful regarding the bottom line. Currently, most police agencies utilize the line-item budget for simplistic purposes. In order for police executives to accurately control their expenditures and maximize their initiated

programs, they should at least adopt portions of performance-based budgeting or the entire process. An agency could and should implement the measure components illustrated in Figure 3. The measures will assist police executives in determining how programs are working in their agency. Ideally, full implementation of performance-based budgeting is preferred, but police executives would be pleased if their agency implemented the performance measures at a minimum. Implementing performance measures and full use of performance-based budgeting would certainly result in better accountability of an agency's financial resources, which are now in high demand and at times, scarce.

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Law Enforcement Response to Biological Terrorism: Lessons Learned from New Orleans After Hurricane Katrina

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Introduction: Bioterrorism and Legal Authorities

In 1997, Congress passed the Nunn-Lugar-Domenici legislation, 50 U.S.C. para 2301 et seq (Winslow, 1999), providing guidance and funding for the nation's largest cities to develop the ability to respond to weapons of mass destruction (WMD) attacks. This legislation created the Metropolitan Medical Strike Team (MMST) program [later evolved into the Metropolitan Medical Response System (MMRS)], bringing together police, fire, emergency management, emergency medical services, public health, healthcare, and coroner officials to plan for a response to an attack against an American city (Winslow, 2001). The weapons of concern were originally nuclear, biological, and chemical (NBC), and after the attacks of 9/11, radiological and explosive (CBRNE) were added.

As part of the MMST/MMRS program, the jurisdiction was required to develop a comprehensive emergency response plan for CBRNE weapons. Early in the development of the plan for biological weapons response, it became clear that the legal authorities of health officers and their enforcement capabilities were at odds. While health officers have a wealth of existing legal authorities (Dory, 2003), they have no enforcement agency within their direct control. They would have to rely on law enforcement departments accustomed to enforcing the Penal Code to become enforcers of the Health Code in a time of societal crisis (Reuland & Davies, 2004).

In San Jose, California, one of the original MMST* cities, the discussion of the biological response plan for contagious disease attack quickly developed into a debate regarding the powers and relative responsibilities of the health officer and the police chief. Under California law, the health officer has the power to invoke isolation and quarantine measures, but the only means of enforcement at his or her disposal is the local police department of the jurisdiction in which the infected individual or suspected outbreak is located.

As the discussion of the problem of quarantine enforcement developed, the 1995 Dustin Hoffman movie, *Outbreak*, came to mind. That movie showed armed troops firing on families that tried to flee a quarantined town. Law enforcement members of the MMTF Committee raised significant concerns about the use of deadly force against residents based only on the health officer's order. They also questioned their personal role as family members versus their sworn duty as police

* Because San Jose had to comply with the Incident Command System (ICS) common terminology, their field level organization was called the Metropolitan Medical Task Force (MMTF), because it included six different specialty groups.

officers. Committee members considered their conflicting obligations to protect the community and their families. One senior law enforcement officer pointed out that people on duty at the time an attack with a contagious agent was discovered would probably stay at work to avoid the possibility of carrying the disease home to their families, while those at home would probably get their families safely located out of the threatened area before reporting to work. This is consistent with the findings of Reuland and Davies (2004) who noted, "If police officers are concerned about their loved ones, they may not come to work until they take measures to protect them" (p. 12).

As the discussion unfolded, it became clear that law enforcement personnel also had concerns about the reasonableness of quarantining a whole community of individuals when there was no proof that the individuals to be detained actually had the disease, or were even likely to have the disease. When the health officer stated that if one case of smallpox showed up in a community, the whole community would be quarantined, the committee members considered their own reactions to what seemed to them an unreasonable and draconian measure. Finally, one senior command officer stated, "When you order the quarantine, the tail lights that you see heading east will be mine!"

For the past 4 years, the issue of law enforcement's role in biological terrorism quarantine has been hotly debated. On the one side is the public health community, armed with its laws and "rights" to order quarantine. On the other side is the law enforcement community, with its concern for due process, probable cause, and legal procedures.

When emergency managers suggested that crowd control and security at mass prophylaxis sites would create a major demand on law enforcement, health officials countered with the belief that people would understand that the measure was being taken for their own good and cooperate. At national conferences and regional meetings of the MMST/MMRS community, the debate raged on. The public health community emphasized the value of public education and the need to keep treatment opportunities and mass prophylactic distribution focused on the effected community. They held the belief that the polio vaccination campaign of the 1950s served as a valuable paradigm for anticipated community behavior during a biological event.

Law enforcement officials and emergency managers pointed to the riots that broke out over the last Cabbage Patch Doll and the last Tickle Me Elmo at holiday shopping seasons. This seemed like a better paradigm for the contemporary parent seeking treatment or vaccination for a child. They suggested that a black market for prophylactic drugs would develop rapidly, making the theft of drugs in transit a threat that would have to be addressed by the assignment of armed guards, further diminishing the number of law enforcement personnel available for other community roles. The members of the Kennedy School of Government Executive Session also cautioned that "public panic would occur if antibiotics were not distributed fairly and quickly. They warned that citizens will attempt any means—even storming pharmacies and healthcare centers or rioting—to obtain these medications" (Reuland & Davies, 2004, p. 45).

The clash of the two cultures remained unresolved when Hurricane Katrina revealed human nature at its most raw. The desperate days after the levee broke in New Orleans provided a better paradigm for human behavior when supplies and resources are limited and staying alive depends on getting access to those scarce resources. It also showed the degree of lawlessness in the general community and the willingness to take advantage of a disaster to acquire televisions and video games. How much more would that avaricious streak in the few translate into attacks on vaccine and drug stockpiles for personal gain?

No matter which cultural paradigm seems more reasonable, the lessons of Hurricane Katrina have to be considered in developing a management plan for a biological terrorism event involving a contagious disease. In both the case of the hurricane and the case of a contagious disease, access to specific goods and services are essential for the preservation of life. In each case, the scarcity of the needed commodities (i.e., food and water in the hurricane, medical prophylaxis in the contagious disease outbreak) is likely to drive aggressive behavior in the at-risk community, including a willingness to break the law to obtain the desired goods. In each case, altruism is likely to give way to anarchy as the scarcity of the needed goods threatens the lives of loved ones.

A review of the anticipated role of law enforcement in a bioterrorism event involving a contagious disease and the events that actually occurred in New Orleans after Hurricane Katrina and the related levee break may prove useful in developing more realistic CBRNE response plans.

Longstanding Concerns About Law Enforcement's Role in a Bioterrorism Response

For years, the law enforcement community, the American Civil Liberties Union, and the Department of Justice have expressed concerns about the constitutionality of existing isolation and quarantine laws (Dory, 2003). Although these laws have stood the test of time in the 19th and early 20th centuries, the development of vaccines and antibiotics after World War II made the use of quarantine unnecessary in most parts of the United States. In addition, during this same period, the American population became increasingly mobile, with most families having multiple cars instead of relying on public transportation. This mobility would potentially make enforcing a quarantine more difficult. For over 50 years, a quarantine of a major city seemed both unnecessary and unrealistic.

In 1964, the Civil Rights Act was passed. It strengthened the rights of the individual against the rights of the state by extending the coverage of the 14th Amendment from actions of the state only, to now include actions by individuals ("Civil Rights," 2005). Thus, the 14th Amendment's guarantee of equal protection and due process extends to actions of the health officer of a jurisdiction. As Larry Gostin noted at the Cantigny Conference on State Emergency Health Powers and the Bioterrorism Threat, "... Laws protecting individual rights appear to have superseded those preserving the 'common good'" (as cited in Cantigny, 2001). The Civil Rights Law of 1964 brought the requirements for due process, equal protection, and probable cause to the forefront of jurisprudence, all of which favor the individual. How can these Constitutional rights be provided to the residents of an entire community that has been quarantined? What level of knowledge would be needed to justify quarantine?

In 2003, the SARS virus caused deaths in Asia and Canada. The City of Toronto was one of the hardest hit places. In order to prevent the spread of the disease, the residents of Toronto were quarantined (Rothstein, Alcalde, Elster, Mejumder, Palmer, Stone, & Hoffman, 2003). By the time the quarantine was set, there were a number of people with the disease, some deaths, and clear presence of the disease in the community. People “sheltered in place” to prevent contact with those who were ill; however, logistical problems arose regarding the delivery of medical and public services and the care of quarantined families (Rothstein et al., 2003). In some cases, families were isolated—kept from others after a proven infection of one family member—and public acceptance of that procedure seemed to be high in both Canada and the United States. Quarantine—the limitation of movement placed on healthy people with no diagnosed disease process—was more problematic, however. Up to 25% of American survey respondents doubted that they would comply with a quarantine order (Dory, 2003, p. 74). Furthermore, Rothstein et al. (2003) noted that “while voluntary compliance (with quarantine) was high in the countries that we studied, it is not clear that a largely voluntary approach would work in the U.S. with its cultural notions of individuality, due process, and skepticism of government” (p. 12)

Thus, law enforcement personnel, used to enforcing clear penal codes with well-defined violations, are now confronted with enforcing a blanket order against a resident population that may be completely innocent of disease or wrongdoing, which apparently conflicts with constitutional guarantees.

Use of Force

The requirement to enforce quarantine leads to the first issue for law enforcement: determining the parameters for the use of force against the population of a quarantined city. “What level of law enforcement should be used to ensure compliance with an imposed quarantine? . . . What will law enforcement do with people who refuse to be quarantined?” (Reuland & Davies, 2004, p. 11). What standards would be used to determine the appropriate use of force? Most cities have clearly defined rules governing the use of force from simple verbal commands to lethal force. Officers have a clear understanding, through both training and written procedures, of the expectations of them. Generally speaking, an officer is not authorized to use deadly force unless his or her life, or the life of another person, is in immediate danger, and the use of less-than-lethal weapons has not been successful in disarming or subduing the suspect.

In a quarantine situation, how is an officer to approach a woman who is fleeing to protect her healthy child from a community of sick people? How would the officer react to a couple “rescuing” their elderly parent from a rehabilitation center where one patient has a communicable disease? If a confrontation arises, it is unlikely that people will be persuaded to abide by the quarantine. So, is the officer to view the child or the elderly person as a potentially deadly weapon—an infected person who can spread disease outside the immediately effected community—thus justifying the use of deadly force to enforce the quarantine? What probable cause does the officer have for assuming that the people trying to leave are “deadly,” infected with a contagious disease?

In most states, an officer cannot use lethal force against a fleeing burglar, a car thief, or a fleeing robber. What, then, would be the legal basis for using deadly force against a person who appears healthy? (Remember that a clearly sick person would be covered by an isolation order, which has different probable cause bases, such as the obvious demonstration of symptoms—pustules, coughing, fever flush.)

How do officers ensure that they are not infringing on a person's civil rights as they try to enforce the quarantine laws?

The quarantine protective action highlights the difference between the collective benefit of removing potential disease carriers from broader society and the individual benefit (or lack thereof) of being isolated. This divergence brings to the fore concerns about the impact of quarantine actions on civil liberties. . . . Specific civil liberties issues that arise include lack of due process procedures in some cases (including an individual's right to appeal); privacy concerns; mandatory vaccination and medical treatment; and lack of compensation for seized assets. (Dory, 2003, p. 75)

Constitutional Right to Due Process

How, then, are the quarantined individual's rights to due process protected? Normally when someone is accused of a crime, that person has the right to be confronted by the evidence against him or her and have a jury of his or her peers determine whether the weight of the evidence is in the favor of the enforcing authority. In the case of a person accused of breaking the quarantine, the effort to flee is clearly evidence of breaking that law.

The basis for issuing the quarantine law is the assumption that someone has a disease, but the only evidence for that is the person's place of residence or where he or she has recently been. Under the law, a person cannot be accused of anything else based solely on the city of residence or a place that he or she has been. There has to be evidence tying the person's presence to the commission of a crime, yet there is no requirement for the health officer to provide any evidence to the police officer tying the quarantined person's presence to actual illness.

The quarantine is a blanket indictment of all residents of or visitors to a given area, based only on the proof that one person in that area is sick. Think how often someone has been found to have had plague but upon epidemiological investigation is proven to have gotten it while camping in another state. The only person to have been diagnosed with West Nile Virus in Santa Clara County in 2005 was found to have contracted it in another county where the virus was already known to be present (Santa Clara County Vector Control West Nile Virus Report, July, 2005).

Equally, in a potential bioterrorist scenario, the person diagnosed with smallpox could have contracted it in another state or country; therefore, what benefit is there in quarantining people solely because they share that person's zip code, when they may never have been within 5 miles of the sick person? And proven proximity does not ensure infection, even among an unprotected population. The last known case of smallpox inside the United States was in 1963 when a person traveled from Mexico to New York by bus while ill, and not one other case was reported from that exposure (Dory, 2003).

As Gostin reminded his audience at the Cantigny Conference on State Emergency Health Powers and the Bioterrorism Threat, “States are the reservoirs of the police powers. . . . Balanced against statutory authorities are constitutional constraints such as the due process requirements of notice and a fair hearing. There are also other substantive laws, which limit other statutory authorities (e.g., duty not to discriminate)” (Cantigny, 2001). How do we create and preserve due process rights for the community while trying to prevent the spread of an infectious disease? How much force is appropriate? These are questions that must be addressed before meaningful quarantine plans can be made.

Unlawful Search and Seizure

Does the enforcement of quarantine constitute unlawful search and seizure? Under the 4th Amendment, private property can only be searched, and assets from it seized, based on a warrant from a judge issued for probable cause or a crime in progress. Under the quarantine law, your person is seized without any warrant. If the crime in progress is the attempt to break the quarantine, then the argument is circular. You are being quarantined for breaking the quarantine? What is the initial crime that subjected you to quarantine in the first place? Your place of residence?

Quarantine is the ultimate seizure. Obtaining proof that the quarantine is justified requires taking samples of fluids and tissues, the most invasive of searches. Medical ethics and the law both prohibit the forcible taking of bodily material without the person’s consent, except in extraordinary cases. Would the enforcement of quarantine be such an extraordinary case?

Since it would be impractical to get a judicial decision on such issues by waiting until a quarantine is called and then taking test cases through the system (which would not be adjudicated until the sick were all dead or recovered, and the others would long since have been proven unlawfully detained), a better way must be devised to test and refine the quarantine law and enforcement procedures related to it. Perhaps the Supreme Court should review a model quarantine plan and response protocol so that law enforcement officers would have clearly defined and understood legal parameters for their actions in enforcing quarantine.

The Cantigny Conference provided several suggestions, including a presentation on the public health response to a biological terrorism event at the International Chiefs of Police Conference on Bioterrorism. Other suggestions were to develop a partnership with law enforcement, standard response models for local governments, and “an education plan on legal and procedural issues for health and medical response to terrorism” (Galmore, 2001, back cover).

Just Compensation

How would the owners of property in an infected area be compensated for the loss of their property? Public health officials might seize, close, decontaminate, or destroy privately owned property suspected of being contaminated. They might commandeer a hotel for use as an isolation hospital (Kellman, 2000). Would such actions be treated as a “taking” and be compensated at fair market value? Would that value be set based on the community’s condition and value before or after the biological attack? The Bellvue Stratford Hotel in Philadelphia was one of the city’s

finest facilities until Legionnaire's disease broke out there in 1976 and forced the hotel into bankruptcy.

Even if a quarantine were found to be legally enforceable, how would people be compensated for their lost wages? How would students be compensated for their lost school time, which might deprive them of a chance to apply to college that year and cause them a loss of professional wages for a year when they finally finished (compared with when they would have finished without the quarantine)?

What would be the just compensation for the psychological issues related to being under effective house arrest for 10 days? How would people with claustrophobia or other mental disorders be compensated for exacerbating their illness, perhaps to the point of incurability? How would children left in day care or preschool be compensated for the trauma of being separated from parents (who work in another community) during a quarantine, since not only can no one leave, but no one can come into a quarantined city?

If the city were quarantined, which "essential services workers" would be permitted to move freely within the community and which would not? How would you compensate the banker who was forced to stay home while permitting the telephone lineman to report to work? How would you address the labor issues that would arise from one member of the police union being required to work because he is a patrolman, and another member of the union being forced to stay home under quarantine because he was working in personnel or finance?

Participation of Individual Officers

This, then, leads to the question of whether a law enforcement officer can be compelled to continue to work in a community that is quarantined. Under the Government Code of California, all government workers are Disaster Service Workers (California Government Code). All personnel drawing a paycheck from a public source, therefore, are obliged to report to their normal place of business to assist the community during a disaster event and the recovery from the event. There is, however, a conflicting labor law that may prevent law enforcement officers from working after a disaster.

Under labor law, the employer is required to protect the worker. If the worker is forced to work in an inherently dangerous environment, he or she must receive personal protective equipment (PPE) and training to use that equipment.

If police officers have to patrol a quarantined city where contagious disease is present to ensure the security of property and the quarantined residents, what is the appropriate PPE to provide adequate protection against the disease? Is respiratory protection all that is required? When the SARS outbreak was occurring in Toronto, the press reported that medical staff had become ill with SARS because when they were doffing their protective clothing, they took the mask and gloves off first and were made ill from the virus shed as they then removed their protective gowns.

Would police officers change out of their contaminated uniforms in a specified place, receive a decontamination shower, and then go to a clean area to dress in clothing to wear home to the protect the family from possible contagion? How would the

community be protected from the officer who might be living with a family member who had the disease in a communicable form that was not yet apparent?

Another problem is the level of force an officer is expected to use in the performance of his or her duty to enforce the quarantine. What sanctions could reasonably be placed against an officer who resisted orders to use a higher level of force against residents of a quarantined community than his or her own ethics permitted? In fact, under current constitutional interpretations, would use of deadly force against the civilian population be a lawful order? What would be the test of a lawful order in a bioterrorism attack environment? Would it be different in a naturally occurring disease outbreak?

Finally, regardless of their oath "to defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic," do we have an assurance that law enforcement officers will, in fact, come to work in a place that has been infiltrated by a contagious disease? For example, because of the high cost of housing in the Bay Area of California, many of our police officers (and other government workers) live in communities up to 100 miles away from their place of employment. Would they leave the safety of their rural or suburban communities to return to the central city where a quarantine was in place?

Salvadore Lanzalotti, PhD, of the Honolulu Public Health Department conducted a survey of Hawaiian healthcare professionals in 2003. He asked them whether they would return to work to care for patients in a biological terrorism event. Only 25% of those healthcare workers surveyed said that they would go to work during a biological event.

These are personnel accustomed to working with sick people, including those with potentially contagious diseases. If medical professionals are reluctant to return to work during an epidemic or bioterrorism event, it is reasonable to extrapolate that law enforcement personnel are no more likely to return to work in a medically dangerous environment. In fact, it appears that law enforcement behavior in New Orleans during the aftermath of Hurricane Katrina reinforces this speculation.

Lessons from Hurricane Katrina

Unfortunately, Hurricane Katrina in August and September of 2005 has given us a living laboratory of human behavior under the stress of a disaster, which may be an indication of the potential level of community stress during a quarantine. Millions of viewers watched as the hurricane pounded the Gulf Coast, and as people looted stores, not only of drinking water and food, but also of televisions, sporting goods, and guns ("Relief Workers," 2005). While people stranded on rooftops waved frantically at would-be rescuers in helicopters, fellow residents, apparently armed with the sporting goods thefts from Wal-Mart, shot at the helicopters, forcing them to abandon the rescue effort (New Orleans, CNN, September 4, 2005). Various news outlets reported wandering gangs of armed men marauding through New Orleans (New Orleans, MSNBC, September 6, 2005). Is it reasonable to assume that this breakdown of law and order in the face of inundation mirrors expected societal changes in the face of a biological attack?

Response of Individual Officers

As their city lay in ruins, under up to 10 feet of water (New Orleans, CNN, September 6, 2005), how did the members of the New Orleans Police Department respond to the call to public duty? The *Times-Picayune* reported on August 30, 2005, that police officers were joining looters in stores, with an “if you can’t beat ‘em, join ‘em” attitude. One wheeled out a flat screen TV. Deputy Police Commander W. S. Riley said that he “did not even know how many police remained from a normal force of 1,700. Many officers lost their homes or their families, and there are many we have not heard from. Some officers could not handle the pressure and left. I don’t know if we have 800 or thousands today.” Lieutenant General Steven Blum said that the National Guard was slow to move resources into New Orleans because they “did not anticipate the collapse of the city’s police force. . . . The National Guard commander said that the city police force was left with only one-third of its pre-storm strength. . . . ‘The real issue, particularly in New Orleans, was that no one anticipated the disintegration or the erosion of the civilian police force in New Orleans’” (AFP, 2005).

Response of the Public to a Disaster Environment

The level of lawlessness in New Orleans was reported in every media outlet. The *Times-Picayune* weblog from August 30 and 31 is filled with stories of rioting, rape, marauding gangs armed with stolen weapons, and general lawlessness. Reports included a security guard shot in the head, marauders firing on a police precinct, and looting everywhere. Far from the orderly behavior postulated by earlier emergency response plans, the city fell into anarchy.

If people would behave this way in a flood when help was slow to come, how will they behave in a biological terrorism event, when a scarcity of medications may lead to frenzied efforts to “get mine”?

Conclusion

Existing plans for law enforcement assistance to the health officer during a quarantine need to be carefully reconsidered in light of the real-world experiences in Hurricane Katrina. Two steps must be taken:

1. The legal profession needs to convene an expert panel to devise test cases for the court system to review so that guidance can be provided to law enforcement officials regarding the civil rights and liberties issues inherent in quarantining a city or a significant portion of a city.
2. Law enforcement officials and law enforcement unions need to carefully consider the ramifications of the enforcement roles expected of them by the health officers and determine whether they are willing to play those roles. While these will be difficult and time-consuming steps, it is better to manage these issues now, when deliberation is still possible, than to confront them in the midst of a real event.

Medical experts tell us that pandemic flu may be only a season away. With no vaccine, no treatment, and no cure, the new flu could prove as deadly as its 1918 predecessor. The only way to stop the spread of the disease might be quarantine.

Now is the time to anticipate the synergistic roles of police and public health officials and agree on a mutually understood response protocol to guide the behavior of law enforcement personnel in the United States during a bioterrorism or natural outbreak event.

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The Need for Closed Circuit Television in Mass Transit Systems

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In the wake of 9/11, not surprisingly, transportation security has focused on air transportation. It is imperative, however, that we now redirect our attention not only to the recent London bombings of its underground and bus systems but also to the transportation bombings of Madrid in March 2004; Moscow in February and August 2004; Paris in July and August 1995; and the Sarin gas attack in Tokyo's subway in March 1995. We can no longer turn a blind eye to the possibility of a devastating terrorist attack on our mass transit systems. Improved security on these systems must be on equal footing with concerns about aviation.

Closed circuit television (CCTV) video surveillance is a vital tool to combat terrorism in our mass transit systems. Cameras can be placed anywhere within the public areas of these systems, conspicuously or covertly. Basic, modern cameras have the ability to zoom, pivot, rotate, and focus on objects and people up to 300 feet away ("Ready," 2005). Their video output may be passively monitored and recorded for review at a later time or actively monitored in real time (Reis, 2001). Although there is some debate over privacy issues surrounding CCTV, these arguments have little merit if CCTV is used in public and open places within mass transit systems where passengers do not have a reasonable expectation of privacy (Iraola, 2003).

Buses, subways, and trains carry about 32 million people each workday in the United States (Lipton, 2005). Clearly, systems this diverse could not function using the passenger and baggage security systems now used in our airports. Indeed, in 2004, when Amtrak attempted to screen passengers at a suburban Maryland rail station, the experiment was abandoned because of the complaints of many passengers who missed their trains or had their trains delayed (Thomas & McGuire, 2005). CCTV is exactly the kind of security measure that can be implemented in our mass transit systems without compromising the efficient function of these high throughput operations.

London has the most extensive surveillance system in the world. With about 500,000 closed circuit cameras in the city, including 6,000 in the London underground, the average Londoner is caught on camera about 300 times a day (Rodríguez, 2005; "Ready," 2005). Since the July terrorist attacks, London plans to double the number of cameras in the underground and install cameras on all 8,000 city buses ("Ready," 2005). This increase in CCTV was driven by the fact that CCTV surveillance was essential in identifying the July 7 and July 21 London bombers (Segell, 2005).

Immediately after the first bombings on July 7, the United Kingdom's secret services—the MI5 and the Metropolitan Police at Scotland Yard—began scouring the city's surveillance videos for clues as to the identities of the attackers. Working with prior intelligence, pictures of the assailants were found within 4 days of the attacks. CCTV cameras caught the four men about to board the 7:40 AM train to King's Cross and again at 8:26 AM as the train pulled into King's Cross (Leppard &

Calvert, 2005). Based on those pictures, the bombers' identities and backgrounds were discovered. When bombings were attempted 2 weeks later—this time the terrorists were unable to detonate their bombs—CCTV footage of the terrorists was located within a day, chronicling their actions throughout that day. With the aid of these images, four suspects were arrested within a week (Macintyre, 2005; Rodriguez, 2005).

The United States needs to use the London CCTV model. Although CCTV is common on U.S. university campuses, in ATM vestibules, and on highways, for example, it is not used extensively in U.S. mass transit systems (Chace, 2001). Those U.S. cities using CCTV surveillance report decreased crime in surveyed areas (Chapman, 2005; DiPasquale & Kleinberg, 2005). Doubtless, terrorists would also be deterred by cameras in our mass transit systems. Leaving deterrence aside, experience shows that CCTV makes identification of terrorists and criminals possible, which, in and of itself, can deter future attacks.

U.S. cities are beginning to recognize the importance of CCTV presence on public mass transit systems. Shortly after the London attacks, in August 2005, the Los Angeles County Metropolitan Transportation Authority (MTA) voted to spend almost \$7 million to equip each of the county's 225 subway and light-rail trains with high-resolution digital cameras whose images can be recorded and stored (Liu, 2005). Similarly, New York City also announced in August that its MTA had agreed to a \$212 million contract to update security technology in the city's subways. The planned updates to the New York subway system include the addition of 1,000 video cameras and 3,000 motion sensors, in addition to enabling cell phone service in 277 underground stations. There are currently no plans, however, for similar advances on regular passenger trains or buses in New York (Chan, 2005). Washington, DC metro officials plan to equip 125 of their 1,300 cameraless buses with CCTV (only 100 buses are currently equipped) (WMATA, 2005). Yet, requests from the Washington, DC Metro Board for money for subway security improvements over the next 6 years have fallen short by \$143 million (Greenfield, 2005). Boston and Chicago are discussing plans to increase their surveillance systems (Chapman, 2005; Luczak, 2004).

Many other U.S. cities use CCTV but not for their mass transit systems. Baltimore, for example, has a network of 178 cameras dispersed in high crime areas throughout the city but none that monitor the city's mass transit (Janis, 2005).

Much of the funding needed for these initiatives has been provided by the federal government, but substantially more funding is needed. In an April 2004 survey, the American Public Transportation Association found that two of the top five transit agency priorities for security capital needs were security cameras onboard vehicles and security cameras in stations. In pursuance of these and other priorities, the survey estimated that U.S. transit agencies' security-related investment needs were \$6 billion—\$5.2 billion in capital investments and \$800 million per year for personnel and expenses (APTA, 2004).

The federal government is contributing only a fraction of these sums. Recently, the Department of Homeland Security announced that it will award \$150 million in transportation grants this year, \$130 million of which is earmarked for public transit, and most of which will go to large metropolitan areas (Luczak, 2005). The

Federal Transit Administration also contributes about \$38 million per year for transit security (Lipowicz, 2005). Given the estimates for security funding generally, these sums do not come close to meeting CCTV mass transit security needs. This shortfall is particularly frustrating in light of the fact that in the FY 2006 budget for homeland security spending, 65% of transportation security funds will go to aviation, while surface transportation will receive only 1.4% (Johnstone, 2005). The discrepancy becomes even more disparate when one considers that 32 million people ride some form of mass transit each weekday, but only 1.7 million people fly every day (Lipton, 2005).

Finally, CCTV surveillance in mass transit systems should pose no constitutional issues about privacy under the 4th Amendment's search and seizure provisions. The U.S. Supreme Court decision in *Katz v. United States* in 1967 determined that one has a right to be free of government surveillance only where there is a reasonable expectation of privacy. Specifically, "[w]hat a person knowingly exposes to the public, even in his own home or office, is not a subject of 4th Amendment protection" (Stewart, 1967). A passenger in the public areas within a mass transit system does not have a reasonable expectation of privacy: his or her actions are "knowingly expose[d] to the public."

Again, the recent train and subway bombings in London, Madrid, Moscow, and elsewhere demonstrate the vulnerability of mass transit systems to terrorist attacks. The foremost method of deterring and responding to those kinds of attacks is the use of CCTV. The price tag is high but worth it. As we have seen from the recent London experience, a few well-placed bombs on an urban transit system can bring a major metropolitan region to its knees for days. CCTV surveillance systems are a necessary first step in securing our mass transit systems against the threat of terrorism. Although many cities are making headway with initiatives in this direction, more needs to be done. In particular, the federal government needs to turn its attention, and its money, toward enabling the development of these programs.

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Russian Law Enforcement Response to Terrorist Incidents: Implications for Illinois Anti-Terrorism Preparedness

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On June 12-19, 2005, representatives of the Illinois Law Enforcement Training and Standards Board (ILETSB), Illinois Sheriffs' Association, the Illinois Department of Corrections, the Fraternal Order of Police, and the Illinois Law Enforcement Training and Standards Board Executive Institute (ILETSBEI) went on a research trip to various Russian law enforcement agencies in Moscow and Saint Petersburg in charge of anti-terrorism operations, police training, and education. The following article summarizes the work of the research group and Russian colleagues. It is impossible to thank them all.

We would like to especially recognize Lieutenant-General Victor Salnikov, PhD, President of the Saint Petersburg University of the Ministry of Internal Affairs (State Police), for his leadership in making this project possible.

Participants of the research group shared problem-solving concepts and addressed opportunities for implementing Russian law enforcement best practices to enhance safety, security, and preparedness for terrorism incidents in the State of Illinois. Several presentations and panel discussions provided participants with information regarding the background of terrorism activities, anti-terrorism methods, and training curriculum in Russian law enforcement agencies.

Introduction

American law enforcement must address its unpreparedness and vulnerability to emergencies and terrorist attacks. Domestic and international terrorists intend to cause mass destruction and casualties in the United States, and identifying and stopping terrorists is a crucial mission for law enforcement. There is no greater, or more urgent, responsibility for law enforcement than to use all available and lawful measures to protect citizens from inhuman, terrorist acts. Over the last few years, law enforcement leadership has been overwhelmed with the challenge of keeping the country safe from terrorism and protecting citizens' expectations of liberties. The tragic events of 9/11 demonstrated deep gaps and flaws in cooperation between local law enforcement agencies in anti-terrorism preparedness and counterterrorism measures.

This article is an attempt to contribute to America's ongoing homeland security and safety preparedness efforts. It is designed for the law enforcement community and local governments. Participants of the research project have debated tactical, legal, policy, and procedural concerns. Through an understanding of Russian law enforcement agencies' response to terrorist incidents, the results of this discussion may assist law enforcement agencies throughout Illinois when planning and developing individual anti-terrorism measures and security plans that include prevention, response, and recovery strategies.

Terrorism is transnational and requires a transnational response. Terrorists exploit weaknesses in the laws and enforcement practices of the United States, Russia, and other countries, exposing communities and police to dangers that are beyond their unilateral or bilateral capacity to respond.

The need and methods for effecting international cooperation in dealing with terrorism were addressed in a discussion sponsored by the ILETSEI and Western Illinois University in October 2004. Members of the Illinois Sheriffs' Association, Fraternal Order of Police, ILETSEI, ILETSEI, Illinois Police Corps Academy, and Saint Petersburg University of the Ministry of Interior (Saint Petersburg, Russia) met in Macomb, Springfield, and Bloomington to discuss the growing problem. Clearly, there was a consensus that greater international cooperation is required and considerable agreement that multilateral research focused on tactical improvements for law enforcement agencies would help build the necessary cooperative framework. This international research project encouraged all law enforcement institutions to cooperate in understanding terrorism and in providing usable materials on best practices for law enforcement agencies. Participants formulated and agreed to adopt and implement standards and tactics that enhance safety and security in their respective countries, and they debated tactical, legal, policy, and procedural concerns.

Members of the joint research team carefully analyzed the transcripts of joint discussions and interviews; reviewed extensive documentary evidence, including various terrorism incident materials and briefings relating to law enforcement tactical implementations; and visited several locations in Russia, including Moscow and Saint Petersburg, both of which have a relatively high rate of terrorist incident occurrence. In fact, Russia is experiencing a steady increase in terrorism incidents. In 2003, 561 acts of terrorism were registered in Russia, an increase of 55.8% compared to 2002. According to the Russian Ministry of Internal Affairs, 400 of the attacks that took place in Russia in 2003 occurred in the Southern Federal District, with 386 in the Chechen Republic. More than 200 people were killed as a result of terrorist attacks in 2003, and more than 600 were wounded (Kupchinsky, 2004).

Clearly, a new multinational approach is needed for protection against devastating acts of terrorism. Scientific advances have made it possible for small countries or even small groups of individuals to threaten the security of entire nations. The new challenge for law enforcement agencies has become defending our country and communities against terrorist organizations that have no compunction about killing or fear of dying for their causes.

International Terrorism

The last decade has seen tremendous changes in international terrorism activities all over the world. The recent history of international terrorism attacks, from the World Trade Center (2001) to the hostage massacre in Beslan school, Russia (2004) to the London bombings (2005), has captivated mass media and expert attention; it also serves as a reminder that international terrorism is not too distant and is capable of affecting national and global security. International cooperation in countering terrorism has become very strong. When the United States launched Operation Enduring Freedom in October 2001, a total of 136 countries offered a range of military assistance. The incidents of international terrorism caused around 1,500 deaths worldwide between 1991 and 1996 (Wilkinson, 2003). The number of attacks the U.S. government considers “significant” grew to about 655 in 2004 with over 1,000 killed, up from around 175 in 2003 (Glasser, 2005).

Present-day international terrorism is quite different from terrorist acts of the past (e.g., assassinations of political leaders and monarchs such as Archduke Franz Ferdinand in 1914 or the bombing of the Russian Emperor Alexander II in 1881). There were few acts of terrorism that triggered such tragic events as World War I (Glenny, 2001).

International terrorism is not a new phenomenon. In fact, historical records indicate that nations attempted to employ terrorist methods in warfare long before modern times. The modern notion of terrorism came to existence in France. Radicals or members of Jacobins’ club of revolutionaries promoted the Reign of Terror and other extreme measures from 1789 to 1794 (Schama, 1990). Despite terror’s association with violence, French revolutionaries used it as a means for political transformation. The Terror of the Order of the Day or *Que la Terreur soit a L’orde du jour* (Carlyle, 2002) was designed as a temporary domestic policy to suppress the enemies of the French Revolution, but it got a lot of international attention for more than two centuries. The original purpose of terror was to eliminate any opposition to the revolutionary Jacobin regime and consolidate the power. The first recorded meaning of *terrorism* was given in the 1795 supplement of the *Dictionnaire of the Academe Francais* as *system regieme de la terror*. The Jacobins used the term when speaking and writing about themselves.

The latest applications of governmental or state terrorism were found in Soviet Russia (Civil War, 1918-1921), Communist China (Great Proletarian Cultural Revolution, 1966-1969), and Cambodia (Khmer Rouge Regime, 1975-1979).

From a political standpoint, terrorism is viewed as one of the instruments in the political process, or struggle. Russian Colonel N. Litvinov, head of the regional public foundation, Scientific Research Center on Anti-Terror, concluded, “Terrorism is the fastest and [most] effective criminal way of ruling the society, the state, and the economy” (Akhmedov, 2004). Terrorism was widely used by the Soviet State as an instrument of power. Communist ideology and other revolutionary concepts accept terrorism, including international terrorism, as a legitimate instrument in class struggle.

Governmental institutions of the United States generally implement the political approach in analyzing and defining terrorism. Information pertaining to the political

definition of terrorism is contained in Title 22 of the United States Code, Section 2656f(d). That statute contains the following definitions:

- The term *terrorism* means premeditated, *politically* motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, usually intended to influence an audience.
- The term *international terrorism* means terrorism involving citizens or the territory of more than one country.
- The term *terrorist group* means any group practicing, or that has significant subgroups that practice, international terrorism.

The U.S. government has employed this definition of *terrorism* for statistical and analytical purposes since 1983. There are definite limitations of this definition. For example, not all of the terrorist acts have political motivation. It excludes those whose motivation is religious or personal and are not attempting to change any political institution in foreign society. International terrorists don't discriminate between combatant targets (e.g., attacks in Israel and Iraq).

International terrorism needs to be viewed as a multidimensional phenomenon. It would be misleading to analyze it by a single cause approach.

Terrorism should be understood as a method, instrument, or tactic of utilizing violence, intimidation, threat, and fear on an individual, populace, and/or government(s) with the purpose of manipulating human behavior and illegally reaching goals. As an instrument, terrorism does not have any ideological, religious, or ethnic preferences and thus should not be attributed to any specific state, religious, or political group. On the other hand, all forms of terrorism are ideologically oriented. Any particular form of terrorism can be described in terms of the following formula: *tactic (terror method) + goal (ideology) + resources (people, finance, support)*. In the formula, *tactic* has a constant nature, and *goals* and *resources* vary.

The current governmental approach to terrorism requires the mobilization of political, financial, law enforcement, diplomatic, and military resources for the development and production of modern homeland security. It is extremely difficult to be proactively prepared for any terrorist attack because of the uncertainty factor caused by the unlimited number of potential targets for terrorists.

Although domestic and international terrorism often appears irrational and unpredictable to victims and law enforcement agencies, it is calculated and rational from the terrorist's point of view. Modern terrorism is a very viable method of attracting not only local, but also national or world, attention through the mass media to the critical issues of the present-day world.

International terrorist networks have been quick to take advantage of the opportunities resulting from revolutionary changes in world politics, business, technology, and communications that have strengthened democracy and free markets and brought the world's nations closer together.

Background of Russian Terrorism

Russia has a long history of absorbing the French model of political terrorism and developing its own forms of terror. Russian anarchist Peter Kropotkin promoted the fundamental philosophical basis for utilization of terrorism as the tool for revolution proclaiming the concept "propaganda of the deed." The Bolsheviks and Lenin adopted terrorist approaches and converted them into the state policy.

Since 1985, Gorbachev's promised reforms began to bring more political and socioeconomic problems, and he was soon confronted by a powerful opponent. Boris Yeltsin, president of the Russian Federation, began challenging the authority of the Communist Party and central government. After an attempted coup d'état in August 1991 against Gorbachev, power had rapidly shifted to Yeltsin and away from centralized power, giving greater power to the individual Soviet republics. Gorbachev resigned on December 25, 1991.

Around that time, the president of the Northern Caucasus republic of Chechnya Dzhohar Dudaev accelerated his region's drive for independence. In December 1994, Russian troops closed the borders and sought to reverse the effort. The Russian military forces met strong resistance until 1996.

After the first Chechen War (1994-1996) and Russian troop withdrawal, organized crime and Islamic militants turned Chechnya into a haven for kidnappers for ransom, slave traders, and murderers of civilians. President Maskhadov was pushed by Shamil Basaev into adopting repressive shari'a laws. *Mujahidin*, with close links to Middle Eastern and Southwest Asian terrorists, assisted Chechen terrorists with equipment and training. These groups of terrorists were led by Habib Abdul Rahman, alias Ibn al-Khattab, an Arab *mujahidin* commander with links to Osama Bin Ladin. Khattab's forces launched attacks against Russian military forces, but their activities in Russia were localized in the North Caucasus region ("Patterns," 1999).

The invasion of Dagestan in July 1999 led by Basaev and Khattab with several thousand Islamic militants armed members of a Chechen Muslim fundamentalist group whose aim was to merge Dagestan with neighboring Chechnya in a single Islamic state. Russia responded with police and military operations by federal forces, and the invaders retreated; the incident contributed to Russia's decision to bring internal troops to Chechnya later in 1999. International extremist organizations, including Osama Bin Laden and other criminal associations, back the Chechen terrorists. The territory of Chechnya was used to host and train terrorists from Arab and Western European countries. The numerous terrorist groups were free, acted unpunished, and made raids in the Northern Caucasuses area of Russia. In 1999, there were 20 terrorist acts in the Russian Federation registered by the Ministry of Internal Affairs (MVD). In December of 2001, a Russian court sentenced five persons to prison terms ranging from 9 to 15 years for involvement in two apartment bombings in 1999 in Moscow that killed more than 200 persons (U.S. State Department, 2002). In 2001, cells of terrorist organizations were registered by the Federal Security Service (FSB) in 49 of 89 states in Russia. That same year, the terrorist groups twice attempted to gain access to Russian nuclear munitions dumps.

The second ongoing Chechen War (since 1999) has been characterized by widespread destruction and displacement of hundreds of thousands of civilians. Terrorist groups with connections to Chechnya's underground spread their activity to the rest of the country in 2002. The most serious terrorist event of 2002 occurred on October 23 when more than 40 armed militants took 800 Moscow theatergoers hostage to demand an immediate end to all Russian military presence in Chechnya. More than 120 of the hostages—including one U.S. citizen (and a U.S. legal permanent resident)—died from a narcotic gas used during the rescue operation ("Patterns," 2002). The majority of terrorist incidents in Russia during 2003 were committed within Chechnya and its surrounding areas. Some were directed against military or internal security forces, while others targeted specific civilians. The tactical use of women to conduct increasingly random suicide attacks emerged as a key development in 2003 ("Patterns," 2003).

In August 2004, Basayev arranged and launched several terrorist attacks in the Caucasus mainly by members of the Riyadus Salikhin. On August 21-22, more than 60 Russian and Chechen-backed military personnel were killed in the Chechen capital of Grozny. On August 24, two suicide bombers took down two Russian commercial planes killing 89 people. On August 31, a double suicide bombing in Moscow killed 10. According to Basayev, the plane explosions cost \$4,000 to carry out; two explosions in Moscow cost \$7,000; and the bill for the Beslan attack came to 8,000 euros (\$9,700) (Balmforth, 2004). The most inhumane act of terrorism occurred in September 2004 in the small northern Ossetia city of Beslan.

Case Study: Beslan School Siege, September 1-3, 2004

Chechen terrorist leader Shamil Basayev has claimed responsibility for the September 2004 hostage-taking incident at a Beslan school by a group of militants. Kulaev, a terrorist detained by Russian Special Forces named Aslan Maskhadov, and Shamil Basayev acted as organizers of the capture of hostages (Lenta RU, 2004). Since 2002, the Chechen terrorist forces have increasingly been grouped into the following organizations led by Shamil Basayev: United Forces of the Caucasian Mujahideen (or The Supreme Military Majlis ul-Sura of the Mujahideen Forces of Caucasus) operated personally by Shamil Basayev; the Islamic International Brigade (or "Arab Brigade"), which is well connected with al-Qaeda; the Special Purpose Islamic Regiment; and Riyadus Salikhin, which is primarily a suicide bombing squad. In March 2004, Basayev announced his threats to target Russian children and later in July of the same year promised to launch some major attacks in Russia (News RU, 2004a).

There is some controversy as to the numbers of hostage-takers. Russian security agencies have said that 32 raiders took part in the September attack on the school. According to them, 31 attackers were killed, and one (Nur-Pashi Kulayev) was captured. Only 21 bodies were identified, but the soldier, who was identified only by his first name, told one of the Russian newspapers that he had personally seen 49 terrorists dead and three captured after the seizure ended. He claimed that 13 more attackers managed to escape (Malik, 2004).

According to the Deputy General Prosecutor of Russia, Nickolai Shepel, there was a back-up group of 11 people (four were arrested and five killed), who were prepared

to take hostages in the school of Nesterovskaya Village in the Ingush Republic in the case of Beslan failure (Kulikov, 2005).

At 9:17 AM local time on September 1, the morning of the first day of autumn, a group of around 30 armed men and women, arriving in a police minivan and a military lorry (according to some sources there were two military lorries), stormed Beslan Secondary (High) School, whose pupils are 7 to 18 years old. As the police guards at the gate tried to check their identity, the terrorists opened fire, killing two of them and injuring the other two. They also killed six parents who rushed to the assistance of the police guards.

The main forces of hostage-takers entered the school from three different directions and took everyone inside as hostages. There were over 1,181 (according to some sources more than 1,500) people inside, including the children, some of their parents, and teachers.

As a result of the 52-hour siege, according to official data, at least 331 people died, 186 of them children, and more than 700 were wounded, mostly children. During the operation, 11 fighters of the special divisions Alpha and Vimpel were killed, among them the commander of Alpha. By the families' own count, there are 122 missing children, 84 unrecognizable and unclaimed in the morgue, and 38 who seem to have left no trace at all (Medans, 2004). The case of the Beslan siege has demonstrated several new tactical approaches by hostage-takers.

From the beginning of the attack, hostage-takers declined any demands and didn't want any negotiations with the authorities (Borisov, 2005). This approach puzzled authorities and delayed any communications with the hostage-takers.

Since the first Chechen War (1994-1996), there has been a shift from military tactics against the Russian troops to indiscriminate isolated terrorist attacks against civilians, and the distinction between civilian and military targets has disappeared. Nonmilitary objects of terrorist acts provided decreasing dependence on centralized logistics in preparation and implementation. The impact of this shift is even greater because the targets are innocent people, not military or police who are trained and paid to deal with terrorists.

International terrorism is becoming more lethal and suicidal. Most of the international groups are turning to indiscriminate killings of civilians. In the 1990s, a terrorist incident was almost 20% more likely to result in death or injury than an incident 2 decades ago ("Countering," 2000). In the Beslan incident, the hostage-takers blew the roof off the gym prior to trying to escape to ensure mass child casualties.

In the Beslan incident, terrorists sought to publicize their attack and sent videotapes to the authorities and media. They did several follow-up interviews in which they explained their cause in an attempt to legitimize the acts of violence.

The Beslan terrorists designed the hostage situation to provoke the authorities into a special operation response with mass casualties. Shamil Basaev and the only detained hostage-taker blame authorities for killing hostages. This tactic can

reduce the trust people have in the government and force people to accept terrorist legitimization.

According to four eyewitnesses, Beslan hostage-takers pulled out weaponry from beneath the floors. There is reliable information that the hostage-takers had pre-positioned a significant amount of weapons under the school gym floors prior to the attack. They may have used a group of sympathizers involved in renovation work at the school over the summer to hide the weapons and some nonperishable food items. This indicates that the terrorists had been planning the attack for months, had detailed information of the school interiors, and had likely been conducting some type of preoperational surveillance of building operations and staff.

Results of forensic tests, released by the local prosecutor, showed what would normally have been deadly doses of heroin and morphine in 27 of the 32 Beslan terrorists.

Russian Legislation on Terrorism

In 1961, under the Soviet legislation and Russian Criminal Code, there were only two types of crimes involving terrorism: (1) a terrorist act and (2) a terrorist act against a representative of a foreign state. After the demise of the former Soviet Union, acts of terrorism have changed considerably. For example, from 1994 to 1995, only 64 bombings were reported, but from 1996 to 2000, the annual number of such acts was 600-700. In response, legislators broadened the definition of criminal acts classified as terrorism, and in January 1994 by federal law, the Criminal Code was enhanced by introducing article 213(3), entitled "Terrorism." This article defined terrorism as "bombings, arson, and other acts causing a threat to human life, major property loss, and other negative consequences committed against public safety or with the aim of influencing decisionmaking of the government authorities."

The current federal law No. 130-FZ, "On the Fight Against Terrorism," was signed by President Yeltsin on July 25, 1998 (amended in 2002) along with the Criminal Code (January 1, 1997). These are the key elements of Russian legislation, which define the legal and organizational basis for any anti-terrorism action in the Russian Federation and the general procedure in coordinating the activities of federal agencies in combating terrorism. The Criminal Code establishes the punishments for these types of crime.

The legal characteristics of terrorism are described in article 205 of the Criminal Code as the perpetration of bombings, arson, or other actions creating a danger of loss of life, significant property damage, or other socially dangerous consequences. The Criminal Code also contains the article 206, "Hostage Taking"; article 207, "Making Knowingly False Statement About Terrorist Acts"; article 277, "Attempt on Life of a Government or Public Figure"; article 360, "Attack on Persons and/or Entities Enjoying International Protection."

There are several important provisions concerning terrorism in the following federal laws: "On the State of Emergency" (2001) and "On Combating the Laundering of Proceeds from Crime and the Financing of Terrorism" (2001 as amended in 2003).

Throughout 2002, Russia continued to take important steps toward strengthening its legislation in the war on terrorism, particularly by enacting laws and executive orders including the following: "Countering Extremism Activity," "On the Federal Anti-Terrorism Commission," and "On Counteractive Measures Against Extremist Activities." In addition, President Putin signed a decree entitled "On Measures to Implement the UN Security Council Resolution No. 1373 of September 28, 2001," which introduced criminal liability for anyone intentionally providing or collecting assets for terrorist use as well as instructions for relevant agencies on how to seize terrorist assets ("Patterns," 2002). In 2003, the Russian Supreme Court issued an official government list of 15 terrorist organizations that were prohibited from engaging in any financial activities in Russia. In 2004, the Russian Criminal Code was amended so that convicted terrorists could be punished without aggravating circumstances for up to 8 to 12 years in jail, terrorism with aggravating circumstances for up to 10 to 20 years in jail, and terrorism with especially aggravating circumstances for up to 15 to 20 years or life imprisonment ("Duma Approves," 2004).

In September 2004, the Beslan tragedy uncovered some gaps in Russian legislation concerning terrorism and anti-terrorism operations. One of the most serious is that according to legislation, if the hostage-takers express political demands, the case will be within Federal Security Service (FSB) jurisdiction, and in the case of material demands, the Ministry of Internal Affairs (MVD) or federal police will take responsibility. In the case of Beslan, there were no demands for several hours.

Throughout 2004, Russia continued improving its counter-terror legislation and restructuring its law enforcement and security services in response to the terrorist threat. Following the Beslan incident, President Putin announced the need for the presidential nomination of governors that would result in greater domestic security.

Russian legislation identifies the following agencies directly carrying out the fight against terrorism within the limits of their competence: the Federal Security Service (FSB), the Ministry of Internal Affairs (MVD), the Foreign Intelligence Service (SVR), the Federal Protection Service (FSO), the Defense Ministry (MO), and the Federal Border Service (FPS). There was a significant increase in the country's 2005 budget, which allocated 531.06 billion rubles (about \$19.2 billion) for national defense and 398.17 billion rubles (\$14.37 billion) for national security and law enforcement spending ("Mounting Terror," 2004).

The FSB's specialized anti-terrorism division is called the Department for the Protection of the Constitutional System and the Fight Against Terrorism. It also has a subdivision: the International Terrorism Control Directorate. This innovation comes in response to the ongoing search for international terrorism networks.

Currently, the Ministry of Internal Affairs of Russia heads the system of the bodies of internal affairs (police forces) and internal troops (gendarmerie) and has jurisdiction over public administration in the sphere of protection of rights and liberties, law enforcement, and public security provision. This internal affairs system comprises district divisions (Ministry of Internal Affairs Main Offices in seven Federal Districts), Republic Ministries of the Interior, Main Offices, and Offices of the Interior of other regions of Russia. Each city, depending on its size and population, has from one to ten Regional Offices of the Interior, each serving to

enforce the law and public security within its jurisdiction. In addition, the Ministry comprises Offices (departments and divisions) of the Interior for Rail, Air, and Water Transport; Offices (departments) for Especially Important and Restricted Facilities; Bodies of Preliminary Investigation; District Offices for Material, Technical and Military Support; Educational, Research, and Development institutions; and other divisions, enterprises, institutions, and organizations. The System of Internal Troops comprises Internal Troop Commands, Formations, Military Units, Military Training Institutions, and Institutions for Internal Troop Activity Maintenance and Bodies of Internal Troops Administration.

In November 2001, the main organized crime administration of the criminal police service at the MVD established a special section on fighting terrorism and extremism. National police offices in the seven federal districts have already set up terrorism sections. The district offices intend to cooperate with other departments and divisions of the MVD, other law enforcement agencies, and foreign law enforcement bodies in carrying out anti-terrorist activities. Each of seven administrative district Anti-Terrorism Operation Headquarters is under indirect command of FSB officials; although, they are formally part of the Ministry of Internal Affairs structure (Soldatov, 2005).

In spring 2005, the Russian legislators secured the right of the Russian Defense Ministry to participate in operations against terrorism and created a legal basis for using the country's armed forces to counter terrorists ("MPs," 2005).

Anti-Terrorism Cooperation

Since the beginning of the second Chechen conflict, President Putin has launched the war against terrorism and appealed to the international community to support this effort. The first step was to sign the 1999 agreement with the other 11 members of the Commonwealth of Independent States (CIS) for joint anti-terrorism efforts and exploration of the possibility of dispatching anti-terror forces from participating nations to help deal with a terror attack against one of the pact's signatories. In June 2000, the Anti-Terrorist Center of the Commonwealth of Independent States (i.e., Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan) was established with the purpose of coordination of counterterrorism measures on the territory of the former Soviet Union.

Since the September 11 attack, the cooperation between Russia and the United States in the anti-terrorism area has become extremely beneficial. Russia offered search-and-rescue assistance in support of Operation Enduring Freedom (OEF) efforts in Afghanistan. The United States-Russia Working Group on Afghanistan became the central entity addressing terrorism-related issues, including terrorist financing; chemical, biological, radiological, and nuclear terrorism; and the links between terrorism, drug trafficking, and other criminal activity ("Patterns," 2002).

In 2002, President Vladimir Putin signed an agreement to establish a regional anti-terrorism agency within the framework of the Shanghai Cooperation Organization (SCO), which includes Russia, China, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan with its headquarters in Uzbekistan's capital of Tashkent and aims to facilitate cooperation between the member states in their efforts against terrorism

and extremism. The same year, Russia ratified the International Convention for the Suppression of the Financing of Terrorism and became a part of 11 of the 12 international conventions and protocols relating to terrorism (“Patterns,” 2002). Russia’s FSB and the FBI regularly exchange information that helps identify potential financial channels for terrorists and suspicious banking accounts and operations. Successful cooperation between the FBI and FSB was essential to the FBI’s arrest in New Jersey of Hermant Lakhani in August 2003 for attempting to sell a shoulder-fired missile to an undercover operative posing as an al-Qaeda terrorist. Lakhani was indicted on December 18, 2003 (“Patterns,” 2004). During FBI Director Mueller’s December 2004 visit to Moscow, he and FSB Chief Patrushev signed a comprehensive memorandum of cooperation between the two agencies on counterterrorism, specifically committing them to sharing terrorist threat information (Embassy of the United States, 2004). In 2004, the FSB and the FBI agreed to expand their cooperation program and mutual exchanges and include information about mass-destruction weapons (Orlov, 2005).

Russian Law Enforcement Best Practices

Centralization

Security cooperation has improved in terms of structure, command, control, communications, and techniques of anti-terrorist forces. Russia has established seven administrative districts, each of which has a Department for Combating Organized Criminality and a Terrorism Center on Combating Terrorism. All of the centers are under the control of the Federal Anti-Terrorist Commission, which was established in November 1998 by Government Decree No. 1302 in accordance with the federal law “On the Struggle with Terrorism.” The commission’s main tasks include the preparation of state policies and laws, the collection and analysis of information, the coordination of the actions of executive bodies, and participation in the preparation of international agreements relating to terrorism. The commission’s organizational and information needs are handled by the FSB and the Ministry of Internal Affairs.

Community Participation

By the initiative of law enforcement agencies, Russia is reviving the *druzhiniki* or *voluntary guards* of the Tsarist/Communist era. These groups of citizens patrol the streets to ensure law and order. Groups of two to three plainclothes men and women wearing armbands accompanied by police officers have the right to make citizens’ arrests and can take the suspect or violator to the local police station. Modern voluntary guards work a 4-hour shift once a week or month, walking the streets and assisting police in community policing and information gathering.

School Security

All educational establishments are annually inspected for anti-terrorist protection measures. Two-thirds of the schools in Russia are equipped with alarm buttons and other alarm systems, such as surveillance cameras; metal detectors and fences; student personal photo ID cards (“school security passport”) with phone numbers, personal health issues, and printed directions on what to do in emergency situations; and electronic check-in/check-out cards systems (News RU, 2004). Some of the

schools have established confidential reporting systems during school or nonschool hours. Students take a mandatory course on “Basics on Secure Life” at the middle and high school levels.

Summary and Recommendations

In the last 10 years, there have been some significant changes in international terrorism activities, which have captured the attention of security experts, reminding the police community of the serious dangers for the national security of the United States.

Ideological Shift

Since the establishment of Marxism in the middle of 19th century through the beginning of the 20th century, international terrorism was ideologically charged. The phenomenon of ideological terrorism brought it to the global stage via bombings and the extermination of “enemies of communism” beginning from around 1917 and perpetrated by such states as the Soviet Union. On the edge of the Cold War in 1982, the Soviet Union initiated terrorist cooperation through the International Conference of the World Center for Resistance to Imperialism, Zionism, Racism, Reactionism, and Fascism, which was held in Tripoli, Libya. The conference resulted in the establishment of a committee promoting international terrorist training programs to prepare “fighters” targeting primarily the United States (Holms & Burke, 2001). The end of the Cold War has resulted in the shift from communist-based, ideologically motivated terrorist activity to ethnic and religious terrorism. One of the reasons that the ethno-religious type of international terrorism became dominant is globalization of the Western type of economy and culture in culturally and economically endemic countries, such as the Middle East region and Asia. There is an anti-American, anti-Western trend in international terrorism because these countries view the spread of “global Western power, economy, and culture”—an increasing U.S. presence in the Middle East (e.g., Israel, Iraq, Afghanistan) and Pacific Rim, Western development of the Caspian oil reserves (e.g., Uzbekistan, Kazakhstan, Azerbaijan), and flourishing Western technological development in the Middle East and Pacific Rim—as a threat to their powers and traditional ways of government. Ethnic ideology concerns ethnic identity, solidarity, self-determination, and domination. Religious ideological activities usually aim to establish the “pure and only true religion” in an effort to spread certain beliefs and defeat modern, Western ideology.

Organizational Shift

There is currently a shift in the organizational sphere from state-sponsored international terrorist activities to groups of terrorists. The process of decentralization of international terrorism was initiated by several factors. The modern world builds on very close economical and political interrelations between countries. It is a tremendous political and economical disadvantage for any state to associate itself with international terrorist activities. Because these groups cannot rely on open sponsorship from the state agencies, they turn to individuals, public and private organizations, ethnic and religious institutions, international and domestic organized crime syndicates, and self-financing for support. International terrorist groups are now more isolated and loosely organized than in the past when they

were under the influence of Soviet Block sponsorship and had a more or less interconnected centralized structure.

International terrorist group activity began to spread in the second half of the 20th century with the increase in the number of terrorist organizations and the expansion of social support for terrorism. This form of terrorist activity involves hiring participants from different terrorist organizations, personnel training on methods and ways of conducting terrorist acts, and preparation for the forthcoming terrorist acts—rehearsals of terrorist acts, separate stages of terrorist operations, and so on. This form also involves establishing contacts with other terrorist groups and creating and maintaining connections with organized crime institutions, representatives of illegal firearms businesses, and drug dealers. A high level of secrecy and specialization of terrorist group participants according to different functions is common (e.g., hiring personnel, recognizers, warriors, production specialists of combat substances and cover documents, secret apartment maintenance staff).

Almost all international terrorist groups are seeking publicity to promote themselves and their agenda and to discrediting those in opposition to them. International terrorist groups are highly motivated to publicize every act of terrorism in order to show the state's inability to control the terrorist activities. The propaganda of terrorism is connected with attempts to gain public approval of terrorist activity as a form of political fight, with substantiation of its legal use and also with direct initiative calls to terrorist activities, which may lead to real commitment of criminal actions and involve separate individuals or groups committing severe violent crimes. These appeals are realized verbally or by distributing written or visually demonstrative materials. Terrorists generally believe that they have to accomplish some global mission, such as communist revolution, liberating Palestine, continuing *jihad*, etc.

Generally, international groups maintain a structure with defined leadership-subordinate roles through which the group's objectives are achieved. Recently because more groups are based on religious motives and may lack political or nationalistic agendas, they have less need for hierarchical structure. International terrorist groups have a tendency to rely on loose affiliations with like-minded groups in different countries ("Countering," 2000).

With the creation of large terrorist institutions, terrorist assistance has become more important in the overall system. Main variations of this assistance are extremist groups financing and providing the means for terrorism, providing facilities for training their members, and harboring and hiding them after committing terrorist acts. This assistance can be used by states (so called terrorism sponsors) as well as by representatives of business circles and ethnic and other social groups that express sympathy to terrorist organizations or support them because of their common political interests or direct involvement with extremist organizations in conducting tasks of legal political institutions to influence their enemies.

In most cases, international terrorist groups have a high level of organizational stability and do not depend on the continuing participation of one or a few individuals for their existence.

Terrorist groups routinely utilize violence to advance and protect their interests. These groups are ruthless, even suicidal, in protecting their interests from rivals and law enforcement alike. Unprecedented violence—bombings, hostage-taking, contract killings, kidnappings, and large-scale massacres—has increased with competition for political, ideological, and religious purposes.

For many years, international terrorism analysts did not believe that terrorists were willing to use weapons of mass destruction, but religious extremists or sects with messianic or apocalyptic mindsets indeed have a tendency to use WMD or equivalent approaches. This tendency shows the international terrorism asymmetry—the usage of unconventional weapons against the expected conventional.

Financial support to international terrorist groups comes from many sources, including state sponsorship, organized crime, and drug and human trafficking. Most Marxist and leftist terrorist organizations are suffering now from lack of funding because of the disintegration of the USSR and Warsaw Pact countries. As mentioned above, international terrorist funding and logistical networks cross borders, are less dependent on state sponsors, and are harder to disrupt with economic sanctions.

Geographical Shift

International terrorism once threatened Americans only when they were outside of the country, but data shows that U.S. citizens and property were the favored targets of international terrorists every year from 1968 to 1994 (Hoffman, 1994). Today, international terrorists attack Americans, Brits, Russians, and Saudis from inside their respective countries. This proves that terrorist organizations have successfully infiltrated these countries and established effective recruitment policies. In most recent incidents in the United States, United Kingdom, and Russia, terrorists were citizens or legal residents.

Tactical Shift

In the past, international terrorism consisted of more single assassinations and hostage situations. Airline hijackings have become unpopular among international terrorists because few countries will let them land, and chances are very high that they will be deported back to the country where the international terrorist incident originated. Only 19 states have extended their support to include asylum to aviation hijackers (D'Arcy, 2002).

Impersonation

More frequently, terrorist groups are impersonating representatives of the most trustworthy members of the community and society, such as law enforcement and military officials, to avoid security checks and gain access to restricted areas.

Terrorizing Under the Influence (TUI)

Some recent terrorist acts show that terrorists were under the influence of drugs, which helped them to stay alert for a long periods of time (*Moscow News*, 2004).

Forcing Rank-and-Files to Participate

Only a certain number of terrorists in the group are aware of the plan. Most of the rank-and-file terrorists are not informed on the mission for security and psychological reasons and are unaware of what they are involved in.

Degrading and Dehumanizing Victims and Hostages

Terrorists are trained to be emotionally detached, to apply food and bathroom restrictions on victims and hostages, and to utilize slaughtering techniques.

Preparation for Assault Team Diversions

In hostage situations, terrorists have started to practice assault rather than defensive techniques.

Technological Shift

International terrorism has shifted from relatively primitive means of technology (e.g., guns, explosives, and conventional weaponry) to highly sophisticated technology (e.g., weapons of mass destruction and chemical and biological weapons). According to the State Department, for instance, Iran, seen as the most active state sponsor of terrorism, has been aggressively seeking nuclear arms capability (Lee & Perl, 2003).

Terrorist networks can easily access modern telecommunications and information systems. Sophisticated communications equipment greatly facilitates international terrorist activities and affords terrorists sufficient security from law enforcement counter-terrorist operations.

Through the use of digital technologies, terrorists have an unprecedented capability to obtain, process, and protect information from law enforcement investigations. They can use the interactive capabilities of advanced computers and telecommunications systems to plot terrorist strategies against U.S. representatives and institutions all over the globe, find the most efficient routes and methods for financial transactions, and create international virtual networks. Some terrorist networks are using advanced technologies for counterintelligence purposes and tracking law enforcement operations.

Organized Crime Shift

One of the more significant shifts since the early 1970s has been the growing involvement of organized crime groups with terrorist organizations. International organized criminal groups are well-connected to outside grey arms merchants, transportation coordinators, money launderers, and other specialists who can provide the weapons and other logistical support once given by state sponsors. International organized crime groups cannot exist without corrupt contacts in law enforcement agencies, which are crucial in smuggling operations of weapons and other contraband.

Possible Solutions

The history of Russian terrorism shows that it is not realistic to eliminate it or to fully control it, but it is possible to reduce it. For this purpose, it is not enough to simply improve anti-terrorism legislation to solve the problems created by terrorism globally. The laws on terrorism are aimed to suppress terrorist activity and to punish those who are responsible, but it is much more important to prevent such activity from occurring in the first place. Even a successfully conducted anti-terrorist operation with the terrorists' capture and apprehension cannot compensate for its damages and cannot be evaluated as completely positive because it shows missed opportunities to prevent such an act.

A lot of negative consequences occur during the preparation stage of a terrorist act. Usually other crimes are committed before a terrorist attack (e.g., burglary; illegal weapon possession; acquisition of explosives, toxins, and radioactive substances; etc.). A substantial number of groups and even layers of society are getting involved in different criminal activities; social tension is increasing; international, interethnic, and religious controversies are growing; legal nihilism is spreading; and opponent aggression is increasing. The most effective prevention and, of course, the most expensive and difficult is early prevention.

Today, law enforcement agencies have to focus on several activities to promote terrorism prevention strategies and tactics:

- The approach for preparedness should be multidimensional and based on securing possible targets, diminishing extremist ideologies (as with the communist ideology during the Cold War), and destroying potential resources.
- No one law enforcement agency can effectively be prepared for terrorist attacks and will require wide cooperation on local, state, and federal levels.
- Intelligence is a key component of law enforcement response to terrorism. Collecting, analyzing, mapping, and sharing information along with social, political, financial, and other factors that create fertile ground for terrorism are the foundations for law enforcement strategy.
- Educating the public on the terrorism phenomenon, the criminal and violent nature of terrorist groups and organizations, its roots, its reasons, and its indicators is the new dimension in community policing efforts. The vigilant public should play an important role in data gathering. Establish community participation in "terrorist watch" programs. Promote public awareness about the legal consequences of participation in any activities related to terrorism.
- Frequent safety drills (pre-planned exercises on evacuation and shelter-in-place) for citizens should address and condition communities for emergency situations and protect them from potential terrorist dangers.
- One of the most effective means of terrorism prevention by security agencies is the implementation of programs that reward individuals for information that leads to terrorist act prevention or that leads to apprehension of people committing such acts.

- Enhance centralization of command and information sharing by centralizing and increasing the protection of the integrated information system of law enforcement and security forces nationwide.
- Improve training for law enforcement and security forces by developing realistic preparedness and counterterrorist scenarios and requiring law enforcement participation in regular drills for security forces and citizenry.
- Develop a general policy of covering terrorism through the mass media. Legal issues of mass media participation in anti-terrorism activities have not been thoroughly illustrated. Law enforcement agencies have tried not to broaden the scale of psychological war. If proterrorism statements appear, and unfortunately they do, they strengthen terrorists' courage. Agencies shouldn't mix terrorism with politics and ideology and should not depict it as an international plot against the United States as a whole. Inaccurate and contradictory understandings of causes and roots of international terrorism led to insufficient anti-terrorism actions in Russia.

Russian political leaders and law enforcement agencies consider counterterrorism and terrorism incident preparedness as one of the most important governmental goals. Recently President Putin (2005) stated that Russia is not effectively prepared to combat terrorism and work proactively in this area. Some of the main trends in Russian anti-terrorism activity are legislative improvement, strengthening cooperation between communities and law enforcement agencies, creation of special task forces, increasing the number of federal agencies personnel, dealing with preparedness problems, and providing better technical equipment.

Russian law enforcement agencies are trying to put pressure on the forces supporting terrorism and will use all available resources to the full extent including the military to punish terrorism and assist and collaborate with other countries.

International intelligence gathering is coordinated through Interpol today. Interpol's involvement in the fight against international terrorism materialized during the 54th General Assembly in Washington in 1985 when Resolution AGN/54/RES/1 was passed calling for the creation of a specialized group within the Police Division to "... coordinate and enhance cooperation in combating international terrorism ... " Interpol's multinational police cooperation process has a three-step formula for dealing with terrorism, a formula all nations must follow: (1) pass laws specifying that the offense is a crime, (2) prosecute offenders, and cooperate in other countries' prosecutions, and (3) furnish Interpol with and exchange information concerning the crime and its perpetrators. The challenges for the intelligence community are enormous—uncovering "sleepers" currently residing in both urban and rural settings is crucial to disrupt and prevent the next attack, as there seems little doubt that we must expect another attack. The truly global nature of the terror threat cannot and must not be confined to profiling of an ethnic group. The global nature of the organization means that greater efforts and communication must come from intelligence communities around the globe (Spindlove, 2002)

Conclusion

The level and severity of the recent terrorist activity and the accompanying growth in the power and influence of international terrorist organizations have raised concerns among governments all over the world—particularly in Western democracies—about the threat terrorists pose to democracy and stability in many countries and to the global economy. International terrorist networks have been quick to take advantage of the opportunities resulting from the revolutionary changes in world politics, business, technology, and communications, which have strengthened democracy and free markets and brought the world's nations closer together.

Globalization in the modern world opened the channels for substantially increased trade, movement of people, and capital flows between continents, democracies, authoritarian countries, religions, and ideologies. These developments have allowed the terrorist forces to expand their networks and increase their cooperation in illicit activities and financial transactions. Terrorists have taken advantage of transitioning and more open economies to establish financial ventures that are helpful in budgeting international terrorist activities (e.g., training camps, "sleeping cells," and purchase of weaponry and explosives).

Revolutionary advances in information and communications technologies have brought most of the world population closer together. Through the use of digital technologies, terrorists have an unprecedented capability to obtain, process, and protect information from law enforcement investigations. They can use the interactive capabilities of advanced computers and telecommunications systems to plot terrorist strategies against U.S. representatives and institutions all over the globe, find the most efficient routes and methods for financial transactions, and create international virtual networks. Some terrorist networks are using advanced technologies for counterintelligence purposes and tracking law enforcement operations.

The modern mega trend of globalization and the reduction of barriers to movement of people, commodities, and financial transactions across borders has enabled international terrorist networks to expand their global reach. International terrorist groups are able to operate increasingly outside traditional models, take quick advantage of new opportunities, and move more readily into the most vulnerable areas of the Western world. The major international terrorist groups have become more global in their operations and developed more threatening goals. Most of the world's major international terrorist groups are targeting the United States.

The team of American and Russian practitioners and scientists worked together on finding innovative solutions to minimize the impact of terrorist threats and incidents. Further research across scientific disciplines and law enforcement operations will assist in improving some tactical approaches, specialized analytical and detection tools, protection of civil infrastructure, and new anti-terrorism training methodologies. Modern forms of international terrorism are civilian-oriented and more lethal and suicidal, ideologically charged, and technologically advanced.

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