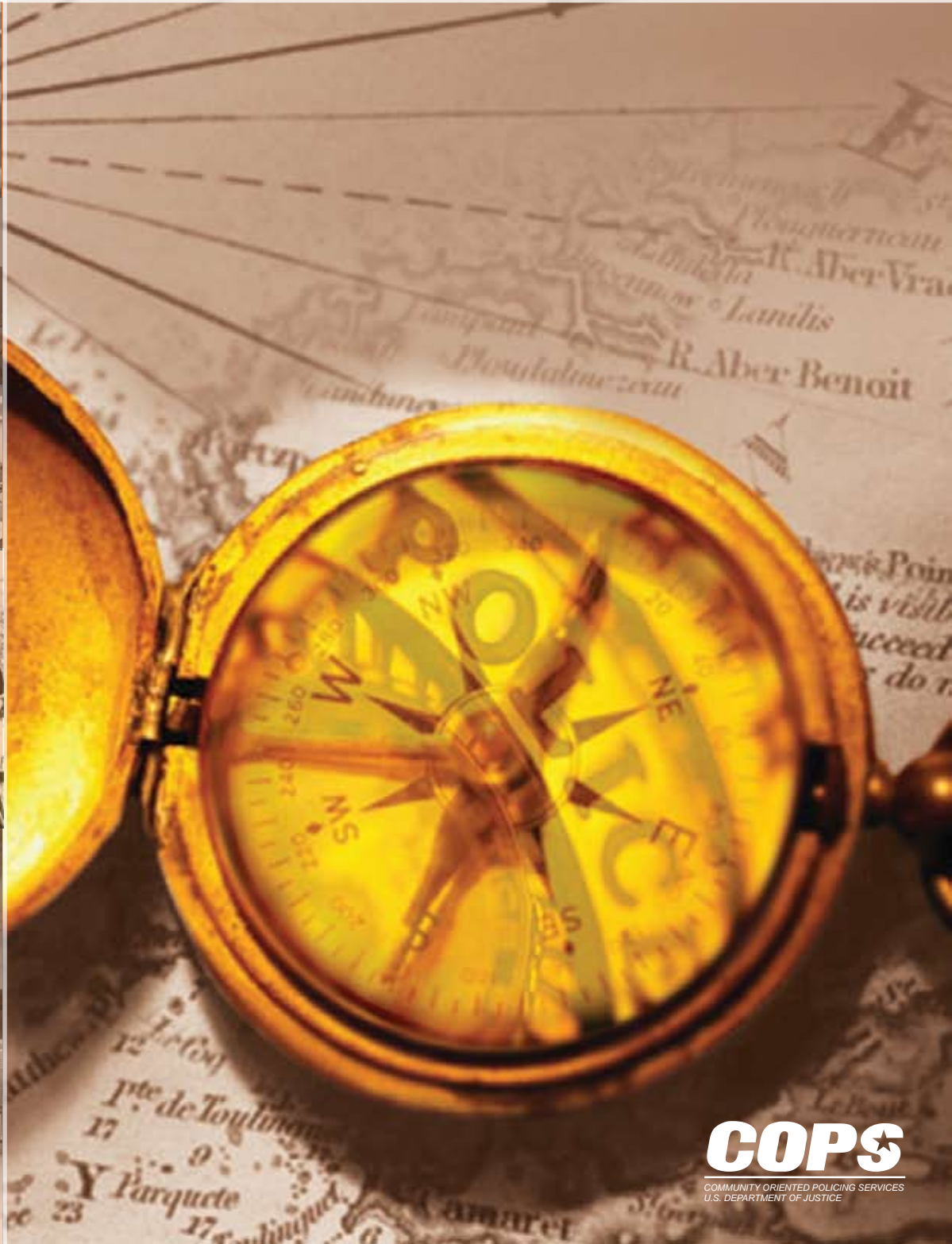




# Police Labor-Management Relations (Vol. D): Perspectives and Practical Solutions for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders





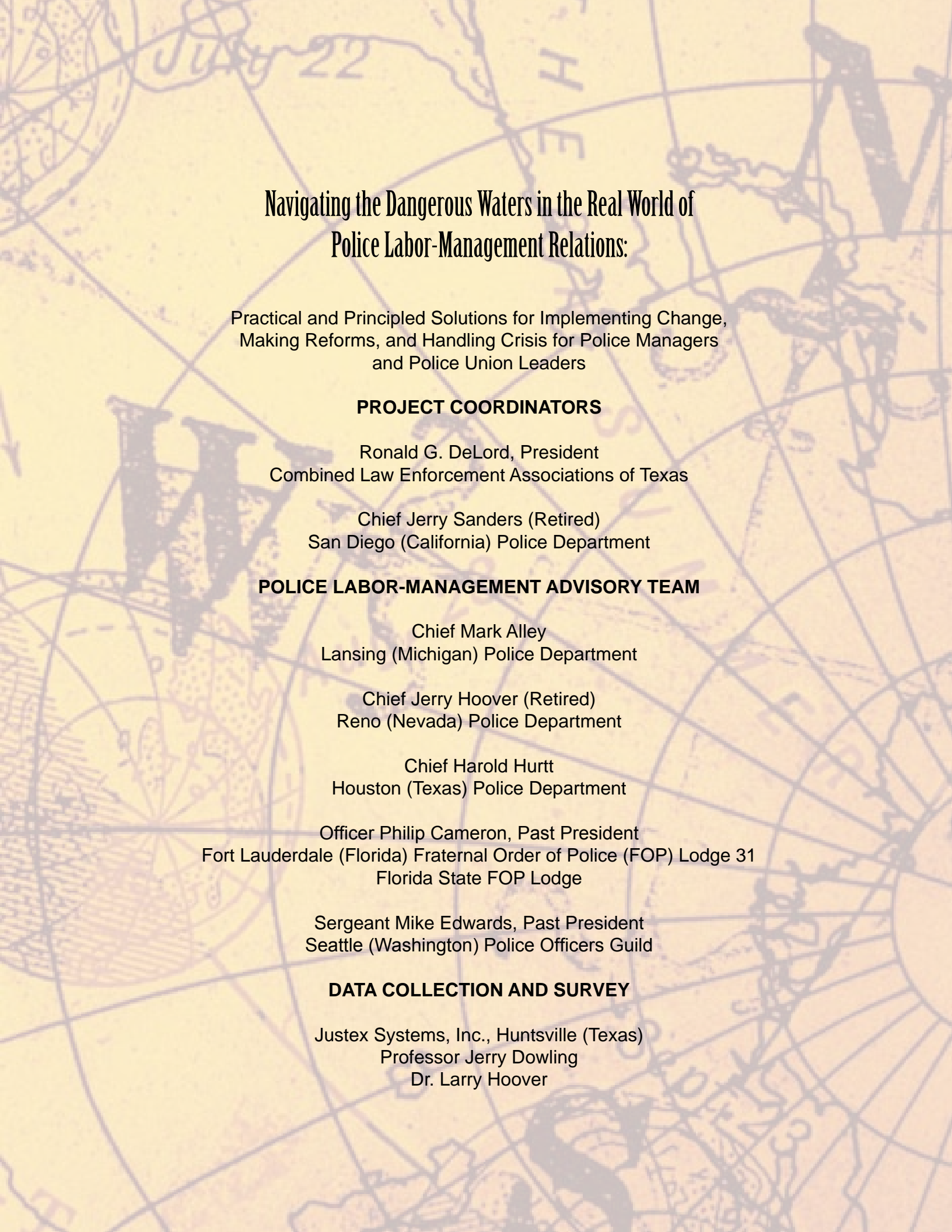
# Police Labor-Management Relations (Vol. I): Perspectives and Practical Solutions for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders

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# Navigating the Dangerous Waters in the Real World of Police Labor-Management Relations:

Practical and Principled Solutions for Implementing Change,  
Making Reforms, and Handling Crisis for Police Managers  
and Police Union Leaders

## **PROJECT COORDINATORS**

Ronald G. DeLord, President  
Combined Law Enforcement Associations of Texas

Chief Jerry Sanders (Retired)  
San Diego (California) Police Department

## **POLICE LABOR-MANAGEMENT ADVISORY TEAM**

Chief Mark Alley  
Lansing (Michigan) Police Department

Chief Jerry Hoover (Retired)  
Reno (Nevada) Police Department

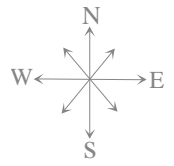
Chief Harold Hurtt  
Houston (Texas) Police Department

Officer Philip Cameron, Past President  
Fort Lauderdale (Florida) Fraternal Order of Police (FOP) Lodge 31  
Florida State FOP Lodge

Sergeant Mike Edwards, Past President  
Seattle (Washington) Police Officers Guild

## **DATA COLLECTION AND SURVEY**

Justex Systems, Inc., Huntsville (Texas)  
Professor Jerry Dowling  
Dr. Larry Hoover



## Acknowledgements

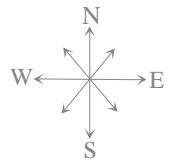
This complicated project designed to unravel the world of police labor-management relations and other practical and principled solutions could not have been achieved without the concept first being conceived by some far-sighted individuals who have to navigate in that world.

The project coordinators wish to thank the United States Department of Justice Office of Community Oriented Policing Services (the COPS Office) for its assistance in completing this project. Robert Chapman and former COPS Office employee Veh Bezdikan were the catalysts for the project. Their guidance and hands-on participation were invaluable.

Larry Hoover, Jerry Dowling, and Gene Blair of Justex Systems, Huntsville, Texas, devoted their time to the project. They have a lifetime of actual police experience and academic observations on the police labor-management situation in the United States. Their scientific survey is the first nationwide review of how police managers and police union leaders think about issues of mutual concern. Their assistance, advice, and counseling in editing the book were above and beyond the call of duty.

Media & Political Strategies, Inc., is a small firm in Liberty Hill, Texas, specializing in the production of magazines and newsletters for law enforcement unions and other professional associations. The firm also consults in political campaigns and produces direct mail and television and radio commercials. A writer, publisher, and editor, co-owner Shelly Wilkison greatly assisted in organizing the initial materials into a readable format.

No book can be written without the assistance of many friends, colleagues, and volunteers who devote their time to improving the publication. A special thanks to Dr. Michael Polzin, School of Labor and Industrial Relations, Michigan State University; and Dr. Jenny Fleming, Fellow, Research, School of Social Sciences, The Australian National University, Canberra, ACT, Australia.



## About the Authors

### PROJECT COORDINATORS

#### Ronald G. DeLord

Ron DeLord was a patrol officer for the Beaumont (Texas) Police Department from 1969 to 1972. He served as a patrol officer and detective for the Mesquite (Texas) Police Department from 1972 to 1977. In 1977, DeLord was one of the founders of the Combined Law Enforcement Associations of Texas (CLEAT) and was elected its first president. Currently, he is serving his 10th 3-year elected term. CLEAT is the state's largest police union, with more than 15,000 rank-and-file members.

DeLord is a coauthor of *Police Power, Politics and Confrontation: A Guide for the Successful Police Labor Leader* (Charles C. Thomas, Publishers); coauthor of "Unionization" in *The Encyclopedia of Police Science* (Garland Publishing); editor-in-chief of *The Ultimate Sacrifice: The Trials and Triumphs of the Texas Peace Officer* (Wadsworth Publishing); and he is a frequent columnist for *American Police Beat* newspaper with a monthly circulation of 100,000. DeLord is the author of a paper entitled "American Policing at a Crossroads: Are Police Unions Taking on the Challenge or Impeding Change?" that was presented to the International Police Executive Symposium in Prague, Czech Republic, in 2005.

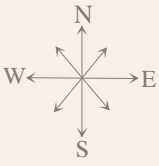
He is a principal partner in the Police and Fire Labor Institute that has conducted labor-training programs for police and fire labor leaders from the United States, Canada, Australia, and New Zealand. He is a frequent lecturer on police labor relations at seminars, universities, and training programs. He is also the co-program director for the Police Union Executive Leadership Program sponsored by the School of Labor and Industrial Relations at Michigan State University, East Lansing, Michigan.

DeLord graduated from the 10-week Harvard University Trade Union Program in Cambridge, Massachusetts, in 1992. He has a bachelor of science degree in government from Lamar University in Beaumont, Texas; a master of arts degree in police science and police administration from Sam Houston State University in Huntsville, Texas; and a doctorate of jurisprudence degree from South Texas College of Law in Houston, Texas. He has been a licensed attorney in Texas since 1987.

#### Jerry Sanders

Jerry Sanders retired from the San Diego Police Department in April 1999 after serving as the chief of police for 6 years. A 26-year veteran of the 3,000-member department, his assignments included SWAT commander, police academy director and commanding officer of two area commands. Promoted to commander in 1990, he joined senior management, and as a commander and assistant chief, he commanded Internal Affairs, Budget and Management, and the diversity effort.

Under his leadership, the department moved into a community policing model with three main strategies: problem solving, community engagement, and creating a 1,100-member citizen volunteer effort to work with officers in virtually every segment of the department. Police Officer Association involvement was a part of each strategy as were reorganizing the department and redefining roles and responsibilities for each of the department's ranks and work areas. During this period, partnership between the community and the police department helped reduce crime by of nearly 50 percent.



Sanders was a member of the board of directors of the Police Executive Research Forum, a member of Major Cities Police Chiefs Association, and the FBI's National Executive Institute. He retired to become president and CEO of the United Way of San Diego County. He has since resigned from United Way to take a position in the private sector. He serves on numerous nonprofit boards throughout the San Diego area.

## POLICE MANAGEMENT ADVISORY TEAM

### Mark E. Alley

Mark Alley started his law enforcement career as a deputy sheriff with the St. Clair County Sheriff's Department in Port Huron, Michigan. He joined the 378-member Lansing Police Department in 1986, was promoted to sergeant in 1991, lieutenant in 1995, captain in January 1998, and chief of police in June 2000. Chief Alley has worked in Patrol, Criminal Investigation, Special Operations, and as a supervisor throughout the department.

Chief Alley is the author of "Community Evaluates Neighborhood Watch," *Community Policing Exchange*, 14, 4 (1997); "Volunteers 'CUTT' Down Truancy," *Community Policing Exchange*, 24, 4 (1999); and coauthor of the chapter, "Mid-Level Leaders in Community Police Organizations," published in *The Move to Community Policing* (2001).

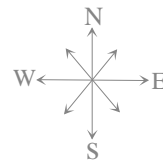
Chief Alley has a bachelor of science degree in criminal justice from Ferris State University and a master of science degree in criminal justice from Michigan State University. Since 1996, he has been an adjunct professor at Michigan State University teaching various courses in criminal justice and community policing.

### Jerry L. Hoover

Jerry Hoover started his law enforcement career in 1968 as a patrol officer with the 1,800-member San Diego Police Department. He was promoted to detective in 1972 and to sergeant in 1974. In 1979, he became a lieutenant with the 210-member Boulder Police Department in Colorado, and in 1991 was appointed a commander. In 1994, Hoover was appointed as chief of police for the 148-member St. Joseph Police Department in Missouri. In 1997, he was appointed chief of police of the 519-member Reno Police Department in Nevada. In June 2004 Chief Hoover retired and accepted a position with a private consulting firm.

Chief Hoover is the author of "A New Generation of Field Training: The Reno PTO Model," in *Solving Crime and Disorder Problems* (2001); Melissa Reuland, Corina Sole Brito, and Lisa Carroll, eds., *Police Executive Research Forum*, Washington, D.C.; *Problem-Based Learning Manual for Training and Evaluating Police Trainees* (2001), Police Executive Research Forum, Washington, D.C.; "Introduction" to *Policing America: methods, issues, challenges* (1999), Kenneth J. Peak, Prentice Hall, New Jersey; "The Cop Shop," a regular column of the *St. Joseph Telegraph* newspaper (1996-1997); and "Standardized Evaluation Guidelines for Community Policing," published in *NAFTCO Newsletter* (July, 1996).

Chief Hoover graduated from the FBI National Academy's Law Enforcement Executive Development Seminar (LEEDS) in 1997. He has a bachelor of arts degree in anthropology from San Diego State University; a master of arts degree in anthropology from Colorado State University; and a master of public administration from the John F. Kennedy School of Government at Harvard University. He has completed all the course work for a doctorate degree in anthropology from the University of Colorado.



Chief Hoover is a national consultant to police agencies throughout the United States in police training, critical incident, management, diversity issues, and destructive religious cults. He is a presenter at national conferences on topics of community/problem-oriented policing and leadership. Chief Hoover is an adjunct professor at the University of Nevada. He has more than 5,000 hours of classroom teaching experience.

### Harold L. Hurtt

Harold Hurtt joined the Phoenix (Arizona) Police Department in 1968. He was promoted to sergeant in 1975; lieutenant in 1978; captain in 1980; major in 1985; and assistant chief in 1987. In 1992, he was appointed as chief of police for the Oxnard (California) Police Department in California and in 1998, he was appointed chief of police of the 3,700-member Phoenix Police Department. Chief Hurtt has served in virtually every capacity in a police department including Patrol, Field Training Officer, Community Relations, Field Operations, Special Operations, and as an executive assistant chief of management services. In February 2004 Chief Hurtt accepted the position of chief of the Houston (Texas) Police Department.

Chief Hurtt graduated from the FBI National Academy; the LEEDS Academy; the FBI National Executive Institute Development Seminar; Arizona State University Executive Development Institute; and the Senior Management Institute for Police by the Police Executive Research Forum. He has a bachelor of science degree in sociology from Arizona State University and a master's degree in organizational management from the University of Phoenix.

Chief Hurtt serves on many boards and commissions, including the following organizations: Arizona Peace Officer Standards and Training Board, Rio Salado College President's Advisory Council, Law Enforcement Coordinating Committee, The National Conference of Community and Justice, Arizona Auto Theft Authority, Arizona HIDTA, National Organization of Black Law Enforcement Executives, and Major City Chiefs Association. Chief Hurtt was selected in 2001 as a member of the Justice Department Team (Kroll Associates) to monitor the Los Angeles Police Department consent decree.

## POLICE UNION ADVISORY TEAM

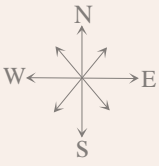
### Philip D. Cameron

Philip Cameron served as a part-time Sebring, Ohio police officer from 1965 to 1968, and as a police officer in Alliance, Ohio, from 1968 to 1970. He joined the Fort Lauderdale (Florida) Police Department in 1970, and retired in 2000 after 30 years of service.

He was elected vice president of the 736-member Fort Lauderdale Fraternal Order of Police (FOP) Lodge 31 in 1986 and was elected president of the lodge in 1989. Cameron served as lodge president until 2001.

Since 1984, he has negotiated every collective bargaining agreement between the city and the lodge, and provided legal representation for the members. He was elected vice president of the 21,000-member Florida State FOP in 1992, and was elected state president in 1996, serving until 2005. Cameron also serves as the administrative benefits manager of the \$3.2 million Lodge 31 Health and Dental Trust.

He has an associate degree in criminal justice from Broward Community College; a bachelor of science degree in criminal justice from Hamilton University; and a master of science degree in public administration from Hamilton University. Cameron is a frequent guest lecturer on collective bargaining and labor-management relations across the United States.



### Michael D. Edwards

Mike Edwards is a 24-year veteran of the Seattle (Washington) Police Department. He joined the police department in 1980 and was promoted to the rank of sergeant in 1995. Sgt. Edwards has had a variety of assignments with the department, including Patrol, Harbor Patrol, SWAT, Proactive Undercover Narcotics, and Traffic. He was the SWAT tactical/training coordinator during the 1990 Goodwill Games and the venue squad leader during the 1999 World Trade Organization Conference in Seattle.

Sgt. Edwards is active in the Seattle Police Officers Guild, having served an unprecedented 6 years as president from 1996 to 2002. Currently, he is the vice president of the Council of Metropolitan Police and Sheriffs, a statewide law enforcement organization in Washington State.

Sgt. Edwards has a bachelor of arts degree in sociology from the University of Texas at Arlington with minors in economics and foreign languages. He is a frequent speaker at seminars and colleges on such topics as labor-management relations, police integrity, and community oriented policing.

## CONTRIBUTING AUTHORS

### Gene G. Blair

Gene G. Blair has bachelor of science and master of arts degrees in history from West Texas State University, now West Texas A&M University. He also has a master of arts degree in urban affairs/criminal justice from the University of Texas at Arlington. In 2001, Blair joined the police labor-management consulting firm Justex Systems, Inc., as director of operations.

Blair retired from Sam Houston State University after 22 years of service with the university's well-known Criminal Justice Center, including assignments as coordinator of the Center's Police Academy, assistant director of the Bill Blackwood Law Enforcement Management Institute of Texas, and director of The Institute for Law Enforcement Training. A former criminal investigator, Blair has published numerous articles, has written one book, and has conducted training for criminal justice professionals in 12 states and Canada. He is retired from the U.S. Army Reserve with the rank of lieutenant colonel in the military intelligence branch.

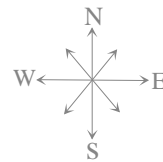
### Mark Burgess

Mark Burgess worked as an underground coal miner in the Newcastle region of Australia from 1978 to 1988. Burgess joined the New South Wales (NSW) Police Force in 1988, graduating from the Police Academy in January 1989 and was posted to the Newcastle Police Station in the NSW Hunter Region. He was in the inaugural class of the Police Recruit Education Program (PREP), and was awarded the PREP Medallion as dux of the program.

He remained attached to Newcastle Police Station where he worked doing General Duties policing, Intelligence, Beat Policing, and Liquor Licensing. In 1996 he was promoted to sergeant as a district licensing co-coordinator for the former Upper Hunter District, which at the time encompassed the Upper Hunter Valley of NSW.

Shortly after receiving that promotion, Burgess was transferred to Sydney in mid-1996 where he represented the NSW Police Association at the Royal Commission Implementation Unit. NSW Police had undergone the Wood Royal Commission into police corruption that lasted from 1994 to 1996. In that role, he was the liaison between the police department and the NSW Police Association regarding all the proposed reforms flowing from the Royal Commission recommendations.





In May 1998, he was elected president of the NSW Police Association, the largest police association in Australia. He was seconded full time to the Association and was re-elected to that position unopposed in May 2000. In December 2000 Burgess resigned from that position and took up his current role as chief executive officer of the 47,000-member strong Police Federation of Australia (PFA). He has been responsible for realigning that organization with its strategic plan and shifting the PFA's office to Canberra, Australia's capital, to ensure that it has a strong lobbying presence with Australia's Federal Government.

Burgess currently is on leave without pay from the NSW Police Department and has recently moved with his wife to Canberra. During his time in policing Burgess has attained the qualifications of a bachelor of social science (justice studies) in 1995 from Newcastle University as well as a master of public policy and administration in 1998 from Charles Sturt University.

### Jerry L. Dowling

Jerry L. Dowling earned his bachelor of science and doctor of jurisprudence degrees from The University of Tennessee and has been a professor at the College of Criminal Justice, Sam Houston State University (SHSU) since 1972. His primary areas of teaching and research include criminal law, pretrial criminal procedure, legal aspects of criminal justice management, and public safety personnel and labor issues.

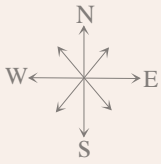
In 2001, he was the recipient of the SHSU Excellence in Teaching Award. In addition to his academic duties, Professor Dowling has conducted many training seminars for police officers and administrators. He is also the coprincipal of Justex Systems, Inc., and serves as editor of *Police Labor Monthly*. Before joining the faculty of SHSU, Dowling worked as a special agent with the Federal Bureau of Investigation. He has conducted numerous research projects and is the author of several publications in the field of criminal law and police personnel practices.

### Sheldon Greenberg

Sheldon Greenberg, Ph.D., is associate professor of management and director of the Division of Public Safety Leadership at Johns Hopkins University. He directs the Johns Hopkins University Police Executive Leadership Program and the U.S. Secret Service Executive Development Program. Both programs are intense 2-year courses of study for select executives. Dr. Greenberg serves as coordinator of the Mid-Atlantic Regional Community Policing Institute. He served as director and associate dean of the Johns Hopkins Division of Business and Management, the University's business school, for 2 years.

Before joining Johns Hopkins University, Dr. Greenberg served as associate director of the Police Executive Research Forum (PERF) in Washington, D.C., a law enforcement think tank and center for research. Dr. Greenberg directed PERF's Management Services Division, providing operations and technical assistance to police agencies worldwide. He directed teams in assessing more than 50 federal, state, and local law enforcement agencies.

Dr. Greenberg began his career in Maryland as an officer in the Howard County Police Department (HCPD). During his tenure with HCPD, he served as a patrol officer, criminal investigator, supervisor of the youth unit, director of the police academy, director of research and planning, assistant to the chief of police, and commander of the Administrative Services Bureau. Dr. Greenberg has worked with the U.S. Marshals Service, U.S. Border Patrol, U.S. Department of Justice, Federal Bureau of Investigation, and the U.S. Department of State in a variety of capacities. He serves as an instructor for the Maryland State Police, the Maryland Police Training Commission, and other police academies nationwide. He is one of the founding members and past president of the Maryland Crime Prevention Association.



Dr. Greenberg has worked with police agencies in Cyprus, Jordan, Kenya, Panama, Hungary, Pakistan, and the Czech Republic. He has served on national commissions and task forces on violence in public schools, race-based profiling, police response to people who have mental illness, police recruiting, and highway safety. He has served on leadership committees for the International Association of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies and is a member of the assessment committee for the FBI National Executive Institute. He is the author of several books including *Stress and the Helping Professions*, *Stress and the Teaching Profession*, and *On The Dotted Line*, a guide to hiring and retaining police executives. Dr. Greenberg serves as an expert witness on police operations in federal and state courts.

### Will Harrell

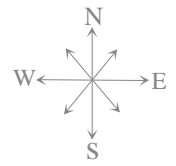
Will Harrell assumed the post of executive director of the American Civil Liberties Union (ACLU) of Texas in April, 2000. Harrell's degrees include a bachelor of arts in history from the University of Texas at Austin in 1987. The American University granted him a Juris Doctorate degree in 1990 and an LL.M in International Law in 1997. Harrell also studied at Oxford University.

Harrell has taught law in Ecuador, lectured on human rights litigation in Chile, prosecuted human rights abuses in Guatemala, Mexico, Peru, Haiti, the United States and elsewhere, supervised elections for the U.S. Department of State in Bosnia Herzegovina, and represented migrant farm workers in Colorado. His first legal post was at the ACLU National Prison Project. Before he took the executive director's post at the ACLU of Texas, Harrell worked as an executive director of the New York City-based National Police Accountability Project, a project of the National Lawyers Guild and the Center for Constitutional Rights. Before becoming a lawyer, Harrell worked for Representative Mickey Leland (D-Texas) and the Congressional Black Caucus in Washington, D.C. As a law student, he worked in the General Counsel's Office of the Metropolitan Police Department in Washington, D.C. and the District Attorney's office in Manhattan.

Harrell and the ACLU of Texas advanced a comprehensive criminal justice reform agenda before the Texas Legislature during the 77th and the 78th sessions. For that 2001 effort, Harrell was awarded the esteemed Torch Bearer Award from the National Association for the Advancement of Colored People (NAACP), was noted as Best of the Legislature by the *Hispanic Journal*, and was profiled in the *Austin Chronicle* Critics Choice: Politics and Personalities. The Texas Law Fellows named him Public Interest Lawyer of the year in 2003. In July 2003, Harrell was acclaimed Chevy Truck Lone Star Hero by the 140 station affiliate Texas State Radio Network. In 2005, Harrell received the Diamond Jubilee Award from the League of United Latin American Citizens for his advocacy for the rights of Latinos. Harrell sits on the Advisory Board of the *Texas Journal on Civil Liberties and Civil Rights*.

### Larry T. Hoover

Dr. Larry Hoover received his Ph.D. from Michigan State University and has been on the criminal justice faculty at Sam Houston State University (SHSU) in Huntsville, Texas since 1977. Dr. Hoover is a past president of the Academy of Criminal Justice Sciences, and the recipient of the 2001 O. W. Wilson Award from its Police Section and the 2003 Founder's Award. He is also the co-principal of Justex Systems, Inc., publishers of *Police Labor Monthly*. He directs the Police Research Center at SHSU, and is the recipient of the University's Excellence in Research Award.



A former police officer in Lansing, Michigan and training coordinator with the Michigan Law Enforcement Officer's Training Council, he also served on the faculty at Michigan State University. He is editor of the anthologies *Police Management: Issues and Perspectives*, *Quantifying Quality in Policing*, and *Police Program Evaluation*, all published by the Police Executive Research Forum, and coauthor of *Enduring, Surviving, and Thriving As A Law Enforcement Executive*, Charles C. Thomas Publishing.

### Ted Hunt

Ted Hunt has been a Los Angeles Police Officer since 1975. He is the immediate past president of the Los Angeles Police Protective League (LAPPL), which is the largest police union in California. He remains on the board of directors of the LAPPL and is the manager of public advocacy.

Before becoming an LAPPL director, his LAPD career was primarily spent in uniformed patrol, traffic collision investigation, and as an instructor at the Los Angeles Police Academy. His Academy assignments included primary academic instructor (1985 to 1991, 1994) and coordinator of executive and management training (1992 to 1994).

He is a member of the following boards and commissions:

Chair, California Commission for Peace Officer Standards and Training; chair, Alcohol Beverage Control Appeals Board, State of California; Executive Board, sergeant-at-arms, National Association of Police Organizations; director, California Peace Officer's Memorial Foundation; director, Los Angeles Police Historical Society; director, Center for Police Organization Studies, University of La Verne; past president, California Coalition of Law Enforcement Associations; Associate, Peter F. Drucker Foundation.

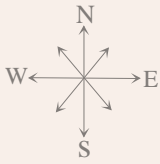
Hunt earned his doctorate in public administration from the University of La Verne in 1996. He has spoken at National Open University in Taiwan, National Police University in Taiwan, National Symposium of Police Integrity sponsored by the U.S. Department of Justice, Harvard University's Trade Union Institute, University of California Los Angeles, University of La Verne, and other universities in Southern California.

He was awarded the California National Guard Commendation Medal for meritorious service during the 1992 civil unrest in Los Angeles, the Los Angeles Police Department's Meritorious Service Medal, and four other service ribbons. He recently received the California Gold Star for Excellence in Leadership sponsored the sheriffs of five of the largest counties in California.

### Dale Kinnear

Dale Kinnear joined the Ontario Provincial Police in 1975 and holds the position of constable. Since the early eighties he has been actively involved in police labor relations with the Ontario Provincial Police Association (OPPA). He has represented the OPPA at the local, provincial, and national levels. In 1996 he was hired as the director of Labour Services for the Canadian Police Association, on secondment from the Ontario Provincial Police.

As director of Labour Services, Constable Kinnear is responsible for information sharing on collective bargaining and all other aspects of police labor relations between police association in Canada and with the international police association community.



Constable Kinnear has represented police association members on issues dealing with police standards and regulation, regulation of the private security industry, occupational health and safety, police accountability, police governance, police pensions, and numerous consultations on federal and provincial legislation. He is also very active in fundraising for the National Police and Peace Officer Memorial Service.

With the August 2003 merger of the Canadian Police Association and the National Association of Professional Police into the Canadian Professional Police Association, Constable Kinnear is proud to represent 52,000 front-line police personnel in Canada.

### Michael J. Polzin

Michael Polzin, Ph.D., is an assistant professor in the School of Labor and Industrial Relations (SLIR) at Michigan State University in East Lansing. His primary assignment is working with PIERS, the Program on Innovative Employment Relations Systems. PIERS is an outreach unit of the SLIR that works only with public and private-sector unionized organizations, facilitating change initiatives that are jointly designed and implemented by unions and management. He has also taught courses on training and development in SLIR's master's degree program for a number of years.

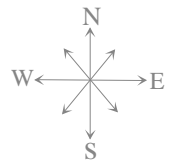
Dr. Polzin has been engaged in workplace education and organizational development for more than 20 years. He spent 3 years with District 1199C, National Union of Hospital and Health Care Employees as deputy director of a statewide training and upgrading program for nursing home workers. For 5 years, he worked on the education/organizational development staff of a Philadelphia-based consulting firm that created democratically structured, unionized, employee-owned enterprises. Dr. Polzin also worked for several years on the staff of the Michigan Governor's Office for Job Training to promote employee ownership, gain sharing, and participative work systems to union and management leaders throughout the state. More recently, Dr. Polzin designed and managed a reemployment resource center in Michigan's Genesee County that assisted workers dislocated from professional, technical, and production/service level positions to secure new employment in a timely fashion.

Dr. Polzin has taught in the Labor Studies Program of Penn State University and the Union Leadership Academy of Rutgers University. He has also taught courses for Grand Valley State University and in the Master of Management program of Aquinas College. Dr. Polzin holds a degree in psychology from Aquinas College and a doctorate in adult education from Temple University. His doctoral dissertation explored intrinsic and extrinsic factors that influenced worker participation in workplace decision making. He is the co-program director of the Police Union Executive Leadership Program sponsored by the SLIR at Michigan State University.

### Michael R. Shannon

Michael R. Shannon is a coauthor of *Police Association Power, Politics and Confrontation* published by Charles C. Thomas, Ltd. Although marketed to law enforcement associations, the book is a text on message development, public relations, crisis communication, and coalition building that is valuable to any union, association, or organization that has a story to tell.

Shannon's political, message development, public relations, and media training client list has included the Minneapolis Federation of Police, the Orlando (Florida) Fraternal Order of Police (FOP) Lodge, Philadelphia FOP Lodge, the Combined Law Enforcement Associations of Texas, the University of Tennessee's Command College, the Fort Worth Police Officers' Association, the Indiana State Police Alliance, the Aurora, Colorado, Police Association, the Colorado Springs Professional Firefighters Association and police and fire pension groups under the aegis of the Information Management Network.

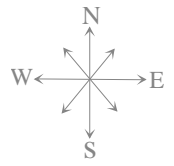


He is on the faculty of the Police and Fire Labor Institute and has lectured and conducted training sessions on message development, public relations, crisis communication, and radio and television for the Ministry of Foreign Affairs in Israel, the University of Virginia's Sorenson Institute, The Jewish Institute for National Security Affairs, *Governing* magazine, the National Coalition of Public Safety Officers, *Campaigns and Elections* magazine, the American Medical Association, the American Association of Political Consultants, the American Cancer Society, the Ohio Education Association, the Texas Medical Association, and the Texas Education Association in the United States. He also has lectured and conducted training sessions for the United National Congress in Trinidad and Tobago, Unia Wolnosci in Poland, Project Venezuela in Venezuela, and for NDI in Croatia.

In addition to his work with MANDATE, a public affairs and media consulting firm, Shannon has been a commentator for *KERA* television and the *Fox Morning News*, written opinion editorials for the *Dallas Morning News* and the *Arkansas Political Report*. He was formerly a contributing editor for the *Computer Shopper* and has written for *MacUser* and other magazines.

The work Shannon has done in the radio and television arena has been recognized for both creativity and effectiveness. He is a multiple first-place winner in the American Association of Political Consultants *Pollie* awards. Shannon won back-to-back first-place *Silver Microphone* awards for radio commercials. He is a three-time winner of the prestigious Gold statue at the Houston International Film Festival. In 1994, Shannon won first place in the Vision Awards for television. In 1998 and 1999 he won the *Silver Microphone* for best campaign.

After leaving the University of Oklahoma, where he majored in broadcast journalism and was awarded a Phi Beta Kappa key, Shannon's first job was as an anchor on an ABC outlet in West Texas. He went on to be a correspondent for the Texas State News Network and an editorial writer and columnist for the *Dallas Morning News*. Since 1993, Shannon has been a reserve police officer, first with the Fairfax County Police Department, and most recently with the Town of Dumfries Police Department, both in Virginia.



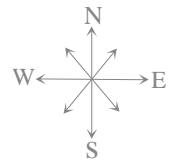
## Authors' Note

To simplify the terms used in this project, the terms “police,” “police officer,” “police department,” or “law enforcement agency” will include municipal, county, special district, state, or federal law enforcement officers and agencies.

The term “police chief” will include police chiefs, sheriffs, constables, or the head of a law enforcement agency. The terms “law enforcement executive,” “police manager,” or “police management” will include the head of the law enforcement agency and the command staff of the agency. The term “government administrator” will include city managers, county managers, or the chief administrative officers of municipal, county, special districts, state, and federal governments.

In the public sector, especially among law enforcement labor organizations, you are more likely to see the terms “association” or “lodge,” instead of “union,” attached to the name of the organization. The Fraternal Order of Police (FOP) uses the term “lodge” to describe its affiliated groups. Some organizations use “association” in their name and are also FOP lodges. Affiliates of the International Union of Police Associations (IUPA, AFL-CIO) and the International Brotherhood of Police Officers (IBPO/NAGE, AFL-CIO) tend to use the term “union” more often in their organizational names. Independent law enforcement labor organizations, not affiliated with FOP, tend to use combinations of the terms “police officers’ association,” “police association,” or “police benevolent association.” Independent labor organizations in sheriff’s departments generally use “deputy sheriff’s association,” “sheriff’s officers’ association,” or “deputy sheriff’s benevolent association.” There is no one common denominator when it comes to organizational names or affiliations.

We will use the term “police union or law enforcement union” to include all law enforcement labor organizations regardless of their agency or organizational affiliation. With 80 percent or more of the nation’s law enforcement officers in employee organizations unaffiliated with the AFL-CIO, the use of the term “union” causes many law enforcement officers to bristle and try to explain why how their employee organization is really an association or lodge. It is just a matter of semantics because associations, unions, and lodges are all labor organizations if they are formed by dues-paying employees desiring to improve their wages, hours, and working conditions through collective bargaining, collective action, or collective begging.



## Preface

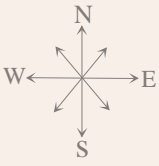
The purpose of this project was to create a practitioner's guide for police managers and police unions that seeks to unravel the mysteries surrounding the two sides of policing, and offer some principled and practical solutions to surviving in the 21st century world of policing that is becoming more and more complex and complicated. The basic goals of the project were the following:

- Survey police unions and police management on the current state of labor-management relations in their agencies with an emphasis on implementing change in the direction and operations of the law enforcement agency or reform in the agency
- Analyze the survey data to determine those aspects of the labor-management relationship that would appear to be the most cooperative and those aspects that would appear to be the least cooperative when the law enforcement agency is desirous of change or reform, i.e., what is working and what is not
- Create a model police labor-management process to implement change and reform the law enforcement agency
- Develop an educational and training program for police union leaders and police management in how to implement change in a law enforcement agency in a cooperative manner
- Establish methods to encourage police unions and police management to work together to make the reduction of crime a part of their relationship (with or without the right to collective bargaining) and to develop a shared vision of a safer community.

This project was not designed to be a "how to" book on collective bargaining, grievance handling, arbitration, or bargaining impasse resolutions.

Change or reform of a law enforcement agency would include, but not be limited to such traditional change agents as the use of force by police, corruption in the agency, ineffectiveness or inefficiency of the agency, racial profiling and other minority complaints, diversity in promotions and in hiring, and mismanagement of agency personnel and resources. The project was to include information on how to gain the cooperative implementation of community-oriented policing concepts by creating ownership in the program for the police union and police management.

The most serious problem facing the police profession in the 21st century is how to implement change or reform in a law enforcement agency in the most cooperative manner with the least amount of disruption to the operations of the agency. The police are one of the most powerful and visible arm of the government. Individual police officers are empowered to detain, arrest, subdue, and under justifiable circumstances, injure or kill a citizen in order to perform their duties. Police officers are reluctant and resistant to change or reform, especially when the officers perceive the change or reform as politically motivated. A case in point is that despite an obvious hue and cry for citizen control of the police by elected officials, the media, and the public, the few existing citizen review boards in the United States generally are powerless to investigate or charge individual police officers with misconduct or implement reforms in a police department.

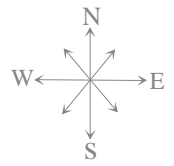


In general, elected officials pressure the city manager to implement changes in the police department. The city manager then puts pressure on the police chief to make the changes demanded by the elected officials. The police chief, who is appointed by the city manager, then issues orders for the changes to rank-and-file officers. The rank-and-file officers see the changes as arbitrary or politically motivated and demand that their union leadership fight the changes. The media see a controversy and headline the conflict between labor and management. The public watches the fireworks. This pattern of arbitrary implementation of change or reform without consultation with the police union or the rank-and-file officers causes disruptions in the operations of the department. The police union and the police officers have no ownership in the proposed changes or reforms.

While there have been regional studies on cooperative police labor-management relations, there does not appear to be any research, literature, or training disseminated nationally on the broader subject of implementing change or reform in a law enforcement agency in such a manner that both police management and the police union have ownership in the changes or reforms. The project coordinators and the advisory team members found the following deficiencies:

- There has not been a national survey of police unions or police management on the current state of labor-management relations about implementing a change in the direction and operations of the law enforcement agency or reform of the agency.
- There has not been a national survey of police unions and police management to determine those aspects of the labor-management relationship that would appear to be the most cooperative and those aspects that would appear to be the least cooperative when the law enforcement agency desires change or reform. Best- and worst-case studies are not available on what is working and what is not working.
- There is no national model police labor-management process for implementing change or reform in a law enforcement agency. Neither the police union nor police management seems to understand or appreciate the external and internal demands on each other. Traditionally, police unions and police management have existed at arm's length with each side viewing the other as adversaries. Each agency has a history, culture, and tradition that shape its police labor-management relations. The cycle of conflict, confrontation, and discord between labor and management has become a comfortable way of doing business. The communication between police unions and police management is often nonexistent, which creates a potential for disruption of police operations and delivery of services to the public. Both police labor and management have preconceived attitudes about each other that shape their decision-making processes. Add to this volatile mix the external and internal politics that exist in the management and operations of all law enforcement agencies. All of these factors work to prevent cooperative labor-management relations and thwart implementation of change or reform.
- There are no national educational and training programs for police union leaders and police management in how to implement change in a law enforcement agency in a cooperative manner. While there are training manuals, seminars, and literature on traditional police labor-management relations, these programs are targeted toward wages, hours, and conditions of employment in law enforcement agencies with formalized collective bargaining or a grievance procedure. Traditional labor-management programs are designed to have a winner and loser in each situation. There is a need for cooperative interactions between police unions and police management daily and not just during the collective bargaining process, grievances, or arbitrations.





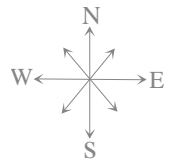
Who should be responsible for reducing crime and working to make the community safer? One would think the police union and police management would be the primary players. There have been no methods developed to encourage police unions and police management to work together to make the reduction of crime a part of their relationship. The primary relationship between the police union and police management generally is limited to collective bargaining, grievances, and arbitration. Police unions tend to concentrate on wages, benefits, and working conditions, whether they have collective bargaining rights or collective bargaining. Police management tends to concentrate on control and discipline issues. Rarely do police unions and police management have a shared vision of the type of department they desire. None seem to have a shared vision of how to make the community safer.

To further complicate the attempts to implement change or reform is the lack of understanding that the roles played by police management, local government administrators, elected officials, the media, and the public in the process are all co-mingled and overlapping. There is no practitioner's guide for police unions and police management on how to deal with these external spheres of influence. All effective change must start with a consensus of the officers affected by the change, the agency head, the local government administration, the elected officials, the media, and the public if the change is to be implemented with minimal conflict. This practitioner's guide to police labor-management relations fills an existing gap in the ability of police unions and police management to work cooperatively to implement much needed change or reform in their agencies.

### **Related Guidebook**

One of the objectives of the project was to create a practitioner's guide for training police managers and police union leaders to implement changes, make reforms, and handle crisis in their law enforcement agencies. The project managers decided that a separate and distinct resource should be written that would address that objective.

Professor Michael Polzin from the School of Labor and Industrial Relations at Michigan State University in East Lansing, Michigan, and CLEAT President Ron DeLord developed a proposal to do the separate training guide book under the auspices of this project grant. While *Police Labor-Management Relations (Vol. I): Perspectives and Practical Solutions for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders* and *Police Labor-Management Relations (Vol. II): A Guide for Implementing Change, Making Reforms, and Handling Crises for Managers and Union Leaders* are interconnected, each book can be read separately by police managers and police union leaders.



## Introduction

### MANAGEMENT AND LABOR IN COMMUNITY POLICING: CHARTING A COURSE

By

*Larry T. Hoover, Jerry L. Dowling, and Gene Blair*  
*Sam Houston State University and Justex Systems, Inc.*

#### Why Dangerous Waters?

Since the inception of organized labor, both management and union representatives have struggled to maintain a balance between advocacy and antagonism. Everyone recognizes that there is a fine line between the two. We expect both management and labor to maintain a strong and healthy advocacy role. We recognize that when the line is crossed and management and labor become antagonistic, everyone suffers. But that line is crossed with regularity. Indeed, in some enterprises in America extreme and unyielding antagonism have resulted in the ruin of the organization, the ultimate “lose–lose” outcome.

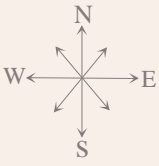
The problem is no easier to handle in law enforcement than in any other enterprise. Despite the fact that policing is a public-sector occupation, that police unions are supposed to be quasiprofessional associations, and that there is a prohibition against the ultimate job action (a strike), nevertheless relations frequently degenerate. Police managers often characterize relationships with the union as their most stressful role, even more stressful than with the American Civil Liberties Union or problematic city council members. Police union officials, on the other hand, frequently characterize the management of their organizations as “impossible to work with.”

Recent efforts to be innovative in police role and response have brought the issue to the forefront. Efforts labeled Community Policing, as well as those labeled CompStat, require new roles, scheduling flexibility, assignment changes, and above all, commitment and cooperation by all parties. Old animosities between management and labor can easily sabotage any effort at innovation in policing. New modes of policing do not alleviate sources of strain that traditionally exist between management and labor in law enforcement; instead, they exasperate them. That is what this book is all about. Understanding the issues is the first step toward cooperation in the professional development of law enforcement. Understanding the issues does not guarantee agreement, nor is it a vaccine against antagonism. But it is an important start toward building management and labor partnerships and toward finding at least a few “win–win” innovations.

#### Organizing Boats into a Fleet

To state the obvious, there is inherent conflict between management and labor, a conflict so fundamental that becoming “one big happy family” is a pipe dream. Variation in roles dictates conflict. The question, of course, is whether that conflict can be kept within what we might consider a healthy range.

Employee associations must be an advocate for their membership. A reasonable reaction to such a statement might be “Well, yes, of course.” But the issue goes beyond this simplistic observation. There is an expectation by the membership that a union will be a strong, outspoken, vigorous advocate for the membership. If elected union officers are perceived as “getting into bed with management” they won’t last long. Think of a parallel in the legal system. A plaintiff in a lawsuit might be a little uncomfortable walking



into a restaurant and finding his attorney having dinner with the attorney for the defendant. There is an expectation that one's representative in an inherently adversarial relationship maintain some distance from the representatives from the other side. In a political context, we don't elect as our representative a Democrat expecting that individual to go on vacation retreats every few weeks with the Republican caucus. We expect cooperation and civility, but we also expect individuals who play a representation role to keep an arms length from advocates from the other side. When union leaders become "too cozy" with management, they are no longer trusted, and they are no longer reelected.

This has profound implications for the role of union leaders. Put simply, they must maintain some level of conflict if they expect to stay in office. If everything is sunshine and daisies, if there are no problems with management, union officials may find themselves no longer needed. This also has implications for the implementation of community policing endeavors. A labor organization will not greet proposals for sweeping changes in philosophy and approach with unquestioning enthusiasm. Labor organizations are inherently mistrustful of change. That is their role. The membership that elected them expects them to challenge new ideas. Further, the first response is not likely to be "What's in this for our citizens?" but rather, "What's in this for our membership?" That reaction is not likely to sit well with managers just back from a conference about the need for innovation in law enforcement.

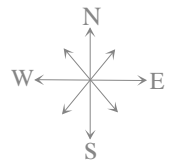
Police chiefs are often heard to say words to the effect that "no matter how good a job you do at cultivating positive relationships, they'll find an issue." Police chiefs are essentially correct. Although union leaders do not intend their actions to be destructive, or to undermine basically positive working relationships, they must maintain some level of strain. Put a little differently, they must at least occasionally fan the fires if they are to remain in office. Police managers who understand that are not as likely to personalize the conflict.

One must understand that this does not preclude cooperative, productive relationships. Management and labor can, and frequently do, work together for the better good of the organization and the clientele served by the organization. But there are limits to joint, cooperative effort. If everyone understands the limits there will be less rancor. A police chief who takes office expecting that engagement and cooperation with the union will bring 100 percent support 100 percent of the time is in for a rude awakening. It will not happen. And, after all, it must be remembered that many an innovation tried by management failed (as would be expected). Many an innovation turned out to indeed be this year's fad within the International Association of Chiefs of Police. The union probably should be skeptical. Some healthy skepticism by at least one element of the organization might be a good thing.

### **Laying the Keel: Developing Trust in Relationships**

Active engagement with a police officer association will accomplish far more than hostile isolation. Responsibility for such engagement lies with management, not labor. A police manager, however, needs to clearly articulate the nature of such engagement and its limitations. Some police chiefs and sheriffs are comfortable with a representative of their police officer association attending any or all staff meetings. Some are not. Some are comfortable having an official representative of the association on all internal agency developmental task forces, some ask the union to participate only on selected task forces. Others would prefer to engage the union only in designated meetings that are particularly designed for labor-management communication. What is essential is some level of engagement, and that everyone understands the rules.

Community policing initiatives require planning, restructuring, and reallocation of resources. There is no prescriptive formula for union participation in such efforts; however, it is relevant that community policing efforts are by definition a challenge to traditional policing styles. It would certainly seem prudent under such



circumstances to engage the union early and often in one forum or another. The case studies contained in this book, *Chapter 12 – San Diego*, *Chapter 13 – Austin*, and *Chapter 14 – Stamford*, illustrate the value of such engagement.

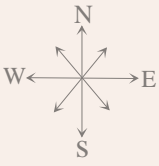
Who is the captain of the ship? Many police managers are adamant about staying within the agency's chain of command, but consistently violate it. There is a hierarchy of elected association officials in every police association. One violates that hierarchy with the same risks that one violates the corresponding hierarchy in the police department. If a police chief or sheriff clashes with the union president, or he or she simply dislikes the individual, it is easy to inadvertently slip and start communicating with the "more reasonable" union secretary instead. This plots a course for even more problems. Engagement in community policing planning and implementation should be formal, and within the union's chain of command.

Little things can make a great deal of difference in the process of developing relationships with police association representatives. It will not help matters if meetings are always held in the chief's office with the chief sitting at the head of the table. Using informal settings, or, at the very least, a generic conference room setting, communicates a great deal.

While a level of informality in the nature and structure of meetings is advisable, one must be careful about informality regarding labor-management agreements. The potential for misunderstanding is enormous. Particularly problematic forms of informal agreements are "secret deals." A secret deal might take the form of a union president saying *"Look, we're going to make a public stir about not using seniority as a criteria for assignment to the SRO program, write a piece about it in the union newspaper and such, but really expect you to go ahead as you see fit. What we really want is for you to do XYZ, and as long as that happens; don't worry about seniority and the SRO program."* The police chief quietly nods his head. The role, of course, might be reversed, with the police chief making the proposal. The point is that the process of reaching secret deals isn't really much different from the process of structured bargaining. It is a form of "you give me this, and I'll give you that." Hence, it is easy to slip into the trap of consummating such agreements. Secret deals are very dangerous waters to navigate. While it would be overly dogmatic to say that such an arrangement should never, ever be done, it certainly is not overly dogmatic to suggest that it be done very carefully, and only rarely.

More important than any other element of relationship maintenance separating economic advocacy from issues pertaining to agency management. This can be problematic regarding issues pertaining to community policing. First to note is that a police chief or sheriff should never become an economic advocate for the jurisdiction concerning limits on wages or benefits. A police administrator needs to have a clear understanding with his or her boss that he or she will not play such a role. The position of a police chief during economic negotiations should be very simply, "My officers deserve as much money as the jurisdiction can possibly afford to give them." This position is a classic neutral one. "My officers deserve as much money as possible" is a proper advocacy position for the department's officers. But the caveat "as much as the jurisdiction can possible afford to give them" clearly acknowledges the role of the police administrator as a jurisdictional administrator. Agency management always needs to be at the bargaining table on the side of management to protect management rights. But they need to excuse themselves when the management team caucuses on economic issues.

This basic posture for management can be difficult to maintain regarding community policing implementation. For example, a union might have strong feelings about the need for specialist assignment bonus pay. There already may be an extensive list of assignments that engender such extra pay. A police manager wishing to implement innovative specialist roles—community resource officers, school resource



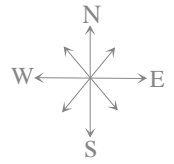
officers, a specialist role in nuisance abatement, an officer assigned to cyber crime—may find efforts blocked because the union insists on more money for officers so assigned and the budget will not allow it. It is easy under such circumstances to inadvertently slip into negotiating the economic package with the union.

Union leadership, on the other hand, needs to exercise great caution in mixing economic demands with those pertaining to working conditions. Advocacy of an economic shift differential should be separated from advocacy of shift selection by seniority. Although frequently treated as such, they are not interchangeable concepts at the bargaining table; one should not be traded for the other. Further, representatives of police associations should be expected to exercise restraint on diminution of management rights. A naive negotiator from a jurisdiction may offer to give up management rights for economic concessions. The temptation by union representatives may be overwhelming to accept such a bargain. But for the long run, it is a bad bargain and should not be struck by either side. To draw a parallel—a prosecutor who pursues a case with legitimate doubt about the guilt of the accused is not serving his or her profession well. We expect an ethical code that places justice first and winning cases second, at least among states' attorneys. Similarly, as professional associations, police unions should operate with a higher standard than winning concessions, any concessions, at the bargaining table. It is a legitimate trade-off; unions should be able to trust police management to do no harm in their efforts to win better economic packages. Police managers should be able to trust union officials to do no harm regarding the ability of management to effectively allocate and deploy scarce resources to control crime. If that practice already exists as standard operating procedure, then far fewer issues will arise with regard to community policing, CompStat implementation, or other change efforts.

### **Launching the Ship: Issues Germane to Community Policing Implementation**

The core issues discussed above are directly relevant to labor-management relationships pertaining to the implementation of community policing. Community policing requires flexibility. Traditional labor agreements constrain flexibility, in particular, regarding assignment and scheduling. Some agreements go even further and constrain flexibility in delineating occupational roles and responsibilities. Unless renegotiated, rigidly enforced constraints of this nature can inhibit the implementation of community policing substantially.

Constraints on scheduling flexibility are a good example. As part of community policing efforts, many agencies have created full-time community policing specialist roles. Nomenclature varies; terms used include neighborhood patrol officers, district area representatives, and community liaison officer, among others. We will use the term “community resource officer.” Community resource officers are assigned a collection of beats. For that collection of beats, they are responsible for structured community contact, problem solving, intergovernmental communication, quality-of-life issues, and a liaison role. The range of responsibilities obviously varies substantially by jurisdiction, but this describes what is typical. Addressing this range of responsibilities requires flexibility in schedules. Community meetings do not always occur on the same shift on the same day of the week. While a community resource officer might need to meet with a business group at noon one day, he or she may need to meet with a neighborhood association at 7:00 PM the next day. A straight 8:00 AM to 4:00 PM work shift does not accommodate this kind of responsibility. Following up on a problem for a problem-solving effort may require working during the same week one morning, two afternoons, and an evening. Implemented ideally, community resource officers work an ongoing flex schedule with the hours in any given week determined jointly between the officer and his or her supervisor. But if a contract provision stipulates that overtime is paid if there is any less than a 16-hour gap between shifts, there are obvious problems. What was equitable and worked well in standard patrol assignments does not necessarily work well for the role of a community resource officer.



The role of detective provides a second illustration of potential problems. Decentralization and refocus of responsibility under community policing models has resulted in changes in the traditional dichotomy between the role of patrol officer and that of detective. In a traditional setting, the role of detective was treated as essentially a rank. Indeed, many agencies have invoked the promotion testing process for the rank of detective. While the “detective sergeant” model is seldom used anymore, a distinctive specialist rank for the detective designation is common.

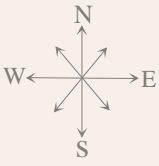
Among the role changes fostered by community policing are hybrid positions somewhere between a patrol officer and a traditional detective position. In some cases, these roles have evolved from the creation of an initial role of community resource officer. Where the community resource officer role has evolved to be more crime centered and directly supportive of patrol, what has actually resulted might better be called “crime control officers.” The problems they choose to focus on are crime problems. They work those crime problems in terms of problematic locations and problematic people. They solve the problems both through sustained follow-up investigation of related clusters of offenses and target hardening. They do not fit the mold of traditional detective assignments by specialized crime categories—burglary offenses, auto theft, or crimes against persons. They do not carry a caseload in the traditional sense; nevertheless, they often work individual cases if that case is part of a problem pattern. Under this model, investigations become an assignment rather than a rank. If a contract stipulates that the role of detective is a rank, particularly a tested rank with a salary supplement, then it is likely that there will be conflict between the evolving role of a problem solver investigator and traditional detective requirements. Management is likely to gravitate toward the new model because an assignment model for investigations provides more personnel flexibility, less cost, more rapid redirection of resources, and personnel can easily be reassigned if they do not perform well.

A third illustration of role ambiguity is shaped by emergent technology. The application of emergent technology to law enforcement demands sophisticated specialists. Particularly in large jurisdictions, specialist roles are evolving in cybercrime, international and transnational crime, networked information sources, crime scene processing, and forensic expertise. Are these patrol positions or investigator positions? Do these roles justify supplemental specialist pay? Can these roles be staffed by traditional assignment techniques, particularly seniority, or must management have total flexibility to match talent to assignment? While we might insist on seniority as a criterion for many positions, is it realistic to even consider seniority for the role of a cybercrime expert?

Yet another problematic development is the growing popularity of CompStat-style interdiction strategies. There are a number of critical elements in the CompStat process, including the following:

- Accountability of personnel
- Focusing discretionary resources on immediate crime problems
- Addressing crime problems in creative ways
- Integrating efforts that cross traditional police organization charts to address particular crime problems.

Originally conceived in New York City as predominately a tactical approach for patrol, New York and other agencies using the CompStat model have found that investigations must be tightly integrated. Like community policing efforts, assignment and schedule flexibility are critical elements to the success of CompStat. It thus raises all the issues of labor-management stress encountered in community policing models.



## Dilemmas Created by New Models of Policing

For many of the issues described, labor perceives itself caught between a duty to represent its membership (in both employee rights and economic benefits) and an obligation to foster progressive law enforcement. Immediately granting management the right to impose flexible scheduling for community resource officers may initially appear to simply be “the right thing to do.” But is such a concession a problem of opening Pandora’s box? How soon will it be before detectives are required to work mornings, go home for 4 hours, and then come back for the evening without additional compensation? How long will it be before flex-hours become extra hours? Should a labor organization support the creation of a hybrid “patrol problem solver/ investigator” role which is an assignment, not a promotion, and not even an extra pay specialist role?

One envisions a police union president gazing across the street to the fire department and contemplating that half of the nonsupervisory membership of the International Association of Fire Fighters (IAFF) is receiving supplementary pay for specialist roles as drivers, chauffeurs, or engineers. Is our police union president to forsake specialist role supplements for the rank-and-file that he or she represents? By demanding assignment pay is he or she “milking” community policing for all its worth or obtaining legitimate benefits for increased responsibilities assumed? If he or she gives up seniority as a criterion to be considered for assignment, is this giving management needed flexibility, or giving away member rights? These are not easy questions to answer.

## Navigational Hazards: The National Survey

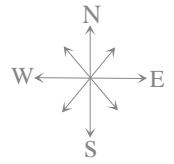
As part of the exploration of management and labor cooperation, a practitioner survey from a national sample was conducted in 2002 by Justex Systems, Inc. The survey assessed the contrasting perceptions of police chiefs and union presidents about the extent of cooperation and issues that generated stress between management and labor during the change process. Parallel versions of a survey instrument were distributed to chiefs and labor organization presidents of all municipal agencies with populations greater than 100,000. In addition, a sample of 10 state police agencies was included, and 48 agencies with populations of less than 100,000 who were identified as agencies with organized labor associations and concerned with labor relations issues.

A total of 181 surveys were returned, a rate of 36 percent for management (chiefs) and 19 percent for labor organizations (presidents). Response rates were considered sound, particularly given the fact that large agency police chiefs receive innumerable surveys and are busy professionals. Their union counterparts may not receive as many surveys, but are certainly equally busy. The 181 responses from major American police agencies provided a reasonable picture of the issues involved. Data from the survey referenced in this chapter may be found in Appendix A.

Given that the surveys were distributed to chiefs and labor organization presidents in primarily large agencies, results are obviously more applicable to that environment. At the same time, it is in that environment that one would expect the most serious communication and cooperation issues to arise.

## Respondent Profile

Agency heads had about the same tenure as their union counterparts; both averaged close to 5 years in their leadership positions. When it came to total law enforcement experience, chiefs had a 10-year advantage over the union presidents, which amounted to 50 percent more experience. Both positions tended to be filled by someone who had worked his or her way up through the organization. Most union presidents



moved through other offices en route to their current office. A little more than half of all respondents reported operating under the auspices of a formal contract, negotiated under an enabling state law. About 22 percent had a memorandum of understanding, a few had a locally authorized memorandum or letter of agreement, and a small number reported having no formal agreement whatsoever.

## Meeting Frequency

Monthly meetings are preferred by most. When asked if they routinely had formal, scheduled meetings with their counterparts in labor or management, 63 percent of police chiefs and 51 percent of union presidents replied that they had monthly meetings. Weekly meetings were held by 13 percent of both management and labor, with about 5 percent meeting quarterly. Others reported meetings on an irregular basis. A majority on both sides reported having a formal management-labor relations committee.

Twenty-five percent of chiefs as well as union presidents reported union representatives participating in senior command staff meetings. Both sides reported significant participation by union representatives in meetings with city/county managers, with community groups, and in strategic planning meetings with various components of the agency. About 16 percent of chiefs and 32 percent of union leaders also had union representation in strategic planning meetings.

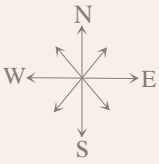
When questioned about their practice of conferring on a number of specific issues, management's self-perception was that it solicited the input of labor a majority of the time, while labor viewed itself as being included in the discussion of the issues less often, depending on the issue. Labor and management had big differences of opinion (as measured by a 12 percent or greater discrepancy, shaded in the table below) about their respective willingness to confer on citizen complaints, scheduling, communication channels, relations with political entities other than the city/county, applications for grants, and the response to racial profiling. In each case, more chiefs perceived themselves as including labor in the issue under discussion than union presidents felt that they were, in fact included in these discussions.

### Management Does Not Confer with Union/Association Representatives

Issues	Chief	Union
o Grievances filed	22%	19%
o Citizen complaints filed	6%	60%
o Scheduling of officers	39%	51%
o Assignment of officers	50%	59%
o Promotional exam process	42%	49%
o Updating policy manuals	33%	32%
o Equipment issues	21%	33%
o Communication channels	28%	51%
o Supervisory issues	39%	49%
o Relations w/ city/etc., mgt.	43%	51%
o Relations w/ political entities	58%	71%
o Relations w/ comm. groups	59%	67%
o New programs or initiatives	21%	29%
o Applications for grants	74%	91%
o Response to racial profiling	34%	50%

*(Shaded areas indicate a difference of 12% or more)*





## Policing Strategy

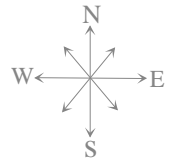
Community policing has been in evidence in many communities for more than a decade now. Sixty percent of executives and almost as many union leaders acknowledged roles in their agency that one would characterize as specialists in general assignment community policing, for example, neighborhood patrol officers or problem-solving officers (they were told to exclude officers assigned to Drug Abuse Reduction Education [D.A.R.E.®]). For community policing to work, it is generally understood that top-to-bottom cooperation in the department is needed. Respondents were questioned about their participation in formal discussions about their department's community policing efforts. More than half of the chiefs responded that they had consulted labor on strategic planning issues, but only one-fourth of the presidents felt they had been included in strategic planning as it concerned community policing. Scheduling in support of community policing marked another point of difference, as 43 percent of chiefs had solicited union input, but only 29 percent of union presidents perceived that labor had been consulted on scheduling.

<u>Community Policing Discussions with the Other Side</u>	<u>Chief</u>	<u>Union</u>
o Strategic Planning	53%	26%
o Officer assignment to community policing duties	37%	31%
o Scheduling in support of community policing	43%	24%
o Geographic beat distributions	32%	29%
o Methods of community engagement	27%	18%

When asked if the union had ever directly and actively opposed a new program or initiative characterized as community policing, one-fourth of chiefs and one-third of union presidents reported that they had not experienced this situation. In other words, three-fourths of chiefs had encountered what they considered as union opposition to a community policing initiative. By contrast, less than one-tenth of chiefs reported the failure of a new community policing program because of union opposition. A greater number of union leaders (25 percent) felt that they had successfully impeded the implementation of a community policing initiative in their department.

What was the source of this resistance? Management and union executives were asked to rank in order the sources of resistance to change which they considered most serious. Chiefs rated the following potential sources of resistance to change, from most serious to least serious as follows:

1. Rank-and-file officers not operating under the auspices of an association.
2. Supervisors and middle managers (sergeants and lieutenants).
3. Union or association.
4. Senior command staff (captains, deputy/assistant chiefs).
5. Other group.
6. City/county/state government.
7. Community members.



Likewise, union presidents ranked potential sources of resistance to change as follows:

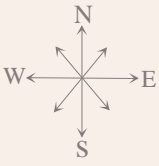
1. Rank-and-file officers not operating under the auspices of an association.
2. Other group.
3. Supervisors and middle managers (sergeants and lieutenants).
4. Union or association.
5. Senior command staff (captains, deputy/assistant chiefs).
6. City/county/state government.
7. Community members.

On the other hand, a number of agencies have formalized provisions in a contract, memorandum of understanding, or other labor-management document that create special considerations, such as flex time for officers assigned to programs characterized as incorporating a community policing philosophy. While more than half of the respondents' agencies do not have formal agreements that incorporate community policing measures, another one-fourth of agencies do have agreements pertaining to scheduling of personnel. Less than one-fifth have provisions affecting rotation and assignment of personnel. A small number of agencies address the role or nature of work issues and personnel standards in their agreement.

## Perceived Problem Areas

When presented with a list of possible problematic issues that might impede the implementation of community policing-related change within the department, chiefs tended to be much more sanguine about most of them. In only one case—civilian review boards—did more than one-tenth of chiefs characterize this as a serious problem. The other 10 issues were characterized by chiefs as only somewhat of a problem or not a problem at all. Union presidents were asked if implementing community policing caused a problem among membership or generated resistance among the rank-and-file. They were somewhat more pessimistic in their outlook, differing with chiefs over issues of assignment and rotation of personnel, the role of patrol officers, racial profiling, and changing work priorities.

	Not a problem		Some problem		Serious problem	
	Chief	Union	Chief	Union	Chief	Union
o Scheduling of personnel	37%	31%	54%	47%	9%	23%
o Assignment of personnel	44%	27%	50%	50%	7%	23%
o Rotation of personnel	51%	43%	41%	44%	8%	13%
o Role of patrol officers	75%	44%	22%	40%	3%	16%
o Role of investigators	81%	70%	17%	20%	2%	10%
o Role of supervisors	73%	60%	26%	30%	1%	10%
o Role of middle managers	79%	63%	20%	28%	2%	8%
o Higher personnel standards	70%	67%	28%	28%	3%	5%
o Civilian review boards	67%	60%	17%	14%	16%	26%
o Racial profiling response	73%	61%	22%	21%	5%	18%
o Changing work priorities	60%	32%	35%	52%	6%	16%



Chiefs and union leaders were asked about the extent of support for community policing among association/union members. More chiefs perceived support for community policing in union ranks than did union officials. This may imply that chiefs were not fully aware of the extent of opposition within their agency. Sixty-two percent of chiefs felt that there was extensive to near total support for community policing in their agency, while only 35 percent of union presidents agreed. However, only 2 to 3 percent of both groups believed that there was virtually no support for community policing in their departments.

## Working Relationship

In spite of the stereotypical perception of many that management and labor are constantly at each others' throats, chiefs and union leaders surveyed agreed that their working relationship with their counterpart was for the most part positive and pleasant. A minority of unhappy respondents, 15 percent of union leaders and 8 percent of chiefs, characterized their interactions with management as hostile and bitter or antagonistic. Conversely, 80 percent of chiefs and 63 percent of union leaders described their working relationship as either collaborative and fully engaged or at least cooperative and friendly. The rest described their discourse as noncollaborative, but neutral.

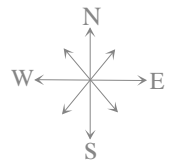
Occasionally, a fairly smooth working relationship will be undone by a single dramatic incident or high-profile event (shooting, civil disturbance, disciplinary case). When asked if something like this had affected labor-management relations in recent years, fully one-third of chiefs and one-half of union presidents said that there had indeed been such an incident in their department.

Labor and management share the media spotlight more often than one might suspect. More than half of chiefs and union leaders had appeared at a community forum together with their counterpart or another union representative. A majority of chiefs and close to half of union presidents reported participating jointly in training programs and conferences. About one-fourth of both groups had issued a joint press release or held a dual press conference.

A frequently-cited hindrance to association/union participation with management in program and initiative planning is that the union representatives may be seen by the rank-and-file membership as "getting too close to management." When asked if this perception had occurred in the history of the relationship of management with the police department's association and vice versa, only one-fifth of chiefs and union leaders, respectively, replied with an affirmative answer.

A related issue is the concern of some in labor that if an association or union participates in the development of a program or policy in response to an issue such as racial profiling data collection or the implementation of a civilian board, union leadership risks taking the blame from its membership for a potentially unpopular police agency response. Some 12 percent of chiefs and 18 percent of union leaders reported that they had experienced this blame phenomenon.

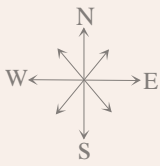
Another fear is that working collaboratively may become legally formalized as a management-labor past practice and, hence, be mandated by arbitrators and/or courts for future endeavors, that is, a mandate may occur to involve the union in all or most management decision making because it was a past practice. Again, only a small minority (14 percent) of respondents indicated that a potential past practice ruling had ever been raised by management as a concern in the context of working collaboratively.



## Conclusion

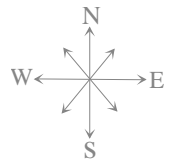
According to this survey, police chiefs and union officials are not that far apart in their perceptions of the roles that labor and management play in the profession. They operate under a written agreement as often as not, meet formally about once a month, and acknowledge the union's status in meetings with city/county managers, with community groups, and in strategic planning meetings with various components of the agency. In their meetings they confer on a number of specific issues, many of which are perceived similarly by both sides; however, they differ in their perceptions of their respective willingness to confer on citizen complaints, scheduling, communication channels, relations with political entities other than the city/county, and the response to racial profiling.

Where community policing was the issue, most chiefs felt that they had involved labor in the strategic and day-to-day implementation of this strategy, but only half as many labor leaders believed that they had been sufficiently consulted. Similarly, the great majority of chiefs believed in near total support for community policing in their agencies, whereas only 35 percent of union presidents agreed that there was a high level of support for community policing in departments they represented. Neither chiefs nor union presidents believed that labor and management working together would result in alienating unions from their membership. A more likely threat to productive collaboration is a sudden precipitating event, which was cited by one-third of chiefs and one-half of presidents. In spite of the potential for acrimony, a majority of executives on both sides describe their relationship with labor or management as cooperative and friendly. The common characterization of labor and management as perpetually hostile and uncommunicative toward each other was not borne out by this study.



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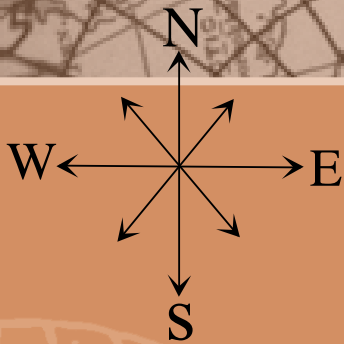
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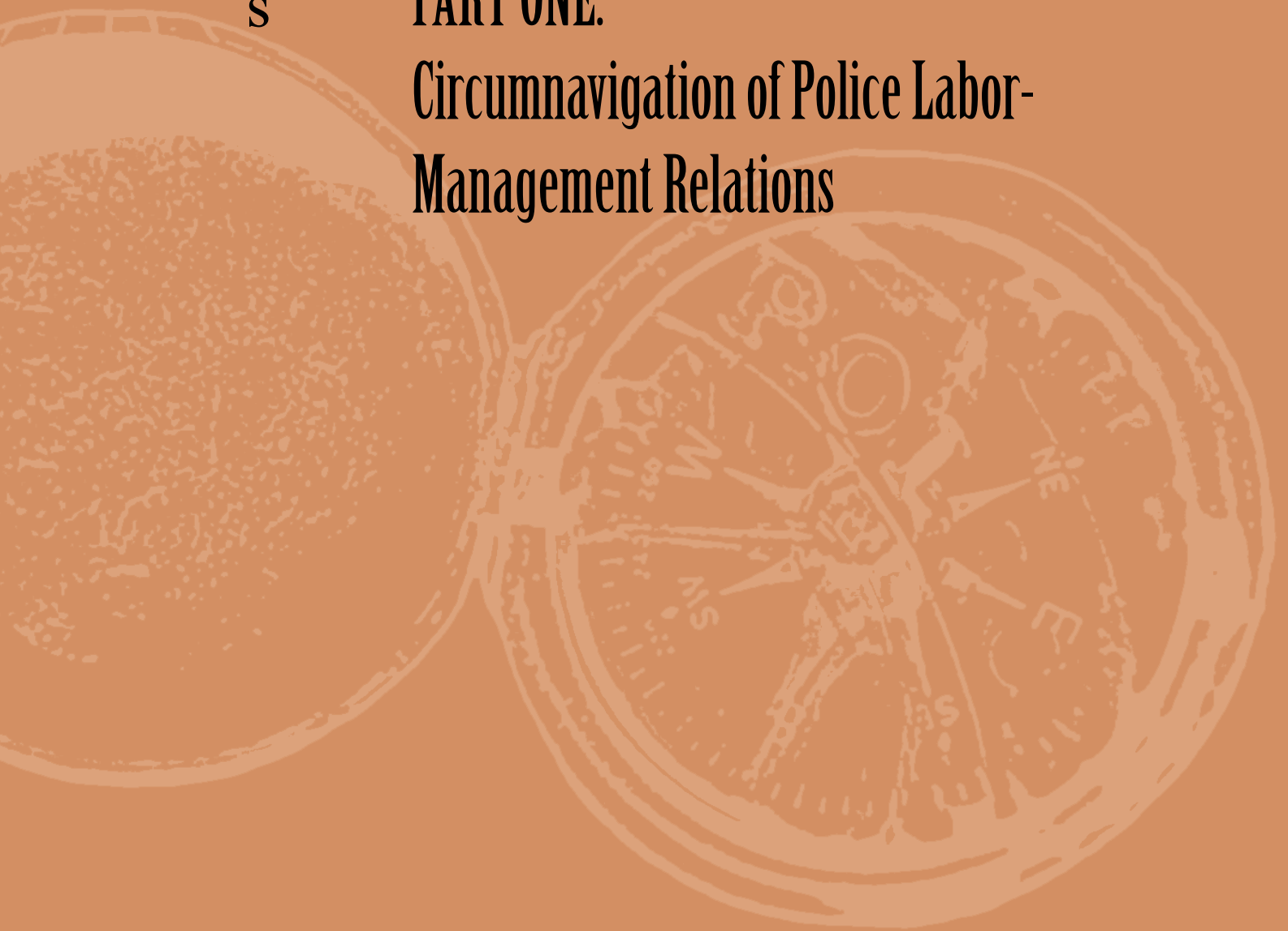
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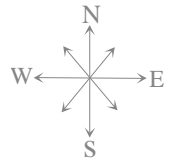
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**PART ONE:**  
**Circumnavigation of Police Labor-**  
**Management Relations**





## PART ONE: CIRCUMNAVIGATION OF POLICE LABOR-MANAGEMENT RELATIONS

Part I gives the reader an insider's understanding of the real world of police labor-management relations from the perspectives of academicians with practical experience with this issue, police chiefs, and police unions.

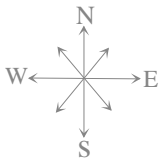
Section 1 describes the unique characteristics of police labor-management relations in the United States and why those characteristics are so different from other countries like Canada and Australia that were also colonized by the British.

- *Chapter 1* explains the environment that exists in every community and the special-interest groups in those communities attempting to influence law enforcement. The authors have identified the six spheres of influence—elected officials, government administrators, police management, police union, media, and general public—that make up the opinion leaders, power brokers, and decision makers in the community and the pressures on them to obtain their goals.
- *Chapter 2* is a brief history of American police labor-management relations. American policing has been controversial from its beginning and remains the focal point of controversy in every community. A crisis seems to erupt every day, followed by calls for change and reform of the law enforcement agency.
- *Chapter 3* outlines the similarities and contrasts between police labor-management relations in the United States and Australia. Australian policing is centralized in the states and territories, with a very small federal policing presence. Police labor-management relations are some of the best among westernized countries.
- *Chapter 4* outlines the similarities and contrasts between police labor-management relations in the United States and our neighbor to the north, Canada. The Canadian policing model relies heavily on the federal government to police the rural areas and to contract to police the provinces (states) and many municipalities. Canada has a model police labor relations system with very high national standards of policing.

Section 2 gives the reader an insider's perspective on being a police chief and a police union official describes the turbulent world of police unions.

- *Chapter 5* has a veteran police chief describing his experience as a police chief and what is required to survive in a political fishbowl. The reader is provided with pointers on how to be an ethical police chief and how to maintain a balanced life.
- *Chapter 6* was written by a veteran police union official who takes the reader through the competitive, hostile, and ever-changing police union environment. It is an in-depth look at how police unions have developed and how they have become political power brokers.



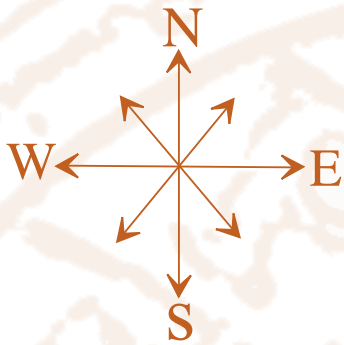


Section 3 reviews the state of American police chiefs in the politically volatile 21st century.

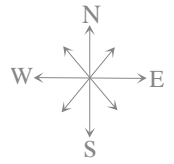
- *Chapter 7* gives the reader an academic overview of the selection and survival problems of America's police chiefs. The author is a distinguished professor who has been a high-ranking police official.
- *Chapter 8* looks at the cooperative police labor-management model. The police chief of one of America's largest cities describes how he has chosen to share power with the police union to build a professional police department.
- *Chapter 9* takes a more radical approach as an outside police chief tries to explain why his confrontational model was the only way to force reforms in the police department.

Section 4 presents a police union official at a major police department and a police political consultant discussing various aspects of police labor relations.

- *Chapter 10* goes inside the Los Angeles Police Department to discuss the union's viewpoint on why Police Chief Bernard Parks failed to achieve the changes he so desired when he was appointed to reform the police department.
- *Chapter 11* analyzes a public information campaign in Minneapolis by the police officers and a coalition of citizens to convince the mayor and city council to not reduce the number of officers in the 2005 budget.



**SECTION ONE:  
AMERICAN POLICING:  
A CUSTOM SCHOONER**



## Chapter 1

# UNDERSTANDING THE CROSSWINDS FROM THE COMMUNITY AS THEY AFFECT LAW ENFORCEMENT

By

Ronald G. DeLord

Jerry Sanders

Project Coordinators

Everyone presumes to understand the community. People run for elected office to serve the community. They hire administrators to manage the city, county, or state government resources. The elected officials or government administrator hire a manager to run the law enforcement agency. The police officers form a union and elect leaders to represent their interest with the government. The media report on all aspects of local government to the general public in a fair and unbiased manner. The general public in turn depends on the elected officials to represent their interests. Sounds simple.

The six spheres of influence depicted in diagram 1 on page 7—elected officials, government administrators, law enforcement executives, police union, media, and general public—have an interest in the community's law enforcement. Each claims to be acting in the best interest of the community as a whole. In fact, each group wants to have influence or power in the community for its own purposes.

*“Change comes from power; and power comes from organization.”*

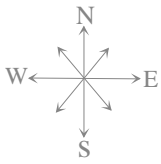
—Saul Alinsky

To add to the mix, outside influences can disrupt the community. These include, but are not limited to, laws and regulations passed by the state and federal legislatures.

Changes in societal mores about crime and law enforcement, such as the criminalization of marijuana and prostitution, also influence the community. Of course, national and international events such as the disaster on September 11, 2001, can have an impact on local policing resources.

Each of the six spheres of influence is a separate and distinct power broker in the community. Within each sphere of influence are numerous major and minor special-interest groups that affect the actions and decisions of the group. Some special-interest groups, like community activists, are active in the general public sphere, but also attempt to influence the elected official's sphere. The law enforcement executive is his or her own sphere of influence, but acts as one of many special-interest groups attempting to influence the government administrator's sphere.

Each sphere of influence constantly interacts with the other spheres of influence. Each has to communicate and cooperate with the other spheres of influence if it wants to effect change in the community. The spheres of influence are interlocking and are affected by decisions of the other spheres of influence, their individual special interests, and state, national, and international events.



In a perfect world, all special-interest groups around a sphere of influence would share equally in influencing the sphere's direction and action. Each special-interest group would trust, respect, cooperate, and communicate in a fair manner with all of the other special-interest groups in the best interest of the community. Every special-interest group wins when all have a shared vision of the community. The reality is that there is no perfect world and no two spheres of influence or special-interest groups in the community have a shared vision of how that community's resources should be organized and managed.

The one constant is change. Each special-interest group within a sphere of influence wants the power to be heard within that sphere and wants the power to achieve its goals within the community. Each sphere of influence is organized to gain power, but power emerges and fades over time as each sphere of influence and its special-interest groups jockey for more power to achieve their goals. Power is very elusive and no sphere of influence or special-interest group maintains power indefinitely. The high turnover of police chiefs, sheriffs, union leaders, elected officials, government administrators, media representatives, and a mobile society ensure that the players will come and go on a regular basis.

Maintaining balance is difficult, if not impossible. As one special-interest group increases its power within the sphere of influence, it causes the sphere to interact differently with the other spheres of influence. As one sphere of influence gains power disproportionately over others, the community becomes unbalanced, breeding conflicts.

Out of these conflicts must come compromise and change to restore balance in the community. Developing and maintaining cooperative labor-management relations will help law enforcement managers and unions keep balance in the community, at least among themselves. Since the law enforcement executive and the law enforcement union are very influential in every community, a conflict between these two powerful spheres of influence can upset a community to a degree that few other forces can.

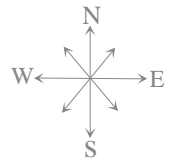
### **A Snapshot of the Six Spheres of Influence and Their Special-Interest Groups**

#### *Elected officials*

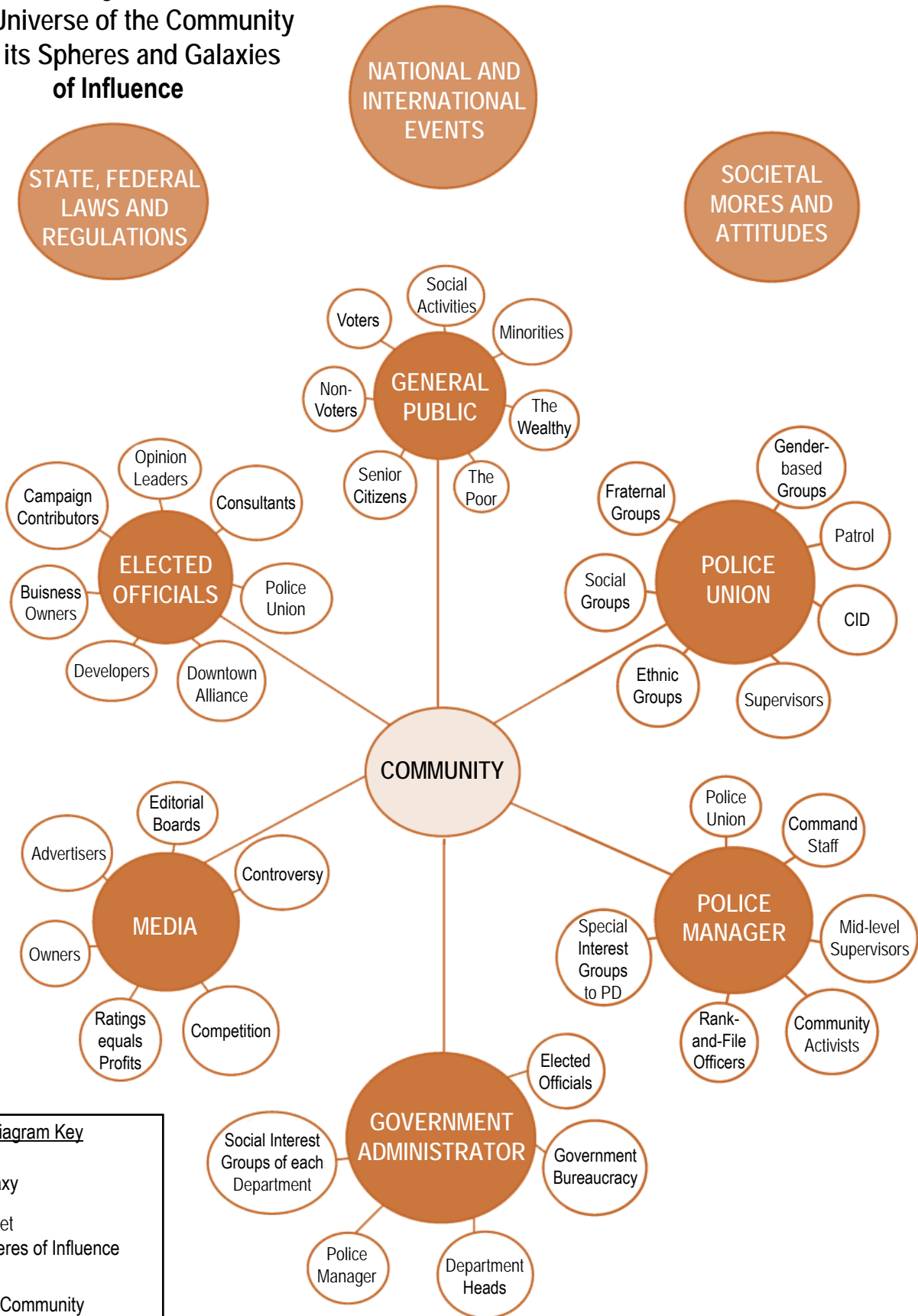
It goes without saying that law enforcement in the United States is political. Every police officer works for someone who is elected or appointed by someone who is elected. Elected officials who have the power to appoint law enforcement executives and/or adopt law enforcement budgets have a direct interest in the effectiveness and efficiency of the agency. Law enforcement executives who ignore the political realities of their job do so at their own peril. Law enforcement union leaders who ignore the political realities will not be re-elected when their members are given smaller budgets.

Almost every person running for elected office campaigns on a law-and-order platform. In many cases, the campaign promise is to change or reform the police department. While there may be disagreements about how to achieve a safer community, no person, regardless of political party or beliefs, wants an unsafe community. The police department attracts the most interest in all government budgets because of its effect on so many people in the community.

Money is a strong driving force in all politics because running for office is so expensive. All special-interest groups in a community want to gain access to power to promote their own agendas. The squeaking wheel really does get the grease in government: witness the public outcry when elected officials try to reduce library hours, close a senior citizen's center, shut down a fire station, or reduce the size of the police department.

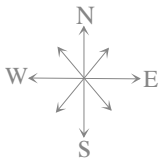


**Diagram 1**  
**The Universe of the Community**  
**and its Spheres and Galaxies**  
**of Influence**



**Diagram Key**

- Galaxy
- Planet Spheres of Influence
- Sun The Community
- Moon Special Interest Groups



While the law enforcement union is only one of many spheres of influence that have an interest in influencing elected officials, its big advantages are its political action committee, members, and high name identification. Consequently, virtually every political candidate solicits a police union endorsement.

Where do appointed law enforcement executives fit into the political scheme since they cannot have a political action committee or generally campaign for elected officials? They have to build coalitions in the community with special-interest groups that share their view of a safer community. They have to be attuned to the “messages” being sent by elected officials and act accordingly. More important, law enforcement executives who have developed long-term cooperative relationships with their unions can work together to present one shared vision on many issues.

### *Government Administrators*

Law enforcement is the highest departmental cost in most communities and an essential service, but it is not the only budget priority. Government administrators must meet the needs of a variety of service providers and ensure that all government services are delivered effectively and efficiently.

In addition to each department head wanting a bigger percentage of the budgetary resources, special-interest groups often provide advocacy for those departments that share their budgetary priorities and vision. In many law enforcement agencies, the police union often pressures government administrators and elected officials to meet the department’s budgetary requirements and desires. Law enforcement executives often seek help from neighborhood watch groups, community groups, business owners, and other interested parties in pressuring the government administrator and elected officials for a larger percentage of the budget.

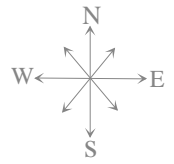
Add to the mix the demands of the elected officials working to allocate budgetary resources to organizations and residents in the districts they represent. Also bring in every politician who wishes to seek reelection who must be able to claim that he or she was able to spread government resources around his or her district. The government administrator has a high-pressure job.

In many communities, the government administrator appoints the police chief. Selecting a police chief has become a stressful and politically volatile process. Every sphere of influence wants to influence the selection. The police union rarely has the power to select the next police chief but it can eliminate some of the applicants.

### *Law Enforcement Executives*

The job of law enforcement executives is one of the most difficult and stressful in the nation. They have to balance the demands of the elected officials, command staff, mid-level supervisors, rank-and-file officers, government administrator, the law enforcement union, the media, and every conceivable community organization. Each sphere of influence and special-interest group is sensitive to the slightest perceived injustice. Law enforcement executives are under tremendous pressure from every sphere of influence to change or reform the agency.

Modern law enforcement executives appointed or elected have to survive in a highly charged political atmosphere and make changes that have been brought about by crises or controversies in the community. They must reconcile the demand for immediate change against their agencies’ inherent resistance to such change, particularly on a short timeline, and every decision is dissected under a microscope.



Law enforcement executives are department heads who must work with government administrators and elected officials to balance the demands on their department with available resources. Everyone believes that he or she knows the law enforcement executive's job better than the law enforcement executive. Television has "educated" the masses about police work and everyone is now an expert on fighting crime.

Law enforcement executives appointed from outside the agency inherit their predecessor's command staff and supervisors. Internal agency politics can often be very intricate and complex: the command and mid-level supervisors have their own agendas and the union is a major player in most agencies. The executive who maintains a cooperative relationship with the union will be able to communicate his or her message without some of the potential for conflict.

If the police chief comes down hard on an officer for misconduct, the police union and officers perceive the chief as trying to win points with the media and some community activists. If the chief shows leniency, he or she is kowtowing to the police union. The average tenure of a police chief in a major city is only about 2 and a half years.

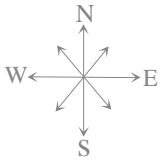
### *Police Unions*

Police union leaders are elected and many want to stay elected. Too often law enforcement executives, government administrators, and elected officials forget that police union leaders have their own constituencies. A police union leader is under tremendous pressure to perform favorably during bargaining or budget time. The personal opinions and desires of the union leadership have to be set aside to carry out the mandates of the membership. Those mandates are not always rational or in the best interest of the community as a whole. The member who wants to be the next union president puts pressure on the incumbent by expressing his or her opinion about whether the union president is effective.

The union leader who can build communication, cooperation, respect, and trust with the executive will avoid many of the pitfalls that can disrupt the department. This is often a very delicate task, as political realities of his or her position often prevent the union leader from being viewed as too cooperative or friendly with the executive. A professional relationship that allows each to speak freely and honestly in private without fear of public exposure is the key to mediating many disputes.

Union leaders have to also balance their own internal special-interest groups. Ethnic, social, fraternal, and gender-based organizations exist in many departments. Evolving cultural mores have made these organizations more willing to confront the union leadership with their needs and demands. Wise police union leaders balance the needs of these special-interest groups against the needs of the membership as a whole.

If the union leader attacks the police chief on a decision in a police misconduct case, the members may like the union's actions but it weakens the relationship between the executive and union. In addition, the union comes across to the media, public, and community as preventing officers from receiving deserved disciplinary actions, thereby creating public distrust of the entire agency. If the union remains silent when the members feel the union needs to step forward publicly and defend an officer against undeserved discipline, the union president risks losing his or her position. It is no wonder the average police union leader has a tenure of 2 to 4 years.



### *The Media*

The advent of 24-hour news coverage has put pressures on the media to provide instant answers and responses to all crises or controversies. Controversy among the law enforcement union, law enforcement executive, government administrator, and elected officials often increases readership, viewers, and listeners. Many external special-interest groups influence the media's decisions. Advertisers have tremendous power with newspapers and radio and television stations because they are business people who have a vested interest in the financial well-being of the community.

The media's internal world of special interests that influences its decisions. The editorial board is interested in the politics of the community; the news reporters want stories that will draw the public attention; and the business side of the media wants to sell more advertising.

Where do unions and law enforcement executives fit into the media sphere of influence? Simply put, the news will be printed, heard, or seen with or without the input of the law enforcement union or executive.

Law enforcement unions have become very adept at influencing press coverage. Many major unions have full-time political consultants on staff. Law enforcement unions know that they can get free press coverage on some issues and that the union can drive its message with paid media through newspapers, direct mail, radio and television, and billboards.

Law enforcement executives are not public relations professionals but they do have access to the media simply by virtue of being the head of the law enforcement agency. A wise executive looks for opportunities to leverage this to secure media coverage for the issues about which he or she feels most strongly.

The battle over law enforcement issues is in the court of public opinion, and the media, by nature, are designed to sway that court. If the law enforcement union and executive have developed a relationship that allows them to work cooperatively during a crisis or controversy, the negative impact of the media is reduced significantly.

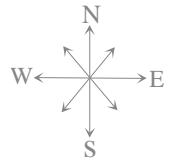
### *General Public*

The term "general public" is a misnomer. The community is divided into hundreds of special-interest groups and some are more active and influential than others. These groups place many demands on government resources in every community. Environmentalists and developers compete to control land use policies. Youth activities, libraries, and senior citizen programs vie for available funds. Law enforcement unions and executives often reach out to various community groups to build coalitions in support of community policing objectives.

In many urban communities certain community activists want radical change to, or reform of, the police department. Community leaders often advocate diversified hiring and promotions in the agency. Many activists want more civilian control and new policies on racial profiling. These organizations often influence elected officials by volunteering in their campaigns. Politicians then often have to make campaign pledges to these groups to get elected. Law enforcement unions and executives have a vested interest in changes or reforms that shift control of the law enforcement agency away from the executive, government administrator and elected officials.

While the public does not speak with one voice, its voice is heard by every sphere of influence through special-interest groups. Community backlash can be severe if changes or reforms are not implemented. It could prove to be a fatal error in judgment for other spheres of influence to underestimate the power of public opinion.





## Chapter 2

# AMERICAN POLICING: LAUNCHED IN CONTROVERSY AND STILL CONTROVERSIAL TODAY

By

*Ronald G. DeLord, President*

*Combined Law Enforcement Associations of Texas*

Ever since the first law enforcement agencies were created in the United States, the management, control, and reform of those agencies have been the focal point of controversy. Each controversy over corruption, use of force, racial or ethnic conflicts, mismanagement, or agency inefficiency or ineffectiveness has resulted in a public outcry for change in hiring, promotions, training, or methods of operation in law enforcement.

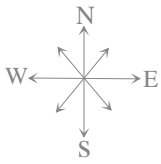
Elected officials have traditionally campaigned on platforms of police reform. New police chiefs are brought in explicitly to effect significant organizational changes in their agencies. The media often editorializes for change in the police department and elected officials and media are encouraged in these efforts by public opinion polling that consistently ranks public safety as one of citizens' top priorities.

The United States is a country of immigrants who often were often fearful of the military and national police forces in their homelands. This fear of a centralized national police force led elected officials in the United States to oppose the creation of a national police force or to allow the military to act as a domestic police force. The United States has approximately 14,254 law enforcement agencies employing 970,588 sworn and civilian employees. Virtually every political jurisdiction in the United States has at least one law enforcement agency, and the vast majority of law enforcement agencies employ sworn forces that number less than 10.

This makes the U.S. different from other westernized countries that have a more centralized policing system. For example, Ireland, Northern Ireland, South Africa, and Scotland each have one national police force. While there is a separate transport police and some island police forces, England and Wales have placed 43 police forces under one national bargaining unit for constables below the rank of superintendent. Australia has only nine law enforcement agencies: six states, two territories, and one federal police organization. Canada has one national police force which the federal government contracts to eight of the 10 provinces to provide provincial police services, the three northern territories and 200 individual municipalities. There are only three provincial police services, 200 municipal police agencies, and 17 regional police forces in all of Canada.

The ability to implement change in United States law enforcement agencies is vastly more complicated when so many different agencies exist. Law enforcement agencies in many states, counties, and municipalities are not a part of the primary law enforcement agency. These states, counties, and municipalities have separate law enforcement agencies to deal with the airport, parks, building code enforcement, fire marshals, school district, sanitation, corrections, courts, lifeguards, health department, and virtually every conceivable state, county, and municipal department. It is impossible for the average citizen or visitor to differentiate between the multitudes of law enforcement agencies in a community.

To further complicate policing in the United States, there is no uniform national standard for police professionalism. Each state sets its own standards for hiring, training, regulation, and disciplining of law enforcement officers. Nationwide, the quality of policing in each community will vary greatly depending on



whether the state has mandatory training standards, the community has the ability to provide competitive wages and benefits to attract qualified applicants and retain veteran officers, and the community has the financial resources to fund a modern police agency.

## Change and Reform Can Be Dirty Words

Law enforcement agencies are quasimilitary institutions with a traditional reluctance to change. There is a perception in some law enforcement agencies that their law enforcement executives still believe in top-down management. These law enforcement executives issue an order and expect the supervisors and officers to carry out those orders without question.

In general, rank-and-file police officers are reluctant and resistant to change or reform, especially when the officers perceive the change or reforms as politically motivated. Officers tend to be conservative and fear that change will have a negative impact on their work and personal lives. Union contracts and civil service laws make change more difficult for reformers. Forcing change on a law enforcement agency will result in disruptions that spill over into the media and political arena. No-confidence votes on law enforcement executives are almost always generated when change is being forced within the agency.

A vicious cycle can arise when there is no cooperative interaction between the union and management in a law enforcement agency. It starts when elected officials or the executive want to implement change (such as a community policing program) or reform (such as new hiring or promotional standards). The rank-and-file officers will be fearful of, and resistant to, change and demand that their union use its political or legal muscle to control the change or stop its implementation. The local government administration, the elected officials, the media and the public are all players and will also attempt to influence the implementation of the change or reform. Confrontations and disruptions can occur as management attempts to implement change over the protests of the reluctant police officers.

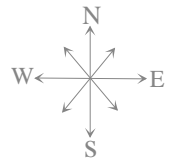
## The Political Nature of Policing in the United States

Complicating labor-management relationships even more is the political nature of law enforcement agencies in the United States.

The police in Canada, Australia, England, France, and Germany are unionized, but generally are pressured or prohibited from being involved in election campaigns of individual candidates or political parties. The unions tend to focus on shaping the public debate over criminal justice issues and building public media support for police union concerns such as pay, benefits, pensions, and more personnel.

In the United States, the overwhelming majority of law enforcement agencies have a union, association, or lodge regardless of whether they have a collective bargaining contract or civil service protection. The difference between police unions in other westernized countries and the United States is that most law enforcement unions in the United States are politically active in the campaigns of those persons elected to control law enforcement.

The direct involvement of law enforcement unions in the political campaigns of the very elected officials who control them is the opposite of the national views of other westernized countries, most of which believe that the police must be above political activity to remain neutral in enforcing the law. Most countries see the police as more similar to their nonpolitical military forces than to the rest of the public employee work force. Canada, for example, prohibits the Royal Canadian Mounted Police from having collective bargaining



rights despite granting such rights to all other police officers in the country. Although it continues to create a national controversy, the Toronto Police Association is one of the few police unions in Canada to endorse political candidates.

The vast majority of law enforcement unions in the United States have a distinct political advantage over nonelected executives. Traditionally, appointed executives generally cannot endorse candidates for political office, work in political campaigns, or make political contributions. That distinct demarcation between a police chief and politicians has started to fade. Appointed police chiefs are starting to appear more and more in the political photo ops of their elected bosses. Any time the President of the United States, the governor of a state, or the mayor conducts a press conference involving crime or police-related issues, you can expect to see the police chief and uniformed officers standing in the background.

What separates the police union from the police executive in the world of politics is that the police union has the ability to endorse a candidate and work in the candidate's political campaign. Perhaps the union's greatest political advantage is its ability to contribute money to the candidate. In many parts of the United States, the police union's political action committee is the largest campaign contributor to a candidate. Despite protests from the editorial boards of newspapers about the perceived political power of many police unions, candidates for public office continue to seek the endorsement and resources of the police union.

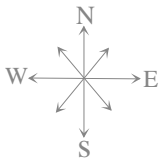
What impact does this political involvement have on the implementation of change or reform in a law enforcement agency?

Any proposed change or reform becomes a political contest. The union often seeks to influence the general public through press conferences, direct mail, billboards, radio, and television. Even when elected officials are the primary motivators of change or reform, pressure from the police union can make an elected official reverse his or her position. The local government administrator and law enforcement executive who are trying to implement the requested change or reform are often left to face the public and media alone.

Police unions have become major players in the court of public opinion. One of the union's greatest political assets is its ability to deal directly with the elected officials, the media, and the public, bypassing the law enforcement executive and local government administrator. The union's ability to make a political end run frustrates law enforcement executives and government administrators.

Labor-management relations in the public sector and, in particular the police sector, is a complex political game with many dimensions. One cannot divorce labor-management relations in law enforcement from the political reality in which they exist. The game is being played out every day among the police union, agency head, local government administration, elected officials, the media, and the public. In many communities, the law enforcement executive builds a relationship with the police union and officially or unofficially solicits the police union to pressure elected officials or the government administrator for more budget money for the agency. This is particularly true in many sheriffs' offices where the sheriff is an elected official and cannot be removed by the governing body.

While politics is an integral part of police labor-management relations in the United States, it is internally divisive for police unions. The endorsement of candidates for elected office, especially if the candidates are evenly matched, will cause stress within the union. Most elections generally are evenly divided and many members and union leaders fear the consequences if they endorse a losing candidate. Political activity can also disrupt labor-management relations when an executive sees the union as having the ability to undermine or modify the changes or reforms that he or she desires.



## The Changing Demographics of Policing

Another factor that affects unions and management in law enforcement is the changing demographics of law enforcement agencies. In years past, military veterans were recruited to fill the ranks of the police department. The majority of these military veterans were white males who more easily adapted to the quasimilitary traditions of the department. Agencies have increased the hiring of minorities, women, and persons of differing sexual orientations. This more diverse work force has changed the law enforcement profession.

A more diverse police force has also resulted in a change in the way the officers and deputies view their unions. There is a generation gap between the more senior men who often dominate union leadership and the younger officers who seem to lack historical perspective on the sacrifices made to achieve their wages, benefits, and working conditions. It seems that many current police union leaders feel that the younger members just want more favorable contracts without regard to the real economic conditions of the community.

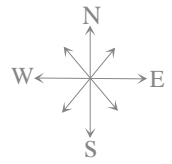
Most law enforcement union leadership positions are still dominated by white males. While more Latino and African-American men are becoming union presidents, it is extremely rare to see a female become president of a law enforcement union. Unions are being pressured from within to diversify leadership positions as more minorities and women officers join their ranks. These newer union members are demanding that the union tackle many of the formerly taboo topics such as diversity in promotions, disparate discipline, and seniority rights and assignments that have an adverse impact on them.

Law enforcement unions are facing a new and divisive internal threat as social and fraternal groups composed of African-American, Latino, Asian, female, and gay police officers have become political forces in their own right. Many of these groups have been suing and publicly challenging the police union's actions on issues that fall within the union's traditional purview. Elected officials and police management often court these social and fraternal groups to influence the union to cooperate more fully in the process of change or reform. If a law enforcement union conducts a no-confidence vote against a law enforcement executive, the union can also expect some of these social and fraternal organizations to break ranks and support the executive.

As the population becomes more ethnically diverse, more minorities and women are being elected to public office. The media is pressuring for changes and reforms in the way police agencies have traditionally responded to crime in the community. In many urban communities, the law enforcement agency does not always reflect the ethnic makeup of the community or its elected officials, which can also lead to conflict as elected officials and community activists advocate for change or reform in the agency.

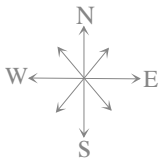
## Conclusion

The need for a way to implement change or reform with the least amount of conflict and disruption of police operations is critical. Police management and police unions will have to communicate, cooperate on matters of mutual concern, show respect for the difficult job each side faces, and earn the other's trust. All organizations and institutions, including law enforcement agencies, must adapt to changing environments or die. While traditions, customs, and history play a role in a law enforcement agency, law enforcement executives and unions cannot continue to butt heads on every change or reform if they want to be part of the changes or reforms that will eventually take place.



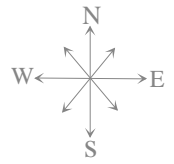
**FIVE FACTS THAT MAKE A DIFFERENCE IN LABOR-MANAGEMENT RELATIONS**

<p>The Geographic Region</p>
<p>The geographic region where the law enforcement agency is located is a deciding factor in labor-management relations. The law enforcement agencies in the Northeast and Midwest states are unionized and have had collective bargaining rights for a substantially longer period than the South, Southwest, and Western states. The more heavily unionized areas of the nation tend to have stronger law enforcement union contracts because other unions have supported the law enforcement unions in their negotiations and in electing officials who are more pro-union. The Southern and Southwestern states (excluding Florida) have the highest percentage of nonunion workers and more prohibitive anti-union labor statutes. The Western states have labor rights more closely aligned with the Northeast and Midwest, but the degree of union militancy is less pronounced.</p>
<p>The Size of the Department</p>
<p>The size of the department determines the size of the bargaining unit or union. More officers mean more issues that can arise to cause an interaction between the union and management. Larger police departments tend to have collective bargaining rights and the union leadership generally is relieved of its police duties to perform union activities on a full- or part-time basis. Larger agencies often designate police command staff to act as a liaison with the union. Metropolitan communities have the highest population of minorities and the greatest potential for public demands for reforms. Suburban police departments, municipalities outside urban areas, and rural departments have a lesser degree of labor-management experience.</p>
<p>The Ability of the Union to Collectively Bargain</p>
<p>The ability of the law enforcement union to negotiate over wages, hours, and conditions of employment changes the labor-management relationship. Thirty-six states have some form of collective bargaining rights for law enforcement officers. If the union has the opportunity to collectively bargain with or meet and confer with the public employer, the union and executive will have some labor-management interaction periodically. Most contracts have a grievance procedure that will require the parties to mediate or arbitrate problem issues and at least discuss proposed changes. Law enforcement unions without the right to collectively bargain are restricted to “collective begging” before the elected officials. When public employers can dictate the terms of employment and discipline at will, executives are more likely to be heavy-handed and avoid mediating disputes with the union.</p>
<p>The Degree of Labor Relations Training</p>
<p>One significant difference is the degree of labor relations training afforded to both the union leadership and law enforcement management. Traditional labor-management training programs on collective bargaining, grievance handling, and arbitration are available through separate management organizations and unions. Surprisingly, the majority of unions and management in law enforcement have never attended a formal law enforcement labor relations training program, much less a training program on cooperative labor relations on implementing change, reducing crime, or developing a shared vision of a safer community.</p>



The Amount of Personal Interaction

The amount of personal interaction between the union and law enforcement executive will make a difference in how the parties view each other. The reality is that most agencies use attorneys and professional negotiators to interact with the union. Management and unions in law enforcement seem to believe they are dependent on contractual or legal recourse to resolve all disputes. The end result is that attorneys and professional negotiators are the middlemen in the relationship between the police union and police management. Recognizing when to use such intermediaries and when to deal directly with each other is the key to developing the four principles of a labor-management relationship: communication, cooperation, respect, and trust. If the union and management have no informal relationship and contractual or legal recourse is unavailable, unions seek out the media or conduct public awareness campaigns to highlight their complaints. Such actions by the union will almost always exacerbate the situation.



## A Perspective from the Southern Ocean

### Chapter 3

# POLICING AND POLICE LABOR RELATIONS IN AUSTRALIA: SIMILARITIES AND CONTRASTS WITH THE UNITED STATES OF AMERICA

By  
*Mark Burgess, Chief Executive Officer*  
*Police Federation of Australia*

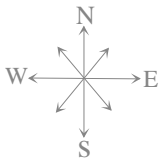
## A Federation of States and a Federation of Police Associations

Australia as a country is a federation of six states: Queensland, New South Wales, Victoria, Tasmania, South Australia, and Western Australia, as well as two territories, the Australian Capital Territory (ACT) and the Northern Territory. Each state and territory has its own police force administered by that state or territory's government. The Australian Federal Police (AFP) is Australia's federal law enforcement agency. Policing the nation's capital is done by an arm of the AFP that has been contracted to provide a community policing service to the ACT government. While in the United States there are nearly 14,254 law enforcement agencies, and in Canada more than 240, in Australia there are only eight. Those police jurisdictions range in size from New South Wales with almost 15,000 officers to the Northern Territory with just under 1,000, for a total of approximately 47,000 officers.

One police association or police union, as some are called, services each state and territory police organization, unlike the United States and Canadian policing models where there are numerous local associations. Approximately 99 percent of all police officers in Australia are members of their respective police associations.

Approximately 12,000 civilian unsworn personnel are represented by various public-sector unions across the country. With the exception of the Australian Federal Police Association, which represents both sworn (all AFP members including those working in the ACT) and unsworn members, all other associations represent sworn officers only. Other than Queensland, which represents all ranks to inspector (roughly equivalent to the rank of lieutenant in the U.S.), all associations represent all serving police officers, including commissioned officers. The issue of representation of sworn and unsworn is often debated among Australian police associations. To date, the state-based associations in Australia have consistently concluded that they would only weaken their bargaining position if they began representing others in addition to sworn members. Particularly as we move towards the potential establishment of a national registration or licensing scheme, which is discussed later in this chapter, the representation of sworn members only ensures that associations are representing the true members of the police profession.

In contrast to the United States, corrections officers, customs officers, and others, are not recognized as law enforcement officers because they have no specific police powers and, therefore, are not represented by any of the police associations.



## First Police Force Born Out of a Convict Settlement

Policing commenced in Australia in 1788, when the First Fleet arrived in Sydney (New South Wales) and the Royal Marines acted as the country's first policing agency in what was an established convict settlement. A Night Watch of trusted convicts took over from the Royal Marines in 1789, and a Row Boat Guard was established. A number of other police forces were formed, including the Mounted Police, the Water Police, the Sydney Police, the Border Police, the Native Police, and the Gold Escort Police. They ultimately merged into one State Police Force, as they eventually became known across Australia.

Each police force in Australia operates independently. Each has a commissioner of police and a police or justice minister appointed by, and responsible to, the respective government. In Australia, the government is the political party in power at the time. There is a distinct separation of powers between the role of the commissioner and the minister, although in more recent times the independence of police commissioners has come into question. Police commissioners, like most other senior public servants in Australia, have employment contracts with their respective governments. It would be a brave police commissioner who made a decision that angered his or her government and then expected to be reappointed. This move away from the independence of the police commissioner has seen police associations in Australia taking more of a policing perspective to their decision-making processes and has also seen them become much more active in the media because their independent comment is often sought on issues. The police associations believe they have to be the defenders of the police profession, a role once clearly seen as that of the commissioner of police.

## Formation of Police Associations and the Police Federation

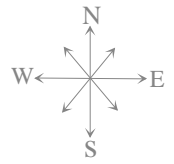
Police associations began forming in Australia in the early 1900s. The first two were the Police Association of South Australia formed in December 1911 and the Western Australia Police Union of Workers formed in 1912.

Each association is a separate bargaining unit, and all are registered as industrial organizations under their own state or territory industrial legislation, or in the case of the AFP, under the federal government's industrial legislation. They negotiate salaries and other conditions of employment on behalf of their members, directly meet over issues with their police employer and government, and look after the day-to-day needs of their members, including legal defense and the provision of other services.

As far back as 1922, discussions took place among those associations to form a federated police association, but it wasn't until 1945 that such a body was first formed: the Australian Federation of Police Associations and Unions. That body underwent a number of changes over the years including the addition of the Police Association of New Zealand when the Police Federation of Australia and New Zealand (PFANZ) was formed. Although it was an unregistered organization, it affiliated with the Australian Council of Trade Unions (ACTU), which is a national organization of all unions in Australia. The PFANZ, a forum for the exchange of information of an industrial and professional nature, was committed primarily to assisting and supporting its member associations in their pursuit of better wages and conditions for their members. As an umbrella organization for Australian and New Zealand police associations, it also served as a liaison with governments and other related agencies regarding the broader concerns of police officers.

In the late 1980s, the PFANZ resolved that a police federation should be formed and registered as a national police union to protect and work for all Australian police associations.





The Police Federation of Australia (PFA) took some 10 years to form and was federally registered under the federal Australian *Workplace Relations Act*. To complicate matters during that time, the governments of New South Wales and Queensland, as well as police commissioners from the Northern Territory and New South Wales, lodged formal objections to the proposal in the courts. The governments of Victoria and Western Australia and the chief commissioner of police in Victoria were granted leave to intervene in the hearings. After a protracted legal process, the matter was determined by the High Court of Australia, and in a unanimous decision the PFA was finally formally registered on January 1, 1998.

The PFA as a national organization, is in contrast to the United States, where there are a number of national organizations competing to represent members at that level. Canada's arrangement is similar to Australia's in that there is only one national representative body.

## Two-Tiered System of Representation

Police in Australia now have a two-tiered system of representation. Each officer is a member of his or her own state, territory, or federal association at the local level, and at the same time, by virtue of that membership, is a member of the PFA at the national level.

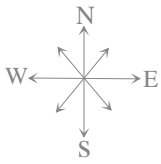
The rules of the PFA have a clear autonomy rule provision: the PFA cannot direct any of its branches to undertake certain actions. All branches have distinct autonomy to operate, particularly regarding finances. One of the real strengths of the PFA, therefore, is the goodwill that needs to exist around the table for the organization to operate effectively. Since the PFA's inception in 1998, it has made a point of operating on consensus instead of by majority rule. This has served the organization and its members well.

The state, territory, and federal associations' bodies have built a formidable reputation for their ability to lobby their respective governments on a range of policing issues, particularly pay and working conditions for their members. Most, over the years, have engaged in very overt political lobbying by the use of industrial and political action to ensure that their strategies are met. Their use of the media has also played a key role in their campaigns. On several occasions, these industrial and political actions, together with accompanied media campaigns, have seen state police associations overturn the government of the day. Police pay and resources have generally been at the forefront of the most hostile state police association campaigns.

The PFA, on behalf of its 50,000 members and through the members' affiliate associations, is looking to ultimately extrapolate that strength to the national political arena. It is little wonder that the various state governments and police commissioners objected to the formation of the PFA during the 1990s.

Unlike the United States, police associations or the PFA do not publicly endorse political candidates and, therefore, are free to lobby both major political parties and all minor parties at the state, territory, or federal level. Associations and the PFA are apolitical and, in fact, a number of associations have implemented rules that prevent them from being affiliated with political organizations. There have been a number of instances, however, where associations have clearly shown a preference for a particular side of politics, more often than not, to good effect.<sup>§</sup>

§ Finnane, Mark.  
*When Police Unionise: The Politics of Law & Order in Australia*, Sydney Institute of Criminology Monograph Series No. 15, 2002.



## Strategic Plan

While the key strategic direction of the PFANZ member organizations was primarily helping each other in salary negotiations and related activities, the formation of the PFA saw the affiliates looking in new directions.

In late 2000 at the PFA's Annual Federal Council meeting, attendees developed a strategic plan, the key plank of which concerned political lobbying and included the following statement:

*The PFA requires a strategy to increase its influence with the Federal Parliamentary and Government Process and thereby raising the profile and influence of affiliates within their own jurisdictions. In this context the "process" includes all elements of the Government, including the Opposition and the parties and individuals of the cross-benches, the Commonwealth bureaucracy, and extends to key members of the media and influential party figures external to the parliamentary process.*

*The range of issues will include workplace relations, matters of a professional nature and broader community concerns of specific interest to policing.*

*The long-term objective is to ensure that when any matter of interest to the profession is under consideration by Government or policy makers at the Federal level, the Federation is included in the consultative process.*

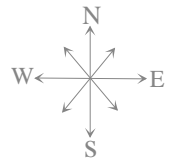
## PFA's First Campaign

Following the formation of the PFA, the federal government introduced taxation legislation in Australia that sought to identify those tax payers who ostensibly hid their real income by taking significant portions of the salary in perks (motor vehicles, house payments, etc.) that were not effectively taxed. Police officers who were required to take a police vehicle home because they were on call and those officers in country and regional centers who received subsidized rent in police housing, often attached to a police station, were affected by what is known as the Reportable Fringe Benefits Tax (RFBT). The PFA argued that these perks were imposed conditions of service and therefore should not be subject to a tax.

The PFA took this issue up on behalf of its membership as its first real federal campaign. With astute use of the media, in particular talk radio, the PFA conducted a campaign in which every member of Federal Parliament in a vulnerable seat was visited by State Police Association officials accompanied by their local members who were affected by the tax. The law was eventually changed and, in most instances, police were exempted from the tax. Not only did this victory save many millions of dollars for thousands of police officers, the eight police forces around the country, who also had exposure to various aspects of the tax as employers, also saved many millions of dollars in exemptions.

This was a strong reminder to state, territory, and federal governments in Australia of the power of a national police union with 99 percent of 50,000 potential members.

The PFA has since identified a number of other federal government issues that it intends to pursue. These include superannuation (pension) issues that are covered by federal legislation, funding arrangements of policing organizations, the construction of a national police memorial, and a range of police professional concerns such as training and development.



## Police Associations and Police Reform

Police associations in Australia have not always been looked on kindly by academics. They have been portrayed as impeding police reform, fearful of change, and self interested. Oftentimes this perception is supported by the media.

Police associations across Australia obviously do not agree with this view and in 2003 agreed to work with researchers from the Australian National University in Canberra on a project titled “Police Unions and Policing in the 21st Century.” The project was to explore the extent to which Australian police unions were adapting to the changes taking place within the policing environment and to what extent the unions’ internal organizational capacity enabled them to proactively contribute to the development of policing generally.

The findings of the project, which were presented to the PFA executive in late 2004 indicated that four central challenges were identified for Australian police unions in the context of the changing nature of policing. These challenges were the following:

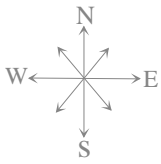
1. Broadening police union agendas to include issues outside of the day- to-day industrial matters.
2. Expanding their notion of professionalism.
3. Increasing member participation in police union activities and processes.
4. Expanding their research capacity to better engage in policy debates about policing in the 21st century.

## Broadening Police Union Agenda

The research indicated that by confining their agenda to police industrial issues (thus being reactive rather than proactive), police unions avoided involvement in broader issues of social justice. It is not surprising (although it is somewhat unfair) that Australian police unions are often perceived as conservative bodies, concerned primarily with defending their own self-interests with little regard to the issues confronting the communities in which they are embedded.

The research also pointed out that if police unions do not continually scan their environment they may be caught unawares by the various forces that are shaping their employment conditions and the very core of policing as a profession. The first challenge then is for the police unions to broaden the agendas and consider how they can move beyond the concerns of their conservative social base to embrace the changing world of policing on a broader level. This will require a less reactive and more proactive approach. Police unions have also tended to limit their thinking and their campaigns to issues that are of a pure industrial nature. This inevitably reactive approach suggests that other developments in the field of policing may take them completely by surprise. A strong research component would alert police unions to such developments and the debates that drive and inform them.

Debates and discussions on important issues such as privatizing certain police functions, bringing in civilians to handle clerical and administrative work, and involving the community in policing should be taking place at all levels. Research suggests that police unions generally retain strong support from the community. It is important that this remains the case. One way of doing this is to consider engaging in community outreach projects and to make clear (and informed) public commitments to social justice issues.



A recent submission by the PFA to a Senate Select Committee on Mental Health gained wide community and health-sector support. The submission argued not only about the dilemmas facing police dealing with people in the mental health system, it was empathetic to the people who are the sufferers of mental health illness. Australia's police unions have staked out their place as the leaders of this debate and have been able to bring a wide community grouping with them.

Another area where the PFA has become a leading voice is in federal funding for locally based innovative grants programs that are designed to bring local police together with their local communities on local crime-prevention initiatives.

These issues alone should provide a good example of the influence that police unions can have on shaping (and indeed creating) wider public debates. A strong research base and high public exposure on other like issues would allow union leaders to speak confidently and persuasively about broader issues of concern to the community.

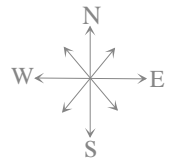
### **Expanding the Notion of Professionalism**

The issue of professionalism has been on the police union agenda for some time. The professionalization debate has been spearheaded primarily by the police unions, not by police management, and the PFA has actively pursued its goals of professional mobility, nationally recognized standards, and consistent training outcomes.

The PFA has realized the importance of ensuring that police officers play a significant role in shaping the future of the police profession. As a result, they conducted a "Future of the Police Profession" conference in early 2006. The conference, which originally was to be a joint conference between the PFA and police commissioners, was run solely by the PFA. Many argue that this outcome is better than a joint conference with the commissioners because they have not provided any clear vision for the future of policing. Police unions argue that it is vital that operational police drive and develop their profession, rather than be subject to the reactive demands of politicians. They suggest that policing already contains many of the requisite features of established professions: an exclusive body of knowledge and skills, autonomy or discretion, professional authority and client focus, community sanction, and code of ethics and self-regulation.

The conference addressed several key issues including the following:

- The role of police in a contemporary liberal democracy, which examined the philosophy and models of policing, the relationship of policing with other professions, and intergovernmental relations in policing
- The need to protect the independence and integrity of the office of constable by examining the role of private security and second-tier policing, the role of police unions, police oversight arrangements, and the politics of policing
- The identification of models for the strategic direction of the policing profession in Australia, including examining education issues, a possible police registration model, policing research, and the philosophy of separating the policing profession from the police employer.



## Increasing Member Participation in Union Activities and Processes

The extent to which Australian police unions are able to extend their programs and respond effectively to their environment is dependent on their internal organizational capacity. The degree to which the unions are able to respond to members' needs depends on the extensiveness of democratic processes within their organizations.

One of the biggest challenges confronting police unions is to ensure grass roots participation in union activities. Police unions in Australia enjoy 99 percent membership, but this cannot be taken for granted. This strong membership rate is the police unions' greatest strength and potentially their greatest weakness. Arguably, they have become complacent about membership participation and involving their members more specifically in decision-making processes. Members tend to pay their dues and wait for the unions to operate in their best interest. Undaunted by the multiple demands of their membership, union leaders traditionally have accommodated this apathy.

The whole issue of membership apathy is one that unions throughout the world and in all sectors are attempting to address. Most Australian unions (including the police unions) now have clearly defined delegate structures. In several Australian police unions, advanced delegate training is taking place in an effort to attract greater member involvement.

## Expanding the Research Capacity of Police Unions

The area in which the organizational capacity of most of the police unions was found to be weakest by the ANU review was its research capacity. Most of the unions did not have a dedicated person or team to conduct research.

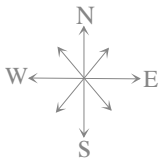
The unions, to their credit, have recognized this as a serious problem. Unions that have research officers have tended to make use of research personnel for industrially based issues, such as researching the next enterprise bargaining agreement. Police associations have recognized this shortcoming and, based on recommendations from the ANU report, have agreed to engage a researcher at the PFA.

The 2004/2005 strategic planning exercise by the PFA has clearly indicated that a far greater research capacity is required not only within the PFA but in the state union structure as well. A review of the issues and objectives identified in that planning exercise make a clear case for research for the PFA.

## Responding to the Challenges

The PFA is beginning to respond directly to the challenges outlined above. In its 2004/2005 strategic plan it identified a set of key objectives for the near future. While we will not cover all of its objectives here, we will point to those that resonate with the challenges that emerged from the research conducted by the ANU in partnership with the PFA.

First, the PFA believes that it is important to more carefully define what is meant by police professionalism as has been outlined above. The "Future of the Policing Profession Conference" was the beginning of a research process to devise a discussion paper that will form the basis of deliberations with all police unions in Australia. One of the focuses of the conference and the discussion paper was to devise a model for professional registration.



Second, the PFA, in looking at its environment, has decided that it wants to contribute to more effective means of combating crime. In this regard, the PFA has undertaken to conduct research into current policing funding arrangements and how suitable these are for combating crime in Australia. The issue of the “Innovative Grants” program earlier discussed is a key component of this research. The PFA is also committed to researching the feasibility of developing a model similar to the highly successful community oriented policing program in the United States.

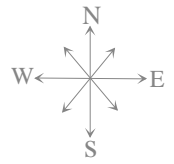
Third, the PFA has made an obligation to look beyond the relative privileged circumstances of police unions in Australia to consider the plight of police workers in other countries. In this regard, the PFA is committed to assisting fellow police members in the South Pacific to form strong and effective police unions. The PFA will lend a hand in planning and building the capacity of the existing (weak) police employee organizations and will also advise and contribute, where possible, to improving the training and equipment of police in these countries.

Unlike police associations in the United States and the United Kingdom, Australia has not yet experienced splinter groups within their memberships. Having watched these experiences unfold in both those countries, Australian police associations are very conscious of ensuring broad representation; hence, the development of groups such as the PFA's Women's Advisory Group. Such representation is not always easy to achieve, and one area where all associations have a common concern is the insufficient numbers of young members wanting to take active roles in their associations.

In early 2003, the PFA purchased a property in Canberra, Australia's capital, as its national office. The purchase price of almost \$1,000,000 which was funded solely from member's subscriptions, did not go unnoticed by the powers that be in the capital. In September of that year, the Prime Minister of Australia officially opened those new offices. In his speech, he recognized the work of the PFA as a lobbying force on behalf of policing and in opening the building, he stated the following:

*...in declaring this building open...I'm sure that it will be the hive and the launching pad of much lobbying of the federal government and I'm sure my colleagues will get very used to over the years the staff who work here.*

The Prime Minister, in his own words, had conceded what the 2000 Strategic Plan had foreshadowed. The PFA had arrived and was accepted as a legitimate lobbying arm of Australian police and policing by the highest office holder in the country.



## A Perspective from Northern Waters

### Chapter 4

# POLICING AND POLICE LABOR RELATIONS IN CANADA: SIMILARITIES AND CONTRASTS WITH THE UNITED STATES OF AMERICA

By

*Dale Kinnear, Director of Labour Services  
Canadian Professional Police Association*

Municipal, provincial, and federal levels of government provide policing in Canada. Consequently, good labor-management relations across the sector require productive interaction with police management, civilian governance authorities, and three levels of government, which is no small chore!

There are more similarities than differences in policing and police-labor relations between Canada and the United States of America. Where differences exist, however, they are significant.

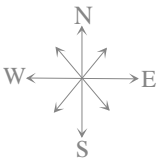
It is fair to say that whatever becomes topical or at issue in United States policing will be knocking on our door in short order. Canadian law enforcement has seen the growth of community policing, civilian oversight, racism, racial profiling, use of force, flavor-of-the-month management styles, emerging equipment, and new technology. We invariably attract the media spotlight and scrutiny when a sensational incident hits the U.S. media. Perhaps the best example of this influence was in May 1992 when an allegedly racially motivated incident involving Los Angeles police sparked riots in Los Angeles. The city of Toronto experienced a couple of nights of rioting attributed to the Los Angeles incident. Following that copycat action, the Ontario government commissioned an inquiry that resulted in sweeping changes to police regulations. Cross-border media influence is responsible for such reoccurring influence and the all-too-common knee-jerk reaction. Racial profiling is the latest crossover issue. This kind of influence is not limited to U.S. policing. Issues in the United Kingdom and Australia have influenced our political masters and senior police executives in Canada.

With the stage set, it seems best to start this comparative analysis and commentary with an explanation of policing and police labor relations in Canada.

### Policing in Canada

Canada's population is slightly more than 31 million people. As of June 15, 2004 Statistics Canada reports that there were 59,906 police officers and approximately 22,187 civilian personnel in Canada. At 188 police officers per 100,000 population, we are 26 percent lower than England and Wales (253 in 2003) and 22 percent lower than the United States (242 in 2003). There are approximately 240 police services in Canada.

The *Constitution Act* of 1867 (formerly the *British North America Act*) is the authority for federal and provincial government jurisdiction over policing. Section 91(27) of the Act confers authority on the federal Parliament to legislate in relation to criminal law (English common law) and procedure. The power to legislate in respect of "peace, order and good government," bestowed at s. 91, also grants additional federal power that influences our policing structures. The federal government used this authority to enact the legislation that created our national police force, the Royal Canadian Mounted Police (RCMP) in 1873.



Most policing responsibility is under provincial jurisdiction. Provincial legislatures are empowered by virtue of s. 92(14) of our *Constitution Act* to make laws in relation to the administration of justice. Our Supreme Court has ruled that the administration of justice provides jurisdiction over civil and criminal justice and that policing is a part of this criminal justice responsibility. Provincial legislation delegates much of the service delivery to municipalities. Several jurisdictions require municipalities of more than 5,000 people to fund and provide the service while the province funds rural areas and municipalities with smaller populations. Full cost recovery is the practice in others.

Policing in Canada, the European immigrant version, originates in eastern Canada. In our early history, responsibility for the maintenance of law and order fell to the military; in our case French and English. Although the city of Quebec is on record as employing the first full-time police officer in the late 1600s, in most areas the first regular, nonmilitary, policing presence was the parish or county constable. The office of constable was authorized in the mid-to-late 1700s. They were officers of the court who worked under the authority and direction of a justice of the peace. The first such appointments, not including Quebec before 1763, were under British law. Nova Scotia (1765) and New Brunswick (1786) enacted legislation that provided legal status to the individual constable appointment and complementary legislation that assigned specific duties and authority based on the common-law powers of the office of constable. The earliest known record of a police officer killed in the line of duty was a high constable from York, now Toronto, in 1804.

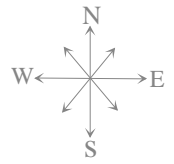
Structured municipal policing, under full control of civil authorities, did not emerge until the mid 1800s. These early municipal forces employed the first full-time permanent police officers. Constables still policed rural areas under the authority of a justice of the peace. Sir Robert Peel's model and philosophy were adopted for these early services and continue as the basis for the structures that exist today. Although our origins are in municipal policing, provincial forces were formed in all jurisdictions between 1850 and 1927. Between 1928 and 1950, all but three were disbanded when their provincial governments contracted with the RCMP to provide provincial service. Only the provinces of Ontario, Quebec, and Newfoundland/Labrador maintain provincial forces.

A national police presence was forever stamped into the Canadian identity and the minds of non-Canadians in 1873 with the creation of the RCMP. The government of the day formed and dispatched the North West Mounted Police (modeled after the Royal Irish Constabulary and mounted rifle aspects of the U.S. Army Cavalry in the American West) to western Canada to address policing issues of the day and reaffirm Canadian sovereignty in the western half of the new nation.

This new federal presence expanded considerably during the next 60 to 70 years. From 1928 to 1950 it was contracted out to eight of the ten provinces to assume provincial policing responsibilities. They also serve on contract to our three northern territories. In the mid-1940s the RCMP ventured into the municipal policing business under direct contracts to municipalities. This facet of RCMP contract policing has grown rapidly during the last 20 years. It now has municipal policing contracts in seven of the ten provinces, 200 municipalities in total.

While most of its officers are employed in the delivery of municipal and provincial policing, the RCMP has federal and national responsibilities as well. It plays an enforcement role in federal statute regulation over revenue, alcohol, narcotics, controlled drugs, immigration, customs, and excise. The federal government has deployed a police presence to deal with some of these responsibilities that predates the RCMP. National police services include information support for management and operation of our criminal records, DNA, sexual offender and firearms databases; forensic laboratory services; criminal intelligence services; the Canadian Police College; and United Nations peacekeeping services.





The most significant change in organization and structure during the last 30 years is the amalgamation of small police services into larger regionalized services and small municipalities disbanding their services and contracting with their provincial police provider. The number of police services decreased by more than 50 percent in that time.

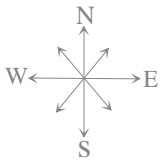
## Police Labor Relations in Canada

As is the case with policing, labor relations in Canada are divided into provincial and federal jurisdictions. The Parliament of Canada is restricted to jurisdiction for labor relations in a few key areas. This limited federal authority in the *Canada Labour Code* (CLC), governs federal works, undertakings, or businesses and their employees. The CLC applies to all aspects of labor relations in the following sectors: broadcasting; banking; postal service; airports and air transportation; shipping and navigation; interprovincial or international transportation; telecommunications; industries declared for the general advantage of Canada; business activities in the Yukon, Northwest Territories, and Nunavut; undertakings of First Nations on reserves; and certain Crown corporations. The CLC does not apply to federal government employees. They are subject to the *Public Service Staff Relations Act* (PSSRA). The CLC and the PSSRA do not cover members of the RCMP and the military. The balance of labor relations in Canada is subject to provincial jurisdiction under their respective labor codes, trade union, or labor relations acts.

Only New Brunswick, Nova Scotia, and Prince Edward Island allow representation by external, nonpolice bargaining agents. Although bargaining units in these three provinces are not restricted to public-sector union representation, the Canadian Union of Public Employees (CUPE) is the only outside agent representing police officers. Several jurisdictions have separate statutes to address police labor relations. Some provinces have included labor relations in their policing statute. Several find their bargaining authority in the provincial code or act that governs all workers and employers and they are afforded all the protections therein. Those who do not may be restricted from unfair practice protection and other labor law tenets. Essential services designations, nonaffiliation with outside labor groups, and restrictions on political activity are common clauses in governing statutes.

The province of Saskatchewan is the only jurisdiction that allows police the right to strike. The provision requires notice to the employer, which provides the ability for the provincial government to order conciliation or arbitration and to send in the RCMP to provide service. The right to strike is still on the books in several other provincial jurisdictions, but essential service designations and other legislative arrangements negate the option. The most recent police strike was in Kentville, Nova Scotia, in 2002 and it lasted 48 hours. The province of Nova Scotia repealed the right to strike provision in December 2004 and substituted binding interest arbitration. The last full-blown police strike in Canada involving a lengthy work stoppage was Dartmouth, Nova Scotia, in 1989; and it lasted 29 days. Regina and Saskatoon, Saskatchewan were in a lawful strike position in 1994; however, their unions did not withdraw services in the true sense of the term. Officers were on the street, but the unions were very much in control. The strategy was very effective and served as a wake-up call to the province and the municipalities. Associations representing officers with the right to strike are on record as preferring binding interest arbitration to the right to strike. The power to change the system rests with the province. The Saskatchewan legislature has not entertained meaningful discussion or negotiation on the issue.

Although autonomy is the norm in individual police bargaining units across Canada, British Columbia police unions use a coordinated bargaining strategy among 11 of the 12 units. Saskatchewan unions recently implemented a variation of the coordinated system, more properly described as pattern bargaining. All but the larger bargaining units in Quebec rely on the provincial federation to handle bargaining and most other police labor activity. The Police Association of Nova Scotia (PANS) represents all Nova Scotia bargaining



units except the Halifax Regional Police. CUPE represents seven of nine New Brunswick bargaining units; CUPE and PANS represent Prince Edward Island bargaining units. All other bargaining units in the country are represented by their local executives at the bargaining table and most rely on provincial associations or federations to represent them in federal and provincial legislative matters. The provinces generally rely on the CPPA Board to address national and federal issues, primarily criminal justice reform and federal and national policing issues.

## Municipal, Provincial, and Federal Representation

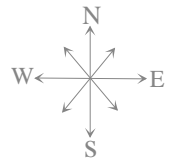
Our municipal police were the first to organize and bargain. Our oldest police union was established in 1875 in Saint John, New Brunswick. Again, in similar fashion to the U.S., real growth and gains for unions are related to the desire for labor peace during World War II and the legislation drafted to achieve that objective. Most of our municipal police unions can trace their first bargaining experience to the post-war era. Provincial police employees were the last to achieve legislated bargaining rights, in the late 1960s and early 1970s. Members of our federal police service, the RCMP, do not have the right to bargain. More on that obvious inequity later.

Ontario, Quebec, and Newfoundland/Labrador have provincial police forces. Officers of these departments have their own independent, statutorily designated bargaining units and bargaining legislation is tailored to their status as provincial government employees.

We have three federal affiliates representing railway and aboriginal police service bargaining units and some members of the RCMP. The Canadian National and Canadian Pacific Railway Police Associations represent Canada's two railway police services. They are independently certified autonomous bargaining agents. They have special designation under the CLC and cannot represent any other corporation employees. Our newest federal affiliates represent officers employed by First Nations police services. Like the railway police associations, First Nations are under the jurisdiction of federal labor law. These bargaining units were certified in the last 10 years, since the inception of a new federal provincial policing program for aboriginal territory. There is some very recent organizing and certification activity in First Nation services and this will continue as the policing program expands.

RCMP members are denied by law the right to form a union. This exclusion in statute originated with an Order-in-Council of the federal cabinet issued in 1918. Although the form of legislative exclusion has changed since then, the RCMP remain excluded by legislation from unionization and collective bargaining. The RCMP and the federal government have no appetite to change the status quo.

The CPPA RCMP affiliate comprises three regional RCMP member associations whose main purpose is to acquire collective bargaining rights. Some interesting Federal Court and Supreme Court battles were waged over bargaining rights in the last 20 years. Considerable political activity, including focused lobbying of federal politicians from all parties, has been brought to bear by RCMP members. They have secured both large and small victories along the way and a lot of money for their cause. Their efforts, so far, have been unsuccessful in replacing the RCMP Divisional Staff Relations Representative Program (DSRR) with a legitimate bargaining regime. The DSRR program does not provide for collective bargaining, neutral and binding third-party grievance arbitration, binding interest arbitration, or policy grievances and there is no signed collective agreement. In his dissenting opinion in the case that brought the collective bargaining issue to our Supreme Court, a judge of the Quebec Court of Appeal classified the DSRR program as a management-imposed company union. All other police officers in Canada have the right to collective bargaining.



## The National Police Association Effort 1948-2003

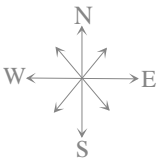
The Canadian Professional Police Association is an organization that serves as the national repository for police labor relations information. It endeavors to provide its members with timely, accurate information and analysis on wages, benefits, working conditions, equipment, health and safety, police governance, police discipline, negotiations, grievance and interest arbitration, and other matters determined by the board and membership.

Our first national organization, the Canadian Police Association (CPA) was formed in 1962 when Nova Scotia, Quebec, and Ontario joined forces with the Western Canada Police Association (WCPA). Police union leaders from British Columbia, Alberta, Saskatchewan, and Manitoba formed the WCPA in 1948 to advance the views of the officer on the street and to facilitate information sharing in the pursuit of improved wages and benefits. This confederation of provincial groups adopted the charter and letters of patent of the WCPA to start the CPA. New Brunswick, Prince Edward Island, and Newfoundland affiliated shortly thereafter and a truly national police labor group emerged. Until the mid 1980s the CPA concentrated its efforts on wage and benefit issues and ventured into the federal political arena only on such issues as pensions, taxation, and capital punishment. Over time, however, the members became more and more frustrated with federal criminal law and process. In 1988, the CPA established an office in Ottawa, the nation's capital and during the next 2 years, full-time staff weighed in on criminal justice reform and federal and national law enforcement issues. In short order, the national office captured the attention of Parliament and quickly became the police sector's major player in criminal justice reform and law enforcement issues.

Until 2003, the national structure was based on ten provincial and three federal affiliates, each of which was an autonomous police association and federation representing single or multiple bargaining units. In August 2003, a new organization called the Canadian Professional Police Association (CPPA) was formed to address the concerns of larger bargaining units that had recently withdrawn from their respective provincial associations or federations, which by consequence took them out of the CPA. In 1999, these large bargaining units formed the National Association of Professional Police (NAPP). In early 2002, both associations agreed that one national group was the best option and proceeded into negotiations that realized a shared vision and created the CPPA. With a change in structure and name, and in similar fashion to past mergers, adopting the charter and letters of patent of the previous organization, it became again a national voice for frontline police personnel in Canada.

The new structure provides for direct affiliation by individual bargaining units instead of affiliation through provincial bodies. Larger municipal and provincial entities have seats by right on the CPPA Board of Directors. Provincial and federal representation is based on a regional concept. All board seats involve representation by a population formula.

The CPPA has 54,000 members. Most unionized police employees are in statutorily designated bargaining units, resulting in police employees representing police employees at the bargaining table. Until 1998, membership in the national body was restricted to police officers only. Provincial bargaining regimes determine if police officers and civilians are in the same bargaining units. Delegates at the 1998 annual general meeting approved membership for civilian members considered part of police bargaining units. This increased membership by 5,000 overnight. With the merger in 2003, another 5,000 civilians from two large Ontario bargaining units doubled the number of civilian members. The potential for future growth in this area is dependent on local, provincial, or federal affiliates assuming bargaining responsibility for civilian police personnel in their jurisdictions. CPPA uniformed membership mainly comprises noncommissioned officer and constable ranks. Only one or two of the bargaining units that affiliate with the CPPA represent its so-called commissioned or senior officers.



## Where Is the Contrast?

Trade or craft unions have existed in Canada since 1814 and meaningful trade union law was enacted in 1872. Our labor relations history is not remarkably different from the rest of the westernized world and like everything else north of the 49th parallel, is influenced by our American neighbor. Our local, regional, national, and international industrial and craft union movements have been intertwined since the concept of organized labor hit the continent.<sup>§</sup>

The history and development of our policing and police unions involve the issues, timelines, and impact of the industrial revolution. Emigration to North America throughout the 1800s and early 1900s and the east-to-west population spread across the continent in that same time period are especially significant in our country's history and our police and police labor relations history.

Canadian police unions are fortunate in having had an easier time of it than most American police officers and unions in organization, recognition, and the ability to bargain collectively. This is a direct consequence of our bargaining units affiliating into provincial and national associations. This provided strong representation with all levels of government and influence over policy and legislation. It includes protection of the ability to bargain for fair wages and benefits and to improve working conditions. Additionally, these alliances are responsible for our provincial and national associations' involvement in policing issues that some may view as outside the conventional scope of our labor relations regimes. We take the position that virtually everything a government jurisdiction does in regard to policing affects the working conditions of our members. We want to be consulted and seek input into whatever our political masters are contemplating regarding policing.

Labor relations in Canada and the U.S. share a similar history and similar original legislation. So why are the bargaining regimes and outcomes so different? The one word answer is legislation. Whether public sector or private sector, the notable difference between Canadian and U.S. labor relations history is that Canadian legislators have not eroded or outright annulled the substance and spirit of our early, formative legislation that enables the organization and certification of bargaining units, recognition of unions by employers, and facilitates collective bargaining and the administration of collective agreements.<sup>§§</sup>

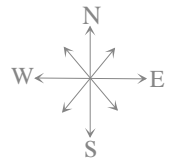
Consequently, police labor relations in Canada operate in a protected environment where neutral third-party dispute mechanisms, like binding interest arbitration, are the norm. To our advantage as well, arbiters and most employer negotiators recognize the police as unique employees in unique workplaces. Police-to-police comparison generally is the accepted standard. For the most part, this has allowed us to hold our own in comparison with self-regulating professions, with each other regionally, and for larger bargaining units nationally. Most important, this protected environment has allowed us to stay ahead of the private sector and separate ourselves from the rest of the public sector in gains in salary and benefits. Good wage and benefit packages account for the low incidence of police corruption in Canada.

Being able to rely on a defined process in our legislation and maintaining a favorable image in the eyes of the public as well as the respect of most of our politicians has helped us survive, and in most workplaces avoid, poor labor-management relations.

What is the secret to good relations? Respect! A recurring theme in bad police labor-management relationships is lack of respect by management for the union and management frustration over the union's ability to influence employer-employee relationships. In Canada, where you find good labor-management

§ "Brief History of the Labour Movement in Canada." Education Department, Canadian Union of Public Employees.

§§ "The Divergent Paths of Organized Labour in the United States and Canada," Dr. Elaine Bernard, Executive Director, Harvard Trade Union Program.

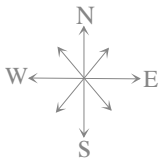


relationships in the police sector, you will usually find mutual respect and understanding of function and operation. In workplaces lacking mutual respect, management and the employer will get the type of union they deserve, and vice versa. Another saving grace in Canada, once again a consequence of consistent legislation and the uninterrupted ability to bargain, is the fact that all of our senior police executives and middle managers, except the RCMP of course, are or have been union members. A surprising number have held executive positions in their bargaining units. This has done a lot to maintain respect between the parties.

Policing in Canada is referred to as quasimilitary and indeed our federal and provincial forces can be classified as paramilitary. This can often be a root cause of labor relations problems in policing. These military overtones in structure and operations and military-like thinking by some middle managers and executives clashes with collective bargaining. The union is often viewed as the culprit in a bad relationship, even when merely exercising its rights as a bargaining unit or satisfying obligations to meet the duty of fair representation. It seems that these types of managers and employers can accept and adjust for all other legal obligations and requirements imposed on our occupation, yet fail to recognize that the statutory regime for labor relations should command the same respect and compliance. Some aspects of this military factor may not be as pronounced in Canada. Although military structure was formative in our beginnings and still affects us today, unlike the United States, the military is not a significant source of employees in Canadian policing, except for short periods after World Wars I and II. Consequently, former military people do not dominate mid- and senior-level management positions. This may help our labor-management relations.

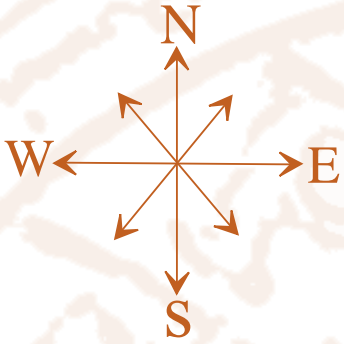
Good police labor-management relations do not come easily. Both sides have to work at it and be willing to put things behind them in the interest of improving the situation. The parties will never agree on everything and there will always be disputes where compromise cannot be achieved. Certain issues will go to a neutral third party for resolution. Both parties should be expected to exercise their rights under the process established in the bargaining regime or through the courts. Management should not be surprised or agitated when the union goes to the media or otherwise appeals to the court of public opinion. Management and labor must find a way to get beyond past disagreements and deal amicably with the next issue. A scorched-earth mentality benefits no one. This is not to say that the union should be the first to back down or acquiesce on a contentious issue or never engage in political activity and media campaigns to influence the public, the politicians, or management.

Until recently, Canadian police unions did not endorse political candidates or become openly involved election campaigns for any level of government. We, however, have a long history of getting involved in key issues like the repeal of capital punishment and changes to pension or taxation law. Real political activity has emerged only in the last 30 years and candidate endorsement in the last 10 years. We find ourselves more and more involved in local, provincial, and federal elections in one form or another. In the last couple of years, a few local and provincial associations have publicly endorsed candidates in provincial and municipal elections. As with tactics, the results are varied, and we learn and improve with practice. Although there are some recent experiments, we have yet to weigh in regularly on partisan politics with declared, publicized or financial support for one candidate over another. We have always worked behind the scenes effectively, including seeking out people to run against incumbents. To date, our practice for federal election endorsement is to identify and support candidates from all parties, usually incumbent, that supported our criminal justice reform issues.

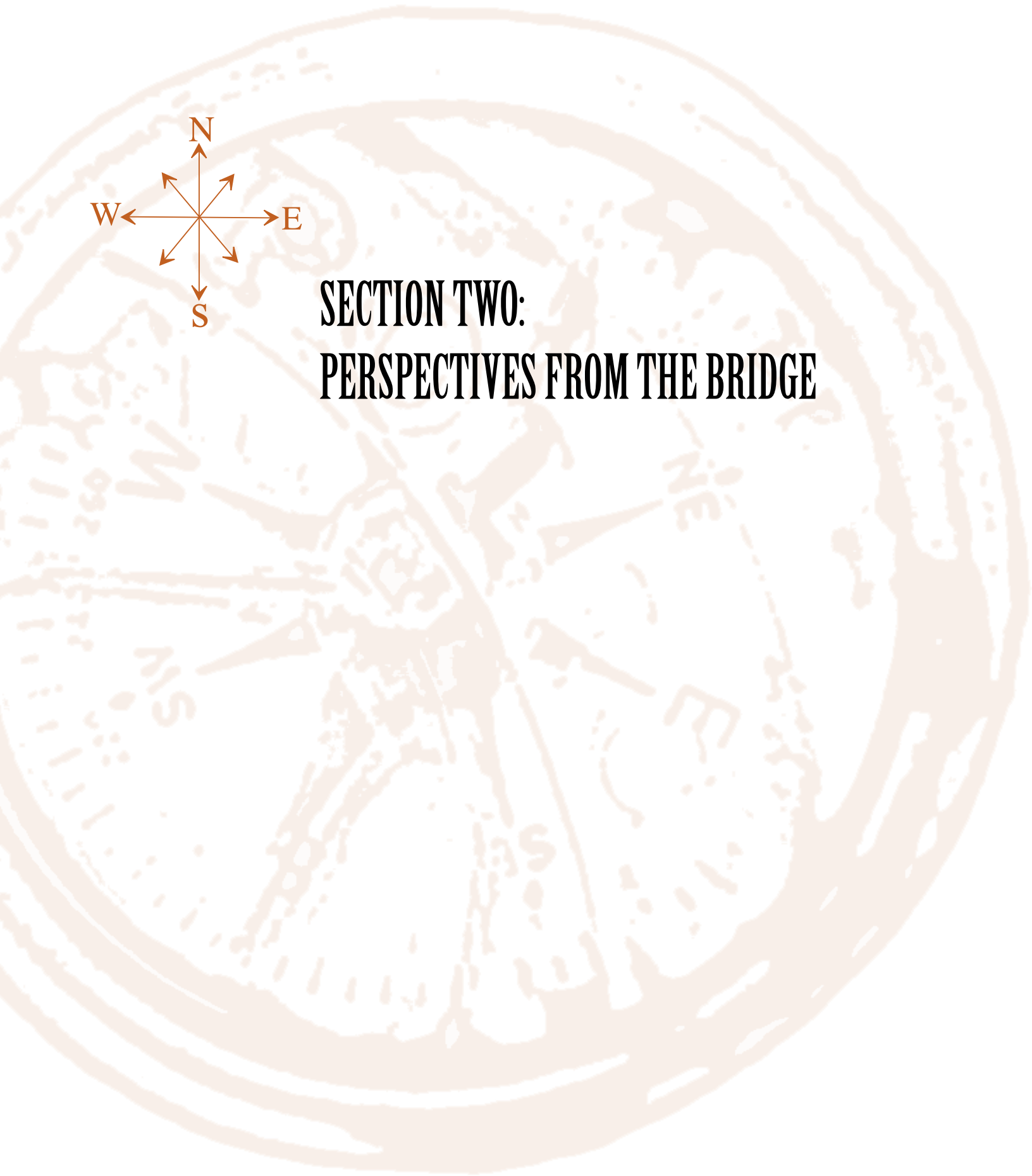


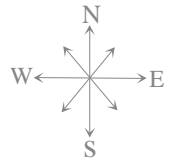
Although cautious, we have not been bashful since police unions and collective bargaining was established. In the last 25 years we've had our share of protest in the form of mass marches, no-confidence votes, picketing, job actions, media campaigns (radio, television and print – paid and unpaid), billboards, election handbills, and just about anything else in practice, including strikes in the two provincial jurisdictions where the right to strike still exists. Unions have taken to these tactics in staffing campaigns, influencing legislative change, and to garnering public support for fundamental bargaining issues. Canadian unions have toppled a few chiefs of police and helped defeat at least one provincial government, several mayors, and lots of municipal counselors. We've made a lot of noise and attracted a lot of attention. Some of our media outlets have blamed this political activity and attitude on our American neighbors. Many of our big media outlets have targeted and criticized Ron DeLord (president of the Combined Law Enforcement Associations of Texas) and a few of the larger U.S. police unions as the source of such teachings. We try to learn from everyone and make no apologies for engaging in political activity in defense and support of our members and to accomplish our objectives. The threat of further restrictions or flat out prohibition of political activity by police unions surfaces regularly across the country. At least two of our provincial governments are rattling their sabers about clamping down on political activity by police unions.

Above all else, we improve as unions by learning from others. Most of what any of us know about this business we have learned from others or their experiences. This will always be the case. We have to be aware to what others are doing and be prepared to respond to similar threats or issues. Above all, we must be willing to join forces. The key to our success in Canada has always been and will always be solidarity, locally, provincially, nationally, and now more than ever, internationally. The benefit of this approach has played out once again since we hosted the inaugural meeting of the International Law Enforcement Council (ILEC) in 1996 and the second meeting in 1998 to bring international police unions together to share information and tactics. The concept was well received and the outcome more than successful. Subsequent conferences were hosted by the Police Federation of England and Wales in 2000, the Police Federation of Australia in 2002, and the Scottish Police Federation in 2004. The U.S. will host the 2006 conference in Texas. Like other participants, we were very familiar with our continental counterparts, but more or less ignorant about international players. The ILEC forum established international connections and developed a working history that benefits current union executives and creates a legacy of cooperation for their successors.



**SECTION TWO:  
PERSPECTIVES FROM THE BRIDGE**





## The Police Chief's Role: Finding a Clear Channel

### Chapter 5

#### THE POLICE CHIEF: HEAVEN OR HELL?

By

*Chief Jerry Hoover (Retired)*

*Reno, Nevada, Police Department*

Two jobs in law enforcement are very difficult to prepare for. The first is sergeant: the jump from officer to sergeant is huge compared to the successive promotions that officers may go through later in their careers. This is because the next several promotions are matters of degree rather than quantum changes in role; that is, until you reach the other difficult transition: chief of police.

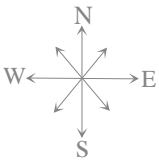
No one can prepare someone for the responsibilities and trying times of a chief's job. Even acting chiefs have a hard time understanding what a permanent chief's life is like. People will never know what to expect until they actually sit in that chair and open themselves up to the attacks, misunderstandings, lawsuits, grievances, and whatever else that pops up in that professional minefield.

First and foremost is the stress chiefs go through if they really care about their community and departments. While many chiefs of police have contracts, many do not, and this may cause natural conflicts in their ability to make proper decisions. If police chiefs are always wondering whether their jobs are on the line, their decisions may be affected to the point that they choose, even subconsciously, to protect their own interests over providing the best service to the community or to the officers. An old adage tells us (and many in law enforcement repeat) that "sheriffs run for office every 4 years, police chiefs run for office every day."

The causes of this stress are varied. Everyone is looking for the chief to make a mistake. In some cases, they may even set the chief up for failure. The union is one such group that may do just that. It is much easier being a leader without formal authority, such as a labor leader, because he or she can pick the issues and battles. The chief, on the other hand, does not have that luxury. The chief is responsible for anything that happens and is required to fight defensive battles everyday. Other people who may wait for the chief to trip and fall include elected officials, the rank-and-file, in some cases city managers, special activist groups, and the media.

Even if the chief is lucky enough not to have various people waiting in the wings to applaud mistakes, he or she will always have competing interests for his or her time and loyalty. All of these groups want something from the chief, and their particular demands are rarely compatible with those of the other groups. The chief soon realizes that the job description is vastly different from what he or she is expected to do.

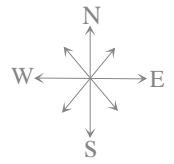




What can a chief do to survive these minefields and competing interests? It depends on how far he or she is willing to go to protect the department and at the same time maintain his or her own value system. While there are no guarantees for job security, here are some thoughts about being a chief:

- A police chief should identify certain goals to accomplish. They do not have to be shared with anyone; it is a personal road map to the future and will help the chief recognize goals, both professional and personal.
- A police chief should build a coalition that includes members of staff, labor, elected officials, and the community who will provide support with the truth.
- A police chief must know the difference between allies and friends. Allies change their allegiance to fit their needs and, therefore, are not the chief's friends.
- A police chief must be honest and not waiver in his or her convictions when challenged. If it is the right thing to do, then do it.
- A police must make consistent decisions, but not to the point of continuing to move in the wrong direction. And the chief must recognize when he or she has made mistakes and correct them. If it is the right thing to do, then do it. If not, then get back on track.
- A police chief should develop a fresh perspective instead of listening to someone else's. This means getting out of the fray and look at what is happening from the outside.
- A police chief should have outside interests that provide a refuge from the stress; for example, teach at a university, have a hobby that doesn't include the work-related environment, take courses unrelated to police work.
- A police chief must be responsible for his or her decisions. That responsibility cannot be delegated.
- A police chief cannot blame others for his or her problems. Bad people do not comprise the union, elected officials, and special interests groups, or the rank-and-file. These groups should not be stereotyped or generalized. According to Pareto's Law, 80 percent of the problems are caused by 20 percent of the people.
- A police chief cannot allow himself or herself to be bullied. There are times when the chief should draw a line in the sand. This won't save the job, but it will save the chief.
- A police chief should know when it is time to leave. A chief who does not care about the job, the employees, or the community is ready to leave. No matter how angry a chief is about certain aspects of the job, he or she still needs to be enthusiastic about serving.

When someone attacks a chief and his or her decisions, it isn't personal. Likewise, when someone compliments the chief's decisions as being better than those of a predecessor's, that, too, is not personal. Being a police chief is neither heaven nor hell; it is just a job and nothing more. A chief should not sell out to do the job. Success isn't measured by how long one has been a police chief. It is more a function of integrity while serving the community because by serving the community with integrity, one serves oneself well.



## Chapter 6

# DISORGANIZED LABOR: THE MUTINOUS SIDE OF POLICE UNIONS

By

*Ronald G. DeLord, President*

*Combined Law Enforcement Associations of Texas*

### One Big Union for Firefighters

The International Workers of the World (IWW or “Wobblies”) wanted to unite all the workers into one worldwide union. That concept has worked for firefighters for almost a century. In 1918, the American Federation of Labor (AFL) chartered the International Association of Fire Fighters (IAFF) as the national union for all paid firefighters. Today, firefighters generally speak with one union voice on fire-related labor issues at the national, state, and local levels because the IAFF represents 85 percent of all paid firefighters in the United States.

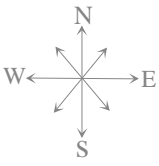
In states where there are multiple bargaining units for firefighters in the same agency, both the rank-and-file and the supervisory bargaining units are almost always chartered IAFF locals. It is unheard of for any group of firefighters to be union shopping for another state or national firefighter union to represent them. It is also very rare for any union, affiliated with organized labor or not, other than the IAFF to try to organize any paid fire department.

The law enforcement service has been embroiled in conflicts among law enforcement labor unions and various ethnic, social, fraternal, and gender-based organizations in the department over such issues as promotions, hiring, and discipline. This may be in part reflective of the fact that law enforcement agencies have become more diversified than the fire service. While the firefighter unions have had public spats between the union and minority firefighters, these divisions have had less of an impact on the unity of firefighter unions than it has had on law enforcement unions.

### Disorganized Labor for Police Officers

The late 1800s and early 1900s were a time of social unrest, political strife, and labor violence. After witnessing the economic gains made by trade unions, firefighters, and other public workers, the AFL started getting requests for charters from local police benevolent associations who were clamoring to join organized labor.

The unionization of the police caused a firestorm of protest. Private corporations traditionally had called on elected officials to use the police as strikebreakers, causing bitter feelings toward police officers by trade union members and their leaders. Police executives saw the police service as an arm of the government like the military, and the executives did not want police officers forming unions and alliances with political, labor, and social activists. Politicians and police executives saw trade labor unions as a threat to the national security and felt that the police force should independent.



Wages, benefits, and working conditions for police officers were dismal and harsh even for that period. After Boston firefighters formed a union and threatened a strike, the city increased wages and improved working conditions somewhat for them and for police officers.

In 1919, the Boston Police Social Club requested recognition by the new police commissioner. The police commissioner refused to recognize the union and issued a memo stating, *“Any member of the police department who is dissatisfied that he cannot perform his work faithfully, honestly, and cheerfully, pending the decision regarding the requested salary increase may resign.”*

The police officers appeal to the AFL for a charter was accepted. When the union requested bargaining rights, the commissioner terminated 19 union leaders. On September 9, 1919, 1,117 of the city’s 1,544 police officers walked off the job. Widespread looting, hundreds of injuries, and seven deaths occurred before the National Guard restored order. All the striking police officers were fired and never rehired.

The distrust and hatred of the police as strikebreakers caused the AFL unions to balk at calling a general strike to support the Boston police force. It was a defining moment for the AFL and the fledgling police labor movement. The decisions made during this strike forever changed the police labor movement. Police unionism practically ceased to exist until the 1960s when police organizations started becoming more militant.

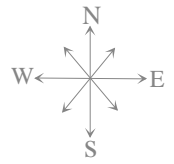
In 1969, 50 years after the Boston police strike, the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) received a request to charter a national police union. The AFL-CIO rejected the request because the same old hard feelings against the police still lingered. It was not until 1979 that the AFL-CIO chartered the International Union of Police Associations (IUPA) as a national police union.

The only national police organization to survive the 1919 Boston police strike was the Fraternal Order of Police (FOP). FOP was founded in Pittsburgh in 1915 as a social, benevolent, and fraternal organization. While FOP has evolved since the 1960s into a labor organization, the FOP constitution still prohibits its lodges from being affiliated with organized labor.

### **The Police Labor Movement Is a Maze of Different Union Affiliations**

In the maze of union affiliations that is the police labor movement, one would need a playbook to determine which associations, lodges, and unions are affiliated with which state or national police unions. In addition, many police unions have dual affiliations. The Boston Police Patrolmen’s Association and the Los Angeles Police Protective League are affiliated with the AFL-CIO-chartered IUPA and the independent National Association of Police Organizations (NAPO). The AFL-CIO-chartered International Brotherhood of Police Officers (IBPO) has also affiliated with NAPO for federal legislative purposes.

There seems to be some confusion about what unionization in the law enforcement world means. Some people believe that the police force is unionized only if the officers have collective bargaining rights or the officers belong a national union affiliated with the AFL-CIO. In reality, when the officers form a local association, lodge, or union for the purposes of improving their wages, benefits, and conditions of employment, the officers are unionized. Officers do not need collective bargaining or meet-and-confer rights to be able to influence the governing body to improve their wages, benefits, or working conditions. There is no substantive difference between the police unions affiliated with the AFL-CIO and the independent lodges and police associations.



The police labor movement is divided into two camps: the independent police labor organizations and the police labor organizations affiliated with organized labor through the AFL-CIO. Approximately 80 to 85 percent of all police labor organizations could be classified as independent and have no affiliation with the AFL-CIO. As stated earlier, it is often confusing because a local police union may have an AFL-CIO charter and also be affiliated with an independent labor group.

The independent FOP reports a membership of 310,000 and is unquestionably the nation's largest police labor organization. FOP reports that it has a state lodge in each of the 50 states. Some states have a separate fraternal state lodge and an FOP Labor Council which handles labor relations for the lodges. Each affiliate in the state is given a lodge number.

The second largest independent police organization is NAPO, which reports 236,000 members. NAPO, a federation of labor unions and not a labor union per se, is composed primarily of independent police unions that did not want to be affiliated with FOP. Since NAPO is not a labor union, FOP lodges can join without violating the National FOP Constitution that prohibits affiliations with organized labor, and AFL-CIO police unions can join NAPO without violating the prohibition against dual unionism in their constitution.

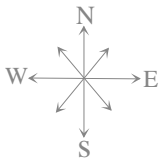
The remaining 15 to 20 percent of unionized police officers belong to associations and unions affiliated with organized labor through the AFL-CIO. While the AFL-CIO has a reported membership of 13 million members, the best guess on the number of police officers in AFL-CIO-affiliated unions is probably between 100,000 to 150,000.

The largest AFL-CIO union with a substantial police membership is the IUPA, which is the only chartered AFL-CIO police union. IUPA reports a membership of 100,000 and recently gained the affiliation of formerly independent police unions in Los Angeles, Boston, and Cleveland.

It would seem that just about every AFL-CIO national union has organized some police locals. The American Federation of State, County and Municipal Employees (AFSCME) reports having about 10,000 to 15,000 police members. The IBPO reports 10,000 members. IBPO is a division of the National Association of Government Employees (NAGE) which is a sector of the Service Employees International Union (SEIU). SEIU has police locals outside of IBPO. The International Brotherhood of Teamsters reports having 15,000 police members. Recently, the Communications Workers of America created a sector called the National Coalition of Public Safety Officers (NCPSO) for the national union's reported 26,000 police and corrections officers.

Surprisingly, even more AFL-CIO national unions report some police membership. The following are examples:

- Marine Engineers' Beneficial Association (MEBA) – Association for Los Angeles Deputy Sheriffs.
- United Steelworkers' Union of America – Tukwila, Washington, Police Union.
- United Automobile Workers Union – Evat, Michigan, Police Local 2270.
- United Food and Commercial Workers' International Union (UFCW) – Annapolis, Maryland, Police Union.



- Operating Engineers International Union – Modesto, California, Police Officers' Association.
- American Federation of Government Employees – U.S. Border Patrol Council.
- International Longshoremen's Association – New York State Supreme Court Officers' Association.

In 2005, national unions representing 6 million members withdrew from the AFL-CIO. The Teamsters, the Union of Needletrades, Industrial and Textile Employees, UFCW, and SEIU have withdrawn their AFL-CIO affiliations. It is unknown at this time what the impact will be on the AFL-CIO and its unionized police members.

It is immediately evident that the number of police officers alleged to be members of unions exceeds the actual number of police officers in the nation. In addition, we know that not all law enforcement officers in the nation are members of a union.

### *Why the discrepancy in the number of unionized police officers?*

There are two primary reasons. First, in the police labor world dual unionism is a common and accepted practice. In the private sector, it is a violation of the union constitution to belong to more than one union with the same jurisdiction. To join another competing union is grounds for expulsion from the union. Police officers in the same agency can, and do, belong to more than one union. The overlapping memberships allow each national union to rightfully claim the same member.

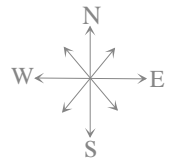
Second, on the national, state, and regional levels, membership inflation is not only common, but accepted. All unions, but especially national police unions, puff up their membership numbers without the least bit of guilt. More accurate membership numbers are found only when the union is representing a designated department where the authorized strength is publicly known.

## **The Police Labor Movement Is Extremely Competitive**

In the world of police labor relations, the organizing and unionizing environment has always been turbulent, hostile, volatile, disruptive, and virtually void of any national, state, or local union loyalty. It has become even worse in the 21st century. Every state except Hawaii has multiple police organizations competing for members within each law enforcement agency. But even in Hawaii, the police officers who are represented in one bargaining unit by the State of Hawaii Organization of Police Officers affiliated for a short time with the AFSCME before disaffiliating and returning to independent status.

Switching national unions or returning to independent status is common. There is very little long-term loyalty in the law enforcement world, either to the local, state, or national union. In the world of law enforcement unions, raids, disaffiliations, re-affiliations, decertifications, and splinter groups within a law enforcement agency are the rule and not the exception. For example:

- The independent San Francisco Police Officers Association became affiliated with IUPA, then disaffiliated and returned to independent status for several years before affiliating with SEIU.
- Anchorage and San Diego police unions signed affiliation agreements with the Teamsters Union and later disaffiliated.



- The Police Association of New Orleans (PANO) affiliated with the Teamsters Union, but after the disastrous 1979 police strike, disaffiliated and affiliated with SEIU. PANO later disaffiliated from SEIU and is independent today.
- Tucson police were affiliated with FOP for more than 20 years. A group of officers formed the independent Tucson Police Officers Association (TPOA) to challenge the FOP as the bargaining agent. The TPOA decided to affiliate with the NCP SO and won the decertification election.
- In Washington, D.C., police officers were affiliated with an independent police association. They disaffiliated and join the IBPO, then later voted to disaffiliate from the IBPO and join the FOP.
- In Cleveland, the independent Police Patrolmen's Association affiliated with the IUPA, disaffiliated, and years later re-affiliated.
- Orlando (Florida) police were represented by the IBPO. They disaffiliated and joined the independent Florida Police Benevolent Association, then disaffiliated and joined the FOP.

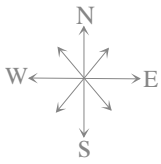
### More Fragmentation: The Question of Supervisors and Dual Unionism

In the private sector in the United States, the federal law excludes supervisors from the right to form a union and collectively bargain. While some state laws exclude police supervisors from collective bargaining, generally nonsupervisors and supervisors are members of joint or separate police unions in the public sector. In many police agencies, different unions represent the rank-and-file officers and supervisors. Oftentimes these local unions have different state and national affiliations. For example:

- In Los Angeles County, the nonsupervisory and supervisory unions are affiliated with different AFL-CIO unions. The Association for Los Angeles Deputy Sheriffs, which is affiliated with MEBA, represents rank-and-file deputy sheriffs. The Los Angeles County Professional Peace Officers Association, which is affiliated with the IUPA, represents sergeants and lieutenants.
- In Phoenix, the independent Law Enforcement Association (PLEA) represents all non-supervisors. Sergeants and Lieutenants formed a union and affiliated with the NCP SO. After getting their first contract, the union dropped its NCP SO affiliation and joined an independent state association associated with PLEA.
- In the New York City Police Department, patrol officers, detectives, sergeants, lieutenants, and captains have separate, independent unions.

Even in law enforcement agencies with one bargaining agent, other police unions exist with members from the same agency, which would be dual unionism in the private sector. In some agencies, one union is the bargaining agent and the second union is perceived as the fraternal organization. For example:

- In New York City, the Patrolmen's Benevolent Association is the sole and exclusive bargaining agent for all patrol officers. In Los Angeles, the Police Protective League is the sole and exclusive bargaining agent for all officers below the rank of captain. In both New York and Los Angeles, the FOP has an active lodge with elected leaders representing its New York and Los Angeles members on state and national labor issues.



- Both the Omaha Police Union, which is affiliated with the IUPA, and the Seattle Police Officers Guild, which is affiliated with NCPSTO, carry advertisements for the local FOP lodge in their union newspapers.

This dual unionism is not always as compatible as it would appear in New York, Los Angeles, Omaha, and Seattle. The minority union, which may appear as benign or fraternal to the majority union, can be used by dissident members as a vehicle for unseating the bargaining agent. Even where the members have ousted one union, that union may continue to exist and wait in the shadows for the majority union to make a mistake. Even if the minority union never achieves majority status again, the minority union strives to trip up the majority union's leaders, in particular during contract negotiations. Police management, the media, and elected officials like to see a divided membership.

## Conclusion

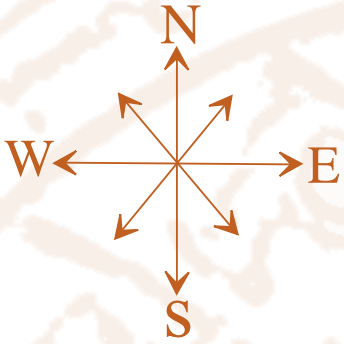
The concept of switching unions and having dual union membership creates an unhealthy atmosphere for police union leaders who fear that one misstep in dealing with the employer or management will cause dissident officers to start a drive to oust the union, not just the union president. The truth is that the officers in a particular agency make up the same pool of members and leaders regardless of the union's affiliation.

The "new and improved" union is still the same group of officers. The competition among the various police unions in raiding each other does more damage to the stability of the local union than management could ever do. One need only look at the achievements of the Australian and Canadian police unions to recognize that in the United States the police unions and police officers themselves are to blame for the chaos and lack of a national collective bargaining bill.

What does the future hold for police unions in the United States? A civil war cannot end without someone defeating the other side or the parties deciding to reunite. Under the current situation, no national union is going to defeat its competitors. The strife and turmoil will continue unless one or more of the national unions can set aside ego and historic grievances to unite one or more of the competing unions into a federation. There is no substantive difference in services on the national level among FOP, NAPO, IUPA, IBPO, and NCPSTO. All profess to be focused on federal legislation and assistance to their state and local affiliates.

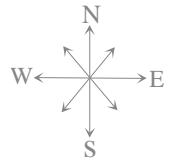
So why has there not been an effort at merging the national police unions into one powerful police labor union? The best answer lies in the observations of Sergeant Harold Melnik, who was the president of the Sergeant's Benevolent Association of the New York City Police Department, when he said the following in 1974 to the National Symposium on Police Labor Relations sponsored by the Police Foundation:

*"There is no single individual who has openly come forth with the ability, acceptability and platform to rally all or most police organizations for merger into a national police union...It can be said that while the police association leaders of the major cities recognize the awesome power that could be obtained through a national body properly led, a fear of assimilation with a loss of identity still exists in the minds of many of these leaders. Until the day comes when police officers readily identify themselves as a part of labor, only local and statewide groups will suffice and prosper."*



**SECTION THREE:  
POLICE MANAGEMENT: WALKING THE  
YARD WITHOUT A NET**





## Are Police Chiefs Becoming Outmoded Sternwheelers in the Political Debate over Crime?

### Chapter 7

#### POLICE CHIEF SELECTION AND SURVIVAL: LOOMING CRISIS IN AMERICA'S MAJOR POLICE DEPARTMENTS

By

*Dr. Sheldon Greenberg  
Johns Hopkins University*

*“There isn’t enough job security, money, or need within a city to make me want to be a chief of police again.”*

—Chief of police retiring after a long period of wrangling with his mayor over crime rates.

*“There’s no other job that compares. If you play it right, you come away with a feeling of doing good everyday.”*

—Chief of police on reappointment to his second term.

*“If you’re lucky, you get one hour a day to “chief” and do the things you know you should and could be doing for the good of the community and department. Most of your time is taken up with meetings, budget, complaints, and whiners.”*

—Chief of police, among the most tenured in the nation.

*“Never ride the first car in the parade.”*

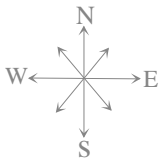
—Advice of a former chief discussing how to survive as a political appointee.

The position of chief of police is one of the most honorable, prestigious, and rewarding positions in a free society. It is a unique call to service, unparalleled in most other professions. It is a position of responsibility charged with providing and maintaining peace and safety for people and ensuring the viability and sustainability of neighborhoods and communities.

At the same time, the position of chief of police may be frustrating and tedious. At times, it may seem thankless. It is always unpredictable.

The issues facing today’s police chiefs are many and varied. While there may be similarities to those experienced by police leaders in the past, today’s issues are more complex, intense, daunting, and potentially explosive than at any other time in history.

Concerns such as violence, fear, homeland security, integrity, fiscal constraint, inappropriate profiling, civilian review, and more warrant constant attention. Pressure to do more with less, meet mandates imposed by law and legal interpretation, minimize negative liability, and accommodate the legitimate needs of special interest groups is felt, to some degree, by every chief of police regardless of locale or size of jurisdiction.



With all they must do and the effect of policing on people and communities, it is noteworthy that more chiefs of police do not resign, retire, or are terminated because of adversity. Most complete their term of appointment or retire with their reputation, integrity, and dignity intact.

There are many opinions about the average length of time a chief of police stays in office. Some say 2 and a half years, others say 4 years. Some say the tenure is increasing while others say it is decreasing. Regardless of opinion, there is consensus, albeit informal, that few chiefs sustain tenure for an extended period beyond a traditional 4-year term in office.

At the time this text was being prepared, 12 of the 50 largest city and county chief of police positions in the nation were vacant. Of the 12 chiefs no longer in office, some left under duress, some retired, and others simply burned out. Chiefs of police leave their job for many reasons: retirement, political interference, labor turmoil, bruised ego, new opportunities, and burnout are among them.

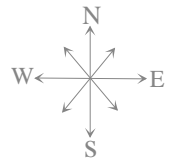
A couple of the positions were filled rapidly with the immediate appointment of an in-house deputy or assistant chief. In some of the others, officials expressed concern that their jurisdiction was not attracting a large number of qualified applicants. In a front-page article, a city council president expressed her frustration over the search and posed a fundamental question, “Why would one of the nation’s largest cities have trouble attracting a top flight chief of police?”

### **Attracting and Shunning Candidates**

Law enforcement does not necessarily lure the “cream of the crop” to the position of chief of police. Every jurisdiction wants to attract highly qualified, successful, committed, energetic candidates to take the helm of its police agency. Some move to appoint from among in-house candidates; some seek outside candidates; some pursue candidates based on race or ethnicity; and some want a candidate pool made up of all the above.

Not all communities seeking a new chief of police receive a glut of applications from qualified candidates. Some obtain only a few, to the bewilderment of local officials. There are several reasons for this. Jurisdictions may suffer from a negative reputation associated with the parting of the previous chief, the demeanor or less-than-ethical behavior of elected officials, or the less-than-ethical practices of the labor organization. Some jurisdictions do not compete well in salary, benefits, and incentives offered to a potential chief executive officer. Some simply recruit poorly. Some fail to recognize that there is a direct connection between the agency and its reputation and the selection process.

Candidates for the position of chief of police have various motives for pursuing the position. There are those who embrace the challenge of providing quality police service and sustained safety and tranquility to a community, while others seek a less stressful environment than they had before, perceiving that being a chief in a small or mid-sized agency is less of a strain than being a senior commander in a large agency. Some seek the position because of a long-standing commitment to, or friendship, with an elected official, while others are enthralled with the prestige, notoriety, trappings, and other recognition bestowed on the chief. Some see the position as a natural progression from the deputy or command role they held—in essence, a promotion. Many seek the position based on a combination of these motives.



The motive for applying will be based, too, on the candidate's skill and experience in dealing with issues comparable to those posed in the new position. Candidates who have experience and comfort with organizational change will approach challenges differently than those who have not. Those who have taken risks as leaders and achieved success will be prone to take risks. A change agent and risk taker may be out of place in an environment in which political leaders and others seek to maintain the status quo and want a caretaker. It is incumbent on the candidate and the hiring authority to look beyond basic credentials to make sure that styles match.

In today's environment, a potential candidate for the job of chief of police will consider many things before applying. Among them are the following:

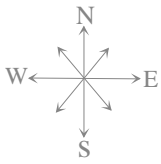
- A coalescing of the philosophy of policing between the prospective chief and the agency
- Potential to achieve stated goals
- History of previous chiefs and their reasons for leaving
- Community needs
- Relationship between the department and its community
- Relationship between the previous chief and employees
- Relationship between the previous chief and labor organizations (sworn and civilian)
- Political support
- Political interference
- Fiscal support
- Job security/executive contract
- Relationship with the media
- State of the organization (stable, progressive, turmoil).

Any worthwhile candidate will gather as much information as possible. He or she will review media archives, collect demographic information, and seek interviews with local business people, nonprofit leaders, community leaders, and others. During the interview for the position, he or she will assess the candor and forthrightness of the interviewers to determine if they are painting a realistic picture of the environment. Many candidates will talk to current and retired officers to get a behind-the-scenes perspective on the agency, explanation for the previous chief's departure, and view toward political and community influences.

Few elected officials or others overseeing the selection process ask hard questions about the motives of candidates who apply. If the jurisdiction draws a large number of applicants who meet the stated criteria, appointing authorities generally are satisfied. They may not realize that the best candidates stayed away from the process because of the jurisdiction's reputation, treatment of previous chiefs, rigidity of the labor contract, fiscal constraint, or other factors.

How the appointing authority, labor organization, and media treated the previous chief of police will affect the makeup of the applicant pool. If potential candidates learn that the previous chief was targeted inappropriately or unsupported by the appointing authority, many will shy away. If the previous chief of police was terminated because of political whim, knee-jerk decision making, or overreaction to a situation, the candidate pool will be weakened. If the chief lost his or her job as a result of an "assault" by the labor organization, the best candidates may think twice before applying.

Without self-assessment as part of the selection process, a jurisdiction risks attracting applicants who, while qualified, may not be the best fit. Ultimately, the community and the chief lose. The chief may not last and the reputation of the jurisdiction may become tarnished, inhibiting future selection processes.



## Lack of Guidance in Achieving Success and Overcoming Problems

There is little correlation between a chief's tenure and police department success. Many chiefs have met their demise at a time when community support was strong, staffing was full strength, and crime statistics improved. There is much to know and do for a chief of police to survive and succeed, but there is little orientation or training for new chiefs of police.

Those who served before make few efforts to provide mentoring to new chiefs and not many new chiefs seek mentoring. By the time new chiefs open themselves up to receive support and counsel, they usually are embattled on some front or another. At this point, they need help to get out of harm's way and, possibly, save their jobs. Learning from others how to be an effective or better chief takes a back seat to basic survival.

Many chiefs inherit a wide range of problems, often the same ones that plagued their predecessor. Those who did not do their homework during the selection process may be blindsided by some of these problems. Those who ignored the issues during the selection process or did not develop an approach to dealing with them pay a price. Many of the negative consequences could be prevented if education and coaching for new chiefs were part of the culture.

## Mid-Term and Short-term Appointments

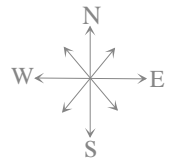
Candidates for chief of police and other political appointees want job security, just like the rest of us. A position that offers little or no hope of job security will not attract the best candidates. The phrase "serves at the pleasure of..." should not be synonymous with "insecurity."

A chief of police in a large county retired to pursue a position in the private sector as head of security for an international biotech firm. People in the community and department lamented the loss, but all understood and supported the chief's taking advantage of the opportunity. The now vacant chief of police position was a good one and offered an exceptional compensation package. The jurisdiction had a good reputation and many people thought that the position would attract a large number of exceptional candidates. The county executive for whom the chief worked, however, had less than a year and a half left to his term and could not run again.

An outside firm was hired to conduct the search for a new chief. One internal candidate applied, although four were thought to be prime candidates. Despite extensive advertising, only a dozen other qualified candidates applied.

The reason for the limited number of applications was simple. Few people wanted a job that offered only 18 months of security, regardless of pay or prestige. Without a contract or some reasonable assurance of job security, the position was unappealing to potential candidates, particularly to those who held secure positions as chiefs of police or deputy chiefs of police elsewhere. It was unappealing to potential candidates who would have had to uproot and relocate their family.

In spite of this circumstance, the jurisdiction attracted some highly qualified and capable applicants who were undaunted by the lack of security. It also attracted applicants who are forced to seek other employment or were ego-driven to gain the status of chief regardless of risk.



The position went to the in-house candidate who, already eligible for retirement, had the least to risk. The candidate pool was weakened by the lack of an appointment or contract that extended for a reasonable period of time.

## Land Mines and Pitfalls

*“The police view the public as the enemy.”*

—Last public quote of a chief of police before being terminated.

The really good people—energetic, skilled, educated, and caring—who aspire to the job of chief are those who believe they can lead, overcome obstacles, avoid landmines, and make a difference. No matter how well prepared or enthusiastic, however, a chief will face criticism, controversy, and hardship if he or she is not wary of the traps that cause chiefs to fail. These landmines and pitfalls lead to chiefs to be denigrated by special-interest groups, community organizations, employee labor organizations, disgruntled employees, newspaper reporters, irate attorneys, and others. Some chiefs, especially those who did not do their homework before applying, walk into the traps, while others create their own. The following are the dozen most common traps:

- *Failing to understand and respect the culture of the agency*

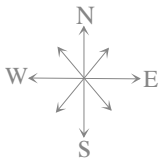
Few things will cause a new chief of police greater peril than failing to respect the culture of his or her new agency. Police agencies and police employees worldwide cling to their traditions and cherish certain practices as if they were rare family heirlooms.

After about a year in office, a chief of police who was appointed from outside, decided to change his agency's badge. The one the officers had been wearing was a modern version of the agency's 100-year-old original badge. The new badge reflected the city's new seal and, in everyone's opinion, was attractive, but it was not the original. When the new badge was issued, a depression befell in the roll call rooms at the district stations and investigative offices at headquarters. Resentment ran deep. The change in badge resurfaced every time the chief sought to implement something new. He never got beyond it.

An outside chief needs to study the agency's traditions, ask questions, allow time, and move carefully and strategically to be sure that he or she does not challenge the culture. Moving too rapidly to make changes, unless absolutely essential to the agency's survival, is the beginning of end with little chance of recovery.

- *Taking internal matters public*

People do not care about a police department's internal matters. Too many chiefs do not understand this and work hard to keep internal issues in the forefront. Despite what many chiefs believe, most citizens have little or no interest in staffing levels, work schedules, overtime, internal investigations, radio systems, salary, benefit packages, or grants. They want to feel safe and at peace in their homes and workplaces and they want a reasonable response to their crises.



- *Taking criticism and media reports personally*

*“The media loves you or hates you. They hate me.”*

—Chief of police responding to an editorial calling for his termination.

*“I don’t want every detail of my existence played out on the front page.”*

—Deputy chief of police, explaining his refusal to apply for the chief’s job.

A successful chief of police puts criticism in perspective. Chiefs of police are criticized; it comes with the territory. It is impossible for a chief to deal with the many multifaceted issues that arise without offending or frustrating some people. Taking criticism too seriously and responding vindictively is a formula for failure. Unfortunately, too often chiefs have turned away support, shunned labor representatives, failed to promote the best people within their organizations, caused unnecessary transfers, and reorganized entire units in response to criticism. These efforts frequently not only fail, but also cause or contribute to other failures.

Harsh criticism of the chief sometimes appears on the front page of the local newspaper or as the lead story on a television news show. A jurisdiction served by media with a reputation for berating the chief of police may find that qualified candidates for the position stay away.

The relationship with the media can make or break a chief. Critics of the chief, including a dissatisfied labor organization, may use a weak relationship between the chief and the media to foster their cause. If the media is not getting what it needs from the chief, it will be prone to listen and accept the word of the critics.

Chiefs who are targeted with what they believe is undue criticism may strike back with comments that complicate an already sensitive situation. They make it personal and, in doing so, make themselves vulnerable to further criticism.

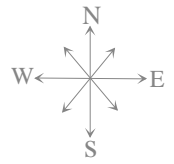
Some officials believe that harsh media scrutiny comes with the job. Others believe that chiefs get what they deserve. Some believe that the media strikes out at a chief who is not routinely forthcoming with information. Still others perceive that leaders suffer as a result of “post-Watergate journalism” in which young reporters see themselves as investigative journalists and feed on the mistakes of the police.

Generally, when a chief has an open, honest, ongoing relationship with members of the media, there is less tendency toward unwarranted attacks in the news. When the chief is distant and unresponsive, reporters will fill in the blanks or get them filled in by others, as they see fit.

- *Casual chiefting*

As clichéd as it may sound, the best chiefs of police are those who approach their position professionally. Good “chiefting” requires skill, study, diligence, awareness, and engagement. Good chiefs have a plan and most chiefs know this. They meet the challenges and fulfill their responsibilities conscientiously.

Good chiefting is as far removed from a laid-back retirement job as one can imagine. Yet, there are those who view the role as casual. They are nonchalant, not interested, and are unwilling to learn. They do not want to deal with the difficult problems and become involved in matters of importance only when absolutely necessary, usually when their backs are against the wall. Generally, casual chiefs are targeted quickly and, unless protected politically, do not last long.



- *Giving up the ranch*

A capable person applying for the job of chief of police will review the labor agreement as part of his or her homework before interviewing. If the labor agreement is perceived as inhibiting managerial decision making or prerogative, he or she may question the value of proceeding. Unfortunately, there are political leaders and chiefs of police who will “give up the ranch” to a labor organization if they believe it will gain support or calm troubled waters. They accept long-term adverse implications for the sake of short-term gain. The effect on the agency and community becomes secondary to labor peace. In such an environment, approval of staffing levels, work schedules, policy, promotional practices, transfer practices, and more may be vested in the labor organization. Management, labor, and the community lose.

- *Integrity and moral behavior*

Many people believe that American policing is an honorable and ethical profession. The small number of ethical violations, when compared to the vast number of contacts and situations in which officers engage, validates this integrity.

The easiest way for a special-interest group, labor organization, newspaper reporter, or disgruntled employee to weaken or destroy a chief of police is to pursue an integrity violation. The vast majority of the nation’s chiefs of police and sheriffs embrace integrity and, subsequently, minimize their vulnerability, but some do go astray.

Those who seek to damage a chief will watch for any violation, however slight, and build it into a cause celebre. Among the most common ethical violations used to wound a chief are lying, adultery, mistreatment of others, misuse of cell phones, misuse of a vehicle or other departmental property, misuse of time, and corruption.

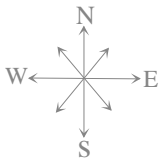
- A chief of police who sipped a glass of wine at an evening dinner where he was the main speaker was accused by the police union of drinking on duty. There was no ill intent or conscious ethical violation in this case. A member of the union videotaped the chief at the function. The story made the front page and it played out publicly as an ethics issue. The chief barely survived.
- Another chief of police used his departmental car to attend a political event. It violated the agency’s policy. He argued that a lot was happening that evening and he had to have the car available. His response was fruitless. The incident received extensive play in the media and the chief resigned.

Like Caesar’s wife, a chief must be above reproach. For chiefs of police, the integrity parameters are far tighter than for others. When these parameters are violated, recovery is slow, if at all.

- *Embracing flavor-of-the-month politically motivated policing and ignoring the basics*

Chiefs have lost their jobs because they failed to focus on the core needs of their community, and focused instead on politically expedient programs. Quality response to calls for service, effective patrol services, crime prevention, and traffic enforcement took a back seat to flamboyant programs that garner political favor and quick headlines.

There is nothing wrong with pursuing new and special programs or the latest round of funding from federal agencies; however, when this occurs to the detriment of basic police services, everyone loses.



Flavor-of-the-month programs can consume a chief of police and the department. These programs capture grant funds, gain positive press, look good to the community, and provide fodder to political leaders seeking reelection.

In supporting special programs and initiatives, some chiefs have been forced to drain patrol resources to excess. Some have relied so heavily on overtime to fund these programs and initiatives that they can no longer find volunteers to work it. Some have turned a blind eye to political leaders who count on grant-funded personnel to supplement the department's allocated strength.

Few chiefs take a stand against flavor-of-the-month programs. They go with what is popular and what is fundable over what is essential. They put specialized programs before basic services. Chiefs who gain a reputation for weakening basic services in favor of supporting specialty programs quickly lose the support of their employees.

- *Failing to listen to supporters and dissenters*

Few things will cause a chief greater peril than failing to listen to the officers, civilian employees, and senior officials in his or her command. Conversely, few things will secure a chief's position and endear him or her to others better than listening.

Almost everyone—police officers, senior commanders, community leaders, residents, business people—want their chief of police to succeed. They have ideas, experiences, cautions, and contacts to support this success and they need to be heard.

The chief who fails to listen to supporters and potential supporters sets the stage for a difficult tenure. According to retired Chief Neil Behan of the Baltimore County Police Department, the chief who fails to listen to his or her dissenters is equally doomed. He points out that dissenters have much to offer and that, if sought, there is information of value in what they say. He adds that listening to a dissenter is often all that is needed to weaken the dissent.

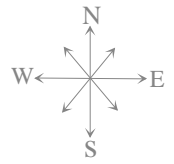
- *Failing to gauge politics*

Police chief survival is contingent on maintaining a positive relationship with the appointing authority—usually a mayor, county executive, or city manager. Ideally, the appointing authority and the chief will have compatible goals and approaches. In the best of circumstances, however, a chief must walk a fine line between blindly supporting his or her boss and pursuing activities and programs that are important and possibly politically unpopular.

A chief may take an important public stand on an issue. His or her motives, principles, and concern for people may be above reproach. Nonetheless, if the issue is too controversial, sensitive, or unpopular, the chief's job could quickly become at risk. A chief of police must choose carefully and know when to weigh in on an issue. He or she must be willing to accept consequences for taking a stand or upholding a principle.

- A mayor declared that his city would see a dramatic reduction in homicide and violent crime. He targeted a specific number of homicides and bragged that his crime-fighting strategies would cause his goal to be realized in short order. The chief supported the mayor's goal, even though he knew that targeting a specific number of homicides was foolish. When the number was not reached, the mayor put forth a series of excuses. Shortly thereafter, when no additional reduction was realized, the chief resigned.





- Several chiefs of police who supported the ban on the import of assault weapons and the manufacture of “cop killer” bullets lost their jobs because their view created political upheaval. Their positions were filled by those who supported the prevailing political sentiment, but were not necessarily best qualified to be chief of police.
- Other chiefs of police have lost their jobs for far less noble reasons. They took a stand on an issue prematurely, and did not communicate with their appointing authority before going public. They assumed that their points were so logical that everyone would support it, but they underestimated the influence of special-interest groups or political backers who opposed their point of view.
- In a Midwest town, a chief of police referred to an underdeveloped area of the community as a “barren wasteland” that has no use and drains police resources unnecessarily. His comments were reported on the front page of the region’s daily newspaper at the same time that his mayor was trying to land a deal with a developer to build a townhouse and apartment complex and a shopping center on the property. The wounds the comments caused never healed.

- *Riding the first car in the parade*

Too much visibility and notoriety is dangerous. It is not the chief’s job to capture headlines, seek the spotlight, claim credit for himself or herself, or attract more attention than his or her appointing authority. When the chief becomes so colorful that he or she gets more and better press than the boss, his or her tenure becomes shaky. According to Tom Frazier, executive director of the Major Cities Chiefs Association, no chief should ride in the first car in the parade.

- *Enjoying being king too much—embracing the trappings of the job*

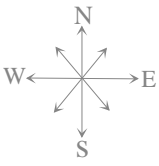
There are chiefs of police who love the trappings of the job—the special treatment, drivers, aides, security details—too much. They become dependent on and demand more of it. They become self-enamored and, in doing, lose the credibility of their personnel.

It is good to be king. The chief of police who embraces this old adage as a way of life will quickly lose the support of his or her personnel. When the chief’s ego grows larger than his or her principles, tenure in the position will be short.

- *Statistical overkill*

Most chiefs of police realize that statistics do not solve human problems and that statistics do not convey all that the department does. They recognize, too, that gathering and reporting statistics is a reality of policing and, in most jurisdictions, a political expectation. However, when statistics are the sole measure of a department’s performance, views toward the quality of policing decline. Ultimately, the chief of police may lose the support of his or her employees and people in the community.

People want more than statistics as the measure of performance of their police. They grow weary of statistical reporting. People in fear find little relief in statistical change. Employees, too, grow weary of statistical change as the primary measure of their worth. Yet, there are many chiefs who view statistics as a magic elixir to apply to all ailments. They pump out the statistics readily in response to almost every inquiry and use statistics to fend off accusations, demonstrate value to members of the community and employees, and increase their budgets.



Some executives do not seek or do not know how to provide other measures of effectiveness and, for them, there are repercussions. When public demand for relief from fear is not answered substantively, there may be an external demand for new leadership. When employees express frustration because of real or perceived staffing problems, lack of internal communication, or other concerns, some chiefs respond by throwing out statistics to extol the agency's performance. Countering concerns by citing the department's improved crime statistics falls on deaf ears. If substantive response beyond a statistical defense is not provided, there may be an internal demand for new leadership.

## Conclusion

The job of chief of police is one of the most important, challenging, and rewarding in American society, and yet both large and small jurisdictions have difficulty finding and retaining the best possible people to serve as chief of police.

In some jurisdictions, the failure to attract qualified candidates and the inability to retain chiefs of police have reached the point of crisis. Employees, political leaders, and community leaders spend more time seeking candidates and orienting new chiefs than dealing with the substantive community issues that require their attention.

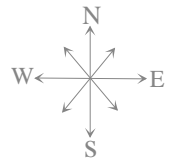
Times have changed, and many law enforcement professionals are being more judicious in their decision to pursue an appointment as chief of police. The complexity of community issues, demand on police agencies to assume new and nontraditional responsibilities, fiscal constraint, political interference, and lack of job security are among the inhibitors that prevent some of the best potential candidates from pursuing the position.

Methods for selecting chiefs of police leave much to be desired. They tend to focus on show-and-tell processes rather than substantive steps that could connect the community to the best possible choice.

No solution guarantees that a jurisdiction hires the best possible candidate for the position of chief of police. There is no way to guarantee that a candidate for chief of police will end up in a long-tenured position without stress and strain.

The jurisdiction doing the hiring must do more than usually occurs in a selection process if it hopes to attract the right candidates for the job. Extensive advertising and a good salary and benefits package are insufficient. Being honest about the agency and its issues, understanding the policing needs the community, providing job security and appropriate support, and asking the right questions of candidates are essentials of the successful process. The right fit is everything.

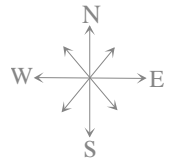
For candidates, the prestige, excitement, and personal achievement of becoming a chief of police need to take a back seat to the extensive amount of homework they must do. Candidates need to explore approaches to policing, history, politics, opportunities to affect change, job security, and much more. Unfortunately, these things are ignored or scanned superficially. The result is a short-lived tenure. The right fit is everything.



Once in the position, a chief needs to be ever diligent in moving the agency forward in the right way, with the right support, if he or she hopes to avoid the landmines and pitfalls that can end his or her tenure. Twelve essential things a chief must do to survive and succeed are the following:

1. Respect the culture.
2. Keep internal matters in house.
3. Do not take criticism or media reports personally.
4. Embrace the art, science, and challenge of “chiefing” well.
5. Keep management prerogatives out of the union contract.
6. Maintain the highest standard of personal and professional integrity.
7. Be wary of flavor-of-the-month policing.
8. Listen to supporters and dissenters.
9. Gauge the political environment.
10. Stay away from the first car in the parade.
11. Keep the trappings of the job in perspective.
12. Balance statistical reporting with other outcomes and measures of effectiveness.

The steps needed to improve the selection and tenure of chiefs of police and, ultimately, the quality of police service provided to people are not complex or overwhelming. Jurisdictions seeking a chief must commit to conducting a quality search and creating an environment in which a police leader can thrive. Candidates for the position must be diligent in finding a jurisdiction or agency appropriate to their philosophy, skills, and career goals. Once the position is filled, the work of the appointing authority and the chief of police begins.



## Getting Everyone On Board

### Chapter 8

#### A CHIEF'S WILLINGNESS TO SHARE POWER HAS BEEN THE SECRET TO SUCCESS

An Interview with  
Harold Hurtt, (former) Chief of Police  
Phoenix, Arizona, Police Department

By  
*Shelly Wilkison*

Gone are the days of the traditional, stand-alone police chief whose style of leadership was to hand down directives for change through a command staff and watch from a comfortable chair at a safe distance while others struggled to implement them.

In the modern police world, one rarely finds a police chief standing alone demanding change. Over the years, major city police chiefs have learned that they need the support and cooperation of union leaders, command staff, and other stakeholders such as the business community, the media, local politicians, special-interest groups, and the general public to implement change successfully.

Harold Hurtt, former chief of police in Phoenix, Arizona, and current chief in Houston, Texas, says that during his 34 years in law enforcement, he has seen a shift in power from the police chief to the influence of police unions. And he knows that to be a successful chief, he needs to maintain a good relationship with union leaders, as well as with the rank-and-file and command staff.

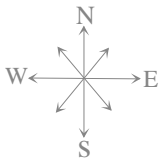
"Being a stand-alone chief might be a very brave thing. But, I've seen a lot of chiefs standing alone with a bunch of arrows in their chest," he said.

Chief Hurtt began his career as a patrol officer in Phoenix in 1968. He earned college degrees as he climbed the ranks, and in 1992 left Arizona to become police chief in Oxnard, California. In April 1998, the City of Phoenix invited him to come home and serve as chief of the 3,700-member police department.

"Everything was working well when I came in (as chief)," said Chief Hurtt. "So the challenge was to keep things working smoothly. The worse I could do was to allow something to deteriorate."

Paramount on the list was his relationship with labor.

For many years, the Phoenix Police Department has been considered one of the premier law enforcement agencies in the country. While in recent years the department has earned a reputation as a leader when it comes to the level of service it provides to the public through its community policing initiatives, it has also emerged in professional law enforcement circles as one of the most desirable agencies in which to work. Chief Hurtt says that this reputation is based on the positive relationship management has with the police union—a relationship founded on mutual respect and understanding, and increased by constant communication. It is a relationship he works hard on every day, and the benefits reach far beyond the walls of the police department.



No community wishes to sit on the sidelines and watch sparring between the police chief and the union leadership. Chief Hurtt says such public sparring causes citizens to become concerned about the daily operations and effectiveness of the organization.

“The last thing the public wants to see in the newspaper is the police chief and the union president fighting each other,” he said. “Because in all this drama they ask, ‘who’s taking care of me?’ That’s all they want to know.”

“Police unions have become more powerful now than at any other time in the history of this city. They are so far ahead of management when it comes to working the system. Their leaders are sharper and more in tune to the political process than the command staff. It’s the part of the profession that’s been able to compete and survive in the political arena,” he said.

Police unions in Phoenix and other major cities have built relationships with local elected officials to the point that unions now have a more direct line to those in power than management does. Through their political action committees, unions contribute money to political candidates and actively work campaigns to elect their advocates to positions on governing city councils or commissions. Additionally, unions have become coalition builders in the community by establishing relationships with citizen groups to build a broad foundation of support.

Chiefs, on the other hand, have limited access to elected officials. They are prohibited from endorsing political candidates and working in their campaigns. Chief Hurtt says that often puts chiefs at a disadvantage. However, there are ways to get the ear of elected officials without going to them directly. By building good relationships with community groups, a chief can communicate needs or concerns indirectly to elected decision makers.

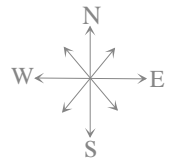
Chief Hurtt says the implementation of community policing programs throughout the country has contributed to the shift in power. By the very nature of their jobs and their regular exposure to residents in the neighborhoods under their watch, police officers have developed positive relationships, and that support has naturally followed them to city hall.

“We wanted community policing, and we wanted improved relations between the police and the community, and this (shift in power) is one of the offshoots of that. The unions and the employees have become very powerful,” he said.

### **Sharing the Power Makes Change More Effective**

In recent years, Chief Hurtt has called on the union many times to help him implement new programs within the department, as well as to help garner public support for new initiatives. In 2003, the chief and the union worked with fire department administrators and fire union leaders to convince voters to adopt a multimillion-dollar bond proposal.

And as recently as summer 2002, police management and the union stood together to tell the public that Ford Crown Victoria Police Interceptor vehicles were deadly. Three Arizona officers were killed in recent years when their patrol vehicles burst into flames upon rear impact. The Phoenix Law Enforcement Association and Chief Hurtt asked the mayor to delay \$4.4 million order for new Crown Victorias until the fuel tank problem could be resolved.



Police management and the union worked together to put in place a Bureau of Homeland Security in Phoenix, one of the first of its kind in the country. Phoenix police, fire, and emergency medical personnel worked together to create a first responders strike force. Personnel from each agency will train, live, and work together as a combined bureau to prevent acts of terrorism in the city.

Chief Hurtt says he would not have been successful in implementing these and other initiatives had he not cultivated the support of the police union. Unfortunately, if something goes wrong along the way, it won't be the union or elected officials that catch the criticism. By the nature of his job, it will be the chief who gets blamed if something fails. While the reality of that may be a source of frustration for some, there is greater frustration in trying to dictate change to uncooperative troops.

By sharing the power of the chief's office with the union, police department staff and even special-interest groups in the community, a chief will be much more successful in his or her attempts to implement change.

"The frustration comes when the chief is not mindful that [a] shift in power has occurred. Chiefs need to learn how to share the power of the office," said Chief Hurtt.

"Chiefs have been reluctant to change and admit that this shift of power is occurring," he said. "Instead of fighting it, you may have to stomp your toe and re-evolve as a partner in the decision-making process."

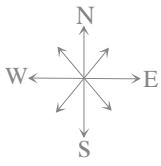
Chief Hurtt likened his relationship with Phoenix police unions to a marriage. "When things are good, they are very good; and when things are bad, they are really bad," he said.

The truth is that Phoenix may have the best working relationships between police management and labor of all the law enforcement agencies in the country today. Chief Hurtt says maintaining a good relationship with the union is a full-time job.

Communication is the key. That's why Chief Hurtt meets monthly with union presidents, and members of his command staff meet monthly with union leaders to talk about issues affecting the membership. Each quarter, all management staff members meet with union board members. Management and union representatives also attend an annual retreat off site. Chief Hurtt says the extended time away from the police department offers the opportunity for more informal relationship building, something he believes is important to the long-term partnership.

But communicating with union leaders isn't always sufficient. Many times, it's important to get information directly to the front-line officers. Chief Hurtt says he goes to great lengths to make sure his officers never have to learn news of the department first from the public media. So in addition to other more traditional and common forms of communication, the department has implemented PDTV, a video networking system that allows management to communicate quickly with officers on roll calls or show-ups. Announcements are also posted regularly on the department's web site, and officers are alerted to breaking news quickly through the Employee Notification System.

"Rumors will kill an organization faster than anything," he said. "We try to give them accurate information as soon as possible, whether the news is good or bad. Frequent communication improves morale."



Throughout the communication process with the unions, administrators carefully log the concerns brought to them and take the time to document the status of issues or problems brought to their attention. Management regularly generates a report for city management and elected officials showing its communications with the union.

“Chiefs who want to make changes in their departments have to make the union a full partner,” he said. “By making the union a partner, you take away the fear and the uncertainties of the officers.”

Perhaps the most common challenge to the labor-management relationship comes following an incident where an officer uses excessive force.

“The public and the troops are looking for the chief to say something, and the absolute worst thing a chief can do is to say ‘no comment,’ stay silent, or condemn the officer without an investigation,” he said.

Following an officer-involved shooting in Phoenix, for example, the media are briefed soon after the incident. Then, regular briefings on the investigation follow.

“We give them progress reports on the investigation; these don’t have to be conclusions. Sometimes, it suffices to provide simple updates on areas of the investigation we are looking into at that point in time,” said Chief Hurtt. Before management briefs the media, it sends the news to officers.

## Understanding Union Dynamics

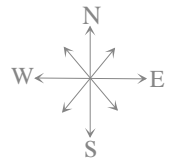
Management will be more successful in its relationship with union leaders when it reaches a better understanding of the dynamics of union governance and internal politics.

“The same people who give me headaches are the same people who give them (union leaders) headaches,” he said. “Union leadership is kind of torn in that the squeaky wheel usually gets the grease. I understand that the union president sometimes has to beat his chest...it’s a matter of personal pride a lot of times, and he has a constituency of his own to answer to. And sometimes, union members may become a little uncomfortable if they see their president spending lots of time with the chief.”

Chief Hurtt said the pressure on the union president becomes especially evident as the union prepares for contract negotiations. Younger members prod for more money now while the tenured members want the president and the bargaining team to focus on retirement benefits.

When the time comes to ratify the police contract, the union spends a great deal of time making sure members understand every detail. In the past, Chief Hurtt says, most officers have had a more thorough understanding of the contract than the command staff. So he now brings in union representatives to train his command staff in the fine details of the agreement in an attempt to expose them to the varying interpretations of the issues. He says by using this approach, many misunderstandings are cleared up before they escalate to grievances.

“You know, there’s always going to be that 2 percent or less of officers (the squeaky wheel) who will try to get the grease. When leaders concentrate on those, they punish the entire organization. Pretty soon, the organization is judged based on the actions of a few, I try to concentrate on those who want to understand and are willing to listen,” he said.



## Willingness to Share the Leadership Role May Be the Secret to a Chief's Job Longevity

Chief Hurtt acknowledges that with more than 4 years as chief in Phoenix, he has already surpassed the average tenure of most major city police chiefs.

The Major Cities Chiefs organization finds that among police departments with 1,000 or more officers, the average length of stay for a police chief is 2 and a half to 3 years. In fact, within the past 10 years, major cities like Chicago, Philadelphia, Dallas, Washington, D.C., and New York each have had three to five turnovers in police chiefs. In Los Angeles, William Bratton became the sixth police chief in the past 10 years.

Chief Hurtt attributes his good fortune in Phoenix to his willingness to share the leadership role, and his ability to stay positive.

"We (his management team) don't talk negatively in staff meetings. We ask what's working, and how can we improve on areas that need to be advanced further. Positive thinking creates an atmosphere for success," he said.

Most cities are looking for chiefs who can motivate and inspire employees. To do that, a candidate will be a good listener and understand that change "doesn't have to be fatal," Chief Hurtt said.

A successful chief will also be global in thought and have a history of solving problems. "Traditionally, we haven't spent enough time looking at our processes. It's easier to point to the people as the problem, but a lot of times when organizations have a great deal of issues, it's really the processes that aren't working," he said.

Chiefs who have traditionally been reluctant to go outside law enforcement circles to seek help in finding solutions to problems should be more open to influence. "There are some people outside this box who know a little bit, and we can benefit from some things that work in the private sector," said Chief Hurtt.

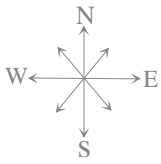
City management also wants a police chief who understands the political process, the media, and will be involved with the community. And finally, it wants a chief with a thorough understanding of the budget process, and someone who knows how to effectively manage resources. Rank-and-file officers simply want a chief who is fair.

"They (city management) don't expect a chief to know it all, but they do expect a chief to be wise enough to use all the resources available," he said. "They aren't looking for bosses anymore."

## Dealing with the Administrative Challenges of Community Policing

For Chief Hurtt, the biggest challenge to his career as chief may be looming somewhere in the not-too-distant future. During increasingly tough economic times, how will the police department continue to meet the public's high expectations for service created under the community policing philosophy? The price tag for human resources continues to climb despite a downturn in the local economy, while the demand for police presence in local neighborhoods continues to be a top priority for citizens.





“When we created community policing, we created a monster as far as the level of expectation the public has regarding our ability to reduce crime and increase the quality of life. The public expects us to deliver on all the promises we’ve made.

“Community policing is human-resource intensive, and that’s a big strain on the budget. We just can’t continue to be the full-service organization and have the quality of officer the public has come to count on. Because of the politics, we can’t even have the discussion about which services we can’t do without in order to identify the core services. In some cases, I believe we may have oversold community policing, but then the level of expectation is not going to change, regardless of the state of the economy,” the chief said.

“In the past, for a chief to work his magic, he would scare the heck out of the council and city management by claiming crime was up. Now we’ve started community policing and we’ve promised the public we can deliver everything,” he said. The city has expanded its service to provide special attention to senior citizens and juveniles, and even in-school and after-school programs, all in an effort to make residents feel safer.

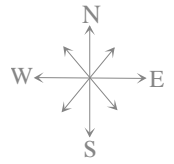
“So now that we have less money to work with, how does the chief go to the politicians and obtain the necessary funding?” he asked. “We have greater demand, more complex investigations, and increased numbers of employees due to COPS grant funding for more employees in the mid-1990s. We’ve eliminated much of the traditional arguments.”

Chief Hurtt says the answers won’t come easy or quickly, and he will no doubt turn to the unions for input.

“I think we’ve been successful in the past in the traditional role of police chief. After all, that’s what it took to get us where we are today. But now we have to understand that we have to change from the traditional model, and change doesn’t have to be fatal. To change doesn’t mean something was wrong before. There’s always room for improvement in what we do,” he said.

“Generally speaking, I think people want you to succeed. It’s kind of like listening to someone give a speech—wouldn’t you rather the speaker be entertaining and informative as opposed to boring and lifeless?”

*Postscript: Chief Hurtt resigned as chief of police in Phoenix in February 2004 to become the chief of police for the Houston (Texas) Police Department.*



## Admiral Rickover or Captain Bly?

### Chapter 9

## A RADICAL APPROACH TO REFORM ANGERS POLICE UNIONS

An Interview with  
Jerry A. Oliver, Sr., Chief of Police  
Detroit (Michigan) Police Department

By  
*Shelly Wilkison*

### **New Chief Not Surprised by Detroit Police Department's Resistance to Change**

Police union leaders have attempted to paint him as a radical because of his hard-line approach to reforming the police department, but Police Chief Jerry A. Oliver, Sr., says he's simply getting down to the business of transforming the Detroit Police Department into a model of professionalism.

Within the first 6 months on the job, Chief Oliver, 54, made so many dramatic changes inside the organization that everyone from patrol officers to command staff complained about something. Chief Oliver says that's to be expected considering the fact that he is the first chief of police to be hired outside the agency since 1968.

"I like to be liked just like everyone else does. I'm human," he said. "But, I have a job to get done and it's something I'm going to be held accountable for."

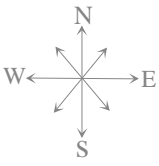
"I think my detractors often paint me with a serious no-nonsense brush. But in reality, I'm just showing up every day to work," he said. "When I say that I'm going to work, that means I am going to work. I don't have a lot of time to move this agenda, so every day, I have to work."

"I'm not standing in the road like General Patton as some would suggest, but I am deliberate and determined," he said.

Chief Oliver, who says he is determined to transform the agency into a model of professionalism, has created a whirlwind of controversy among the department's 4,300 officers.

He believes it's time to do away with old practices and make the agency more professional, disciplined, and innovative. For some time, rumors of cronyism and corruption within the Detroit Police Department have been commonplace. In fact, the department is the subject of an ongoing federal investigation into possible human rights violations that include the shooting of 40 citizens in a 5-year period.

"My leadership style formed over 32 to 33 years in policing, and it's one that's based on winning, which is extremely important in this business," he said. "Winning means providing superior policing services, problem-solving services, and law enforcement services. My belief is that we provide confidence to the community—confidence that they can feel safe in their environment."



To promote public confidence in the department, Chief Oliver has instituted new policies changing everything from the way administrators are promoted to ordering all officers to wear uniforms with the exception of undercover officers.

He said previous police chiefs who rose up through the Detroit organization had developed ties that kept them from making the radical changes that needed to be made.

“I came in from the outside, I didn’t ride around with a partner in a patrol car or wasn’t a member of this union, so I can make decisions based on merit and what I see needs to be done, and people don’t like that. I came to Detroit because of this mayor (Kwame Kilpatrick) whom I admire greatly. He asked me to come and build a world-class police department and that’s what I’m doing,” he said.

Chief Oliver says leaders of the police unions have been critical of him from the beginning. In fact, union leaders have tried to label him as “anti-union,” but Chief Oliver says that is a misrepresentation.

“Unions have been good for policing in this country. In fact, I believe that unions have brought policing through the dark ages,” he said. “But, I believe in taking things in moderation.”

“In our case, the police unions have a death grip on the status quo. They can’t figure out a way to move forward,” he said. “I’d like to work with them to move forward, and be able to use their clout and influence to make change, but they are determined to protect the status quo. So in the process, they try to label me as someone who doesn’t quite get it. They say I’m anti-union and try to separate me from the herd.”

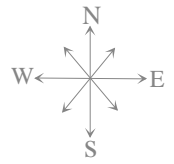
While new policies are certainly the subject of complaints throughout the ranks, it’s the chief’s public statements that seem to be the source of much of the discontent. He has stated he intends to fire “criminals” in the ranks, pointing to hundreds of unresolved cases in Internal Affairs, many of which stemmed from criminal complaints against officers who are still on the job. He has also been accused of disliking fat people, interfering with officers who have children out of wedlock, and snooping into officers’ financial affairs.

Chief Oliver says improving officers’ professionalism, appearance, and behavior is good police practice. He wants officers who are physically, mentally, and financially fit. Those who have good finances, for example, can stay focused on their job, he said. And officers shouldn’t break a fingernail when they reach into their holsters, or wear jewelry that interferes with their ability to subdue a subject. Their hairstyles should be neat.

“Maintaining a professional work force is essential to the success of the department,” he said. He believes that everything will change for the better if officers develop a greater sense of pride in who they are and what they do. “I don’t want C students around me,” he said. “I want us to wow them (the public) every day.”

Chief Oliver has implemented performance objectives for employees at all levels. He says accountability will be expected from the chief’s office down.

He ordered departmental supervisors from the rank of inspector and above, including three deputy chiefs, to compete through testing and interviews to fill six slots as deputy chiefs. Until now, appointments to deputy chief were made solely at the chief’s discretion, with patronage, friendship, and city hall politics coming into play. Chief Oliver believes that by earning the positions, the leadership will be more accountable. The administrators were given a 100-question, multiple-choice test based on two books Oliver passed out weeks before: *Character and Cops: Ethics in Policing* by Edwin J. Delattre and *21 Irrefutable Laws of Leadership* by John Maxwell. He also threw out the sergeant’s promotion list and ordered a new test that he says will focus on leadership.



Inspector Laura Isom, president of the Detroit Police Command Officers Association, told *The Detroit News* that the union welcomes change that will improve the department's response to the city's needs. However, the new test is "based on two pop-culture best sellers which have nothing to do with keeping the streets of Detroit safe," she said.

James Gawlowski, president of the 1,000-plus member Detroit Police Lieutenants and Sergeants Association, said he sees Chief Oliver's insistence that officers have good financial records as an invasion of privacy. "That's none of his business," Gawlowski told *The Detroit News*. "If they're worried about my people being susceptible to corruption, then pay us all the money you owe us from past arbitrations. Pay us raises. Pay us on time."

He also rejected Oliver's demand that officers be physically fit. "Now he wants to impose job sanctions if you're out of shape? That's ludicrous. A lot of officers were overweight when they were hired," he said.

Chief Oliver said the conflict with the union leaders is simply a result of his desire to "make our people more professional. All I'm trying to do here is get the green stuff off the pond by adding a little oxygen to the water."

While Chief Oliver says he has invited union leaders to his staff meetings, they have yet to attend. However, in meetings with other high-level administrators, union leaders seem concerned only about discipline and the police contract.

"My question is what about honor, integrity, and the oath they took? What about the code of ethics? Are we so caught up in the language that we have forgotten who we are?" he asked.

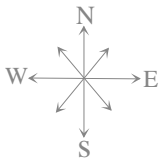
Chief Oliver said his department is headed for a U.S. Department of Justice consent decree as a result of alleged civil rights violations. He said working with union leaders to make effective change to avoid the federal government taking action against them should take priority over the union contract.

In addition to his efforts to improve the professionalism of the force, Chief Oliver says he is also focused on getting the resources that officers need to do their jobs. In some parts of the city, officers have been working in substandard facilities for years. Chief Oliver was able to close down some mold-infested buildings and move employees to temporary quarters while a new communications center is built. The department also lags behind in the area of technology and the chief is working to acquire new equipment through grants and other sources.

He said he can save money by allowing civilians to take over the internal administrative operations of the department. The money saved could be applied to raises for officers, whom Chief Oliver acknowledges are woefully underpaid. The department's starting salary of \$25,000 a year is the lowest among big-city police forces.

Chief Oliver, who started his police career in 1971 in the Phoenix Police Department and climbed the ranks to assistant chief before going on to serve as chief in Pasadena, California, and Richmond, Virginia, says he realizes the enormity of his reform plan and understands that change won't happen overnight.

"It took thousands of years and small stream of water to build the Grand Canyon," he said. "I think it will be determination and perseverance that makes things happen here. I don't expect it all to happen under my watch, just like Moses knew it when he went to the Promised Land."

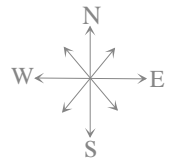


## Police Labor-Management Relations (Vol. I)

Chief Oliver said over the years that he believes the pendulum of power has swung from the office of the police chief “too far the other way.” Now, city councils, citizen groups, business groups...they all want to hold the chief accountable for a better system.

“They depend on the chief, but they don’t understand that we have union leaders who can be partners and sometimes obstacles in the reform process,” he said. “No one holds the union presidents accountable for things. All they get to do is throw rocks.”

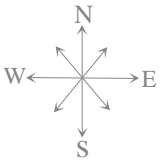
*Postscript: Chief Jerry Oliver resigned his position on October 31, 2003. Requests for comments on the chapter from the Detroit Police Officers Association went unanswered.*



## FOR MORE INFORMATION ON THIS CHAPTER

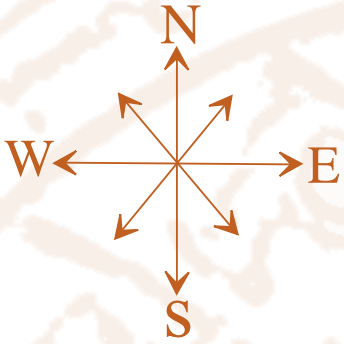
For a chronological newspaper account of the events in this chapter, go to *The Detroit News* at [www.detroitnews.com](http://www.detroitnews.com).

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- “Police chief starts department overhaul: Oliver says top brass must demonstrate they deserve their jobs,” by Hawke Fracassa and David G. Grant, April 19, 2002.
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- “Detroit’s top cop: Criminals on the force: Oliver will speed firing of rogue officers, turn them over to prosecutors,” by Norman Sinclair, May 28, 2002.
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- “Arbitrator overrules Detroit chief: Oliver must promote 91 officers he refused to advance after tests,” by John Bebow and David Grant, June 6, 2003.
- “Police union ad bashes Oliver: Spots questions chief’ failure to investigate how memo was leaked,” by Darci McConnell, June 12, 2003.
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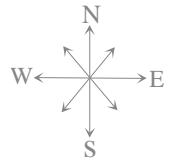
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- "Rally set for accused cops: Supporters will gather at Detroit's 4th Precinct to protest the charges," by Darci McConnell, June 24, 2003.
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**SECTION FOUR:  
POLICE UNIONS: THE DREADNOUGHTS  
OF THE POLICE WORLD**





## Chapter 10

### SYSTEMIC FAILURES: WHAT WAS WRONG WITH LAPD?

By

*Ted Hunt, Secretary*

*Los Angeles Police Protective League*

Bernard Parks looked and acted the part of a successful major city police chief. In uniform, he appeared dignified, albeit a little stiff. While not a stimulating speaker, he was well spoken. His work ethic was legend. He was politically well connected. He gave the illusion of being an excellent chief. He appeared to be just the person to clean up a “corrupt department.” According to his press relations campaign, he was doing all the right things. Chief Parks was holding officers accountable through discipline, firing bad cops, building a new department, lowering crime, and keeping the city safe.

- Why did community groups protest his reappointment?
- Why did the newly elected mayor withdraw support?
- Why did rank-and-file officers have no confidence in him?
- Why wasn't he reappointed?

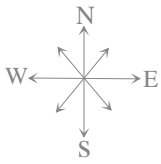
A surface analysis of why Chief Parks was not reappointed indicates specifics such as the elimination of the flexible work schedule, which frustrated and angered patrol officers; elimination of the senior lead officer's program, which frustrated and angered the community; and the implementation of a complicated, ineffective, inefficient, and unworkable personnel complaint system.

Those are only a few of the real and easily identifiable issues which were simply the manifestations of something much deeper—a failed culture, a failed leadership/management style, and a failure to keep focused on the basic mission of the organization.

Chief Parks as a person did not fail. No one worked harder than he did. The failure came as a result of his insistence of holding on to the only management paradigm he ever knew—the Los Angeles Police Department (LAPD) management culture—an organizational paradigm that long ago ceased to be effective. He tried to manage and lead a police agency based on systems that simply do not work anymore.

### Results

It is important to look at measurable results. Was Chief Parks holding officers accountable through discipline? Was he “firing bad cops?” Was he building a new department? Was he lowering crime and keeping the city safe?



## Holding Officers Accountable Through Discipline and Firing Bad Cops

No one wants bad cops because they attack the essence of the American way of life by undermining confidence in the police service. Let's also make it clear that there are mission-specific reasons why police unions don't want bad cops. They cost unions money by constantly draining valuable legal defense funds and by giving police a bad name, which makes it more difficult for the union to obtain improved pay and benefits.

The much ballyhooed Perez-Rampart Scandal showed that the so-called corruption was not systemic but, in fact, was isolated to a very few officers. Of the nearly 75 officers who were charged internally with misconduct, only a couple of officers were found guilty of any wrongdoing.

Most personnel complaints during the Parks regime were arbitrary, capricious, and ludicrous. For example, right after September 11, 2001, officers received personnel complaints for wearing American flag lapel pins on their uniform or flying American flags from the antennas of patrol cars. Moreover, examples abound of double standards and unequal enforcement of regulations.

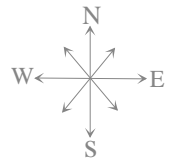
## Building a New Department

The LAPD as an organization was breaking down. The working environment, the morale, and the organizational culture, which are the chief's responsibility, were in disarray. As an example of his philosophy, Chief Parks was often quoted as saying that morale was not his problem. And he truly believed that.

The results were clear. By the time Chief Parks resigned under great pressure, the LAPD was in crisis and collapsing. There were significant indicators of organizational failure:

- **High attrition rate.** When Chief Parks took over in mid-1997, there were approximately 10,000 officers. When he retired in mid-2002, there were approximately 8,300 officers.
- **Inability to recruit new employees.** In the mid-1990s, the LAPD would put recruit classes of 80 to 100 new officers into the Police Academy every month. By 2000, the LAPD could field recruit classes of 25 to 30 every third month. Moreover, the LAPD could not attract nonsworn employees either. The Report of the Rampart Independent Review Panel (November 2000) stated that there were approximately 600 to 800 vacant support positions in the LAPD.
- **High injury and sick rate.** The sick rate increased noticeably under Chief Parks' tenure. Particularly interesting was the increase in the number of officers taking bonding leave. Some 45 percent of these were male. No one can say definitively that officers were taking full advantage of their right to bonding leave to look for a position with another agency, but the inference is there. One need only look at the high number of young officers with children who left LAPD to come to that conclusion.

One final word in this area. An important qualitative measure of a healthy organization are group celebrations such as divisional picnics and holiday season parties that dropped off to near zero during Parks' 5-year reign.



## Lowering Crime and Keeping the City Safe

The rise or fall of crime rates may or may not be the ultimate responsibility of the chief of police. But during Parks' tenure Los Angeles came to be known as the bank robbery and car theft capital of the world. Crime rates, particularly violent crime, spiked. The media and community representatives became critical of the department's response to increasing crime rates.

To respond to demands from the media and community, the LAPD held public meetings. Residents were invited to share their views, only to find out that the LAPD's real objective was to tell the people what a good job the LAPD was doing. Members of the public reacted with comments that were openly and vigorously hostile toward the management representatives who conducted the meetings. Essentially, the public complained that they wanted more visible patrol on their streets because they no longer felt safe.

For example, in January and February 2002 there were 14 homicides in the largely Hispanic area known as Hollenbeck Division. Nearly 150 people from the community marched in protest from the Hollenbeck Police Station to LAPD Headquarters at Parker Center, demanding that the police take more aggressive and preventive measures.

## Cultural Change

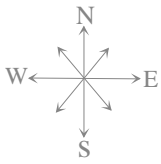
The LAPD's systemic failure is based on the entrenched organizational beliefs and values of the appointed managers and so-called leaders. Douglas McGregor of the Massachusetts Institute of Technology (MIT) gave us his thesis on management in Theory X and Theory Y. The basic assumptions of Theory X are that management alone is responsible for the organization and its results. Without strong management, workers would not do their jobs because the average worker is lazy, has no ambition, rejects responsibility, and in general isn't very bright. Chief Parks' management style was based on Theory X. This type of systemic thinking is a recipe for failure in a community-based policing program.

The basic assumptions of Theory Y state that workers want to be a part of something greater than themselves. It also assumes that workers are NOT naturally passive and resistant to the needs of the organization, but rather want to be team members where they can actively participate in something meaningful and enduring. There are few places where this is more true than in the police service. This type of systemic thinking is critical to a successful community-based policing program.

*Edgar Schein of MIT says, that "The most important job of the chief executive officer is . . . [to] establish the right culture . . ."*

Culture is rooted in the basic assumptions of an organization that are its beliefs and values. When combined, beliefs and values, in effect, synergize and produce attitudes. When attitudes are acted out they become normative behaviors.

If a chief wants to change outcomes, he or she must change the culture by going to the roots of culture (basic assumptions: beliefs and values) and shape them to attain the intended outcomes.



A successful culture will have effective and efficient leaders and managers. Leaders are leaders not based on their position in the organization. Leaders lead people, managers manage things. In 1962, Abraham Maslow of Brandeis University said that workers must be empowered to do their job because "...the more influence and power you give to someone else in the team situation, the more you have yourself."

Corrective learning must not be perceived as punishment. No matter how great the natural abilities of a world-class athlete, a coach cannot punish the athlete into world-class excellence.

The effective chief will be a coach. And to be an effective organization, all stakeholders have to be a part of and feel ownership in the organizational beliefs and value, mission, and goals and objectives.

Leaders help keep the organization focused on those things. In 1942, Joseph Scanlon of the Massachusetts Institute of Technology said that the "average worker knows his (her) own job better than anyone else, and that there are a great many things that he (she) could do if he (she) has a complete understanding of the necessary. Given this opportunity of expressing his (her) intelligence and ingenuity, he (she) becomes a more useful and valuable citizen in any given community or in any industrial operation."

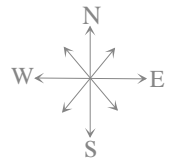
In a holistic view of public safety, leaders in the community policing environment will seek out positive participation from all stakeholders. This must be an inclusive process.

In this case, the LAPD management ignored community representatives unless they agreed with the edicts from "on high." The LAPD management also ignored the voice of the rank-and-file officers and their association. When the community representatives and the rank-and-file officers joined together in an effort to restore community policing, it was the catalyst for exposing the failures of the Parks administration. This exposure eventually led to Parks' resignation and retirement.

Community policing leaders are not leading until they include the community, rank-and file officers, and everyone else who has a share in the improvement of and delivery of police services. Leaders must be inclusive before organizational transformation can occur. The end result is the delivery of more effective and cost-efficient community oriented police service.

## Epilogue

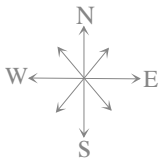
LAPD has been under the leadership of William Bratton for just over a year. In that time, the Department has reversed all of the trends we have looked at above. LAPD is no longer losing officers but, in fact, it is adding new officers every month. Injuries and the use of sick time are declining. Crime is declining. Divisional (precinct) summer picnics, holiday parties and other celebrations are occurring again. Chief Bratton has driven a clear message of insisting on transparency in the organization. The news media, the Police Protective League, and community groups are no longer the enemy of LAPD but partners in a collaborative effort to fulfill the mission of the Department. There are open communications. For example, Chief Bratton writes a regular column in the League's newspaper and League officers regularly attend senior staff meetings. People are praised for the good jobs that they do and those in authority are finally being held accountable. The LAPD has shown marked improvement.



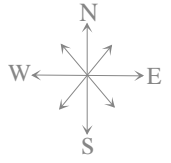
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For a chronological newspaper account of the events in this chapter, go to *Los Angeles Times* at [www.latimes.com](http://www.latimes.com).

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## Chapter 11

### A TALE FROM THE TWIN CITIES: HOW A COALITION OF POLICE OFFICERS AND CITIZENS CONVINCED THE CITY OF MINNEAPOLIS TO NOT CUT OFFICERS FROM THE BUDGET

By

*Michael R. Shannon*  
*Mandate Media*

“My name is Barbara Howard and I believe I’m the only witness to testify before this committee who has a contract out on her life.” That dramatic statement was the beginning of 4 hours of testimony before the Minneapolis City Council’s Truth in Taxation Committee that set the agenda for 2005 budget discussions and put public safety at the top of the council’s priority list.

It was a dramatic turnaround from only a week before.

At that time, in early November 2004, Mayor R. T. Rybak was working hard to pass a budget plan that cut eight police officers from the department’s on-the-street strength of 637 officers. This would have resulted in the fewest number of officers in the last 25 years, down from a high of 938 officers in 1997 to only 770 in 2005.

My client was the Police Officer’s Federation of Minneapolis (POFM) and it was obvious that in the very few weeks before the budget vote of December 13, 2004, the federation would need reinforcements to win.

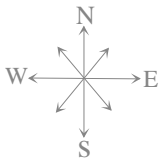
In fact, we would have to use all three of the “C’s” of successful public information campaigns if we were to have a hope of winning: context, coalition, and confrontation.

Our first efforts were to build the coalition for the confrontation. Barbara Howard, quoted above, is the owner of a beauty shop in a part of the city plagued by drug dealers and disorder. Her frequent 911 calls and attempts to clean up the neighborhood had earned threats on her life and rumors of a contract to kill her.

Howard became the first member of the coalition, and she was followed by homeowners, a pastor, businessmen and women, a mental health professional, community activists, and a fraud investigator for a major downtown business.

We found these volunteers by contacting officers whose primary assignment involved some type of community policing. These officers knew the individuals in crime-plagued neighborhoods and they made the first contact with potential witnesses before POFM board members closed the deal.

These individuals agreed to be witnesses at the city council’s budget hearing and to appear at news conferences during the public information campaign. They also worked to recruit friends and family to swell the ranks of citizens who wanted more, not fewer police officers. Once a witness was on board, we interviewed him or her and got the background on his or her individual crime problems and what he or she thought of the mayor’s proposal for additional cuts to the department.



These interviews served as the basis for the witnesses' testimony. Their stories provided the context for the talking points delivered at the hearing. Giving witnesses suggested talking points before the hearing also served to keep them on message and ensure that the important points were delivered within the time frame allotted each person. Witnesses who were particularly nervous could simply read the testimony, rather than speak extemporaneously.

Those witnesses became the basis of the coalition. The context was provided by the city across the river—St. Paul, Minnesota.

Context is where facts or issues are put in perspective for citizens and those not intimately acquainted with the details of the controversy. In the abstract, 637 police officers might sound like a lot to the average citizen who thinks one officer is too many when he's getting a ticket. But when you add context, pointing out that 637 is fewer officers than were on the job on September 11, 2001, and that during the time when Minneapolis was cutting police officers, St. Paul was adding officers, then the facts start to have an impact.

Minneapolis has fewer officers today than on September 11, 2001? People were first amazed and then many were angry—particularly those who had experienced Minneapolis' increase in crime first hand.

Now 637 is no longer just a number, it's an indication of decline, an explanation for the increase in crime, and an indictment of the mayor's priorities. The addition of St. Paul, and its increase in officers, shows that a mayor who puts a premium on public safety will find a way to keep the police force intact.

Yet all too often facts are not put in context for the public and, as a result, legitimate issues are defeated by half-truths and spin.

In the case of Minneapolis, the mayor based his case on the cut in funds provided to the city by the state of Minnesota and expiration of federal funding for additional officers. His contention was that with the cut in state and federal funding he was forced to cut the police budget; in fact, he was forced to cut the budgets of all city departments by 10 percent to make up for the shortfall.

In the abstract this makes sense. In context it is lunacy. St. Paul suffered from the same budget cuts, yet enlightened leadership in the Twin City was adding police officers. Instead of budget cutting by decimation, the St. Paul mayor cut the fat and pumped up the muscle.

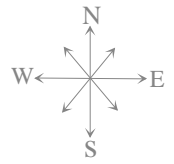
As POFM President John Delmonico commented to the media, "When your income is cut by 10 percent you don't tell the bank the mortgage payment will be 10 percent lighter this month. You cut what you spend on nonessentials so you can continue to pay for the essentials."

It's not the role of the POFM to set police policy in the city and my advice to union leadership is usually to stay out of staffing arguments.

In this instance, the POFM felt that it had to step in when elected leadership wasn't leading and overworked officers on the street were feeling the brunt of citizen dissatisfaction with public safety. Under those circumstances, manpower became a working conditions issue and a legitimate concern of union leadership.

But at the same time, a police union asking for more police offices can seem self-serving to the tax-paying public, hence the need for the coalition.





But in coalitions, bigger is always better and we had the added benefit of reinforcements from the invisible coalition: poll results. The POFM had recently conducted an opinion poll that showed that the majority of voters overwhelmingly wanted more police officers.

Now it became a question of timing. We had only 2 weeks before the budget vote. The first was spent building the coalition, doing research, and preparing for the budget hearing. There were only 8 days from the date of the hearing until the vote.

Normally, I would hold a news conference a week before the hearing to reveal the results of the poll demanding more police officers. Then on the morning of the budget hearing we would have another news conference featuring two or three of our most dramatic witnesses to give the media a teaser of their testimony. Then the rest of the week would be devoted to building pressure and the final “C,” confrontation.

This arrangement gives us two opportunities for news coverage and more time for the issue to penetrate into the general public. It also gives us more time to organize.

Unfortunately, we didn't have the luxury of time. On the morning of the hearing we had the news conference with the poll results. Since polls are just numbers and not visual, we had large color graphs made for the broadcast media with copies on CDs for print media. During this news conference we made no mention of the witnesses we had scheduled for the hearing that afternoon.

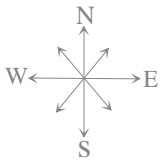
Why not, you ask? Because we didn't want to give the media a choice in what to cover. It was important that the council members know the results of the survey, (we thoughtfully provided them with a copy of the graphs in their council mailbox that morning), but even more important was that the council know that the media and the public at large are aware of the survey.

If we had witnesses at the conference the danger is that the media will cover the people and not the poll, defeating the purpose of the event. Reporters can interview people—and our witnesses were very dramatic—but you can't interview an opinion poll, and writing the story requires reading. All of which is more trouble than shoving a microphone in someone's face.

Besides, we already knew that the hearing would be covered that afternoon, so our witnesses would not be ignored.

With that morning news conference we began the confrontation process. The POFM received extensive broadcast coverage of the survey results and the next day the newspaper featured our budget hearing witnesses, which meant we were off to a good start.

On Wednesday of that week we had another news conference to play a radio spot that began that morning comparing crime rates between Minneapolis and St. Paul. (Again I would have preferred to wait a week for the commercial, rather than have two news conferences in the same 5-day period, but we didn't have that option.)



The radio commercial we played for the assembled media began:

*Minneapolis and St. Paul are the twin cities, but when it comes to violent crime — they're not so equal.*

*In Minneapolis we have an almost one-third greater chance of being a victim. FBI statistics reveal 11.95 violent crimes per thousand residents, compared to St. Paul's 7.62.*

*So what's the difference between the two cities — other than your chances of staying alive?*

The spot closed by urging citizens to call their council member and demand they add more police officers. This is living dangerously. The corollary to Pavlov's dogs is that when the bell rings, there had better be some dinner. If the public does not call when you ask them to, the political powers assume you are a paper tiger and your campaign collapses. The leadership of the POFM assured me that calls would be no problem.

Once again we had good turnout for the news conference, but even better, the salesman at radio station WCCO called that morning and said that after the spot ran callers swamped the station's switchboard asking for the mayor's phone number.

Why listeners call the radio station for the number instead of city hall remains a mystery, but we were very happy with the response. One of the more interesting calls that morning was from Mayor Randy Kelly of St. Paul who thanked the radio station for all the kind words regarding safety in his city.

To keep the momentum on our side, POFM President John Delmonico appeared on radio and television talk shows throughout the week. He talked about the poll, the lack of officers, the new cuts in manpower, and the crime situation. Each appearance reinforced our message and either reminded voters about or introduced voters to the issue.

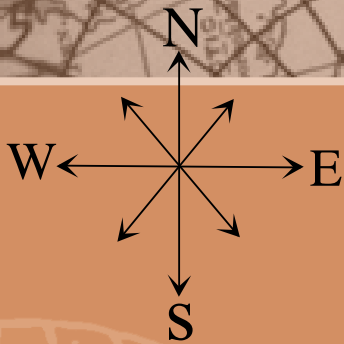
What he did not talk about was how to pay for the officers. That's the job of the elected officials, not the job of the cops. If the mayor and the council can't find a way to pay for public safety, then they need to find a career that doesn't require such tough decisions. What we did suggest was that they call the mayor of St. Paul for advice because he does not seem to have a problem keeping and hiring police officers.

The public campaign was generating so much notice that Governor Tim Pawlenty sent Mayor Rybak a letter advising him on how he could free up money to hire more officers. A letter that Rybak ignored.

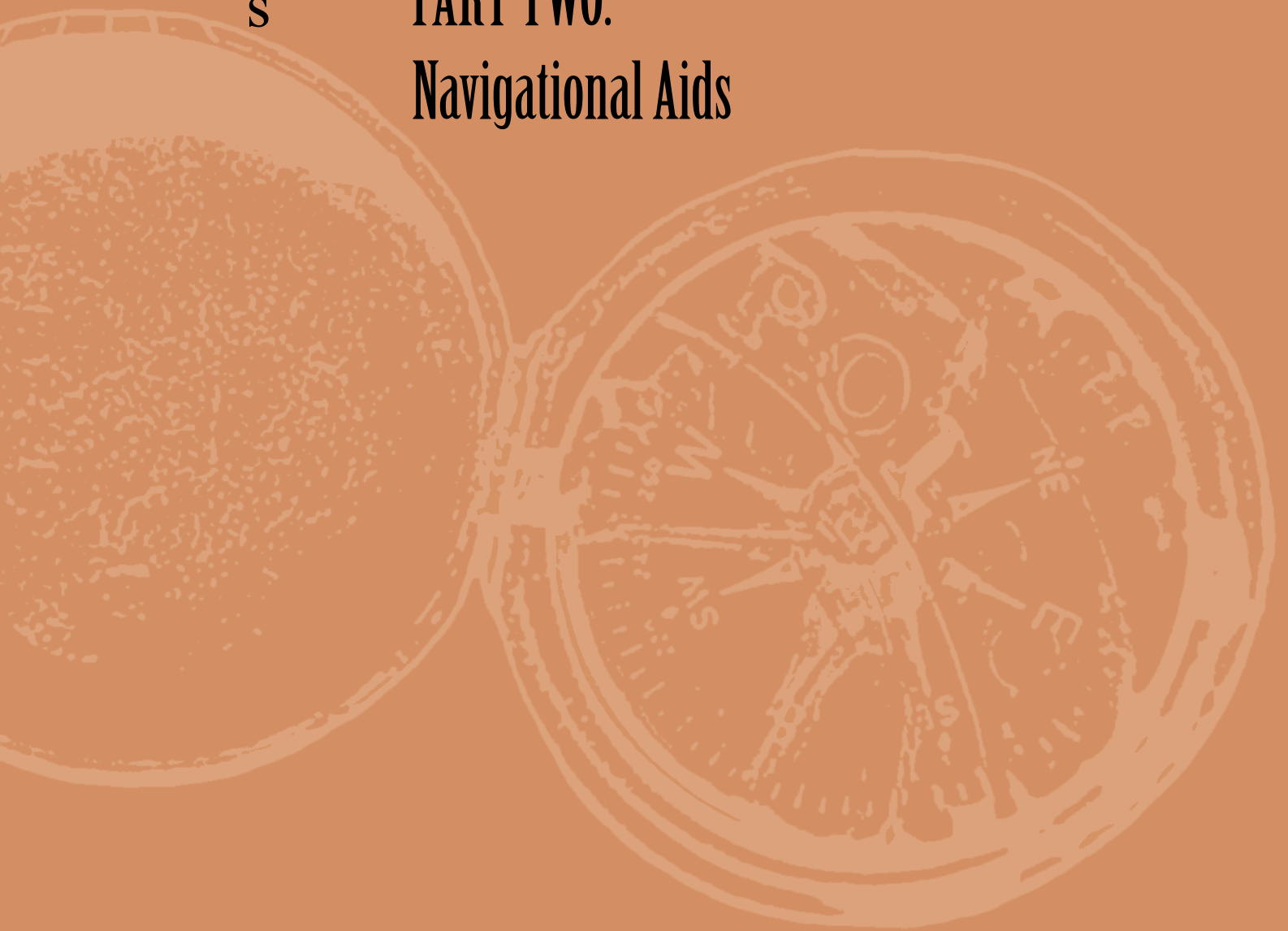
The final effort came on Monday, December 13, when the council voted on the budget. Coalition members were again on hand for a news conference prior to the vote and they packed the council chambers.

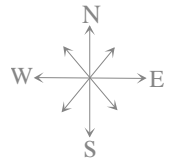
The result of all of the POFM's hard work was a council meeting dominated by public safety and a 2005 budget that did not cut a single police officer. In fact, the council pledged to find ways to add officers in the coming year.

There were three elements that were crucial to the POFM's success in this campaign. One, the issue of public safety and police officers was very important to the majority of voters in the city. Two, the POFM had the financial resources to take the issue to the public in a very visible manner. And three, the leadership of the POFM, President John Delmonico, Treasurer Lyall Delaney, and the rest of the board of directors were active, motivated, and extremely hard working.



## PART TWO: Navigational Aids





## NAVIGATIONAL AIDS

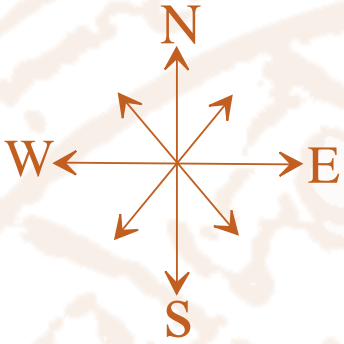
Section 5 of Part II looks closely at some case studies to determine what is working and what is not working when it comes to the relationships between police management and labor in law enforcement in the United States. Section 6 examines one of the nation’s hottest political topics—racial profiling by police officers—and provides comments from a police researcher, police chief, police union leader, and the American Civil Liberties Union (ACLU).

For Section 5, the project coordinators and advisory team members selected three cities that best represent the various stages of success at implementing change or reform in some cooperative manner. Each case study encompassed one or all of the four tiers of a principled relationship between police management and police labor: communication, cooperation, respect, and trust. The three case studies in San Diego, California; Austin, Texas; and Stamford, Connecticut, examine how the parties worked together, tried to work together, or failed to work together on various issues confronting the department and community. Each case study disclosed which of the four tiers to a principled relationship were in place in the agency.

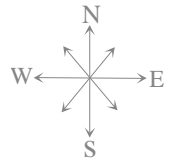
- *Chapter 12* examines the San Diego (California) Police Department. Police management had to work with the union to effect changes in the collective bargaining contract to allow the department to adjust shifts during a major international biotech conference. The project coordinators interviewed the police chief, assistant police chiefs, and police union president, and discussed not only the conference, but also the overall relationship between police management and labor.
- *Chapter 13* looks at the Austin (Texas) Police Department. The mayor and city manager wanted to gain the support of the police union in implementing a police civilian review process. The project coordinators interviewed the police chief, assistant police chief, and police union president about the dynamics of management and the union’s collaborative efforts to develop and ratify a civilian review process into a collective bargaining contract. This case study has been made more complex because the implementation of the agreed-on civilian review process has been controversial and under attack by the ACLU and community groups. The ACLU of Texas provided an insightful commentary of its views on the issue.
- *Chapter 14* reviews the Stamford (Connecticut) Police Department. The project coordinators wanted to study the long-term effects of developing a strong working relationship among elected officials, the police chief, and the police union in a heavily unionized northeastern city. The mayor, police chief, and police union president were interviewed.

Section 6 is about one the most politically volatile issues confronting law enforcement in the United States: racial profiling. The two chapters present one police chief’s decision to seize the initiative and implement a racial profiling policy and how the ACLU became involved in the racial profile debate.

- *Chapter 15* provides insights into how one of the most progressive police chiefs in the United States was able to take the initiative and build a coalition among his agency, the union, and the community to implement a racial profiling policy.
- *Chapter 16* gives the ACLU the opportunity to address its stance on implementing racial profiling laws in every state, and why this position causes conflicts with police chiefs and police unions.



**SECTION FIVE:  
SMOOTHER SAILING: FOUR PRINCIPLES  
THAT CAN CHANGE THE RELATIONSHIP**



## The West Coast

### Chapter 12

# POLICE MANAGEMENT AND LABOR WORKING TOGETHER IN SAN DIEGO, CALIFORNIA TO PREPARE FOR THE BIOTECH CONFERENCE

## History of the San Diego Police Department

The Metropolitan San Diego Police Department (SDPD) was established May 16, 1889. Until then, city marshals and constables provided law enforcement in the city. Officers were paid \$100 a month and worked 12 hours a day, 7 days a week. In 1895, shifts were reduced to 8 hours but the pay was also cut to \$75 per month. Today, the police department has more than 3,000 officers and support personnel protecting a city of more than 1 million people. The San Diego Police Officers Association (SDPOA) represents the police officers in the department for the purposes of collective bargaining.

## Why Was San Diego Chosen for the Case Study?

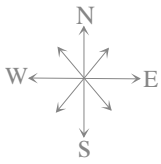
The project coordinators and advisory team members feel that San Diego represents one of the nation's most progressive and professional police departments. Virtually every city and county has to prepare itself for occasional conferences, festivals, demonstrations, sporting events, and political conventions, but San Diego has had more than its fair share of such events. When a police department needs to marshal its personnel and equipment, it is critical that management and labor have a good working relationship.

In San Diego, management decided to work closely with the union to prepare for possible demonstrations during the Biotech Conference. The city expected 12,000 delegates to the conference, and kept in mind that the World Trade Organization (WTO) conference in Seattle had resulted in destructive civil demonstrations and repeated clashes between demonstrators and the police. To adjust departmental schedules and shifts during the conference, management needed the assistance of the police union to make changes in the collective bargaining contract to allow the implementation of 12-hour shifts for a week of the Biotech Conference.

## Management Perspective

Chief David Bejarano was the first official interviewed by the project coordinators. He advised that his relationship with the union president was based on respect, trust, and fairness. He recognized that the chief and union would have different issues and agendas at times. The chief felt he could have confidential conversations with the union president, which proved to be more than a perception. He stated up front that he wanted the union to have a voice at the table. He also acknowledged that top-down management would not work.

Chief Bejarano felt that the department had a history of working with the union when other big events were scheduled in San Diego, and management had involved the union in the early planning stages of the Biotech Conference. Police management wanted the union to buy into the need to adjust work shifts to 12-hour



days during the conference so that the city could control overtime costs. The chief assigned command staff to work with the union to identify issues and work out the details. Once the command staff and union were satisfied, the proposals would be brought back to the chief for approval.

The next interviews were with Executive Assistant Chief John Welter and Assistant Chief Steve Creighton. They felt management and the union leadership were willing to work together. Assistant Chief Creighton is the department's liaison with the police union. Police management knew that if the city had to pay overtime after 8 hours for the entire department for the week of the conference, the overtime costs would have been prohibitive. Police management was cognizant that the police union had to remain in good standing with its members. The key was communication with the union leadership.

Management recalled that they met with the union 2 and a half months before the Biotech Conference. It was management's position that contractual language allowing one shift change every 4 months had to be changed, and made a presentation to the union about controlling the financial cost of the conference on the city by placing all officers on 12-hour shifts to avoid paying overtime after 8 hours of work. SDPD Intelligence officers were brought in to brief the union on what to expect if 10,000 demonstrators turned out.

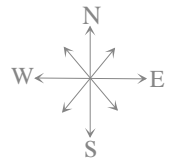
The union agreed to waive the contractual language with one proviso. If the city decided to activate the entire department, officers would not be sent home to avoid the payment of overtime after working 40 hours. The guaranteed overtime for the week was a major incentive for the officers. The union's position was that officers would make all of the necessary family arrangements to work 12-hour shifts for as many as 10 to 11 days. The union did not want the officers to have to face the uncertainty of having to readjust their personal lives if the work loads were light and supervisors would want to reduce the number of officers on city time. The actual deployment for the conference started on June 23 and concluded on June 27, 2001.

The agreement to waive Article 32 of the memorandum of understanding (MOU) on shift changes was concluded with a side letter of understanding sent by Assistant Chief Creighton to SDPOA President Bill Farrar. The letter conveyed, "Chief Bejarano's gratitude to the entire POA board for being receptive to modifying the MOU in this one instance for the conference." The contract waiver was not by ratification of the members. While it was pointed out that this is legally permissible under California's meet-and-confer law for the union leadership to agree to amend the contract without a membership vote, police management admitted that in hindsight it would have been better to have had the union leadership sign the waiver in the event there was a breakdown in the relationship. Union members filed no grievances over the amendment.

The letter dated June 1, 2001, stated the department and the SDPOA agreed to the following:

- Not change hours to avoid overtime
- Allow an officer to work the entire shift if scheduled for a 12-hour shift
- Increase the maximum number of compensatory hours that the officers are allowed to carry to the next fiscal year.

One benefit of the Biotech Conference was that the department received a substantial amount of new equipment and every officer received additional training. This was especially beneficial for detectives, who had not had any operational training in years. Detectives were placed in Mobile Field Forces. Police management and the union agreed to notify each officer 10 days in advance where he or she would be assigned.



Police management had studied the WTO conference in Seattle, Washington, where police made 600 arrests and demonstrators caused \$2.5 million in damage to downtown businesses. The SDPD used the media to publicize how prepared the department would be to handle any unruly demonstrations. This preparedness paid off because the number of demonstrators dropped off after the first day. The city expected up to 6,000 demonstrators, but on Sunday fewer than 1,000 marched through the city. In hindsight, police management would have liked to have had the ability to return officers to their normal 8-hour shifts and save the overtime money, but they recognized that the union would have protested. The city's hard costs were about \$3 million, including overtime and equipment. Not included was cost of the harbor patrol, sheriff's department, and neighboring police departments. Only 20 arrests were made, none of them violent.

The assistant chiefs felt that the union and management had a culture of working together and that the relationship was never adversarial. One example of mutual cooperation was the creation of the Retired Senior Volunteer Program (RSVP), a volunteer force of 1,100 citizens who would assist the department. The use of citizen volunteers in a department that has one of the lowest ratios of officers per citizen could have been a sore spot for the union. Police management and the union worked out the legal and contractual issues. The union bought into the volunteer program because they saw the volunteers doing some of the least desirable jobs in the department. The union has contributed funds to aid the program.

Another proposal being considered between the union and management is to allow the city to rehire retired police officers. The retired officers would be outside the bargaining unit, would be paid a nominal fee for their services, and could work 90 days a year.

One practice that helps maintain a cooperative relationship between management and the union is that the union president and the command staff liaison meet two to three times a week to discuss disciplinary matters. Many disciplinary cases are mediated between police management and the union. Police management reported that SDPD has filed very few contract grievances. As of the date of this case study, only two grievances were before the city council.

The SDPD's civilian review board advises the chief, who listens to the board's advisory opinions, but the board has no subpoena power. The California Peace Officer Confidentiality Act prohibits the public from seeing a peace officer's personnel file.

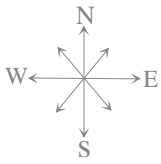
## Union Perspective

Bill Farrar, president of the SDPOA, is a 30-year veteran of the police department and serves as a patrol officer. SDPOA represents 98 percent of the 2,100 officers in the bargaining unit.

Farrar participated in the briefing by police management on what to expect during the Biotech Conference. Police management recalled that it contacted the union about 2 and a half months in before the conference. Actually, written documents indicate that police management did not contact the union until about 2 to 3 weeks in advance of the conference.

Farrar stated that the union was not really involved in the planning for the Biotech Conference because it was too late in the planning stage when the first meeting took place. He said that management wanted just one waiver on the shift changes. The union still had a bad taste in its mouth over the Republican National Convention when the department sent officers home early after mobilizing them on 12-hour shifts for the convention. The union had submitted a grievance and the city had to pay the officers for the 12-hour shifts.





The union wanted a guarantee that if the city activated the department's officers, the officers would stay activated until the conference was over.

The union wanted one additional agreement. A provision in the contract allows officers to accumulate up to 80 hours of compensatory time and allows officers to pay down (or sell back) 45 hours each July 1. Since the Biotech Conference was just before the July sell-back, the union wanted the cap raised to 160 hours and to allow the officers to carry over that time until July 2002. Officers would be receiving a 5 percent raise during this contract term, and they could sell back the compensatory time at a higher rate of pay, thereby saving the overtime money.

Farrar felt that the union was legally sound in its position to agree to the waiver by a side letter. The union was not going to assert a violation. The city and union rarely do side letters but this was a special circumstance. The union issued a bulletin to its members dated June 5, 2001, explaining the MOU waiver.

Since the union president is released from full-time police duties, he was permitted to move around the various workstations, assembly points, and demonstration sites during the Biotech Conference to meet with officers. When San Diego hosted the Republican National Convention, officers complained about a lack of water, food, and restroom facilities. The city corrected these problems during the Biotech Conference.

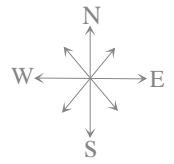
The union set up a hotline to take complaints, but it received virtually no calls. There were some complaints about the few supervisors who wanted to send officers home when nothing was happening, but the union contacted management and management rectified the complaints. Farrar said that he believed most of the officers enjoyed the change in routine. New uniforms, equipment, and training allowed SDPD to "show their stuff" to the media and public. Plus the overtime earned during Biotech was a nice addition to their pay.

Farrar believes that the union has a good relationship with police management. He said a previous assistant chief assigned as the union liaison was a problem, but he and Assistant Chief Creighton have been able to work closely together. He believes they can speak frankly and share unofficial points of view. Since they were already working closely on disciplinary issues, this relationship carried over to preparations for the Biotech Conference. Assistant Chief Creighton and Farrar try to resolve all issues before they get to the chief's level. Farrar could recall only two incidents where grievances needed to be heard by the chief. Where the union and management have not been able to resolve cases through mediation, they agreed to disagree.

The union acknowledges that there are very few grievances, given the size of the bargaining unit. Most grievances are resolved informally. Farrar stated that the vast majority of all officers who received discipline did not file an appeal. The department's Disciplinary Review Committee includes the union in reviewing how discipline is administered. The union encourages the use of informal means of resolution for all discipline because once attorneys are assigned the process becomes more adversarial. A second committee that includes the union is reviewing the promotion process.

Farrar agrees that the RSVP has been beneficial to the department. He said that individual officers have different opinions about the effectiveness of the program but, overall, the rank-and-file officers support it. He said the RSVP volunteers do vacation checks and other work that would not get done otherwise. The union funds thank-you parties and supports the program in other ways. While there are occasional conflicts between the RSVP volunteers and SDPD officers, these issues are resolved quickly.

Farrar raised some concerns about police management's proposal to rehire retired officers, questioning who will represent them for legal and contractual problems.



## Principles Identified

In San Diego, both police management and the union acknowledge that they have a day-to-day level of communication, cooperation, respect, and trust. This daily contact carries over when management and the union need to make other changes. Management makes an effort to give the union ownership in the department. Both parties recognize that this relationship needs constant work to be successful. While the union has been cooperative with management, if management takes that for granted the union leadership may decide to become more adversarial.

## Postscripts

Collective bargaining negotiations between the City of San Diego and the SDPOA reached an impasse in 2002. The union wanted a 14 percent raise over 3 years and the city's final offer was 13 percent. The city council imposed a one-year 2 percent wage increase. The union conducted a series of public education campaigns to pressure the mayor and city council to give the union a bigger raise.

SDPOA President Farrar predicted that the officers would take a variety of steps to indicate their displeasure, including refusing to work overtime voluntarily on special events such as the January 2003 Super Bowl. Mayor Dick Murphy said any protest by the police would be unfortunate.<sup>§</sup> The SDPOA decided against picketing the football game. The city council was advised to accept a new police union contract. SDPOA President Farrar was quoted in *Union-Tribune* as saying he wouldn't speculate on what part a decision by the union to call off the Super Bowl demonstrations played in advancing the contract proposal. In the same article, Mayor Dick Murphy stated that he suspected that "the governor's proposed budget cuts had more effect on the settlement than the Super Bowl."<sup>§§</sup>

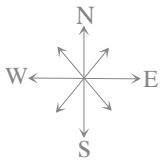
The city council agreed to make an offer of an 11 percent pay raise and to shorten the workday for detectives from 10 and a half hours to 10 hours. Ninety-six percent of the union members voting approved the proposal that gave the 2,083 officers in the bargaining unit a 2 percent raise in July 2003, 2 percent in December 2003, 4 percent in July 2004, and 3 percent in December 2004. The *Union-Tribune* quoted Farrar as saying, "I'm pleased we had the ability and the opportunity to increase the compensation to officers, to make San Diego more competitive."<sup>§§§</sup>

Since the case study concluded, San Diego Police Chief David Bejarano retired in 2003 and accepted an appointment by President George W. Bush as the U.S. Marshal for the Southern District of California. Assistant Chief Steve Creighton retired in 2003. San Jose Police Chief John Lansdowne replaced Chief Bejarano. SDPOA President Bill Farrar did not seek reelection in 2005.

<sup>§</sup> San Diego *Union-Tribune*, May 15, 2002.

<sup>§§</sup> San Diego *Union-Tribune*, January 22, 2003.

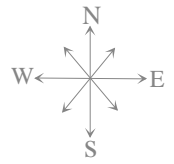
<sup>§§§</sup> San Diego *Union-Tribune*, February 1, 2003.



## FOR MORE INFORMATION ON THIS CHAPTER

For a chronological newspaper account of the events in this case study, go to San Diego *Union-Tribune* at [www.sandiego.com](http://www.sandiego.com).

- “Biotech convention organizers, critics foresee a peaceful event,” by Penni Crabtree, June 8, 2002.
- “Police officers were not treated fairly,” by Thomas M. Rhodes, June 26, 2002, pg. B.11.
- “S.D. police won’t picket at the game,” by Diane Bell, January 21, 2003, pg. B.1.
- “City to be advised to OK police union plan: Negotiations for officers’ raise broke down in May,” by Ray Huard and Joe Hughes, January 22, 2003, pg. B1.
- “Police in line for 11% raise over 2 years: Officers voting on tentative deal,” by Ray Huard, January 30, 2003, pg. B.1.1.7.
- “San Diego police officers approve new contract: Package includes 11 percent raise over 2 years,” by Pauline Repard, February 1, 2003, pg. B1.
- “Next police chief: Choose best person to face unresolved issues,” Editorial, March 23, 2003, pg. G.2.
- “Policing for America’s finest city,” by David Bejarano, March 30, 2003, pg. G.3.
- “Chief bids farewell: Smiles, and some tears, as Bejarano steps down,” by Joe Hughes, April 25, 2002, pg. B.2.1.6.
- “Bejarano lauded as ‘one of the best’,” Editorial, April 29, 2003, pg. B.2.
- “A rare outsider: Lansdowne is good choice for police chief,” Editorial, July 29, 2003, pg. B.6.
- “City Council OKs choice for top cop: Lansdowne’s ‘hands-on’ approach begins August 25,” by Ray Huard and Joe Hughes, July 30, 2003, pg. B.1.1.7.
- “S.D. police union sues city over pensions: Millions sought, and Aguirre ouster,” By Ronald W. Powell, August 10, 2005, online edition.



## On the Gulf Coast

### Chapter 13

# COOPERATION BETWEEN THE CITY OF AUSTIN, TEXAS AND THE POLICE ASSOCIATION TO IMPLEMENT A CIVILIAN REVIEW PROCESS

## History of the Austin Police Department

The Austin Police Department (APD) was established in 1924. Until then, the city marshal and his deputies performed policing functions in the city. Austin is the state capital and the fourth largest city in Texas. Today the police department employs 2,000 officers and support personnel, protecting a city of 656,000 people. In 1947, the Texas Legislature prohibited all public employees from collectively bargaining, and in 1973, the state legislature amended the prohibition to allow local government police officers and firefighters to collectively bargain if it was approved by the local voters. In 1995, the state legislature granted Austin police officers the right to meet and confer with the city without a referendum. The Austin Police Association (APA) represents all ranks in the department below chief for the purpose of collective bargaining.

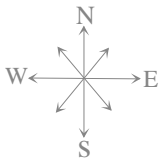
## Why was Austin Chosen for the Case Study?

The project coordinators and advisory team members wanted to do a case study on the impact on elected officials, city government, police management, police labor, media, and the community when attempting to implement change over a politically sensitive issue. Since the implementation of a civilian oversight process is one of the most controversial issues in American policing, they decided to use the Austin (Texas) Police Department for the case study.

With its high-tech industries, 50,000 students and 13,000 employees at the University of Texas, and 50,000 state employees, Austin has been characterized as a well-educated, high-income and socially active city. Austin has been one of the fastest growing cities in Texas and the United States in the past 2 decades, resulting in rapid expansion of the police department. Rapid growth has also increased the crime rate and raised the potential for conflicts between police officers and citizens.

A defining moment in the community came on February 11, 1995, when police officers responded to a party on Cedar Street. While the citizens involved and the police officers at the scene offer varying accounts about to what happened, a fight started, and as police officers on the scene tried to intervene, one of the officers was stabbed in the head with a buck knife. More units responded and a major confrontation occurred. No APD officers were disciplined. A civil trial resulted in a jury split 5 to 1 over whether police used excessive force, and ruled against the plaintiffs. The city and the plaintiffs later settled out of court. The Cedar Street incident resulted in calls from certain elements in the community for civilian review of the police department.

In 1999, Austin Mayor Kirk Watson created a citizen's committee called the Police Oversight Focus Group (POFG) to meet and discuss the creation of a Civilian Review Process (CRP). The mayor then requested the city, police union, and police management to reach a consensus on the issue of a CRP during contract negotiations between the city and union in 2000. The agreed-on CRP would be incorporated into the memorandum of understanding (MOU) to bind the city and the officers. The one fly in the ointment was the American Civil Liberties Union (ACLU) and other community organizations.



## Management Perspective

Chief Stan Knee was interviewed briefly by the project coordinators. He has been chief of police since 1997, and was chief of police in Garden Grove and National City, California, before coming to Austin. He is a 35-year veteran of law enforcement. Chief Knee assigned Assistant Chief Rick Coy and Assistant Chief Mike McDonald to represent police management during contract talks between the city and the police union. Assistant Chief McDonald was not available to speak to the project coordinators. He was promoted recently to serve as a deputy city manager as part of a cross-training program for city management personnel.

Assistant Chief Rick Coy was the primary management interviewee for this on-site visit. He is a 29-year veteran of the Austin Police Department, was promoted to Assistant Chief in 2000, and currently is assigned to the Community Policing Support Bureau.

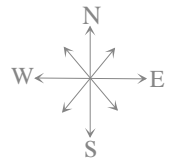
Assistant Chief Coy advised that the mayor appointed a diverse group of citizens to the POFG, including the president of the police union, to work on the language for a CRP. He noted that the mayor did not appoint anyone from police management to serve on the POFG. He believes that this decision kept the command staff outside the loop early in the process. The command staff felt that the media and public saw the union as representing the police department. In hindsight, Coy believes that police management should have been appointed to represent the chief of police and command staff on the POFG. According to Coy, the POFG ultimately developed a blueprint of a CRP without any insights from police management.

The POFG blueprint was submitted to the city, police union, and police management with the understanding that it was to be refined further during the meet-and-confer discussions. Assistant Chief Coy stated that police management had its first opportunity to review the POFG blueprint of a CRP when contract talks began. Coy felt that the parameters were already set and police management could not reinvent the wheel at the bargaining table. He did say that police management was able to make some minor changes to the POFG blueprint; however, very few changes from the language in the blueprint to the final CRP language were adopted in the contract.

Overall, Assistant Chief Coy felt that police management was satisfied with the final language. The final CRP language created a seven-member panel with one person appointed by each of the seven city council members. The CRP panel would not be allowed to issue subpoenas or overturn any discipline issued by the chief of police. The CRP panel could review cases not sustained by the chief of police. Each member of the CRP panel would be required to attend a police training program.

The city manager would appoint one full-time paid police monitor and all citizen complaints would be directed through the police monitor before going to the Internal Affairs Division (IAD) unless the complaint was internally generated. The police monitor would receive an itemized list of all citizen complaints each Friday, and would have access to all complaints, files, and IAD interviews, but would not be allowed to interview officers. The police monitor cannot be present when an officer receives disciplinary action.

The CRP language agreed on at the bargaining table reached the members in early 2001 and received a less-than-warm welcome from many rank-and-file union members. Assistant Chief Coy stated that 40 percent of the officers voted against ratifying the contract despite a 24 percent increase in wages over the next 3 years. He felt that many police officers were misinformed about the impact of the CRP and the union was unable to educate them. He said the main theme of the dissent related to why the union was even involved in negotiating over a CRP. To add to the disinformation, a small group of officers affiliated with the Fraternal Order of Police (FOP) encouraged a no vote against ratification of the contract.



Assistant Chief Coy reported that police management attended the shift meetings and explained the conditions and issues with the contract. He felt there was a level of trust with the officers and it was in part because of the police chief's support that the contract was ratified.

## Union Perspective

Austin Police Association President Mike Sheffield is a detective with more than 27 years of service. Since July 2001, he has been on full-time release from his patrol duties to conduct union business. Detective Sheffield participated in the POFG and was at the bargaining table during contract discussions to adopt a civilian review process.

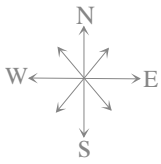
Detective Sheffield was asked by Mayor Watson to participate in the POFG. It was a tough decision because Detective Sheffield knew that any union participation in drafting a civilian review process would have the potential for member backlash. He requested that the mayor and council agree in advance that the final CRP language be negotiated into the MOU between the city and the union. Detective Sheffield states that the union is very politically active and the union has a good relationship with the mayor and the majority of the city council. One council member was an active-duty APD officer and union member when he sought and won election with the financial support of the APA's political action committee.

With the guarantee from the mayor that the police union would have ownership in the CRP language, Detective Sheffield felt that the police union had the opportunity to have input in the process and the police union could control the CRP issue in the future through collective bargaining. It was a calculated gamble that almost backfired on the union leadership.

The union's primary concern with any CRP was to protect individual officers from becoming political footballs during an investigation. The union wanted one police monitor appointed by the city manager to prevent the position from becoming a political appointment by the city council. The union agreed that the police monitor could review IAD files, but that the police monitor could not remove the files from the department. With the city and union in agreement on all major issues regarding the CRP, the parties were able to resolve the language differences and incorporate the CRP into the MOU without any significant disagreements.

Detective Sheffield had a different impression about why the chief of police and the command staff were excluded from the POFG. He believes the chief of police did not want to participate, and purposely chose to remain outside the loop. He believes the chief of police chose not to be a part of the political decision making on the CRP because management did not want ownership in case the issue turned politically sour. Detective Sheffield was under the impression that police management wanted to make the police union take possession of the POFG blueprint, but the police union refused to make it a union-driven issue. The city had to introduce the blueprint at the table as its proposal. Sheffield thinks that management never wanted a CRP and thought the union was ill-advised to get involved.

The police union leadership faced intense internal pressure when the proposed contract was presented to the members. Despite achieving a 24 percent increase in wages, it was evident that the CRP language was the focus of all opposition. The union's ratification meeting lasted 8 and a half hours and was extremely volatile. The union attempted to educate the members about why the union needed to have control of the issue in the MOU and not to allow the ACLU and other community groups to draft the CRP language. The FOP lodge flooded the department with its anticontract position and encouraged the members to vote down the contract. The union retained legal counsel to issue a report that countered the FOP's allegations.



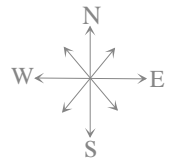
In the end, Detective Sheffield believes the large wage increase outweighed the anger at the CRP language. He believes that the contract would have failed ratification had the wage increase and other new economic benefits been lower. The mayor and city council wanted to put to rest the CRP issue and they were willing to give the police substantial pay hikes to get union approval. After the members ratified the contract, some union dissidents circulated a petition to recall Detective Sheffield as president of the union. The petition drive failed to get enough signatures.

The union disagrees with Assistant Chief Coy about the effectiveness of police management attending shift meetings in support of the contract. Detective Sheffield stated that he had to call Chief Knee to ask that police management stop attending shift meetings because he heard members complaining about police management “selling” the contract. Even though the police command staff is covered by the MOU and most police managers are members of the police union, the divide between the rank-and-file and police management still exists. Detective Sheffield felt that police management advocating the contract would cause some rank-and-file union members to vote against the contract.

The police union’s one regret was that it allowed the city to pressure the union into rushing the ratification vote on the contract. The city had signed off on a very large economic package for the police just as Austin’s high-tech industry was faltering and the city did not want a media or public backlash for giving the police big pay raises. The police union was criticized for sending out its newsletter announcing the settlement before many of the members had even seen the proposals. Many officers saw the proposed contract language, but they did not have the explanations from the union about what the new provisions meant. Detective Sheffield feels it was a big mistake to rush to ratification because the union needed more time to educate the members on such a controversial and complex subject.

The city council faced stiff opposition from the ACLU and various community groups requesting that the city council not ratify the MOU. The ACLU argument was that the police received substantial wage hikes but no real accountability. Mayor Kirk Watson and several council members carried the day in convincing the majority of the council that the newly adopted CRP needed time to work. The ACLU claimed that it was betrayed in the process and the CRP was too weak and ineffective to control police abuses.

In hindsight, Detective Sheffield still believes his participation in the POFG and negotiating over the CRP was the best option available to the police union. The ACLU and its supporters were not going to give up and they were building a media campaign to sway the city council and the public to support the ACLU version of civilian police oversight. He believes that each critical incident would just stir the pot and raise the police oversight issue again and again. Detective Sheffield felt that the police union could not ignore the political reality that certain vocal groups in the community wanted a much stronger civilian police oversight process. It is the union’s perception that the ACLU version of civilian police oversight would have subjected the union and its members to a much more political process that was antipolice in its investigations.



## Principles Identified

The police union has developed a level of communication, cooperation, respect, and trust with the city administration and elected officials. While the union and management have some communication and an overall cooperative relationship, the parties need to improve the level of respect and trust. If the union and management can continue to improve communication and cooperation, a level of respect and trust will develop. The CRP issue was revisited when the MOU expired in 2003, and the ACLU and various community groups mounted a media and political campaign to strip away what they consider to be too many protections for police officers accused of misconduct. The union and management have a vested interest in a fair and equitable due process system that is apolitical and warrants public trust. A close working relationship between union and management will ensure that the public's interest in maintaining a well-regulated police department is met.

## Conclusions

Police management should have participated in the POFG. The chief of police and command staff have to be seen by the public as representing the police department in the process. The union's role is to represent the rank-and-file police officer. These are distinct and separate interests at times. The union leadership assumed a risky position when it entered into policy making over a CRP. Most union leaders would have been too afraid of member backlash to have served on the POFG or to have signed off on any MOU language on the CRP. As seen in the postscript, the city and police union should have expedited the implementation of the CRP. The 1-year delay allowed proponents of a stronger CRP to gain political momentum and attempt to derail the agreement. Civilian oversight of the police is a very controversial topic and Austin was able to implement a CRP with at least the agreement of the elected officials, city administration, police management, and the police union, and, they hope, the majority of the general public.

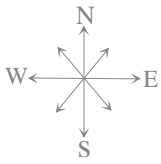
Postscript: In January 2002, the city selected an attorney as the new police monitor. Immediately, the ACLU and other community groups started a grass roots campaign to pressure the mayor and city council to place its version of a CRP on a ballot for adoption in the city charter.

The ACLU amendments included the following:

- Amend the CRP to require appointment of the police monitor by the city council instead of the city manager. This would allow the ACLU and other community groups the opportunity to use the political system to lobby the city council over who is appointed as the police monitor.
- More specifically, the ACLU wanted more information on police misconduct investigations to be made public. The ACLU position was that completed investigations of officer misconduct should be made public regardless of whether the officer was found to have done anything wrong. Those reports are protected by state civil service laws that allow the report to be released only if the officer is punished.

The union believed it had a clear understanding with the city manager, mayor, and council that the union would participate in developing a CRP only if the language was negotiable and locked into the MOU. The police union felt that the POFG and the MOU resulted in an agreed-on CRP acceptable to the mayor, city council, city administration, police management, and the police union. The police union threatened legal action to enforce the MOU if the city council placed amendments to the CRP on the ballot. Detective Sheffield was quoted in the *Austin American Statesman* as saying, "We shook hands. We signed a paper. If





they keep this up, they won't have any oversight at all." The spokesperson for the ACLU's Texas Police Accountability Project called the union president's statements, "a threat from the police to the people."<sup>§</sup>

The ACLU and certain community groups packed city council chambers and lobbied each council member. The union mounted its own public relations campaign. Dueling press conferences were held. The union produced and aired a series of radio commercials asking the public to contact their council members and support the current CRP language. The city council on a four-to-three vote narrowly decided to not place any CRP amendments on the charter ballot. There is no doubt in anyone's mind that the issue of police oversight has not been settled.

§ *Austin American-Statesman*, March 5, 2002.

§§ *Austin American-Statesman*, June 12, 2002.

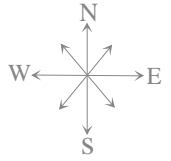
It appeared initially that Austin police officers, the police union, police management, and elected officials had mutually agreed-on a mechanism to allow the community to vent its frustrations in an open forum. The new police monitor and civilian review process was given its first high-profile case.

On June 12, 2002, Austin police officers answered a disturbance call at a housing authority apartment complex. A mentally disturbed 23-year-old female charged out of her apartment wielding a knife and started chasing the apartment manager. Police officers at the scene attempted to get the woman to drop the knife, but when the apartment manager tripped and fell, a police officer fired one shot to stop the woman from stabbing the apartment manager. This incident was the first test for the new police monitor and CRP.

While any shooting by police officers of a citizen has the potential to generate controversy, this incident has all the makings of an incident that has deeply divided the community. The officer and the apartment manager are white, and the deceased woman was African-American. The ACLU, the NAACP, and other community organizations called a press conference at the scene and filed a civil law suit against the city and the police officer involved. The *Austin American Statesman* reported that the dead woman's mother arrived at the scene and stated, "They killed my baby. They could have shot her in the leg. She was a mental patient. They didn't have to kill that child." Assistant Chief Rick Coy was quoted as saying, "The woman was standing right over the housing authority person with a knife. The officer's use of force was to prevent serious injury and had nothing to do with mental illness."<sup>§§</sup> The grand jury did not find sufficient evidence to warrant prosecution, and the police department filed no administrative charges.

The police monitor requested that the city hire an outside law firm to conduct the investigation and the union sued to block the outside inquiry. The state district judge rejected the union's lawsuit and ordered the outside investigation to proceed; however, the final report has not been revealed to the public because of restrictions in the state civil service law and MOU about release of personnel file information. The police monitor resigned. The city and police union battled in the public press about the inquiry. The city and union agreed to a new 3-year MOU in 2004 that included prohibitions against the CRP panel and police monitor commenting to the media during an investigation and new rights for officers to see witness statements before answering questions.

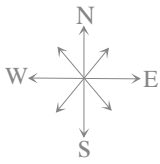
Unfortunately, the initial CRP and police monitor system broke down and nearly collapsed from public pressure from all interested parties. Police shootings of minorities in 2004 and 2005 continue to test the CRP. Only time will tell if the parties can find a civilian oversight system that is trusted by everyone concerned.



## Interviews

Chief Stanley L. Knee  
Assistant Chief Rick Coy  
Austin Police Department  
P. O. Box 689001  
Austin, TX 78768-9001  
Telephone: 512.974.5000  
E-mail: [apd3@ci.austin.tx.us](mailto:apd3@ci.austin.tx.us)  
Web Page: [www.ci.austin.tx.us/police](http://www.ci.austin.tx.us/police)

Detective Mike Sheffield  
President, Austin Police Department  
400 West 14th Street, Suite 230  
Austin, TX 78701  
Telephone: (512) 474-6993  
Fax: (512) 474-6996  
Email: [president@austinpolic.com](mailto:president@austinpolic.com)  
Web Page: [www.austinpolic.com](http://www.austinpolic.com)



## ACLU OF TEXAS PERSPECTIVE ON THE AUSTIN POLICE CASE STUDY

By  
*Will Harrell*  
*Executive Director*  
*ACLU of Texas*

The American Civil Liberties Union (ACLU) of Texas Police Accountability Project was formed after Austin police shot and killed three men under questionable circumstances, a few months apart in 1999. In all three fatalities, the Austin Police Department (APD) swiftly exonerated the officers and gave information to the district attorney which resulted in three fast No Bills, which means that the grand jury cleared the officer of the charges.

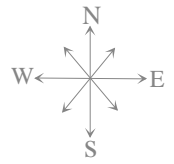
A representative of the ACLU of Texas on the Police Oversight Focus Group (POFG) negotiated the civilian review process (CRP) in good faith with the police union president and the others in the group. The ACLU of Texas signed the POFG recommendations believing that the public interest was compromised by union interests to the point where any additional loss of public interest terms would fail to serve the public interest. The ACLU was shocked and saddened when the meet-and-confer labor contract was revealed to the public. The language in the memorandum of understanding (MOU) gutted beyond recognition the POFG agreement. Every term that benefited the public was altered so that the public was completely excluded from the civilian review process. As a result, the first ever CRP in Austin was not accountable to the public in any way.

The whole CRP is under the city manager, who has a conflict of interest: the city manager has a legal duty to defend the city against allegations of police misconduct. The public has no additional access to information about the facts of any case or the resulting discipline or lack thereof in any case. Even the CRP panel has very limited access to information. And all of the CRP's activities take place behind closed doors. These deficiencies are obvious to the public.

The public was never told that the Austin Police Association (APA) would have ownership of this system. It was a secret deal between the APA and a majority of Austin city council members. From the ACLU's perspective, the mayor and city council guaranteed APA ownership because the police union's political action committee is the single greatest contributor to city council candidates during campaign season, and because the mayor needed the endorsement of the Combined Law Enforcement Associations of Texas (CLEAT) for his subsequent campaign for Texas attorney general. The editor of the local newspaper recently called the APA Austin's "most powerful political force." CLEAT staff aggressively lobbied the mayor and city council to support the contract, donated unprecedented amounts of money to city council campaigns, and actively supported the mayor's unsuccessful bid for attorney general.

In 2002, when the city council debated changes in the city charter that would place the civilian review process under the city council instead of the city manager, the APA and CLEAT returned to battle mode. "We're going to war over this deal," declared union president Mike Sheffield. Again the police union used its political weight to convince the city council that the CRP should remain under the complete control of the city manager instead of becoming an independent body.

The principles of trust, respect, cooperation, and communication are frequently examined without regard for one of the most important participants in the process: the public. Successful policing requires a close working relationship among the police, management, and the public. The four principles must be real, not just words on the page. Members of the Austin public who have remained informed about the process feel



left out. Maybe the police union's relationship with the city exemplified those four principles, but the process did not respect the public as a stakeholder. The Austin system was initiated by a process that allowed the public to have a legitimate seat at the table—the POFG. That process enjoyed public confidence and produced a legitimate compromise. The system was then redesigned beyond recognition behind closed doors in meet-and-confer negotiations that excluded the public. The resulting civilian review failed to protect the public interest.

As other civilian review processes around the nation have shown, the public interest should not be feared but embraced. Where the police allow the public to have a serious role in the process, trust and respect are built in a real way. The public trusts the department because the department respects the public's right to have a stake in the system. Police officers who patrol the city in an environment of trust and respect can be confident that they have the support of the community. Mutual trust and respect improves the work environment for officers, and allows officers to sincerely improve their force.

If the public is included in the four principles of trust, respect, cooperation, and communication, then the principles are real. As long as the CRP excludes and disrespects the public interest, the principles are a false illusion—just empty words on the page designed to comfort the blind.

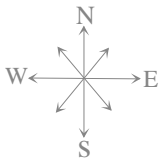
Will Harrell is the executive director of the Texas ACLU. Ann del Llano and Scott Henson, from the ACLU of Texas Police Accountability Project, contributed to the article.

## FOR MORE INFORMATION ON THIS CHAPTER

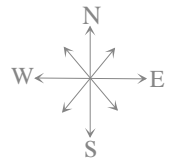
Proponents of the Austin Police Civilian Review Board can be located online at [www.aclutx.org](http://www.aclutx.org).

For a chronological newspaper account of the events in this case study, go to the Austin American Statesman at [www.newslibrary.com/sites/aasb](http://www.newslibrary.com/sites/aasb).

- “Task force discusses authority over police,” by Bib Banta, September 22, 1999.
- “Police review plan takes shape,” by Jason Spencer, November 18, 1999.
- “Police oversight group likes San Jose model,” by Jason Spencer, December 21, 1999.
- “Focus group to suggest hiring police auditor,” by Jason Spencer, January 11, 2000.
- “Police oversight group puts together proposal,” by Jason Spencer, March 28, 2000.
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- “Police plan a result of trade-offs,” by Jason Spencer, May 30, 2000.
- “Police agree to new citizen panel,” by Jonathan Osborne, February 9, 2001.
- “Police contract faces new hurdle,” by Jonathan Osborne, February 14, 2001.
- “Austin police start voting on long-debated contract,” by Jonathan Osborne, March 1, 2001.
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- “Finding some balance as police monitor,” by Susan Smith, November 3, 2001.
- “Police monitor finalist to face grilling,” by Leah Quin, December 2, 2001.
- “Monitor finalist get taste of job,” by Stephen Schiebal, December 4, 2001.
- “Public sits out interviews of police monitors,” by Susan Smith, December 5, 2001.
- “Manager leaving behind a city in economic and political flux,” by Leah Quin, Stephen Scheibal and Kelly Daniel, January 9, 2002.
- “Austin police union berates City Hall,” by Jonathan Osborne, January 10, 2002.
- “Battle at city ballot's bottom,” by Stephen Scheibal, February 25, 2002.
- “Contested revisions may kill new police oversight system,” by Jonathan Osborne, March 5, 2002.
- “Sides in police oversight debate vie for public attention,” by Alex Taylor, March 7, 2002.



- “Police monitor change rejected,” by Stephen Scheibal, March 20, 2002.
- “Police call became a tragedy that should never have been,” by Susan Smith, June 12, 2002.
- “Test for police monitor,” by Staff, June 12, 2002.
- “Union chief is back on beat,” by Claire Osborn, June 22, 2002.
- “Officer won’t be charged in death,” by Jonathan Osborne, June 27, 2002.
- “Bringing police, community together,” by Staff, July 8, 2002.
- “Put differences aside and let police monitor do her job,” by Staff, July 8, 2002.
- “Police monitor says she’s ready to serve,” by Tony Plohetski, August 18, 2002.
- “Police monitor logs 168 complaints against Austin police officers,” by Tony Plohetski, October 5, 2002.
- “Police panel hears concerns about shooting,” by Claire Osborn, October 8, 2002.
- “Inquiry in police shooting advised,” by Tony Plohetski, October 11, 2002.
- “On chief’s five-year anniversary, police face high profile cases,” by Tony Plohetski, October 13, 2002.
- “Officer regrets life lost but not shooting,” by Tony Plohetski, October 17, 2002.
- “Dallas firm hired for police inquiry,” by Staff, November 8, 2002.
- “Police monitor, union, city in tense marriage,” by Staff, November 16, 2002.
- “Police shooting inquiry is halted,” by Tony Plohetski, November 27, 2002.
- “Police monitor says 1st year was a success, despite early challenge,” by Tony Plohetski, January 9, 2003.
- “City gets authority in police investigations,” by Tony Plohetski, March 27, 2003.
- “Funeral rouses grieving, inquiries,” by Erik Rodriguez, Steven Kreytakan and David Hafetz, June 19, 2003.
- “Through investigation needed to unveil truth behind police shooting,” by Staff, June 21, 2003.
- “FBI to look into fatal shooting from 2002,” by Anita Powell, June 24, 2003.
- “Police monitor quits for law job,” by Monica Polanco, July 18, 2003.
- “Exit of police monitor provides a window for review,” by Staff, July 20, 2003.
- “Review panel hears man’s account of stop by police,” by Jennifer Barrios, August 5, 2003.
- “Raises for fire, police in doubt,” by Jonathan Osborne and Stephen Scheibal, August 15, 2003.
- “Citizen panel seeks review of profiling complaint,” by Erik Rodriguez, August 16, 2003.
- “Austin deserves strong police monitor, review panel,” by Staff, September 2, 2003.
- “City report in King death kept secret,” by Tony Plohetski, September 19, 2003.
- “Secrecy on report perplexes officials,” by Tony Plohetski, September 20, 2003.
- “Public confidence erodes as long as report kept secret,” by Staff, September 23, 2003.
- “Secrecy a topic in police, city talks,” by Tony Plohetski, September 24, 2003.
- “Best way to honor police officer: Release investigation report,” by Staff, September 26, 2003.
- “Even in tough budget times, it pays to wear the blue,” by Rich Opiel, Editor, October 5, 2003.
- “Council mulls police contract,” by Tony Plohetski, March 26, 2004.
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- “Increase use of force training, Austin police urged,” by Tony Plohetski, October 29, 2004.
- “Unequal Force,” by Erik Rodriguez and Andy Alford, November 28, 2004.
- “Police message from club fire released,” by Tony Plohetski, March 5, 2005.
- “Knee: Communication vital after slaying,” by Tony Plohetski, June 15, 2005.
- “Austin leaders trust in chief,” by Tony Plohetski, June 18, 2005.
- “Austin’s white leaders shouldn’t turn away from this tragedy,” by Alberta Phillips, June 25, 2005.
- “Officer in Sophia King shooting will not face federal charges,” by Tony Plohetski, July 29, 2005.
- “Clergy call for more open Police Department,” by Tony Plohetski, August 4, 2005.
- “Austin’s police monitor resigning,” by Tony Plohetski, August 11, 2005.



## Eastern Seaboard

### Chapter 14

# A PARTNERSHIP AMONG THE STAMFORD, CONNECTICUT MAYOR, THE POLICE CHIEF, AND THE POLICE ASSOCIATION TO IMPLEMENT CHANGE IN THE DEPARTMENT

## History of the Stamford Police Department

The City of Stamford hired seven patrolmen when the police department was formed on May 7, 1894. Stamford had a growing population of 15,000. Today, the city has a population of more than 120,000 in its 39 square miles. The present police department has nearly 350 personnel. Connecticut has only five cities with a population of more than 100,000, and all but Stamford have been losing population for decades. The daily population expands another 30,000 to 40,000 people with commuters who work in Stamford. Many Fortune 500 corporations are headquartered in the city.

The Stamford Police Association (SPA) was incorporated in 1941 as a fraternal organization. It is the recognized bargaining unit for more than 300 current rank-and-file officers of the Stamford Police Department. The SPA also represents more than 200 retired members.

## Why was Stamford Chosen for the Case Study?

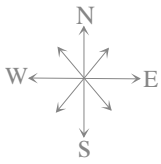
The project coordinators and advisory team members wanted to do a case study on a northeastern city that had a long-term traditional police labor-management relationship. Stamford is a progressive city with a diversified population. The new mayor wanted change in the police department and had hired a nontraditional police chief. The police association is politically active and a powerful force in the community.

The Stamford Police Department was selected because it appeared to have all four tiers of a principled relationship between management and labor. It was recognized that the mayor of Stamford, the police chief, and the police union were making a concerted effort to develop a relationship based on communication, cooperation, respect, and trust. This relationship has resulted in the city's ability to implement community policing programs without the normal labor-management conflict.

## Management Perspective

Dean Esserman was the first person interviewed by the project coordinators. At the time of the interview, he had resigned as the Stamford police chief 4 months earlier to take a position as executive managing director at Thacher Associates, LLC, a New York City consulting firm. He has since resigned from Thacher Associates and accepted the position of chief of police in Providence, Rhode Island.

Chief Esserman believes he brought a new perspective to Stamford because he came from a nontraditional background for a chief of police. He had only 6 years of traditional law enforcement experience when Mayor Dannel P. Malloy appointed him chief of police.



Chief Esserman has a bachelor's degree from Dartmouth and a law degree from New York University. He started his career as an assistant district attorney in Brooklyn, New York, and not as a police officer. In 1987, he was appointed general counsel to the New York Transit Police (since merged into the New York Police Department [NYPD]) and served with William Bratton who was then the transit chief of police. Bratton later became police commissioner in Boston and New York City, and is presently the chief of police in Los Angeles.

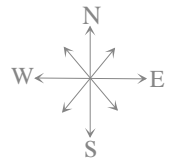
In 1991, New Haven, Connecticut elected its first African-American mayor. The political campaign centered on the soaring crime rate in the city and poor police-community relations. The new chief forced out all of the majors and commanders and hired Dean Esserman as an assistant chief to manage the day-to-day operations of the department. The chief and Esserman shared a commitment to community policing. Since Esserman was not a police officer, he had to attend the police academy. He believes his time in New Haven, including the mistakes he made, were an invaluable learning experience. The mayor was reelected on a promise to continue community-oriented policing. Esserman witnessed what could be accomplished when he empowered police district commanders to get things done, and if he brought the local community board members into the process by having them share the recognition of a safer community with the police district commanders.

Dean Esserman left New Haven to become chief of police for the New York State Metropolitan Transit Authority Metro North Railroad. In 1997, he was opening a new railroad police substation when he met Stamford Mayor Dannel P. Malloy. Malloy and Esserman had been assistant district attorneys in Brooklyn but had never met. Malloy had campaigned as mayor in 1995 on a platform to bring community policing to Stamford. The mayor was not satisfied with the performance of the police chief and recruited Esserman to take over. Mayor Malloy and Esserman became good friends and had a close working relationship.

It is Chief Esserman's opinion that community policing programs were originally driven by big-city mayors as a political issue identified by pollsters. These mayors then wanted popular police chiefs to implement the community policing programs, but the unions were never asked to participate. The mayors and police chiefs went directly to the media, churches, civil liberties groups, and the public, who saw themselves as disenfranchised, to market the new ideas in policing. Esserman was committed to including the rank-and-file officers and the union in the implementation of community policing in Stamford.

The SPA is a very powerful police union, and the union had been at war off and on with the city for a number of years during contract negotiations. Chief Esserman stated that when he arrived in Stamford, he found the department operating as it had for many years. The department had failed at effectively implementing new community policing programs. Previous chiefs had not participated in collective bargaining negotiations nor had they met with the union over issues prior to bargaining. Chief Esserman characterized himself as a "cops" chief and wanted to heal the wounds created between the union and previous chiefs. Esserman follows the advice of former NYPD Chief of Detectives Al Seedman who stated, "You cannot lead cops if you do not love them."

Chief Esserman said that Mayor Malloy gave him the leeway to make changes and to work with the police union. He found that the department was dispirited and leaderless. All police service was delivered from police headquarters. He saw the department as having great players that had been without a coach for too many years. As the new chief, he wanted everyone empowered to make suggestions for changes. He wanted the officers of all ranks to get their hearts back into the profession.



Stamford had been the scene of turbulent labor relations during the previous few contracts. The union had erected billboards on Route 95 that stated, “Welcome to Dodge City.” The union’s television commercials portrayed the city as ridden with crime. One of his tasks was to get involved in collective bargaining negotiations. The chief wanted to hire more civilians for administrative tasks at the department and to be able to bring in outside deputy chiefs if he felt it was necessary. The union agreed, but Esserman decided to select one captain and three lieutenants from SPD as the four new deputy chiefs.

Chief Esserman made other decisions that fostered a better relationship with the police union and the rank-and-file officers. He purposely did not hire consultants to tell him how to improve the department. One of the mistakes he made in New Haven was not searching out the leaders in the department early enough. It was evident to him that SPD’s 12 lieutenants were the potential leaders in the department. He asked them to work overtime to rework the department. Regular staff meetings were started for the first time in years, and every morning there was a meeting that included the command staff and the union president. These officers were left to figure how best to police the city. Trust and respect came about because there were no secrets or surprises according to Esserman.

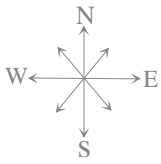
Cooperation between police management and the union resulted in the parties issuing a joint statement condemning racial profiling. The chief and the union held a joint press conference on Martin Luther King, Jr. Day and the chief and union president signed the resolution. The chief wanted the community to see that police management and the police union had a joint responsibility to represent and serve the community.

He invited the union to participate in policy making. Although he left the department before he could suggest this idea to the union, Chief Esserman felt that the union should administer and be responsible for the Field Training Officer program. He believed that veteran officers are the artisans who know best how to train the apprentice recruits. He wanted the union to have ownership in the profession.

What does Chief Esserman see as a major stumbling block for chiefs to implement the changes he brought about at Stamford? He believes that traditional police chiefs give the unions only token involvement in policy making, and many chiefs have a strong dislike for police unions. It is Chief Esserman’s opinion that most chiefs do not understand the rank-and-file officer much less the police union. Chief Esserman sees many of the traditional police chiefs spending their careers climbing the ladder. Their daily struggle is to keep their appointed positions as chiefs for long as they can. These chiefs see the rank-and-file officers and the police union as a threat to the chief’s job security. If the chiefs would develop a level of trust with the officers and unions, they would be able to avoid many labor-management conflicts.

Finally, Chief Esserman has a solution to the high turnover of police chiefs in the United States. The short tenure of police chiefs creates instability in the department and the community. The appointment of police chiefs will continue to be political in nature because chiefs will continue to be appointed by politicians or city administrators appointed by politicians. Many chiefs leave because the wages and benefits are not comparable to the private sector. Chief Esserman recommends that communities approach the hiring and retention of police chiefs the way universities hire and retain professors and coaches. Most public universities have created endowed chairs funded by private donations. If cities recruited corporations to fund a foundation for the recruitment and retention of their police chiefs, the high turnover could be avoided in many communities.





## Mayor's Perspective

In 1995, Mayor Dannel P. Malloy was elected on a platform to promote a safer city through community policing. The mayor admitted that labor-management relations between the city and police union were volatile and disruptive prior to 1995. Both sides were wrong in their approach to resolving issues. The union's billboard, "Welcome to Dodge City" hurt the city's image. A police officer was arrested and fired for harassing the mayor on the telephone. Malloy felt that the police department was out of control and needed change. The mayor also believed that many of the younger officers wanted to modernize the department.

Mayor Malloy wanted to develop a relationship based on communication, cooperation, respect, and trust with the police union. He recognized that the mayor and the union would not always agree, especially over economic issues, but he felt the parties could agree to disagree without damaging their relationship. While most police officers would not come directly to the mayor to discuss issues, he had an open-door policy.

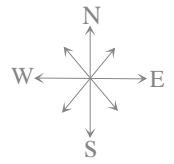
After the mayor was reelected in 1997, he recruited Dean Esserman as the new police chief because he believed he was the right person for the job. Mayor Malloy wanted community policing to be a success, but he felt that 80 percent of the police force was opposed to change. Since Esserman was a supporter of community policing, and he was committed to working to build respect and trust with the rank-and-file officers, the mayor believed Esserman could change the department's culture. The mayor gave the new chief the authority to make the necessary changes. The mayor wanted a new philosophy, and not just a new program.

Stamford has a 40-member board of representatives. Mayor Malloy knew the new chief would quickly learn that politics is an important part of the process in making changes. Chief Esserman would be required to find ways to give members of the board of representatives ownership in community policing programs in their districts. Mayor Malloy saw that change had to take place in small steps that built trust and communication and that the chief had to create a climate for change in the department and the city.

Mayor Malloy noted that Chief Esserman really loves cops. He believed the chief was genuinely interested in what the police union had to contribute. The chief's decision to empower every officer to discuss issues opened the door to improving labor relations. The mayor wanted a chief who really understood police officers. He needed a chief who could put the right officers in the right jobs. The mayor saw himself as the cheerleader of the city, and the mayor needed a police chief who could speak positively about the city. Mayor Malloy believes the success Chief Esserman had in Stamford was directly related to the chief getting the officers to embrace community policing as a base philosophy.

## Union Perspective

Joe Kennedy is a sergeant with 20 years of service on the Stamford Police Department. He had been president of the Stamford Police Association since 1999. From the late 1980s until 1995, the union was involved in almost constant labor turmoil with various mayors and police chiefs. The union itself suffered a high turnover in leadership. The union hired a political consultant during this period to produce a public education campaign. The campaign was negative at times and was intended to embarrass the mayor. The police union contract was settled in 1995, but the contract included concessions on sick leave and health insurance that the union believes still haunts it to this day.



In 1995, the union endorsed Dannel P. Malloy for mayor. The police union contract expired in June 1997, and the city and union were at impasse when Mayor Malloy appointed Dean Esserman as chief in early 1998. Initially, the union and the new chief faced off over unsettled contract issues. After the contract was slated for arbitration, a settlement was reached. Chief Esserman was able to reorganize the department into five patrol districts. Each district would be supervised by a lieutenant, and the lieutenants would be allowed flex time to work the hours they felt were needed. The chief also gained the authority to appoint deputy chiefs from outside the department. These were controversial issues for the union. The union believes it received poor raises in this contract. The union did receive a “holiday credit” in pensions that was popular with the officers. The contract was ratified by only 12 votes.

Sergeant Kennedy recalls two issues that caused the chief and the union to get into a conflict after the contract was settled. First, Chief Esserman had wanted to create a bike unit and the union opposed it during contract talks. Later, the union approached the chief about agreeing to the bike unit if the chief would agree to seniority changes. The chief refused to address it.

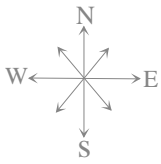
Second, Chief Esserman decided he would survey the officers in the department about what they wanted on the job. In unionized police departments, a strong union will generally oppose such a survey because the union believes it undermines the union’s right to speak for the members. Three of the survey questions were issues the union felt were contractual concerns. The union’s board of trustees felt the chief committed an unfair labor practice by going around the union. The union sent its members a memo advising them to answer the survey except for the three contract questions. Kennedy said he and Chief Esserman “had words” and did not communicate for a month.

After the survey dispute settled down, the union decided to work with the chief on the bike squad he wanted. While the general membership did not feel strongly about the creation of a bike squad, the union was authorized to work it out. In this spirit of cooperation, the chief agreed to support the union during contract negotiations on issues to improve the department. The union believes Chief Esserman kept his word.

During contract negotiations in 2001, the union saw the chief politicking the five police commissioners to educate them about the need to improve police pay, medical insurance, and the pensions. The chief had committed to not bring a concession list to the bargaining table to avoid having his wish list bog down contract talks. With the union having to negotiate only with the city over economics, it expedited bargaining. Mayor Malloy had his budget and salary limitations, but the union appreciated Chief Esserman’s effort to settle the contract. The level of trust, respect, cooperation, and communication greatly improved between the chief and the union after this contract was settled.

Sergeant Kennedy says the chief knew the union wanted a better public image. Chief Esserman kept the union informed on all public events. The union and the chief appeared jointly at many community events like ribbon cuttings and park openings to put a “face” on the officers. This joint cooperation sent a positive message to the community that the union and the chief wanted Stamford police officers to be seen as caring about the community.

The union knew the chief wanted change. The union supported the chief in increasing the number of sergeants and lieutenants. The union and chief agreed that many of the problems created on the street could be resolved if adequate numbers of supervisors were available to assist officers. Before Chief Esserman and the union started working together, the department’s supervisors were overburdened and lacked authority to take responsibility for decisions. The union believes Chief Esserman gave supervisors ownership in their profession.



Communication between the chief and union helped develop mutual trust and respect. Chief Esserman committed to keeping the union informed of what was happening in the department. Kennedy reported that he was never blindsided by the chief. The union was never surprised by what happened at a staff meeting because the union was always invited to attend. This access to policy making reduced rumors because the union always knew first hand what had occurred.

Sergeant Kennedy saw the disadvantages and advantages of Chief Esserman having never served as a patrolman. The disadvantage was that Chief Esserman often went outside the chain of command and gave some officer a dressing down when it was actually the job of the officer's supervisor. He felt Esserman lacked the patience at times to deal with the political realities of being chief of police. The chief's Brooklyn prosecutor attitude was often brash and the chief shot from the hip with comments that often alienated politicians.

The advantages were that Chief Esserman was quick to agree to common-sense changes, like changing the stripes on the uniform, wearing baseball caps, and the wearing of overalls on duty. The chief recognized immediately that overtime pay drives the department. Salaries for Stamford police are not sufficient to maintain a middle class lifestyle because of the high cost of living in the city. Kennedy noted that the mayor and chief supported officers working off duty on road projects where the utility companies paid the tab.

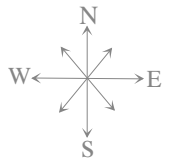
The union and the mayor have a respectful relationship. Sergeant Kennedy believes Mayor Malloy will work with the union on issues of mutual concern. The union sees the 40-member board of representatives as too large and often lacking interest in the police department. The union is trying to develop better relations with the board of representatives, and the union reports that the board of trustees has formed a subcommittee to investigate the problems with the police radio system.

### Principles Identified

The mayor was elected on a platform to implement community policing, and appointed a new police chief from outside the department who had never served as a patrolman, and had only 6 years of traditional law enforcement experience as an assistant chief and chief. The mayor wanted change and felt he could not get it with a traditional chief. The mayor and chief develop a personal friendship and have great respect for each other. The mayor trusts the chief to get the changes needed through cooperation with the officers and the union.

The new chief was a brash and outspoken proponent of community policing and saw the department as needing change. He was willing to push and shove to empower the officers to re-create the department. The chief was willing to listen to the real department leaders and actually follow up on their ideas. The chief did not want any secrets or surprises and he intentionally included the union in his policy-making decisions. His ability to communicate with the officers raised their trust level in him as chief. The chief and the union found they could agree to disagree without being disagreeable.

The union had been fighting with previous mayors and chiefs for more than a decade. The battles were hurting the morale and efficiency of the department and, in turn, the community was not receiving the kind of police service it warranted. The union leadership wanted to change the department and improve its image in the community. The union finally found a chief who was not encumbered with the old ways of thinking. This allowed the union and the chief to make mutually agreeable changes that went a long way toward improving the morale and efficiency of the department. The chief and the union worked together on issues and had respect for each other.



*Postscript: Dannel P. Malloy is still the mayor of Stamford. Michael Merenda is the new president of the police association. After Chief Dean Esserman resigned to go into the private sector, the mayor appointed a veteran Stamford officer, Louis A. DeCarlo, as the new police chief.*

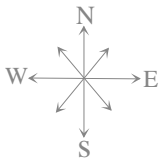
## Interviews

The Honorable Dannel P. Malloy  
Mayor of the City of Stamford  
10th Floor Government Center  
888 Washington Boulevard  
Stamford, CT 06901  
Telephone: 203.977.4150  
Fax: 203.977.5845  
E-mail: [Baveni@ci.stamford.ct.us](mailto:Baveni@ci.stamford.ct.us)  
Web Page: [www.ci.stamford.ct.us](http://www.ci.stamford.ct.us)

Chief Louis A. DeCarlo  
Stamford Police Department  
805 Bedford Street  
Stamford, CT 06901-1194  
Telephone: 203.977.4681  
Fax: 203.977.5583  
E-mail: [BErickson@ci.stamford.ct.us](mailto:BErickson@ci.stamford.ct.us)  
Web Page: [www.cityofstamford.org/PoliceDepartment](http://www.cityofstamford.org/PoliceDepartment)

Colonel Dean M. Esserman  
Chief of Police  
Providence Police Department  
25 Dorrance Street  
Providence, RI 02903  
Telephone: 401.272.3121, ext. 6109  
E-mail: [deanmesserman@msn.com](mailto:deanmesserman@msn.com)  
Web Page: [www.providencepolice.com/index1aa.html](http://www.providencepolice.com/index1aa.html)

Sergeant Joseph M. Kennedy  
President, Stamford Police Association  
805 Bedford Street  
Stamford, CT 06901-1194  
Telephone: 203. 357.1112  
Fax: 203. 357.9915  
E-mail: [spa805@aol.com](mailto:spa805@aol.com)  
Web Page: [www.stamfordspal.com](http://www.stamfordspal.com)



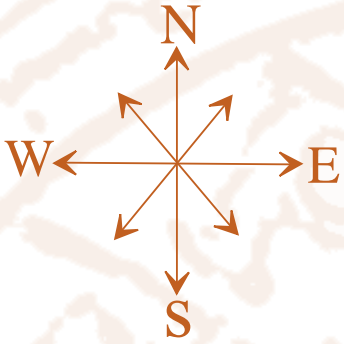
## FOR MORE INFORMATION ON THIS CHAPTER

Related web sites about Dean Esserman:

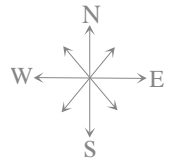
- “Dannel P. Malloy sworn in for third term,” Sky Arc News Release. [www.skyarc.com](http://www.skyarc.com).
- “Dressed for Success: Dean Esserman was a shoo-in to become Stamford’s new police chief, but is he cut out for the job?” by Eric Friedman, Fairfield Weekly, February 5, 1998. [www.fairfieldweekly.com](http://www.fairfieldweekly.com).
- “How to Decentralize Control and Get Police Officers to Love Their Jobs,” by Dean Esserman, Amazon. Com. [www.amazon.com](http://www.amazon.com).

For chronological newspaper accounts on the events in this case study, go to these web sites:

- “Connecticut city adopts plans to end racial profiling,” CNN.Com, February 20, 2000. [www.cnn.com](http://www.cnn.com).
- “Stamford may take tougher stance of profiling,” The Hartford Courant, February 27, 2000. [www.ctnow.com](http://www.ctnow.com).
- “Conn. Town fights racial profiling on the streets and sidewalks,” ACLU News, February 27, 2000. [archive.aclu.org](http://archive.aclu.org).
- “A LEN Interview with Police Chief Dean Esserman of Stamford, Conn.,” Law Enforcement News, Vol. XXVI, No. 530, March 31, 2000. [www.lib.jjay.cuny.edu](http://www.lib.jjay.cuny.edu).
- “Domestic Violence Recognized As Priority for Connecticut Employers and Communities,” Altria news release, March 22, 2001. [www.altria.com](http://www.altria.com).
- “Esserman sworn in as new Police Chief,” ABC6.Com, January 14, 2003. [www.abc6.com](http://www.abc6.com).
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- “Cool Justice: Cops Who Carry Constitution on the Beat,” by Andy Thibault, Columnist, Law Tribune Newspapers, September 8, 2003. [andythibault.com](http://andythibault.com).
- “Problems are local,” Letter to Editor, The Advocate, September 25, 2003. [www.stamfordadvocate.com](http://www.stamfordadvocate.com).
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**SECTION SIX:  
ONE POLITICALLY STORMY ISSUE:  
RACIAL PROFILING**



## Chapter 15

### FULL SPEED AHEAD: SEIZING THE INITIATIVE ON RACIAL PROFILING

By  
*Mark Alley, Chief of Police*  
*Lansing (Michigan) Police Department*

Whether mandated by law or initiated administratively, collecting demographic data on contacts between the police and the public is stressful on any law enforcement organization. A cooperative plan between labor and management is essential for a successful outcome. Contrary to popular belief, a police department not only can survive demographic data collection, it can thrive under it. Dealing with the issue of racial profiling does not need to be a crapshoot. While positive results cannot be guaranteed, the following do's and don'ts will put your organization in the best position for success.

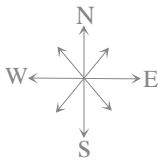
In July 2000, the Lansing (Michigan) Police Department (LPD) began an 8-month process preparing for demographic data collection by police officers during traffic stops. This process included hiring two renowned consultants who helped the police department identify key issues, develop policy and procedures, and provide training on the issue of racial profiling. In February 2001, officers began to collect demographic data on their traffic stops. To date, four 6-month analyses have been conducted on the data. All analyses concluded that there is no evidence to suggest any pattern of racial profiling by LPD officers. From our experience, we have identified eight steps that an organization should follow to deal effectively with demographic data collection on traffic stops.<sup>§</sup>

#### Step 1: Recognize That Profiling Occurs and Is a Societal Problem

Race is just one of many factors we use to make initial judgments about people. Gender, ethnicity, height, weight, dress, perceived economic status, expression, voice tone, and posture are other factors we use to make split-second judgments. People in sales try very hard to look, sound, and act like the trustworthy person with whom you would like to do business. They are not only selling their product, they are selling themselves.

In law enforcement there are appropriate situations in which to use race and other demographic factors to identify criminals. Putting together partial descriptions of people involved in criminal activity that involve race, gender, age, height, and weight has been a cornerstone in investigative follow-up. Using these demographic factors alone as a profile without the supporting crime analysis to identify criminal activity is unconstitutional. It is an unfortunate reality that this kind of decision making can and does occur in our society, even in law enforcement.

§ All of the supporting documentation for the “Lansing Model on Traffic Stop Data Collection” can be viewed and downloaded from the official Lansing Police Department web site at [www.lansingpolice.com](http://www.lansingpolice.com). Click “Special Efforts” then click “Profiling Project” to review the Lansing Police Department Policy Paper, Traffic Stop Procedure, all 6-Month Data Analyses, 1-Year Data Analysis, and 2001 Citizen Satisfaction Survey.



## Step 2: Recognize that Law Enforcement Represents Everyone in the Community

The vast majority of citizens support the police. The police have a social contract wherein they garner their power from the people. Law enforcement is charged with keeping the peace, enforcing laws, and helping to solve problems to improve the quality of life. Everyone wants to be treated fairly. They do not want to be treated differently based on how they look. Unfortunately, a majority of the people in America believes that law enforcement officers are involved in racial profiling. In a 2001 Gallup poll, 83 percent of Blacks and 55 percent of Whites believed that racial profiling was widespread in law enforcement.<sup>§</sup>

§ See [www.gallup.com](http://www.gallup.com).

§§ The paper is available on the Lansing Police web site at [www.lansingpolice.com](http://www.lansingpolice.com), under the menu item “Special Projects” followed by “Profiling Project”.

Unfortunately, the gap between Blacks and Whites of perceived fair treatment by law enforcement has worsened since the 1999 poll where Blacks reported significantly higher fair treatment. Our social contract obligates law enforcement to treat people fairly and to demonstrate to the best of its ability that people are treated fairly.

As in so many situations, perception is as important as reality. Having this negative perception hanging over law enforcement erodes public confidence and decreases employee morale. The ability to defend the organization with data is the most effective way to deal with the issue. If data indicate that inappropriate profiling is occurring, the organization is in a position to identify the scope of the problem and take appropriate measures to correct it. Either way, data collection moves the issue away from conjecture and into reality.

## Step 3: Assemble an Advisory Team

For a traffic-stop demographic data collection to be successful it is critical that all the stakeholders are represented early in the process. Ideally, an advisory team consisting of union leadership, management, and civic leaders should guide the process. Because of the delicate nature of this topic, we highly recommend hiring an outside consultant to oversee the project. The project will require community input, policy development, training, and data analysis; therefore, it is critical to have a respected third-party consultant who can provide these services.

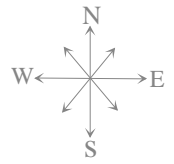
The topic of racial profiling is an emotional one for many people. At least to some degree, it is critical that the members of the advisory team can find agreement on the issues listed in Steps 1 and 2. Recognizing that profiling is a natural occurrence in human beings and that there are race relations issues in our country are concepts that few people will dispute. The degree to which inappropriate demographic profiling occurs in any police agency is purely subjective without any objective data available to make conclusions. As such, each advisory team member will have his or her personal feelings on the degree that this is an issue at any specific agency.

## Step 4: Obtain Input from the Organization and Citizenry

In Lansing, we hired Dr. David Carter of Michigan State University and Dr. Andra Katz-Bannister of Wichita State University to act as the project coordinators. We organized a series of meetings with officers and community members to get their input and concerns about the issue. The consultants wrote a policy paper answering the concerns and giving direction to the organization.<sup>§§</sup>

The consultants met with approximately 30 police officers and 60 community members. In summary, the officers stated that they did not racially profile minorities. The officers felt that they are just trying to do their job and they resented the fact that they were being accused of being biased. The majority of the community members felt that officers regularly racially profiled minorities. Some citizens stated that they





feared for their children's safety at the hands of the police if they were to drive after dark. Many of the citizens complained that officers would refuse to tell them why they were stopped, which led them to feel violated. It became abundantly clear that there was a lack of communication between some officers and citizens during traffic stops.

## Step 5: Develop the Data-Collection Method and Traffic-Stop Procedure

The advisory team decided to focus the demographic data collection on traffic stops and not on other forms of police encounters. There were two reasons for this. First, it was important to limit the amount of time an officer spent collecting the data. Since officers have a finite amount of time to do their jobs, it made good managerial sense to gather enough data to look at the issue while not tying up the officers with unneeded paper work. Second, the issue of racial profiling has been viewed nationally as a traffic-stop issue. The advisory team determined that a traffic stop is the most discretionary activity an officer performs. If an officer is making inappropriate judgments about people during a traffic stop, it is likely that he or she is making the same inappropriate judgments during other job functions. Likewise, if an officer is making unbiased judgments about people in traffic stops, it is likely that he or she is doing the same during other duties.

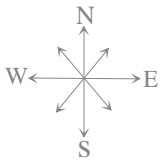
The advisory team also decided that officers would not ask the stopped person clarifying questions about his or her demographic data primarily because it would offend many people. In addition, the issue at hand is the officer's perception. As long as the officer makes a good-faith effort to complete the form to the best of his or her ability, it will be a moot issue.

One issue that the advisory team debated was whether the officer should record the demographic data that he or she perceives the driver to be before making face-to-face contact. It is true that many times an officer will not know the race or gender of the person he or she is stopping before the stop is made. The problem with the pre-stop demographic identification method is that the officer is interjecting the variable of race and gender into the decision to make the traffic stop. This is exactly what we are trying to prevent. We want officers to make decisions based on a person's behavior, not on appearance.

Demographic data were not gathered on passengers for many of the same reasons that data are being collected only on traffic stops. The advisory team looked at the cost versus the benefit of requiring officers to gather these additional data and decided that the additional information would not enhance the project substantially. Gathering the additional data would add undue time to the traffic stop and unneeded paperwork for the officers. The quality and quantity of the data analysis that was completed at the 6-month and 1-year reports confirmed this decision.

The team developed a 15-question form for gathering demographic data from a driver during the traffic stop.<sup>§</sup> The one-page bubble form is slightly smaller than a traffic ticket. It takes an officer approximately 30 seconds to complete. Not only does the form gather demographic data about the driver, it also records the reason for the stop, outcome of the stop, whether a search was conducted, the legal authority of the search, and the outcome of the search. The officer's supervisor reviews and initials the form at the end of the shift, and the forms are scanned and the data are stored for analysis.

§ The procedure is available at [www.lansingpolice.com](http://www.lansingpolice.com) under the menu item of "Special Projects" followed by "Profiling Project" then "Traffic Stop Data Collection".



The team also developed a procedure for collecting demographic data during a traffic stop.<sup>§</sup> It was clear in community meetings that people were dissatisfied when they were not told why they were stopped. Unless there are extenuating circumstances, the procedure requires officers to introduce themselves and immediately advise the person of why he or she was stopped. This fact alone has increased public confidence during traffic-stop encounters.

Six months after implementing this new procedure, we replicated a citizen survey conducted in 1999 of citizens who received traffic citations. In the 1999 survey, 60.5 percent of citizens reported they were very satisfied or satisfied with their encounter with the police officer during a traffic stop. In 2001, 72.6 percent of respondents reported they were very satisfied or satisfied. Increases in satisfaction levels appeared across all ethnic groups.<sup>§§</sup>

### Step 6: Train the Officers and the Community

Training is one of the most critical steps in the process and easily the most overlooked. Organizations need to put themselves in the best position to succeed. To do this, officers needed to understand what racial profiling is and how to perform legal and ethical traffic stops. Having consistent guidelines for officers to follow in making traffic stops increases the public's confidence in the organization. The following is a suggested outline to follow in a training session:

1. Define racial profiling.
2. Define Pretext Stops and associated case laws.
3. Define a Terry Stop and associated case laws.
4. Review Fourth Amendment search warrant requirements.
5. Describe the continuum of racial profiling.<sup>§§§</sup>
6. Illustrate public concern over racial profiling using Gallup polls.
7. Identify racial profiling as a national issue.
8. Discuss the history of profiling.
9. Discuss using crime analysis information about race along with other physical factors to identify suspects in crimes.
10. Discuss how the demographic data will be gathered and analyzed.
11. Train officers in the procedure they are to follow when conducting a traffic stop.

Officers will be uneasy about how the data analysis will affect them. They will be concerned that they will be unjustly labeled as a racial profiler with their name and picture splashed in the media. For the most part, these concerns are valid. The analysis of the data is problematic because it is almost impossible to determine the demographics of the driving population at any given time or place. Dr. Carter noted in the 1-year data analysis report that there is no universal standard of comparison. A conclusive judgment cannot be made about an officer's motivations simply by looking at his or her statistical behavior. "Rather, the data serve as a barometer to suggest if there are policies or practices which should be examined more closely to ensure that there is no discrimination."<sup>§§§§</sup>

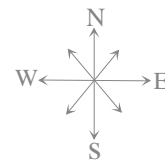
Because of the obstacles associated with individual analysis of the data, the data should be analyzed for the organization as a whole. If officers are making traffic stops based on behavior and not considering what people look like when making their decisions on whom to stop, there is a good chance that the percentage of traffic stops will be similar to the demographics of the community. To increase the odds

§ Ibid

§§ The survey is available on the Lansing Police web site at [www.lansingpolice.com](http://www.lansingpolice.com), under the menu item "Special Projects" followed by "Profiling Project" then "2001 Traffic Enforcement Citizen Survey".

§§§ The paper is available on the Lansing Police web site at [www.lansingpolice.com](http://www.lansingpolice.com), under the menu item "Special Projects" followed by "Profiling Project" then "Profiling Policy Paper", figure #1, by Dr. David Carter and Dr. Andra Katz-Bannister.

§§§§ Ibid, "Traffic Stop One Year Analysis", pg. 6



of this happening, an emphasis should be placed on enforcing moving traffic violations, especially those violations that promote traffic accidents. By having officers concentrate on enforcing speeding violations and stopping drivers who disobey traffic-control devices, a much more representative portion of the population will be stopped. In general, pretext stops lend themselves to inappropriate use of demographic factors when deciding whom to stop.

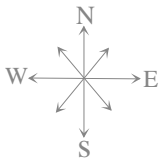
The training should also inform officers of the demographic make-up of their jurisdictions. Officers who work in demographically diverse areas will tend to overestimate the percentage of minority drivers in their assigned areas during their shifts. For instance, the Black population of Lansing, Michigan, is approximately 22 percent. With some exception, the Black population is spread fairly evenly across the city. I have heard numerous officers working the afternoon and night shifts state that they estimate the number of Black drivers in their area as 60 to 80 percent. Because Lansing is surrounded by suburbs, which are mostly White, it is literally impossible for any area in Lansing to be 60 to 80 percent Black. Using 2000 census data, a racial breakdown of the resident population was done for each of the 18 patrol areas in the city of Lansing. Officers tended to be surprised by how much they over-estimated the minority population in their patrol area. This is not to say that the officers are racist. A disproportionately high number of calls for service tend to be at lower income residences, and unfortunately this can have a disproportionate impact on minorities. Therefore, the officers perceive that their patrol area has a higher percentage of minorities because that is what they see. Conversely, the driving population is much more reflective of the census demographics than the calls for service. Once again, it is important that officers recognize how their subconscious can affect their decision making.

After training the officers, the same training should be made available to anyone in the community who wants it, including the media. This is an opportunity to educate the public on issues involved in racial profiling and exhibit the organization's thoughtful proactive approach to dealing with the same. No matter how the data come out people will be inclined to accept that the organization is working toward dealing with this difficult societal issue.

## Step 7: Gather and Analyze the Data

It is customary to see a decline in traffic enforcement immediately after instituting a data-collection instrument. The daily review of the data-collection instruments by first-line supervision is critical to deal with issues of productivity. Most officers will follow the procedure and collect the data to the best of their abilities. Some personnel will complete every form as either "other" or "not apparent" in terms of race. Issues like these need to be dealt with swiftly by management and labor leaders. The only thing worse than having a disproportionate number of any specific groups stopped or searched is lying on the data-collection instrument. To use an age-old analogy, it is the difference between a car crash and a plane crash: you can survive the car crash.

Having a third party professionally analyze the data is critical. Because there will be variations over time, we suggested collecting a minimum of 6 months of data before any analysis takes place. The more data that are collected, the less likely anomalies will affect the outcome. Another positive aspect about having a third party analyze the data is that it takes away many of the questions about improper manipulation of the data. The analyzed data should be put in a report form that is easily read by anyone.



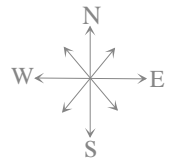
## Step 8: Disseminate the Data Analysis Report

Many people and organizations will be interested in the data analysis report; therefore, it is important that a number of people are able to explain the process that the organization went through and the results of the data. The advisory team can work in this capacity. Once the team has discussed the results, the report should be disseminated to the officers, elected officials, and people who have followed the process closely. Members of the local Department of Civil Rights, NAACP, and American Civil Liberties Union should be given the report and an executive summary on the same day or just before the report is released to the media and general public. It is likely that the media will contact members of the aforementioned groups for comment and it puts the organization in the best position to control the story if a meeting takes place before media contact occurs.

As noted in the opening of this chapter, the LPD has had four successful traffic-stop data-collection analysis reports to date. The credit for this lies squarely on the dedicated men and women working uniformed patrol in the LPD. It is their decision making and professionalism that have been analyzed and evaluated. As chief of police, I could not be more proud of them.

Upon reflection, I am happy that I attended every training session for the officers and public for this project. At times it was uncomfortable, but I believe it was important for the officers and citizens to see my personal dedication to this project. I would encourage any other chief to do the same.

In hindsight, I underestimated the pressure that was being put on the union representatives by the rank-and-file. I should have spent more time with my union leaders during this process to get a better sense of the concerns they were hearing. Even though I spent hours attending shift briefings discussing the project and where it was headed, the union leadership was taking the brunt of contentious uncertainty. I would recommend sharing as much information as possible with officers throughout the process to lessen the fears of the unknown.



## Chapter 16

### Quis Custodiet Ipsos Custodes? THE ACLU ON RACIAL PROFILING

By

*Will Harrell, Executive Director*

*The American Civil Liberties Union of Texas*

*“If you are a young African-American male in Texas, three things are certain: you will die, you must pay taxes, and you will be racially profiled.”*

—Representative Senfronia Thompson  
Texas House Floor Speech on Senate Bill (SB) 1074  
April 2001

*“Racial profiling is wrong and we will end it in America”*

—President George W. Bush  
State of the Union Address  
February 2001

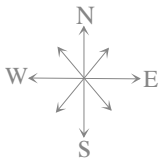
The American Civil Liberties Union (ACLU) is a national organization dedicated to the advancement of civil rights and to the protection of civil liberty for all people, including police officers. We make use of grassroots mobilization, the courts, the legislature, and the media to achieve this goal. Contrary to the concerted misinformation campaign of certain law enforcement union leaders, the ALCU is not anticop. We are only antibad cop.

*Quis custodiet ipsos custodes?* translates roughly to “who will watch the watchman?” This is an age-old question. History shows that the police are neither willing nor capable of policing themselves. That is why the ACLU insists on the enactment of measures by which the citizenry can watch those who watch us.

In the 77th Legislative Session, the ACLU of Texas, joined by the Texas League of Latin American Citizens (LULAC), the Texas branches of the National Association for the Advancement of Colored People (NAACP), and others, pushed to passage a comprehensive, and in some senses, a model racial profiling statute. Full implementation of this statute has encountered some obstacles, but in general, it has ushered in the successful beginning of police behavioral reform.

### **A Collective Call for Racial Profiling Data Collection**

The perception that some officers are engaging in racial profiling has created a very real resentment and distrust of the police in communities of color. This is a serious public safety concern because effective policing will be achieved only when citizens believe that the police protect their safety and property as well as their civil rights. When law enforcement practices are perceived as racially biased, unfair, or disrespectful, communities of color are less willing to trust and confide in police officers, to report crimes that come to their attention, to participate in police problem-solving activities, to be witnesses at trial, or to serve on juries.



According to a 2000 Gallup Poll, more than half of respondents believed that racial profiling was widespread and 81 percent disapproved of the practice. And when broken down by the race of respondents, that rate is much higher: 77 percent of African-Americans believed racial profiling was common practice. More than half of African-American men between the ages of 18 and 34 believed they personally had been victims of racial profiling. Hence, approval rating of the police in communities of color is half that of white communities.

Anecdotal evidence of racial profiling abounds. At the ACLU of Texas, we regularly receive such complaints. Racial profiling has been part of the national public discourse for several years, splattering the front pages of newspapers around the nation, and it has become more than a sound bite on television news programs. The *Oxford American Dictionary* actually now defines DWB as “driving while black or brown.”

ACLU detractors like Heather MacDonald overestimate us. (Heather MacDonald is the author of book, *Are Cops Racist? How the War Against the Police Harms Black Americans*.) The ACLU did not invent the notion of racial profiling. That racial profiling is a widespread practice and that it is immoral is a well-known fact in communities of color. Contrary to what Ron DeLord (president of the Combined Law Enforcement Associations of Texas) likes to propagate, the ACLU does not pursue police accountability as a membership drive gimmick. Rather, we are simply responding to the pleas of people who fall prey to police tactics that defy constitutional norms of racial equality.

## The Texas Statute

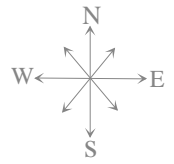
It is against this backdrop that the Texas Legislature passed SB 1074 sponsored by Senator Royce West (D-Dallas). Representative Senfronia Thompson (D-Houston) sponsored the House version. While the key sponsors were both African-American Democrats, the bill had bipartisan support. In fact, one of the House cosponsors was Representative Terry Keel who is a Republican, a former sheriff, and a former assistant district attorney in Travis County. The bill passed 28–2 in the Texas Senate, with 13 of 15 Republicans voting for it.

That racial profiling legislation is a Democrat agenda is an erroneous myth. To the contrary, the Democrats in Texas are often an obstacle to police reform because many are beholden to law enforcement unions in a way Republicans are not. Also, they have a greater fear of being labeled soft on crime. Republicans in districts with substantial minority populations feel the need to support racial profiling legislation to bridge gaps with that constituency.

The Texas racial profiling statute passed overwhelmingly. In some ways it is a model statute. But there are shortcomings, which like all legislation, is the product of compromise.

Perhaps the most significant aspect of the Texas statute is its definition of racial profiling. According to the statute, racial profiling is “law enforcement-initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.” This definition effectively bars pretext stops.

Another important aspect of the Texas legislation is that reporting is local, rather than to some central bureaucracy in the state capital. All politics are essentially local. The Texas statute requires police agencies to report to their local governing body (i.e., city council or county commissioners). If a local community is dissatisfied with what the reports reflect, they can advocate for reform at their local government. Local governments, in turn, can attempt to influence the sheriff or chief with the power of the purse or otherwise. Citizens can influence a sheriff at the ballot box.



The statute requires each law enforcement agency in Texas to create its own detailed, written racial-profiling policy, which clearly defines racial profiling consistent with the statutory definition and prohibits the same. The policy must require training provided as a requirement of continued licensing by the Texas Commission on Law Enforcement Standards and Education, the state licensing board for law enforcement officers, which is charged with the task of creating an appropriate curriculum.

The statute also requires that each agency establish a disciplinary regime for incidents of racial profiling. Each agency must also broadly disseminate information to the community about the existence of the racial profiling prohibition and information about how individuals can file a complaint.

The statute also requires data collection, which is an essential component of monitoring and preventing racial profiling practices. Each agency must report the data and analysis to its local governing body annually. This aspect of the statute has two phases. In Phase I, beginning January 1, 2002, data must be collected only on stops in which a citation was issued or an arrest made. In Phase II, beginning January 1, 2003, police officers must collect information on every stop, regardless of whether a ticket was issued.

Phase I data collection requires the following:

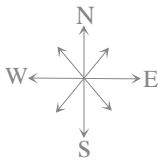
- The race/ethnicity of the individual
- Whether a search was conducted
- Whether the officer had voluntarily consent for the search
- Whether an arrest resulted from the stop.

Phase II data collection requires the following:

- The person's gender and race/ethnicity
- The traffic law or ordinance alleged to have been violated
- Whether a search was conducted
- Whether or not consent was given for the search
- Whether contraband was found during the search and the type of contraband
- Whether probable cause existed to conduct a search
- The specific facts supporting probable cause
- Whether an arrest was made, a citation issued, or a warning issued
- A statement or description of the offense charged, citation issued, or warning
- The address or approximate location of the stop.

The ACLU and our coalition partners were most interested in the so-called Phase II data from the beginning but accepted the two-phase model pursuant to good faith negotiation. What data could be more telling than that which reveals a racial disparity on occasions where an officer stops a driver or pedestrian, searches the person, and then releases him or her, unable to write up a citation? Chief Mark Alley of Lansing, Michigan is correct in saying that that collecting passenger and pedestrian data would be more costly (see Chapter 15). But the cost would be far outweighed by the benefit of that data.

Cleanup legislation proposed in the 79th Texas Legislature (2005) would have collapsed Tier 1 and Tier 2 data into a single set of data-collection requirements that would apply to all agencies, and centralize reporting at a state-run repository. Police unions and some police departments opposed that legislation, preferring the statute, apparently, as it was originally drafted.



The most complicated aspect of the 2001 law pertains to certain options that departments have regarding audio and visual equipment. Regardless of whether it applies for state funds, as part of its mandatory creation of racial profiling policies, each agency is required to examine the feasibility of installing video cameras and transmitter-activated equipment in each vehicle and/or motorcycle regularly used in traffic stops. The law provides for the Department of Public Safety to give funding and/or equipment to departments in need.

The law's weakest aspect is a loophole that could allow local departments acting in bad faith to neither install cameras nor implement Phase II data gathering. Remarkably, despite this loophole, several departments began collecting Phase II data even before the statutory deadline.

Another weakness in the law is that it does not specify how departments are to analyze the data. There has been considerable debate about what is the most appropriate baseline to use. Anticipating confusion and inconsistency, the ACLU and the Texas Criminal Justice Reform Coalition (TCJRC) sponsored a seminar with the Law Enforcement Management Institute of Texas (LEMIT) to address this concern. Representatives from more than 200 local law enforcement agencies attended. The ACLU and its coalition partners devised and promulgated the Fair Roads Standard. While imperfect, we believe it is the most accurate and manageable method available to agencies with insufficient resources to conduct road surveys.

The Fair Roads Standard compares stop totals to a baseline derived from vehicle availability data in the Census. That data measures the extent to which different demographic groups have access to cars. Vehicle availability data are most appropriate as a baseline because the data are easily accessible and address gaps other baselines create.

The ACLU and our partners initially sought a statute with more teeth. We hoped it would include criminal penalties for officers who engage in racial profiling. We would have liked to see a requirement that any evidence obtained as a result of racial profiling be suppressed in criminal proceedings, and a provision stating that no asset seized pursuant to a racial profiling incident is subject to civil forfeiture. But we feel satisfied that this statute, though compromised, is a positive first step along the long road to eradicating racial profiling.

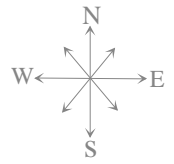
## Early Stages of Implementation

Any law that goes unimplemented is not worth the paper on which it is written; however, no new significant mandate like a racial profiling statute will be fully implemented overnight.

In the summer of 2001, the ACLU, with the TCJRC produced and distributed *Racial Profiling: What You and Your Community Need to Know*, a comprehensive manual on the new racial profiling law and how local activists can monitor the implementation at the local level. In January 2003, we published a subsequent implementation report, *Prohibiting Racial Profiling: An Analysis of Local Implementation.* We reviewed 271 racial profiling policies from Texas sheriffs' and police departments for compliance with the requirements of SB 1074. The report was released to the media a day before a Senate Jurisprudence Committee was scheduled to review SB 1074 implementation. The timeliness and quality of the report favorably positioned civil rights advocates to push for greater review and oversight of SB 1074 by the Senate Committee. This report has been used by activists and civil rights leaders across the state to help determine the quality of local SB 1074 implementation. As a result of the TCJRC/ACLU report, more than 12 policies have been changed and modified across Texas.

§ The Fair Road Standard can be found at [www.criminaljusticecoalition.org](http://www.criminaljusticecoalition.org).





In addition to the implementation report, the coalition distributed thousands of racial profiling brochures (as well as ACLU “bust cards”) in Spanish and English all over the state. We have also conducted presentations on racial profiling in all the major Texas cities.

On March 1, 2003, the first racial profiling data-collection reports were due to local city councils and county commissioners as required under SB 1074, and we wanted to be prepared. That’s why, in October 2001, we began to convene a more formal working group to develop a specific strategy to respond to this new development. The working group consists of representatives from LULAC, NAACP, and the ACLU. We knew that some police departments would skew the analysis to hide signs of racially biased police practices. Aware of this, we knew we would have to promote our own baseline or standard for analysis among the public, community leaders, and in the media. After considerable research, we found that there is no clear national consensus among law enforcement, academics, or civil rights groups on a method for analyzing racial profiling data. There is no agreed-on baseline to compare data to establish the prevalence of racial profiling. During our research we also discovered that LEMIT, a state-funded training facility, was sending a professor around the state encouraging police departments to use a baseline, which collapses whites and Latinos together—making racial comparisons impossible.

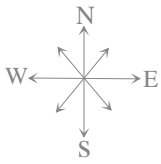
§ SB 1074, Articles 2.132, 2.133, an 2.134 of the Texas Code of Criminal Procedure.

Upon review of the available options, our working group developed a standard we support called the Fair Roads Standard. At the end of December, we mailed a letter to all Texas police chiefs and sheriffs informing them of our standard, why it’s the best available, and how to use it. Judging from the positive response we received in January 2002 after sending around a similar model policy, we expect a significant number of departments to adopt our recommendations.

To supplement this effort we organized a public forum to debate methods of racial profiling data collection, data auditing, analysis, and police responses called “Symposium on Data Collection, Analysis and Policy Responses” held at the University of Texas (UT) at Austin on Friday, January 31, 2003. We have already garnered the financial support and cosponsorship from ACLU, LULAC, LEMIT, and the UT Department of African and African-American Studies. This was a groundbreaking symposium where national experts, academics, Texas police executives, legislators, and community leaders gathered to discuss the practical implementations of racial profiling data collection and monitoring.

The law requires each police department in Texas to report annual figures of whom they stop and search to their local city council and county commissioners’ court who are supposed to review and monitor this information for racial profiling practices. The first year of data was released on March 1, 2003. This was intentionally done so that local governing bodies will be responsible for taking action on racial profiling as opposed to some distant and possibly vacuous statewide agency. This allows local community members to put pressure on the decision makers to whom they have most access: local officials.

This method of accountability and enforcement at the local level has some significant drawbacks. It requires local communities to acquire the ability to analyze and make sense of the figures and numbers that the police present. Often, this is a tall order for the mothers and fathers who lead the community organizations and neighborhood associations most vocal about racial discrimination in local policing.



To meet this local need, as well as to provide a statewide comparative analysis that's missing in Texas' law, in February 2004 and 2005 the Texas Criminal Justice Coalition published an analysis of local police departments' stop-and-search rates. We reviewed reports from more than 1,000 law enforcement agencies in Texas—the largest collection of racial profiling data anywhere covering millions of traffic stops. This allows local activists to gain a bird's-eye view of how their local police are using race in enforcement. They can then use this information to confront city officials and law enforcement and demand change.

The ACLU and our partners did not seek to pass the racial profiling statute for symbolic purposes. We identified a problem and created a tool for reform. We know racial profiling is a problem that exists. Any manager knows that to manage a problem, he or she must measure it. This statute provides police managers with a means to measure.

We fully anticipated that the data from the first round of reporting would illustrate the problem. But the objective is to see the numbers change over time for the better—for managers to manage the problem.

The initial data demonstrated that not all Texas departments engage in racial profiling. In some agencies minorities are routinely disproportionately stopped, while in others officers gave tickets at roughly the rates at which minorities in the jurisdiction have access to vehicles. Similarly, data on "consent searches," where an officer asks permission to search a car without probable cause, shows that some departments are much more likely to search minorities than whites, while others behave much more responsibly.

## No Battle Stays Won

Police departments around the state are becoming accustomed to the process of data collection and reporting. Officers are adjusting to the process of obtaining the required information. Communities are comforted by this development. Yet opponents of antiprofiling measures suggest two ideas that are inconsistent with each other: 1) police do not engage in racial profiling, but 2) when they do, it's justified.

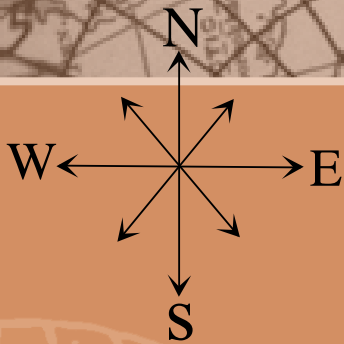
Neither idea has merit. In January 2001, Senator Royce West, the author of the Texas racial profiling statute convened a meeting of several police representatives and civil rights groups. He started the meeting by asking if anyone in the room was prepared to argue that racial profiling does not exist and is not wrong. Not a single officer raised his hand—not even Ron DeLord.

When I addressed the National Coalition of Public Safety Officers (NCPSO) in 2002, I posited the same question. The silence was deafening. The next year at the NCPSO convention in San Diego, the officers in attendance seemed more hostile to the notion, marking a shift in attitude.

The ACLU and our coalition partners will resist such efforts to roll back the racial profiling clock. If they continue to arise, communities of color will inevitably recoil from any attempted engagement with the police. This will usher in serious public safety issues.

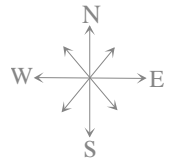
It is in the best interest of law enforcement to carry forward with the racial profiling data collection trend. To do otherwise would send the wrong signal to the public. If the data illustrate that racial profiling is not as pronounced as the subjective, anecdotal information currently indicates, the police will be uplifted in the eyes of the citizenry. If the data illustrate that there is a problem and the police leadership takes steps to remedy that problem, relations with the public will be enhanced. Simply by making the effort to address the concerns of the community regarding a perceived problem of racial profiling elevates community-police relations. It is a win-win scenario for police agencies.

*Will Harrell is the executive director of the ACLU of Texas. Scott Henson, director of the ACLU of Texas Police Accountability Project, and Eva Dee Owens, coordinator of the Texas Criminal Justice Reform Coalition, contributed to this article.*



# PART THREE: Bridging the Differences



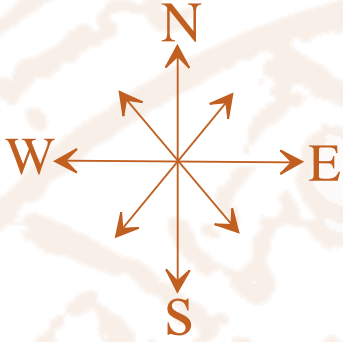


## BRIDGING THE DIFFERENCES

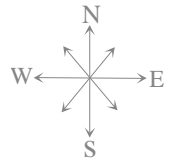
Part III is the picture of law enforcement union-management relations that suggests a relationship that is often suboptimal at best, and dysfunctional at worst. The spheres of influence (described in Chapter 1) affected by, and able to affect, law enforcement efforts are powerful forces with common and conflicting interests. Each pushes and pulls in ways that can hinder the effectiveness and threaten the stability of the union-management relationship. Consequently, managing change and even maintaining the status quo can be a challenge for administrations and unions alike.

Section 7, called *Staying on Course*, offers ideas on how law enforcement unions and administrators can work more effectively together to solve problems, plan new initiatives, and manage change processes that they deem necessary for their departments and their communities. The differences between union and management can be reduced through purpose and will, when helped along by attention to the ideas provided in this section.

- *Chapter 17* outlines a number of suggestions about specific things that chiefs, sheriffs, and union leaders can do to create and maintain a climate that supports more effective union-management interaction. This, in turn, can lead to more productive day-to-day operations as well as more widely accepted and enduring organizational change.
- *Chapter 18* features a nationally recognized political and media consultant taking a candid look at the media and the influence it has over public opinion while offering suggestions about how departments and unions can work with the media to advance their organizational goals during a crisis.
- *Chapter 19* is a reflection by the author on what management and unions in law enforcement intentionally and unintentionally do to limit trust, build hostility, reduce understanding, and undermine their relationships. The underlying theme is that most of these things are preventable.
- *Chapter 20* offers thoughts on how a union and police administration can develop a shared vision of a safer community, which is the key interest that both share.



**SECTION SEVEN:  
STAYING ON COURSE: BUILDING  
EFFECTIVE POLICE  
LABOR-MANAGEMENT**



## Running Under Full Sail

### Chapter 17

# JOINT LABOR-MANAGEMENT COOPERATION TO IMPLEMENT COMMUNITY POLICING: TAKING POLICE UNION-MANAGEMENT RELATIONS AND COMMUNITY POLICING PRACTICES TO THE NEXT LEVEL

By

*Dr. Michael Polzin*

*School of Labor and Industrial Relations*

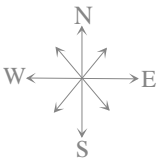
*Michigan State University*

### Introduction

The implementation of community policing strategies is essentially a process of organizational change. The prescriptions for community policing may vary from location to location, but the same internal issues surround every attempt at change. Each of the department's internal systems, such as scheduling, information sharing, and problem solving, will need to be reviewed to ensure that they are aligned to support the changes, outcomes, and behaviors desired. Some of the systems will fall into the domain often referenced in collective bargaining agreements as management rights and are permissible subjects of bargaining, although police chiefs and sheriffs may be reluctant to embrace the involvement of union leadership in this task.

In a unionized agency, however, a joint labor-management approach can make the difference between marginal, episodic, and wide-scale sustained success. Unrestrained acceptance of, and active commitment to, community policing by those called on to carry out the changes requires the active participation of their elected representatives and mechanisms for harnessing the collective expertise and experience of patrol and midlevel command personnel.

There is nothing new about these concepts. As early as the 1930s, Joseph Scanlon introduced cooperative labor-management processes to successfully revive a failing steel mill. Since then, study after study has shown that when employees participate in planning workplace change, their acceptance of the change increases significantly as does their performance. Many public- and private-sector organizations make good use of these findings and create a variety of labor-management initiatives ranging from simply improving the effectiveness of their relations, to engaging in interest-based bargaining, to redesigning entire work systems. Law enforcement agencies, however, are slow to take advantage of the lessons learned by many practitioners and researchers that applying a genuine joint labor-management approach in a unionized organization can help to improve the effectiveness of the change.



## The Environment for Joint Labor-Management Change

### *Not as unique as one might think*

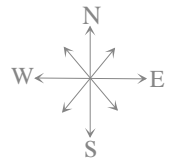
When assessing what it will take for them to achieve the changes that they desire, many organizations believe that the issues and concerns that they face are unique to them. Law enforcement agencies are no exception. It is true that each organization has certain attributes that make it unique, yet it is also the case that the problems encountered by one organization often look a lot like the problems encountered by many other organizations. This goes for law enforcement agencies as well: for example, procedures may be unwritten, poorly written, or outdated; mechanisms to measure or evaluate outcomes may be absent; problems may be addressed without using data to build understanding; information may not be widely shared; reward and recognition systems may not focus on the new behaviors required by the changes made; and so on. Sometimes the idea that their agency is not so unique comes as a surprise to union and management leadership and, perhaps is a bit of a disappointment. But the good news is that many of the same interventions that help organizations to change successfully also have application in law enforcement.

- Process improvement tools can help to improve the quality and effectiveness of police services and internal operations.
- Tools to engage in root-cause analysis can help to better understand the factors that contribute to problems and suggest options for solving them.
- Using data to understand a situation leads to better outcomes.
- Change will be more widely accepted if the interests of those affected are incorporated into the options proposed.

### *The labor-management environment*

What may be unique in many agencies is the absence of the desire to improve the labor-management relationship and the reluctance of union and management leadership to step outside of their traditional roles to create and act on a common vision. Typically, lack of trust is one of the root factors.

The labor-management environment has other attributes that make it unique. Law enforcement unions typically are denied the right to strike by law, presumably in the interest of public safety. Unions representing many other public-sector employee groups are prohibited from striking as well. To offset the disadvantage in collective bargaining, many are empowered to seek binding arbitration when reaching an impasse in contract negotiations and in attempts to resolve contractual disputes and grievances. Even though it is essential in situations in which strikes are prohibited, binding arbitration is not a substitute for earnest negotiation. It is true that arbitration can allow the parties to agree to disagree about an issue, make their best case before an arbitrator, put the issue aside for the arbitrator's ruling, and move on to other things. Nonetheless, a pattern can develop in which tough decisions can be made only by a third party who does not have to deal with the consequences, thereby weakening the ability of union-management groups to address effectively some of the really contentious issues that come between them. Though problem solving can be a messy and conflict-laden experience, the process of building a shared understanding of a problem and developing options to address each party's needs is critical to building, maintaining, or reviving trust between union and management.



The environment within which law enforcement agencies and unions operate is very public and highly politicized. The work performed by patrol officers is very visible and often under scrutiny by some members of the public. Chiefs are appointed by elected officials (or by managers who are appointed by elected officials) and sheriffs are elected. Consequently, interest groups can put pressure on the chief or the agency and raise issues that have a profound effect on union and management, straining their relationship. Changes in elected leadership can also have an impact. Law enforcement organizations typically operate within a command-and-control management structure and work environment, exceeding by degree the authoritarian structure found in at-will employment relationships that apply to most managers and to employees in nonunion organizations. As a result, law enforcement agencies have a tendency to apply top-down organizational change models with little involvement from those below the upper management level. Interestingly, law enforcement unions display a tendency to acquiesce to this type of change process, although their open acceptance of the changes does not automatically follow. Instead, they will allow the change to be implemented and then grieve when one or more of their members perceive that they have been a victim of an injustice.

Perhaps a by-product of this is the absence of visible management concern for improving the lot of the rank-and-file within the organization. Often, management's focus on changes is external by involving the public, the business community, the municipal administration, and so on. Seldom is the need to improve the quality of the work experience of the rank-and-file a primary focus of the change. The vast majority of people come to work wanting to do a good job. Their satisfaction and the quality of their efforts is affected by the barriers that interfere with their abilities to perform their duties in an effective and appropriate manner as well as their perception of fair and respectful treatment from management.

Also absent is an explicit focus on improving labor-management relations by both parties. Perhaps the adversarial atmosphere implicit in much of day-to-day law enforcement activity carries over into the day-to-day labor relations arena and both parties come to accept that as an unchangeable reality. Some officers confide that their job requires them to be suspicious of and slow to trust others. Perhaps that carries over to dealings between union and management and an expectation that that is the norm.

Mention of these attributes does not imply a criticism, but merely a reality. Nor am I suggesting that any of these attributes needs necessarily to change; however, they do add a dimension to the union-management relationship not found to the same degree in most other organizations, and they can have an adverse effect on attempts to engage in joint labor-management efforts.

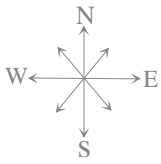
### **Creating a Climate That Supports Joint Labor-Management Change**

How does a department go about preparing itself for joint labor-management efforts? The environment itself gives some clues about what needs to be done to achieve success using a joint approach.

#### ***Respect the collective bargaining agreement and process***

Picture this: A police chief attends a seminar on community policing and becomes interested in the possibilities. He reads some books and articles and becomes more convinced that this would be good for the department and the community. He has conversations with union leadership describing how all within the department will have to change to institutionalize community policing. Then comes the statement that they have to change the contract to build in additional flexibility for staffing the new program. At that point, union





leaders typically respond by shaking their heads, reacting loudly, or quietly folding up their papers, pushing in their chairs, and leaving the room.

A focus on the collective bargaining agreement (CBA) as the linchpin of a change effort is a mistake. The importance of the CBA to the rank-and-file cannot be overestimated and key elements, such as seniority provisions for assignments and promotion, are among those held most sacred. When management makes changing the contract one of the initial goals of change discussions or negotiations, it galvanizes opposition to the change and limits sincere exploration of ideas that might hold benefit for all involved. A more effective approach would be to consider the following ideas.

*Begin conversations about change with questions rather than with answers*

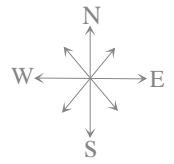
Many work environments place high value on people who have the answers and can make quick decisions. Unfortunately, not all issues confronting law enforcement organizations lend themselves to quick, easy answers. Many are complex and have multiple stakeholders whose needs must be considered to arrive at appropriate solutions that will be accepted by those affected and have the commitment of those called on to carry them out. Understanding is limited when the discussions center on answers, or positions and counterpositions. Real, shared understanding has a better chance to occur when the parties begin the process of change by asking questions such as the following:

- What factors are driving us to change or stay the same?
- How effective are the services we provide?
- Do our internal operations support the kind of outcomes that we want to see from our work force?
- What helps our ability to work effectively as union and management?
- What keeps us from working effectively together?
- What is our vision for our department and our community?
- What demonstrations of commitment do we need to go forward together?

The above are but a few of the questions that might be asked when beginning to talk about change. The important thing is to be open to the possibility that multiple options often exist for addressing problems confronting organizations.

*Build agreements that address both management and union interests*

Interests are the underlying needs, desires, or concerns that underpin the positions people take on issues and on the options that they choose when making plans or solving problems. Management and union members all have a stake in the outcomes of change. The degree of support that each offers to proposed changes hinges on the degree to which their various interests are met. Some suggest that agreements have to be based on common interests, assuming that the parties' competing or unrelated interests divide them and should not figure into agreements that they craft together. There are two problems with this approach. The first is that the parties may have only a few interests that could be considered common interests, and



they may be only those that carry little emotional weight for either party. Consequently, the options that these interests generate will likely be limited and encompass only a narrow range of possibilities. The second is that a focus only on common interests ignores many of the deep-seated concerns that lie at the heart of conflicts between the parties. Enduring agreements that have a wide degree of acceptance by both parties, and to which they are highly committed to carrying out, must be built on *the key interests of both parties*, whether they are held in common or not. Doing so demonstrates a commitment to a process that respects the need of both parties to arrive at solutions that satisfy their respective constituents in order to move forward. Such efforts help considerably to build or strengthen trust between the parties, as well.

### *Involve those affected by the change*

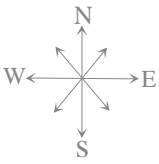
It is true that change is often difficult for those affected by it, but the difficulty is enhanced when people are made the object of the change and are not active participants in it. Excluding those affected by change is a key contributor to their resistance. One of the best way to get the buy-in that police administrators seek from patrol officers is to involve them early in identifying the forces that are driving the need for change, clarifying interests of all parties, generating options, making decisions, participating in their implementation, evaluating effectiveness, and making appropriate adjustments.

Involvement of patrol officers, through their union, in the change process does more than just reduce resistance. It also enhances the quality of the outcomes of the change process itself. Patrol officers are typically closest to the work and have considerable knowledge and experience to bring to the deliberations about what changes ought to occur and how they can best be accomplished. They know the community and have good ideas about the problems that they face. They work with the department's internal procedures and can identify those things that both help and hinder their ability to work effectively. They know the strengths and weaknesses within the department and can point out inputs and resources necessary to help them to achieve objectives in an appropriate and expeditious manner. They also can help to make the hard choices when circumstances may require trade-offs in how resources are allocated. Involvement of patrol officers through their union should not be considered a burden, but rather an enhancement of the change effort.

### *Enlist a third party to facilitate conversations*

Workplace memories and the emotions that surround them often last a long time. Perceived injustices perpetrated by either side have lingering effects that can sidetrack other problem-solving efforts. As in other relationships in which trust has been violated, union and management may have a difficult time talking with each other without old wounds resurfacing when tensions rise. When this happens, listening becomes very difficult and understanding goes out the window. Consequently, the parties do not recognize those points at which they are near an understanding, if not agreement.

A third party can help to facilitate conversations when there is a high degree of tension or acrimony, but only if the third party is even-handed, knowledgeable without being condescending, and skilled in facilitating group processes. Union-management groups can usually establish ground rules, but often can't hold each other, or themselves, to them. In the presence of a third party, group members are usually more civil and respectful in their comments, and can be prompted to bring up the interests that underlie the solutions that they seek to the conflict. A third party can more easily pause the conversation to restate comments in a way that helps all parties to hear as well as understand what is being said. The third party can also help to assure that all voices that wish to speak can be heard, thereby helping to build commitment to the process as well as generate a wide range of ideas and options that lead to more effective and appropriate solutions.



### *Carefully choose the terms that are used*

Community policing is a carefully crafted term that connotes quality, customer focus, continuous improvement, and partnerships to many of those who advocate its implementation. It is analogous to Total Quality Management and falls within the domain of initiatives set forth to redesign government. Admittedly, community policing is not just another program, but rather an expanded way of delivering police services and managing internal operations. Like the other terms mentioned here, for some the term community policing conjures up nothing of the sort. Some see the concept as a union-busting strategy. Others see it as just another management program that will generate excitement for a while, and then be quietly put on the shelf with all of the other discarded or failed initiatives. Others may see it as a term for what they believe they have been doing all along and see it as an ill-conceived program being foisted on a department by reelection-minded politicians. And others think of it as a strategy that is soft on crime and in opposition to what they believe to be their primary responsibility as law enforcement professionals.

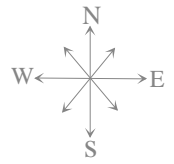
Try as you might, it may be impossible to dispel these notions and lead naysayers to embrace the concept of community policing. That is of little consequence because even the resisters will respond favorably when asked to provide ideas of how police services and internal operations can be improved, ideas that are almost always consistent with the concept of community policing. Rallying behind an undefined concept just may not work, but engaging each other in discussions about ways to improve quality of service and effectiveness of internal operations will likely bear much more fruitful results. After all, it is the results that matter, not whether or not all members of the department can define what they do as being “community policing.”

### *Getting buy-in is not the same as building commitment*

“Getting buy-in” is a phrase that describes how organizations get the rank-and-file and their union to go along with top-down organizational change that they propose. In buying-in to a proposed change, the work force agrees not to stand in the way of initial implementation and to try it out to see how it works. With buy-in, however, they are not saying that they think it is the best course of action to pursue, nor are they saying that they will do all in their power to make the change work effectively. In buying-in they are not accepting any responsibility for the change and they retain the right to grieve or criticize the plan at the first sign that it runs into difficulty. In short, there is neither ownership of the proposed change nor any commitment to it.

Getting buy-in may be sufficient for some things for which acceptance and commitment are not very important. For transformational change, which calls for a fundamental shift in how people regard their roles within the organization and in the community, as well as how they apply a different or broader range of responsibilities, such as in the change to community policing, buy-in will not be enough. For transformational change to be effective, it will require the commitment of all involved to keep trying until the desired outcomes are achieved. And as is the case with many transformational changes, as some desired outcomes are achieved, new goals are identified and are added to the list. Thus, the commitment of all involved will need to be renewed.

This type of commitment is developed through the continued involvement of the key stakeholders who are most affected and who will be called on to carry out the changes. It will be enhanced as patrol officers and their unions see that the collective bargaining agreement and process is respected. It will be enhanced as union leadership provides input that is seriously considered. It will be enhanced as the union and patrol officers acknowledge that the department is attempting to craft solutions that address their interests and issues. The process of building commitment is ongoing, and requires the leadership of both union and management to be willing to interact in ways that makes less visible the traditional boundaries of their relationship.



### *Adjust internal systems to support the changes desired*

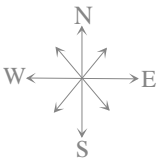
Identifying what should be changed and how to accomplish the changes are only two components of a comprehensive change process. The proposed changes are likely to target outcomes and behaviors that differ from those expected under the status quo. Some of those outcomes and behaviors will be difficult to attain because the department's internal systems are geared to achieve other objectives. For example: officers may be asked to spend time in neighborhoods getting to know people or developing a more positive attitude among youth toward the police. Doing so, however, may make it harder for them to write the targeted number of traffic tickets on which their performance review is partly based. Typically, if the number of traffic tickets is what is measured and contributes to the performance review, then that will be what the officer makes sure to accomplish, rather than focusing on the other desired, yet unmeasured, behaviors. In another example, a department may want its officers to internalize the use of a systematic problem-solving method to solve problems they face regularly on their beats, and require use of the method on at least one problem per month. The officers, however, receive only minimal training, there is no review of the problems to address, and no one really looks at the write-ups the officers provide to describe their efforts. Consequently, after a while officers recognize that the chief only wants to be able to tell others that the department is applying a problem-solving approach, so they begin to turn in duplicates of their own and each others' problem reports.

Real change requires a committed and comprehensive effort, which means that union and management leadership have to look at the desired outcomes and behaviors then examine the ways in which the existing systems will help or hinder achieving the goals. Regardless of the extent to which the union is involved in the changes up to this point, the involvement of union leadership in this step is critical. People who are closest to the work will be best informed about where the barriers are and will have many good ideas about how to overcome those barriers. They will be able to anticipate many problems before they become visible to management and will be very useful in helping to make the changes as smooth as possible.

### *Share information widely*

Participative processes typically usher in more and more frequent requests for information. Increased problem-solving efforts will increase the need for information to understand and solve the problems. People will want to know more about the forces that are driving change, about what other departments are doing, how well they are doing relative to what they did before, how well they are doing relative to similar communities, and so on. Some chiefs respond to the increased demand for information by saying that they already provide all the information that officers and unions need to know, although they are the ones who decide what the officers and union need to know.

It may not always be clear to the person receiving the request why information is wanted or needed, but withholding information or making it very difficult to obtain does not help to build trust between the parties. If there are specific topics that the parties do not want open to joint discussion, it is appropriate to declare them off limits, but this should be done at the onset of the change initiative to minimize the chance for misunderstanding and conflict. If there is a concern that those providing the information may be overwhelmed with requests, it is also appropriate to define a procedure for requesting information, as long as the procedure does not create barriers or grant powers to withhold data. Otherwise, the parties may want to make it known that requests will be made and they will be honored. Doing so will help considerably to build trust between the parties and the information provided may also help to improve the effectiveness of the change effort.



*Build trust by successfully working through some tough problems*

Working together on a task and seeing it through to successful completion helps a great deal to build better relations between the parties, and a high degree of trust is not required to get started. Sometimes, union and management think that they cannot possibly engage in joint change efforts because there is little trust between them. If the parties agree to follow a process that seeks to build understanding through clear communication and use of data, clarify the key interests of both parties that have to be addressed, evaluate options through use of criteria, and follow through on decisions made, it is not only possible to proceed without a high level of trust but trust is likely to increase as the parties see positive progress.

*Reward the desired behaviors*

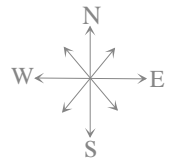
Too often the mechanisms that an organization has in place to recognize or reward performance are not structured in a way that is consistent with the new outcomes and behaviors that are targets of the organizational change efforts. This causes confusion and undermines the change process. For a while, people might be inclined to take on the new behaviors that the change effort prescribes, but they are not likely to do so for long if the performance evaluation process continues to reward those actions that have always been rewarded.

Consistency is crucial in a change effort and consistency is one of those things that help each party assess whether the other is really committed to the change. Some of the inconsistencies may not be readily apparent when planning the change, so it may be helpful for each party to prepare to exercise some tolerance. Involving those called on to carry out the changes throughout the process will help a great deal to identify many of the inconsistencies before they become another problem to address.

*Nurture genuine participation in planning and implementing the change*

Sometimes, opportunities offered to union leadership to participate receive little response. Some of the factors that could affect the degree of joint labor-management participation in change efforts include lack of trust, skepticism, lack of understanding of the forces driving the change, different interpretations of the forces driving change, divisions within the union about the appropriate response, differing expectations about what constitutes participation, and lack of appropriate skills on the part of union and management.

The participation of both union and management, including midlevel command (who are often both management and represented by a union) is vital for the long-term success of the effort. Union and management leadership may need to nurture participation; that is, continue efforts to obtain input and to collaborate on planning, problem-solving, and decision-making. Efforts to promote participation include training in communication for understanding and systematic problem-solving, facilitation by a third party, open and extensive information sharing, resolving outstanding grievances, and other efforts that signal the parties' commitment to act in a collaborative fashion. An appropriate axiom to guide efforts to nurture participation is: Be the change that you seek.



*Remove barriers to effective performance*

The great majority of people take considerable pride in their work. They want to do a good job and often do more than is required of them. They are willing to tolerate some inconsistencies, perceived injustices, less-than-optimal decisions, and external pressures and still work hard to get the job done, but that desire to do a good job should not be taken for granted. Ultimately, the internal practices and procedures that complicate or interfere with doing a good job, when permitted to exist through neglect, may antagonize workers and undermine their willingness to do any more than what is required. Over time, some may begin to let their performance slide because the lower performance expectations have become the norm.

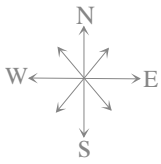
An effective strategy is to apply a problem-solving process to the barriers to effective performance identified by union and management leaders as well as by the rank-and-file. Barriers may exist because of outmoded procedures that did not keep up with changes within the department or were not consistent with what they were intended to accomplish. Regardless, barriers to effective performance typically exist as a consequence of decisions made or not made at some point in the history of the department. Therefore, new decisions can be made after acquiring a sound understanding of how the barrier affects performance, what solutions to address, and what options would satisfy, in whole or in part, the needs of the parties.

*Use interest-based approaches to problem-solving and planning*

Building agreements that address the needs of both union and management is the basis of successful joint labor-management change efforts. When each party sees proposed changes as meeting the interests of its constituents as well as or better than any other option, it will be much more likely to actively support the changes and effectively carry them out.

Focusing on interests is a type of negotiation or problem-solving process that is different from those traditionally used by police unions and management. Typically in negotiations (and problem-solving is a type of negotiation), the parties come to the table with their positions on the issue, which are really just answers to what they think the question will be. Sometimes they have asked the appropriate question and other times they have not. Regardless, starting the process with the answers limits the discussion to a very narrow set of options. If the parties do not agree on the real issues and how they affect their constituents and the department, then their discussion will not be very fruitful. They may reach a decision, but it will likely involve compromises that may not give either party what it wants or needs. Or, they may not reach a decision, which is likely to result in the issue being resolved through arbitration with at least one party not getting what it wants or needs. If the parties have been addressing the wrong issue, then neither party will get what it needs or wants.

Interests are the needs, concerns, or desires that underlie the positions that people take. They help to define the problem. They help to answer the questions “Why?” and “Why not?”. They identify what the parties need: a solution to the set of problems addressed that satisfies both of them and their constituents. Focusing on interests helps to expand the options and the possible solutions to a problem. Focusing on interests is recommended in joint labor-management efforts, not for altruistic reasons, but because it leads to better decisions that are accepted more widely, and has a stronger degree of commitment from those who are called on to carry them out. As each party sees that the other is genuinely concerned about crafting solutions that address the other’s needs as well as its own, then cooperation and effectiveness will grow.

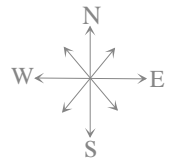


*Focus on continuous improvement*

Sustaining a change to community policing and incorporating a labor-management approach to addressing issues that face the agency requires ongoing assessment, evaluation, and renewal. Even with the best intentions and excellent effort on the part of union and management, it is difficult to envision every factor or challenge that will confront the agency. Changing circumstances and the experience gained from initial implementation may suggest that improvements to the plans need to be made.

The process of transformational change is ongoing. The parties will continue to recognize things that could be done better. Continuing a regular focus on problem-solving will help to keep the effort on track and to demonstrate commitment to improving the quality of service as well as the work environment within the agency.

Various mechanisms can be created to facilitate an ongoing focus on improvement including: weekly or monthly problem-solving sessions, annual review retreats, ad hoc committees, labor-management forums, and labor-management steering committees. The important thing is to recognize that effective change requires purpose and commitment, and that the best way to ensure that they are sustained is to solidify the practice by establishing structures and processes that are appropriate to the agency.



## The Media: Both Headwind and Tailwind to Police Unions and Police Management

### Chapter 18

## CRISIS INTERRUPTION: ABORTING THE CRISIS LIFE CYCLE

By

*Michael R. Shannon*  
*Mandate Media*

Any civilian organization that issues firearms to its employees at the start of each business day can expect a crisis sooner or later, yet many law enforcement executives and labor leaders take a surprisingly passive attitude toward this eventuality. The executive's office often assumes that the administration's press office will handle any crisis that receives extensive media coverage. Labor delegates the job to the command staff.

That's putting an officer's career in the hands of individuals who may not have the officer's best interests at heart.

The key to surviving a crisis is interrupting what Dr. James Grunig, professor of public relations at the University of Maryland, calls the crisis life cycle: birth, growth, maturity, and decline. And the key to preventing a cycle from going full term is being prepared before the media's satellite trucks roll into the parking lot.

Agencies routinely plan warrant service, hostage situations, training scenarios, and even promotion policies. In many instances, though, the agency fails to do even the least bit of preparation for an event that can cost the chief his job, impair the effectiveness of the agency for years to come, or eliminate the union as a political player for the foreseeable future.

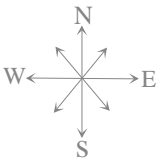
What follows will help law enforcement executives prepare and plan an effective initial crisis response and will give some guidelines and suggestions for preventing a crisis from going full term. What follows also assumes that the department or union is relatively blameless in the matter at hand.

### **Build an Early Warning System**

If a law enforcement executive can stop a crisis during the birth cycle, the duration of the event will be short and the length of his or her career will be extended. The crucial factor in interrupting the crisis at this point is information. A crisis grows big and strong on rumors, innuendo, and speculation. In the absence of fact, reporters and spectators feel free to let their imaginations roam.

The executive needs facts and information to bring a dose of reality to the situation and place an event in the proper context. Information can show how this kind of event has been addressed in other jurisdictions and can be used to rebut accusations and rumors.





Keep in mind that the clock is ticking. Early, timely information helps make an agency's case. Late information—regardless on how accurate it may be—only serves to make an executive look defensive.

The first step in building an early warning system is an awareness of what is happening in other jurisdictions. If the executive is not cognizant of what other agencies and unions are doing and, more important, how the news media is covering these events, then he or she is not doing the job.

The first agency hit with charges of racial profiling, for example, was legitimately taken by surprise; the second agency that was startled by these accusations was asleep at the switch.

The executive or someone trustworthy in his or her office should monitor national news coverage of law enforcement. Trial lawyers and the American Civil Liberties Union (ACLU) read the newspapers, and so should law enforcement.

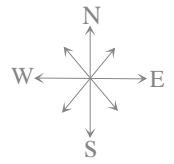
The agency should scan the Internet every morning for information about crises in other areas. Free news-tracking sites include Google's News Tracker ([news.google.com](http://news.google.com)) and Day Pop ([www.daypop.com](http://www.daypop.com)). These services allow users to establish a daily keyword search. Google results are delivered by e-mail each day; Day Pop requires a daily visit. Think of these sites as the canary in the cave, or an early warning system. Agencies with sufficient budgets can do searches on Lexis-Nexis, which is much more comprehensive. But realistically, a true crisis is covered widely and the free services will suffice.

Bad news is said to come in threes, and I guarantee that it uses the interstate. Racial profiling, to use one example, went from New Jersey to New York to Maryland to California in just a few months.

By monitoring what goes on elsewhere, an executive can have an idea of what to do, and possibly more important, what not to do if the same or similar events come to his or her town. The information should be filed by type of event for easy access in time of need. When reviewing the coverage of an incident, the executive should analyze the types of questions being asked and the responses on the part of the agency or union leadership.

Equally important, examine who else was a part of the story:

- Did the media contact outside experts?
- Which local activists made the news?
- What was the ratio of attacks to defense coverage during the incident?
- Did the agency have anyone taking its side of the controversy?
- Where was the political establishment?
- Did politicians defend the agency, sidestep the issue, or join the attackers?
- How many witnesses made the news and was there any effort to evaluate their credibility?



All this information can be vital if a similar incident hits an executive's organization. Ideally, he or she will apply the answers to the above questions to his or her jurisdiction. Meanwhile, the executive can do the following:

- Build a relationship with experts on use of force, pay scales, or statistical analysis.
- Identify and obtain contact information on local activists who are pro and antilaw enforcement.
- Determine which elected officials are supportive of the police or union.

If the executive does not have time to read and evaluate this information, an office or board member should provide a daily digest of relevant news from around the country. Each month, the executive and the command staff or the board of directors should meet to discuss what could be done to prevent or respond to similar events.

Particular attention should be paid to stories covered in the major newspapers like *The New York Times*, *The Wall Street Journal*, and *The Washington Post*. These publications set the news agenda for the rest of the nation. Local reporters see what national reporters are covering and look for equivalent stories in their own towns. By thinking like a reporter, an executive can be ready for reporters at the proper time.

### **Information + Context = Survival**

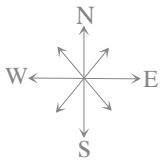
For the next step in the preparation process, an executive should know his or her own agency. It is crucial to build a comprehensive database that evaluates the performance of an agency in relationship to other agencies of similar size, and compares it to a national benchmark based on a per-thousand basis or other standard measuring index.

Union leaders also need this information, but often are unable to get it from command staff. Still, it is helpful to establish relationships with union leadership in other jurisdictions of similar size and share information. Any law enforcement executive probably can name the number of civilians killed by his or her officers in the past year and provide a racial breakdown. But can the executive compare that to other jurisdictions of the same size in the state, surrounding states, and nationally?

The police department in Cincinnati was excoriated for the number of black men shot and killed by its officers—15 since 1995—after an officer shot an unarmed teenager during a foot pursuit. Yet no one pointed out that the Cincinnati police shot more than one-third fewer black men than did the city of St. Louis, which is of comparable size, during the same period.

These statistics must be at hand and the executive must be prepared to release the information when needed. There are no public relations emergency hot lines for law enforcement agencies to dial when they are attacked by the news media. If an executive is not ready with information, opponents will be more than ready with speculation.

In addition to aggregate numbers, statistics must be broken down geographically, racially, economically, and almost every other way possible.



Many departments have an in-house crime analyst. This is the place to start for putting an agency into context, but to be accurate, the numbers also have to be cross-referenced by other variables, which include the following:

- Geography
- Racial breakdown
- Calls for service
- Staffing levels
- Staff racial composition
- Gender composition
- Arrests by gender
- Arrests by race
- Complaints per officer
- Complaints per officer by race
- Complaints per officer by gender.

A little knowledge can be dangerous, as can raw data. If there is no in-house statistician who can put raw data into perspective, one must be hired. Universities are often useful; otherwise the information will have to come from a commercial data or statistical analysis firm. This evaluation must be done every month so that current figures are at hand. Simple percentages and yearly totals are deadly weapons in the hands of reporters.

Racial profiling accusations usually are based on comparing total arrests, stops, or misunderstood behavior per racial group with that group's percentage of total population.

Waiting until a few days after an accusation of racial profiling or some other bias-based offense is made to generate data looks defensive. During the birth stage of a crisis, time is of the essence.

This kind of analysis is expensive and time consuming, yet if the agency does not do it, the union may be forced to do an analysis to defend its members.

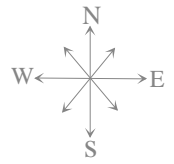
Enlightened labor leadership needs to meet with the command staff to learn if such research is being done. If it is not being done, the leadership should find out why and try to make it happen, or be prepared to do it themselves.

In a crisis, the agency may be afraid to release data, but the union should have no qualms. In fact, the union can release data during the crisis that the agency cannot release for political reasons. But to do so, union leadership and agency leadership must communicate and work in tandem during the crisis. It takes two to tango, and sometimes two to survive a crisis. The next step in the preparation process involves the media.

## **Embedding the Media**

The U.S. Department of Defense had great success with embedding reporters during early stages of the Iraq war, and reaped dividends in coverage. A law enforcement executive can do the same with local news media.

Much of the negative coverage of law enforcement comes from ignorance. Reporters deal predominately with verbal confrontation and often have no idea of what the average officer encounters on the job.



A law enforcement executive's job is to make them aware. It is vitally important to an agency that the media has a chance to take the entire firearms training course, participate in defense tactics drills, and undergo use-of-force training. Once that's done, let the reporters ride with police officers in a high-crime area.

The executive needs to use some discretion in choosing which officers are assigned to chauffeur the reporters, but it's important that the reporters go into the field.

If agencies go to the trouble to put data into context, it only makes sense to give reporters some context, too. Let them know the use-of-force continuum, let them see how hard it is to control an unruly person, let them feel the rubber knife in their ribs when they can't clear the holster, and let them do some bonding with the troops.

An us-versus-them relationship with reporters gets us-versus-them coverage during a crisis.

When an agency loses the benefit of the doubt in news coverage, it loses the crisis. Keeping the benefit of the doubt means building a relationship with the media. The law enforcement executive should not depend on the mayor's office, or governor's office, or whatever political entity has control of his or her agency to do this job. An independent relationship with the media is essential because chances are that when a crisis hits, the politicians will be more concerned with their own interests than with those of the agency and cannot be depended on to buffer coverage.

A relationship with the media must extend all the way into the executive's office. Establishing a media relations office is not establishing a relationship with the media. Reporters must be able to form a bond with the executive, and this building process should not be limited to just reporters.

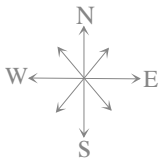
It is important to know the editorial writers and editors on the newspaper, and assignment editors and news directors at broadcast outlets. The executive should not limit his or her interaction with a reporter who might be gone next month. Editors have a tendency to stay on, and they are the people who set the news agenda.

Meetings with editors are often a good time to discuss what the newspaper's policy is on witness statements. Does the paper do any sort of credibility analysis? Is every witness taken at his word? Is rumor given the same weight as fact? Contrasting what your agency does to evaluate witness claims with what the media does will be very helpful in later crisis coverage.

Building this relationship involves regular meetings, lunches, breakfasts, invitations to training, and opportunities to play with the latest toys. Taking a reporter through Civil Disturbance Unit training before a demonstration gives them the police perspective on civil disorder and puts another angle on what the demonstrators will be saying. Better yet, letting the reporter grab hats and bats when the demonstration starts is the closest thing we have to an embedding process stateside.

Sure, there is the chance that someone will say or do the wrong thing when the reporter is around. Some would say that this is a management problem that should be solved sooner rather than later. The police do not have to apologize for keeping the peace and enforcing the law, and they shouldn't have to apologize for being human.

Union leadership can do the same sort of bonding, meeting with reporters and editors, and inviting them to union meetings and functions, being a source of information and news, and most of all, building credibility before the storm hits.



## Community Ties Are a Life Line

The next relationship is with the community or political relationship that the chief, sheriff, or colonel's office must establish. If he or she thinks the political side of this job is solely the province of the politicians, the executive will not last long in the job.

An executive must establish community and political ties throughout his or her jurisdiction if he or she expects to weather the storms of a crisis. Such connections must include the following:

- Business community
- Activist community
- Charitable community
- Religious leaders
- Elected leaders
- Political leaders.

Not all of these people will be behind the executive during a crisis, and some may try to run him or her out of town, but some support here is crucial to career survival and the agency's viability in the future.

The goal here is to keep these people in the loop and on the side of the law enforcement executive when a crisis hits. Carefully timed phone calls or briefings can make a significant difference in the level of support during tough times. It is a mistake to let these people get all their information about a controversy from the news media or from elected officials.

Union leaders must do the same: keep a list of people who have written favorable letters to the editor regarding members of his or her jurisdiction; know how to contact these people in the future; and urge union members to pass along citizen commendation letters to keep in union files.

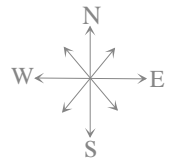
Union leaders should form a relationship with the larger off-duty employers of their members. These individuals have economic and political clout in the community and can help in a crisis.

Both union leadership and command staff should establish a close relationship with department reserves or auxiliaries. Why? These people are members of the community who are strong law enforcement supporters. They can be a bridge between the civilian community and law enforcement. Many are successful business people and have important roles in civilian life.

They can be effective advocates for the department or union during a crisis. Unfortunately, the vast majority of command staffs view reserves as a nuisance and the unions think of them as competition, which wastes a potential resource.

## True Lies During a Crisis

Law enforcement is at a great disadvantage in any crisis because of the nature of much of the information that the media uses to make coverage decisions. In a controversy between politicians or businesses, both sides are usually operating from the same factual basis, but each side puts a different interpretation on the data set and tries to sell its viewpoint to the media.



*It would be nice if that were the case in law enforcement crises.*

Unfortunately, in our business many of the “facts” are simply lies, but when the police point out that a witness is a felon, not believable, or not even present during the event, the media sometimes accuses the police of bullying a public-spirited citizen. Law enforcement credibility is often put through the wringer.

*So what do we do?*

The crisis will be contained if the law enforcement executive can stay ahead of the media on the information curve. In a critical incident he or she must control the first few hours. As an example, let’s take the shooting that features a white officer killing a black suspect since that is a common flash point for crisis.

Winning the information war begins with who responds to the call. The shooting team or the critical incident team needs to be composed of the best investigators and best interviewers: people who are motivated, energetic, and have excellent rapport and people skills—not whoever is on rotation when the shots are fired.

An executive’s future can depend on this investigation and it is a career death wish to let seniority or random choice determine who takes the call.

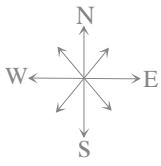
The first step is to establish a big perimeter and keep it closed until the investigation is complete. This means keeping the media at bay until all the possible facts have been gathered. The public information officer should be on the scene to smooth ruffled feelings, but no one is given access until the job is done.

Each witness must be interviewed thoroughly, and potential witnesses must be tracked down relentlessly. It is a big mistake to let a reporter get to a witness before the agency does. Once the witnesses are interviewed, the agency should do a quick criminal history search on each, and see what other contacts each may have had with the department, such as complaints, tickets, domestics, claims of police brutality, and so forth.

This information must be entered into a searchable database immediately, rather than waiting for the data to percolate up the chain of command. When a reporter asks about a witness claim, the executive must be able to compare it with what he or she already knows.

Why is this necessary? How often does news coverage of a law enforcement crisis feature witnesses who contradict the law enforcement agency’s claims? Wouldn’t it help the department if it could reply in one of the following ways?

- We immediately interviewed 153 witnesses within a half-mile radius of the shooting, we put out a call for witnesses, and we knocked on every door in the area and Mr. Hyper was not, to our knowledge, in the vicinity at that time. If he has information regarding the incident we ask that he share it with our investigators so we can have access to all the facts.
- That is not what Mr. Hyper told us when we interviewed him. In fact, in his statement to Officer Credible, Mr. Hyper said...
- I’m not surprised Mr. Hyper said that. We are, in fact, very familiar with Mr. Hyper. He has been arrested...



- We have statements from 10 witnesses who were in the immediate vicinity and they all contradict what Mr. Hyper is telling you. In fact, all of those witnesses said...
- We know this is a very trying and stressful time for members of the family and recollections of an event can become confused. But we have statements from X other witnesses who said...

The same goes for other evidence surrounding the incident. If the agency has a videotape that supports it, then release it. If the tape requires interpretation, have an expert there to do it. The forensic data should also be available as soon as humanly possible.

The same goes for background research into the suspect and 911 tapes regarding the call.

It is not necessary to tell everything during a crisis, but the executive certainly must be ready to answer everything or face the consequences.

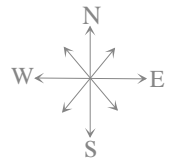
Command staff and union leadership must be ruthless rumor killers. Each must demand that the news media label speculation as just that and each must not, under any circumstances, answer hypothetical questions.

During the initial contacts with the media, the executive also must have background information ready. For example, many jurisdictions have laws or policies that give officers involved in a shooting hours or several days before they must give a statement. Some reporters misinterpret this as stonewalling. Don't expect them to take the word of the law enforcement executive. Instead, distribute copies of the law or policy document and arrange for an outside expert to explain the reasoning behind the law or policy.

A spokesperson from the police academy should be present to answer tactical questions, such as when a suspect has been shot in the back. Reporters don't understand how a suspect can fire, turn, and be moving away before the officer fires in return. The expert can explain that.

The executive should monitor questions carefully to discover the template into which reporters are trying to fit a set of facts and the research from other jurisdictions and other crises relevant to the situation. The executive should not passively allow the media to twist events to fit its agenda.

By getting the facts out fast and anticipating where the news media is going with its coverage, the chances of stopping the situation before it becomes a crisis are much improved.



## TIPS FOR LAW ENFORCEMENT MANAGERS AND POLICE UNIONS IN DEALING WITH THE MEDIA

### *Never go off the record*

There is no off the record by law enforcement managers and police union leaders when it comes to the media. Never, ever say anything to a reporter that should not be reported in the newspaper or on the nightly news. Numerous Presidents of the United States have learned that their comments will make the news regardless of what was agreed on with the reporter. As a side note, the microphone is always on at a media event. Executives should watch what they say to the persons around them. Law enforcement managers and union leaders have been ousted because they misspoke to the media.

### *Be frank and honest*

Do not be afraid to say, "I do not know." During a crisis or controversy, the media seeks out the law enforcement manager and union leader for comments. Often, neither party knows all of the facts and circumstances at the time the media wants a reply. Seldom is "no comment" the right response. But executives may have to use it to buy time to gain access to the facts. They simply should tell the media that they will have a more complete response when they have had time to gather more information. Police union leaders and police managers need to avoid overreacting to the emotions of the moment and making a personal attack on the other.

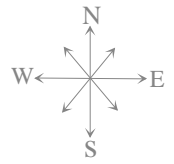
### *Respect the media as a business*

This is a business, reporters have a deadline, and that deadline will be met with or without a comment from the law enforcement manager or union. All reporters are not the same, so it is incumbent on managers and union leaders to cultivate relationships with reporters that will lead to trust and respect. Managers and unions must make themselves accessible to the media, and return telephone calls, even if they do not intend to make a public statement because he or she might be able to direct the reporter to a better source for information. Finally, the executive should provide documentation to the media to back up his or her statements.

### *Take the news with a grain of salt*

Every day, law enforcement professionals await the next call for a murder, rape, burglary, or automobile accident. Officers take those calls not knowing if a shooting may occur or if the officer will get into a high-speed chase. Their managers know that a crisis or controversy will occur eventually, because enforcing the law will result in arrests, injuries, and even deaths. All crises and controversies will pass and become yesterday's news. Very few people can tell what was on the front page of last week's newspaper. Common sense and patience will overcome all bad news. Remember that many changes and reforms arose from what the law enforcement manager and union thought was a fatal blow to the agency. Use a crisis or controversy to make needed changes and reforms.





## Chapter 19

### TEN THINGS THAT LAW ENFORCEMENT UNIONS AND MANAGERS DO TO RUN AGROUND

By

*Ronald G. DeLord, President*

*Combined Law Enforcement Associations of Texas*

In the public sector, it is not a matter of *if*, but *when* the next crisis or controversy will occur, be it a collective bargaining impasse, budget shortfall, crime-rate increase, high-profile crime, police pursuit accident, police brutality incident on video, a shooting, or in-custody death. Ever wonder how some communities survive a high-profile conflict, crisis, or controversy involving their law enforcement agency with very little fallout from elected officials, the public, or the media? A high-profile conflict, crisis, or controversy more often than not sets law enforcement management and the union on a collision course that garners negative media exposure, lowers morale in the agency, and can generate a “no-confidence vote” by the officers against the agency head. It can take years to heal the anger, resentment, and negative public reaction after such a confrontation between police management and the police union.

Here are 10 potential pitfalls to consider the next time an agency has a conflict, crisis, or controversy that could lead to a confrontation between management and the union:

#### *1. Assuming the Traditional Roles Played by Management and the Union in Every Situation*

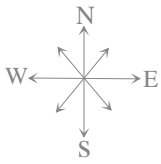
We must first accept that both management and the union have a role to play in law enforcement. The traditional labor-management relationship requires that both management and the union accept traditional roles. If management and the union just accept their traditional roles, then both sides will not be disappointed, but nothing will ever change.

Where management and the union start their relationship may be more important than where it will end. Does police management enter every contract negotiation fighting to gain control over discipline and working conditions? Does the police union seek only higher pay and benefits? Is a shared vision of a safer community something either party ever considers?

If the executive is the only person with a vision, then the union has no ownership in the vision. If management and the union can agree in advance on a shared vision of what kind of agency is required to make the community safer, then the methods used to gain that vision of a safer community are negotiable. There will be less conflict if both management and the union have agreed on a shared vision, and they can mutually sell that vision to the rank-and-file officers, elected officials, public, and media.

#### *2. Rushing to Judgment*

If an officer is being investigated for an alleged brutality complaint caught on video, be patient and let the criminal and internal affairs investigators complete their jobs. The media always wants an immediate response from management and the union. There is no requirement that either party answer any questions that they feel will exacerbate the situation. Sometimes the old “no comment until all the facts are in” will



suffice. A news story will be reported no matter what management or the union may say, but careful consideration needs to be made as to how initial comments will affect the ability to resolve the issue later.

Law enforcement management needs to stop and think before publicly announcing that the officer will be disciplined. The rush to convict the officer in the media may start a war with the police union before all the facts are gathered. Union leaders need to frame their remarks carefully around the legal defense that is available to all members, and not rush to conclude that the officer is not guilty. Media loves controversy and will attempt to solicit remarks from both sides that put them at odds during the investigation. Management has a duty to investigate all complaints properly and the union has a duty to defend its members, pursuant to its policies. Harsh words and angry exchanges heat up the situation and make it more difficult to find common ground later. All crises and controversies will end eventually, and management and the union will still have to work together.

### *3. Ignoring or Not Recognizing the Pressures on Management or Union Leaders During a Crisis or Controversy*

Union leaders have the constituency that elected them. The members are always watching to see how the union and its leaders handle management, elected officials, the media, and the critics of the agency in defending a fellow member (or the agency) during a crisis or controversy. Union leaders rise or fall during a high-profile incident. Union leaders receive pressure from members to take certain public positions that may appear confrontational to management.

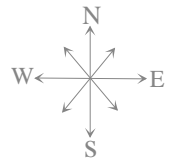
The same holds true for police management. Police chiefs generally are appointed and sheriffs are elected. Their positions are often threatened if they are perceived to be handling a crisis or controversy poorly. Elected officials, agency critics, and the public may pressure management to take stronger action during a crisis or controversy, action that management knows will cause a backlash from the union.

Both parties need to recognize that some statements or actions are required as a part of the role each has to play to satisfy their constituencies. This is where communication, cooperation, respect, and trust become valuable to avoiding unnecessary conflicts. Privately explaining to each other beforehand what management or the union must say or do will lessen the impact of being surprised in the media. Both management and union leaders want to save face. No one wins a protracted war of words. If either side boxes the other into a no-win situation, the entire crisis becomes a no-win situation.

### *4. Defending the Indefensible*

While compassion and an understanding of human frailties are necessary, both management and unions are often guilty of defending the indefensible. If, for instance, a high-ranking police official was caught drinking and driving and the police chief gives him a minor suspension, he or she could expect a backlash among the rank-and-file officers who see the chief's action as disparate discipline, and with the public for giving police officers preferential treatment. On other side, if, for instance, a police officer is arrested for using drugs illegally and the union defends his or her actions as caused by stress of the job, the public and media will most likely see the union as defending "bad apples," and the union can expect bad press.

The truth is that neither management nor the union initially controls most conflicts, crises, or controversies. Things happen when officers carry guns, chase criminals, arrest people, and enforce the law. Be honest and truthful. Some actions are indefensible no matter how they are spun. Often, the chief and the police



union need to let the chips fall where they may. They cannot save some people from themselves. Does the chief or union president want to go down with the ship for actions by a police officer (regardless of rank) that common sense says are reprehensible? The chief can be compassionate and even-handed in his discipline, and the union can provide the member with a lawyer without condoning or defending the officer's action. Elected officials, the media, and the public are watching everything the agency does.

### *5. Overreacting, Retaliating, and Making Personal Attacks During a Crisis*

A law enforcement executive or union leader must count to 10 before reacting to perceived attacks. They should not take perceived attacks personally, even if they are personal. Law enforcement executives and union leaders must stay focused on resolving the crisis. When they become angry and lash out, they lose control of the situation. Community activists, minority leaders, elected officials, and the media may criticize the actions of management or the union. The public will judge both management and the union on the outcome, and not whether they responded directly to each vocal critic. It is very difficult to remain calm during a storm, but that is what law enforcement executives get paid for and what union leaders are elected to do.

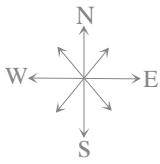
Firing, transferring, or otherwise punishing employees during a crisis or controversy, especially if they are union officials, is almost never permissible. While there may be a line that, if crossed, would cause management to seek disciplinary action, it needs to be a wide line. When government officials react by using their power to discipline employees for speaking out on matters of public concern, the public entity risks damages for violating an employee's constitutional rights to free speech. There is also the risk of a negative public reaction to heavy-handed government action. The public likes to hear what whistleblowers and police officer critics have to say. Retaliation only confirms to the media and public that the agency has something to hide.

Union leaders need to recognize that management has a job to do. If the union takes a confrontational position early in the crisis or controversy that would appear to the media or public to be retaliating against management for doing its job, it will only confirm to the media and public that the union is a part of the problem and not the solution.

### *6. Forgetting That Elected Officials Do Not Like to Make Waves, and All Battles Are Won and Lost in the Court of Public Opinion*

Just about everything that happens in a law enforcement agency is open to the public. Much of what happens generates news, and any conflict between management and the union during a crisis or controversy will be covered by the media. There are few secrets from critics, the media, or the public, especially for agency heads who have to comply with open records and meetings laws. Law enforcement agencies leak like a sinking ship during high-profile incidents. Management and unions need to realize that all of their words and actions will be brought to light. Words and actions send messages to each other, the media, and the public. Any efforts by management and the union to resolve conflicts before they escalate will go a long way toward preventing a public collision that damages relationships, the agency, and the public.

When law enforcement management and unions clash during a crisis or controversy, it makes waves. The chief or sheriff knows that his or her future is directly dependent on the whims of elected officials or the public. While the governing body of the community may publicly defend a chief's actions during a crisis or controversy, the more waves created, the greater the chance he or she will be looking for work soon after



the issue is resolved. Smart agency heads maintain good relationships with elected officials and the public to withstand higher negatives during a crisis or controversy.

Law enforcement unions depend on the goodwill of the governing body and the public for their contracts, wages, benefits, and equipment. Police unions need to weigh carefully how deeply they wish to get involved during a crisis. Making unnecessary waves will lose the goodwill of the governing body and public. Unions need to have a high positive rating with the public, in particular, to withstand higher negatives during a crisis or controversy.

### *7. Forgetting to Use Common Sense*

While we live in a politically correct world, and this is especially true for law enforcement management and union leaders, both management and union leaders must use common sense during a crisis. The public likes to judge its government employees against how they (the public) would have used common sense to solve the problem.

Common sense dictates that all conflicts must eventually be resolved by compromise. Communication, cooperation, respect, and trust again come into play when it is time to settle public disputes between management and the union. If both sides are listening to each other, they will recognize opportunities to reach a compromise. They should not be afraid to seek out community opinion leaders to act as mediators or facilitators. The longer the parties continue the conflict, the harder their positions become. Knowing that a conflict will end eventually, both sides need to start seeking resolutions as early as possible.

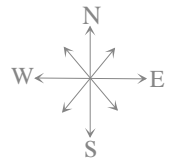
### *8. Playing Hardball on the Wrong Issues*

Politics and law enforcement often require hardball tactics by management and unions. It is easy to play hardball with the other side on an issue, but knowing when to play hardball is really more critical than having the courage to play hardball. For example, the police union circulates a petition calling for a referendum on more manpower. Public sentiment is with the union, but management believes it will reduce the budget for other essential issues. If management plays hardball with the police union, it will end up fighting against the general public and maybe some elected officials. A softer approach may be to meet with the union and work toward releasing more officers onto the streets, and working with the media to educate the public about the costs of such a manpower increase.

In another example, from the union side, the executive is being pressured to promote more minorities in a department that is predominately white. The community is more diverse than the agency, and the general public supports a more diverse agency. The union could play hardball and try to kill or delay the promotions, but a better approach might be to work with the executive to see if there may be areas of mutual agreement within which to create promotional opportunities that would be more inclusive of minorities. If the union decides to play hardball, it risks alienating the community and elected officials.

### *9. Making an End Run*

There may be issues so important to management and the union that they feel it is worth damaging their relationship by making an end run to win support, but the consequences can be severe. When management goes around the union to communicate with or encourage the rank-and-file to support or oppose an issue without respecting the union's responsibility to speak for the officers it represents, management can expect



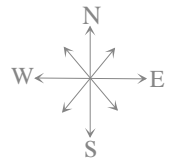
a union backlash. The union has a role to play, and its leadership was elected to speak for the members on labor-related issues. The same holds true for the union when it decides to make an end run to the city manager or to elected officials. The union's lack of respect for the agency executive may understandably motivate him or her to fight back. Bitterness can be deep and long term, especially if either side surprises or blindsides the other. If the parties meet and cannot agree, then each has more of an argument to sell its position to elected officials, the media, or the public.

### *10. Refusing to Communicate Regularly*

Communication during a crisis or controversy is almost guaranteed to be strained. Law enforcement unions and management need to develop a level of trust and respect that allows them to communicate regularly. That trust and respect will pay big dividends when the department is in a crisis mode.

One method that management can use to build better communication is to keep the union in the loop. Bringing the union into command staff meetings and seeking the advice of the union on matters of mutual concern will not only give management a different view on issues, it also will give the union the correct information instead of rumors.

The union can build trust and respect by telling management what the rank-and-file is thinking. Often during a crisis, rumors raise the level of anxiety within the department. If the union and management have the ability to communicate honestly, it will lessen tensions and keep the department from imploding.



## Building a Supertanker

### Chapter 20

#### DEVELOPING A SHARED VISION OF A SAFER COMMUNITY

By  
*Ronald G. DeLord*  
*Jerry Sanders*  
*Project Coordinators*

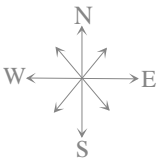
##### *Who Really Represents the Community When It Comes to Making the Community Safer?*

Of course, the elected officials would say they do. The law enforcement executive would like to believe he or she does. And the law enforcement union would posit that the rank-and-file officers do. In truth, in most communities, special-interest groups compete to gain power to promote their own views of the community. No one seems to be putting the public first.

Within their communities, elected officials are focused on a wide range of constituencies demanding various services and funding allocations. Law enforcement is among them. The government administration often seems overwhelmed in trying to balance a budget with so many demands placed on it by special-interest groups. Often, it can seem as though financial concerns are outweighing the government's responsibility to create a safer community.

What about law enforcement managers and unions? Surely they are putting the public first. Unfortunately, that is not always the case. The traditional roles for managers and unions in law enforcement have not changed much during the past 100 years. The public sees the unions as always wanting more—more benefits, higher wages, and better working conditions. When a union starts a campaign for more officers, the elected officials, government administration, and law enforcement management generally believe that it is a union ploy to attract attention to their demands for more benefits, higher wages, and better working conditions. Once the union's demands are met, the demand for more officers will subside. The union and officers perceive managers as more concerned about getting or retaining control over discipline, assignments, shifts, and schedules than they are about a more efficient and effective law enforcement agency.

It is a vicious cycle. How do managers and unions break the cycle and develop a shared vision of a safer community? How can managers and unions make themselves relevant in the debate about crime and a safer community? It will not be easy to overcome generations of doing things the same old way. Both managers and unions will be required to exercise leadership qualities to convince their bosses and constituents that there is a better way to do business in the 21<sup>st</sup> century.



## Four Steps That Law Enforcement Managers and Unions Can Take to Jump-Start the Process

### *Step 1: Poll the Public*

Ask any law enforcement manager, union leader, officer, elected official, or government administrator what the public thinks about the operational efficiency and effectiveness of a law enforcement agency, and each will say that he or she knows what the public is thinking. While each group may believe it has its fingers on the pulse of the community, it has no substantiated data to prove its beliefs.

The public's perception about its personal safety and security is as important, or more so, than the reality. Publishing and debating crime statistics is a waste of time. Crime statistics are not a meaningful measure of how safe and secure the public feels. In some large cities, crime is still high compared to other parts of country, but the citizens and tourists may perceive that these cities are safer. That perception was not achieved just by lowering the reported crime rates. Citizens in a major Texas city were asked if they felt any safer than they did the previous year in light of falling crime statistics. The answer was an overwhelming "no."

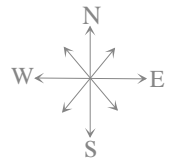
The manager and union should first agree to have a professional polling firm conduct a valid public opinion poll. The questions should measure how safe and secure the public feels. The goal would be to have public perception of safety and security improved by the next year. Other questions should measure the public's perceptions of the effectiveness and efficiency of the law enforcement agency. Generally, polls indicate that the public has a higher regard for the rank-and-file officer than of the union or manager. The pollsters could also ask the public how it feels about the manager's performance and the union's job. Does the public feel it is getting full value for its tax dollars? The poll would need to be deep enough to differentiate between the various economic areas of the community. The attitudes throughout a community are not generally the same. How would various sectors of the public like to see tax dollars allocated?

This information will be critical when developing a shared vision of a safer community. The shared vision cannot be just what the manager and union believe it ought to be. The public must be the first priority.

### *Step 2: Poll the Officers*

This may be harder to do than conducting the public opinion poll. First, the agency manager and the union may not want to know what all the officers in the agency are thinking. Second, managers and unions like to tell the elected officials and media that they already know what the officers want. This poll does not have to conflict with collective bargaining surveys conducted by most unions. The mutually agreed-on poll should be designed to help the manager and union develop a shared vision of what kind of department they want and what that department can do to make the public safer and more secure. That information should be invaluable to both managers and unions when they meet at the bargaining table.

The poll should seek to determine what the officers think about the effectiveness and efficiency of the department. How would the officers allocate resources and personnel if they had the power? Which programs do the majority of officers believe are working and which are not working? Law enforcement agencies, like all government agencies, have a very difficult time eliminating an implemented program. Programs become institutionalized, and officers, managers, citizens, and elected officials often believe that the program is integral to public safety.



The key question is whether the officers are willing to make the sacrifices to have a more effective and efficient agency. Would adding more officers actually reduce crime, or just reduce the amount of work each officer has to do? Are the officers willing to work the schedules and shifts needed to reduce crime and make the community safer?

*Step 3: Audit the Department*

This is another difficult step. Generally, elected officials or government administrators retain consulting firms to conduct performance audits of law enforcement agencies. Many of these consulting studies are never acted on. The agency manager and union need to agree to retain a professional consulting firm they believe can audit the performance of the department accurately. The manager and union should already have the results of the public and officer polls, so they know what these parties perceive as the weaknesses and strengths of the department.

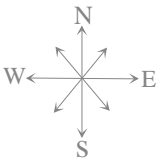
Crime statistics should not be used as the measurement of the effectiveness and efficiency of the agency. The agency should retain a consulting firm that is academically able to measure the programs that are working and those that are not, and look for answers to such questions as the following:

- Are officers being assigned to work when crime is actually occurring?
- Which operational decisions are more politically based than practical?
- Can these decisions be supported by actual data?
- Are the agency’s available personnel and resources being used as effectively and efficiently as possible?
- Are statutory and contractual constraints in place that hamper the effectiveness and efficiency of the agency?
- In a perfect world, how should resources and personnel be used to make the community safer?
- Can the manager and union find areas of mutual agreement where the parties could lobby to change statutory restrictions or bargain changes in the contract that impede the conclusions and desires of the public and officers?

The manager and union also need to measure the conclusions and poll results against financial and political realities.

The manager and union should review the polls and the consulting report to find one or more elements that will start the process of creating a shared vision of a safer community. A mutually agreed-on shared vision will have to be incremental. Small steps toward such a shared vision will help develop trust, respect, cooperation, and communication. It will also send a signal to the officers and community that the management and union want to put the public first.





#### *Step 4: Build a Coalition in Support of the Shared Vision*

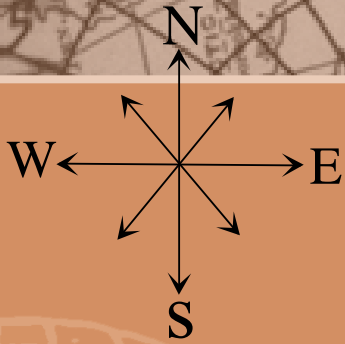
Unless management and the union can agree to build coalitions in support of the shared vision, the plan will fail. First, the officers in the department must be firmly in support of the vision. If not, the backlash will oust the union leadership and future union leaders will be fearful of a cooperative relationship. Also, the media and elected officials will learn that the officers are against any changes recommended in the shared vision and that will cause them to be overly cautious or opposed to the changes.

Second, management and the union must agree to educate the government administrator and elected officials about what they are recommending. Since financial and political realities are a fact of life, it is critical that they support the shared vision.

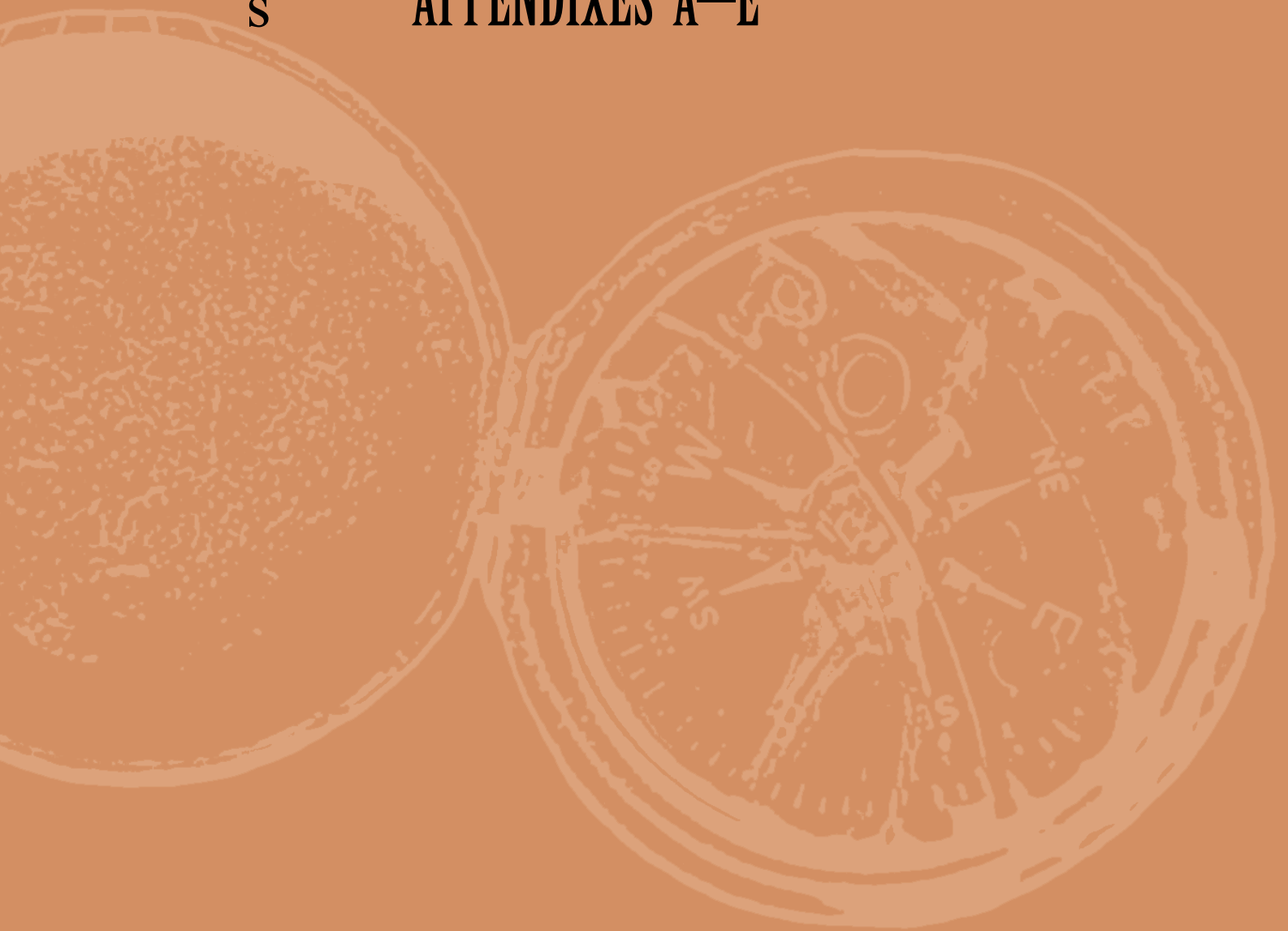
Third, the manager and union need to agree on a public marketing plan. They should work together to build coalitions with every possible special-interest group in the community. Civic groups like to have guest speakers and having the manager and union appear jointly will go a long way toward convincing the community that they can work together for the common good. A press conference will get some free media exposure. The manager and union can work out a paid media campaign to reach a larger audience.

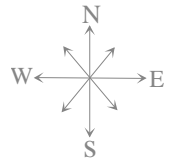
#### **Conclusion**

If the manager and union work through every step and can reach some agreement on a shared vision for a safer community, it will improve their relationship and open new opportunities to work together for the community. The manager and union have a vested interest in a more effective and efficient law enforcement agency. Joint ownership in that shared vision is the most important element in cooperative law enforcement labor-management relations.



# APPENDIXES A—E





## APPENDIX A

### MANAGEMENT AND LABOR COOPERATION FOR IMPLEMENTATION OF CHANGE

### SUMMARY OF PRACTITIONER SURVEY RESPONSES

Survey Administered and Compiled By:

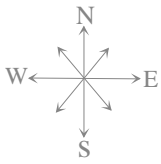
Justex Systems, Inc.  
 P.O. Box 6224  
 Huntsville, TX 77342  
[www.justex.com](http://www.justex.com)

#### SUMMARY OF PRACTITIONER SURVEY RESPONSE

##### Methodology

As a part of the exploration of management and labor cooperation for the implementation of change, Justex Systems, Inc. conducted a practitioner survey that was completed in the winter of 2002. The purpose of the survey was to ascertain the contrasting perceptions of police chiefs and union presidents about the extent of cooperation and issues that generated stress between management and labor during the change process. Parallel versions of a survey instrument were distributed to the chiefs and labor organization presidents of all municipal agencies with populations of more than 100,000. In addition, a sample of 10 state police agencies was included, along with 48 agencies with populations of less than 100,000. The 48 agencies with less than 100,000 were instances where both management and a labor association were subscribers to the newsletter Police Labor Monthly and, hence, were agencies with organized labor associations and concerned about labor relations issues. The distribution and response rate was as follows:

Municipalities with more than 100,000 population:	272
Municipalities with less than 100,000 population:	48
State police agencies:	10
Total agencies sampled:	330
Management responses:	118
Management response rate:	36%
Labor organization responses:	63
Labor organization response rate:	19%
Total responses:	181

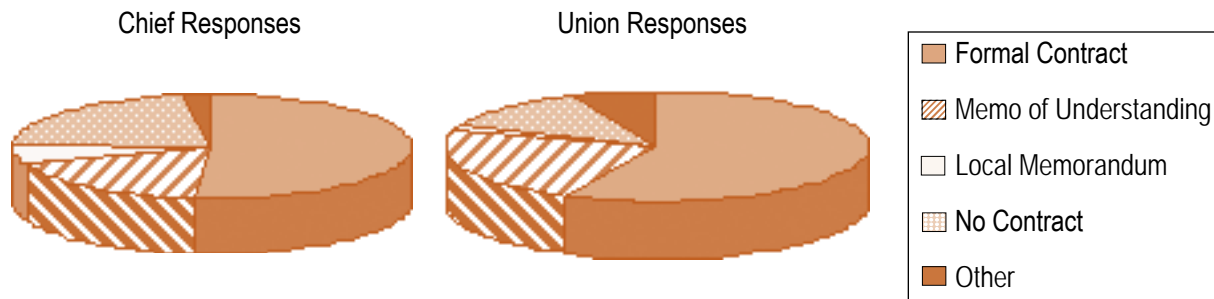


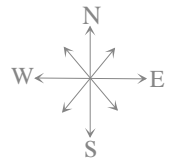
**1. About yourself?**

Number of years as chief/agency head	4.7
Number of years as union president	5.0
Number of years in law enforcement	29
Number of years in law enforcement	19
How did you become chief/agency head?	
Up through the ranks	64%
From another agency	36%
How did you become association/union president?	
Elected without serving in another role	19%
From another role	81%

**2. Does your agency operate under the auspices of:**

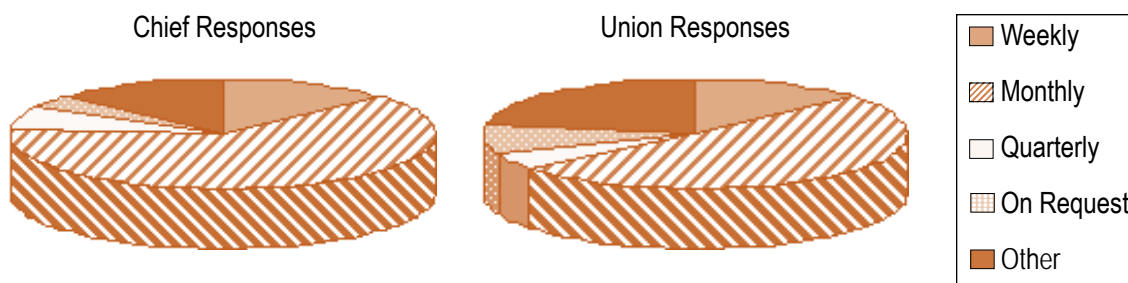
	Chief	Union
A. A formal contract, negotiated under enabling state law	51%	57%
B. A memorandum of understanding, negotiated under enabling state law	18%	22%
C. A locally authorized memorandum, letter of agreement or other document	6%	2%
D. No union contract, memorandum of understanding, et cetera.	22%	1%
E. Other	3%	6%





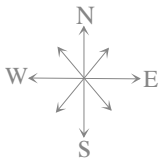
**3. Do you routinely have formal, scheduled meetings with representatives of your officer's association/union (police agency management)?**

	Chief	Union
A. Weekly	13%	13%
B. Monthly	63%	51%
C. Quarterly	7%	4%
D. On Request	4%	9%
E. Other	13%	22%



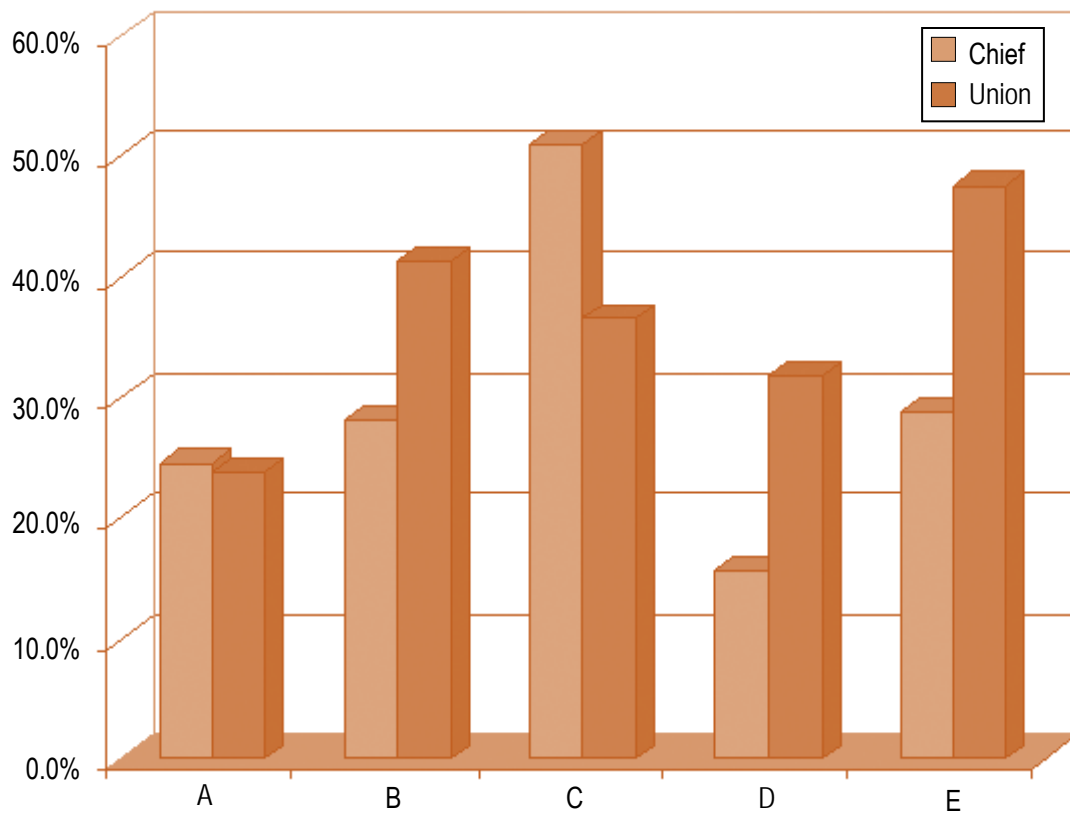
If yes, do you have a formal management-labor relations committee?

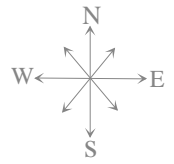
	Chief	Union
Yes:	54%	63%



**4. Does your (rank-and-file) officer's association/union normally and routinely participate in the following functions by sending representatives?**

	Chief	Union
A. Scheduled senior command staff meetings	25%	24%
B. Meetings with city/county/state managers (e.g., city manager)	28%	41%
C. Strategic planning meetings with various components of the agency	51%	37%
D. Strategic planning meetings with governing bodies (e.g., city council)	16%	32%
E. Meetings with community groups	29%	48%

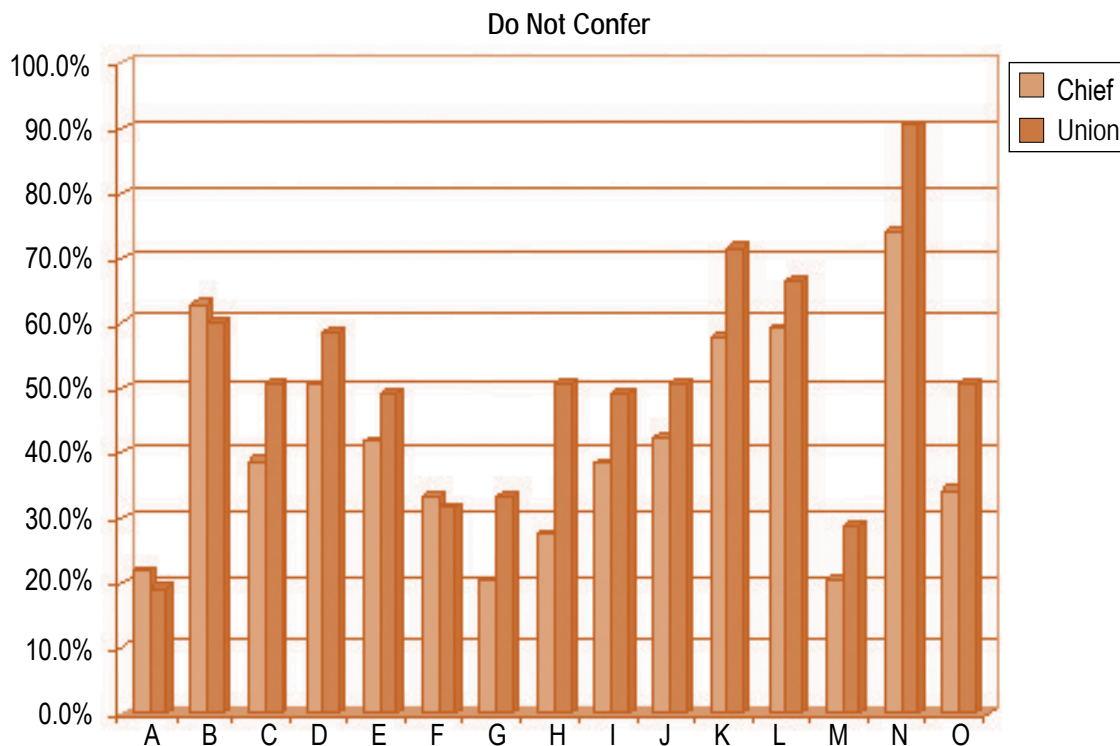


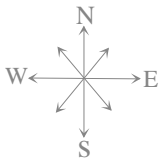


**5. Do you routinely confer with representatives of your officers' association/union regarding the following issues: (Chief)**

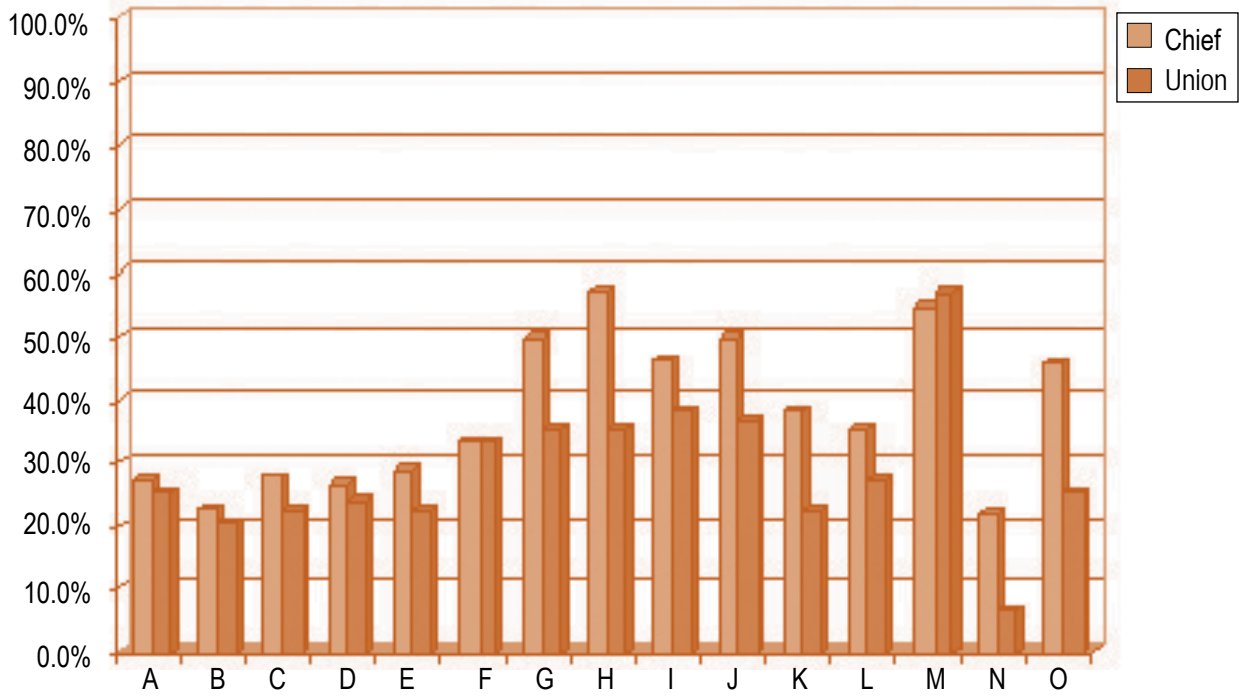
**Does police agency management routinely confer with representatives of your association/union regarding the following issues: (Union)**

	Do not confer		Informally confer		Formally confer	
	Chief	Union	Chief	Union	Chief	Union
A. Grievances filed	22%	19%	27%	25%	51%	56%
B. Citizen complaints filed	6%	60%	22%	21%	15%	19%
C. Scheduling of officers	39%	51%	28%	22%	34%	27%
D. Assignment of officers	50%	59%	27%	24%	23%	18%
E. Promotional exam process	42%	49%	29%	22%	30%	29%
F. Updating policy manuals	33%	32%	33%	33%	33%	35%
G. Equipment issues	21%	33%	50%	35%	30%	32%
H. Communication channels	28%	51%	57%	35%	16%	14%
I. Supervisory issues	39%	49%	46%	38%	15%	13%
J. Relations w/ city/etc., mgt.	43%	51%	50%	37%	8%	13%
K. Relations w/ political entities	58%	71%	38%	22%	4%	6%
L. Relations w/ comm. groups	59%	67%	35%	27%	6%	6%
M. New programs or initiatives	21%	29%	54%	57%	25%	15%
N. Applications for grants	74%	91%	22%	6%	4%	3%
O. Response to racial profiling	34%	50%	45%	25%	20%	24%

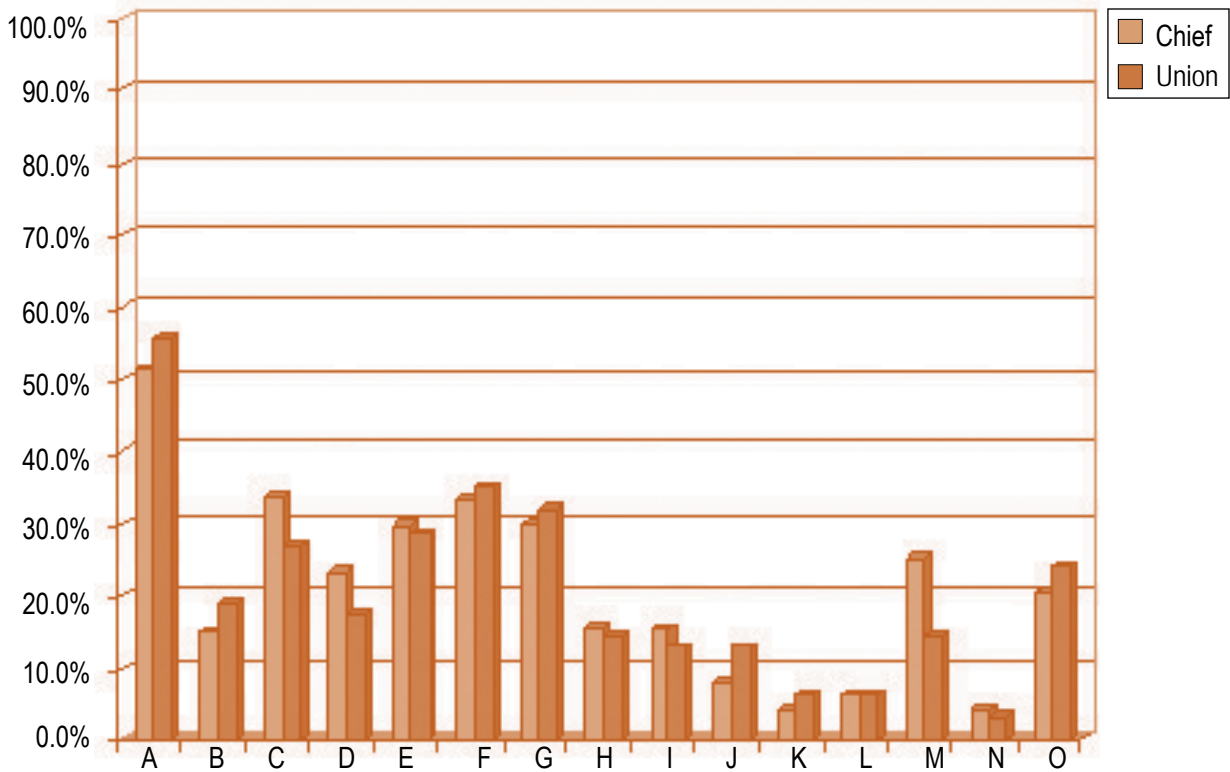




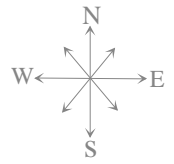
Informally Confer



Formally Confer

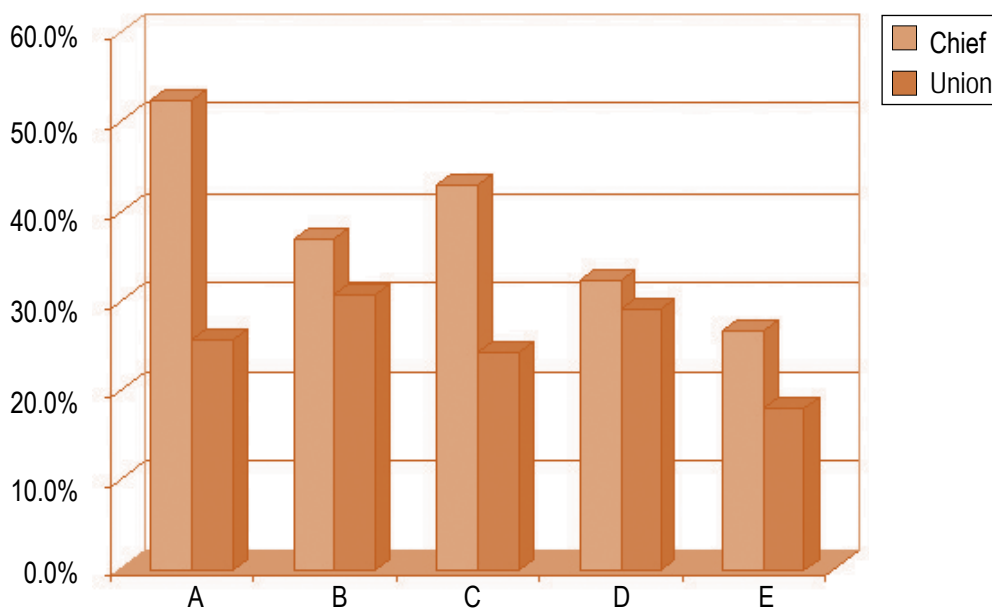






**6. More specifically, has your association/union ever been directly involved in formal discussions of your department’s community policing efforts**

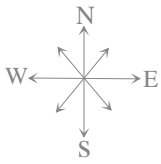
	Chief	Union
A. Strategic Planning	53%	26%
B. Officer assignment to community policing duties	37%	31%
C. Scheduling in support of community policing	43%	24%
D. Geographic beat distributions	32%	29%
E. Methods of community engagement	27%	18%



**7. Has your association/union ever directly and actively opposed a new program or initiative characterized as community policing?**

The majority of respondents have never experienced this situation.

	Chief	Union
Yes:	23%	32%



*8. Have you ever had a new program or initiative that you would characterize as incorporating the community policing philosophy fail because of opposition from your association/union? (Chief)*

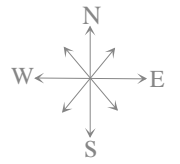
*Has your association/union ever impeded the implementation of a new program or initiative characterized as community policing? (Union)*

	Chief	Union
Yes:	8%	25%

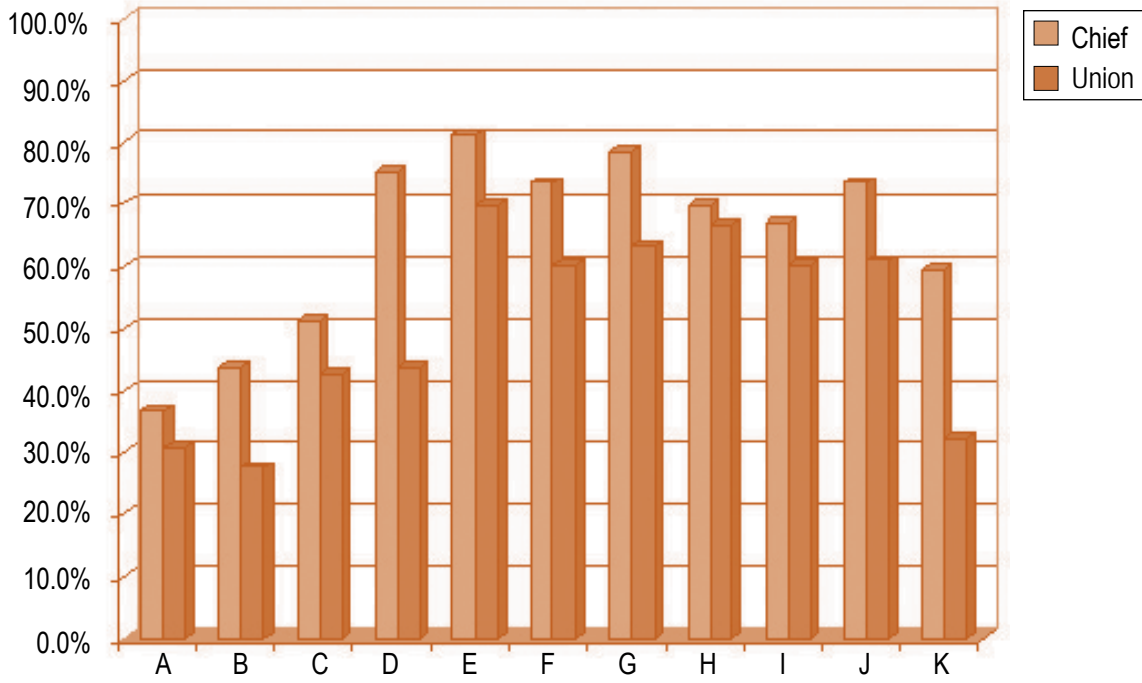
*9. Have any of the following become an issue or generated resistance with your association/union in the process of implementing change including but not limited to community policing? (Chief)*

*Has implementation of any of the following in conjunction with community policing programs been an issue among your membership or generated resistance among rank-and-file or their representatives? (Union)*

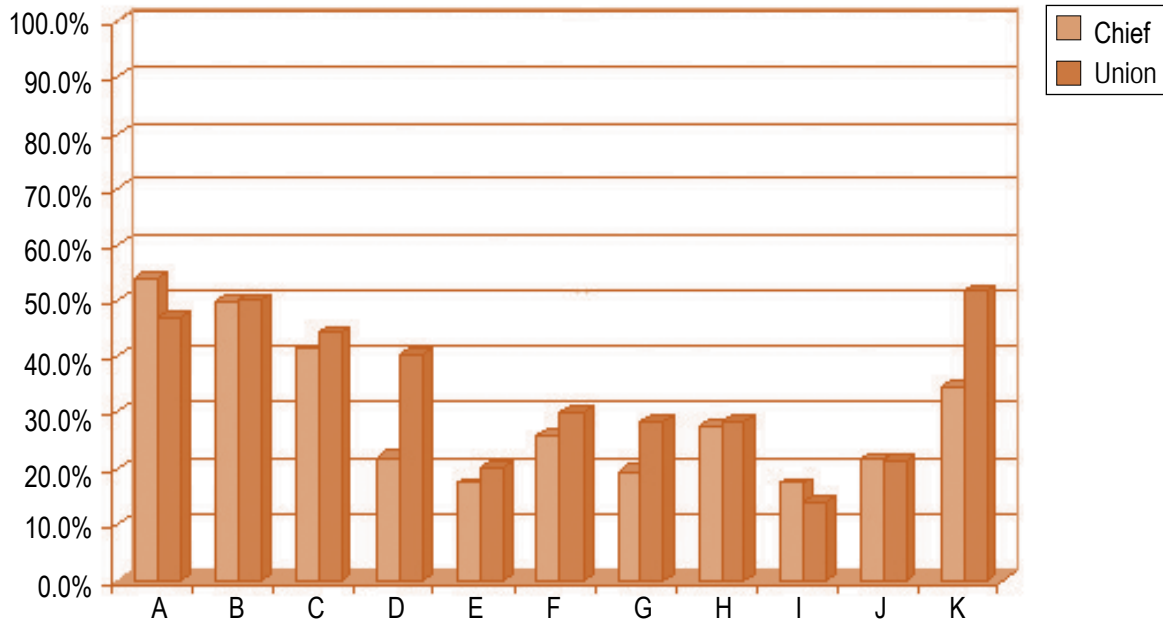
	Not a problem		Some problem		Serious problem	
	Chief	Union	Chief	Union	Chief	Union
A. Scheduling of personnel	37%	31%	54%	47%	9%	23%
B. Assignment of personnel	44%	27%	50%	50%	7%	23%
C. Rotation of personnel	51%	43%	41%	44%	8%	13%
D. Role of patrol officers	75%	44%	22%	40%	3%	16%
E. Role of investigators	81%	70%	17%	20%	2%	10%
F. Role of supervisors	73%	60%	26%	30%	1%	10%
G. Role of middle managers	79%	63%	20%	28%	2%	8%
H. Higher personnel standards	70%	67%	28%	28%	3%	5%
I. Civilian review boards	67%	60%	17%	14%	16%	26%
J. Racial profiling response	73%	61%	22%	21%	5%	18%
K. Changing work priorities	60%	32%	35%	52%	6%	16%

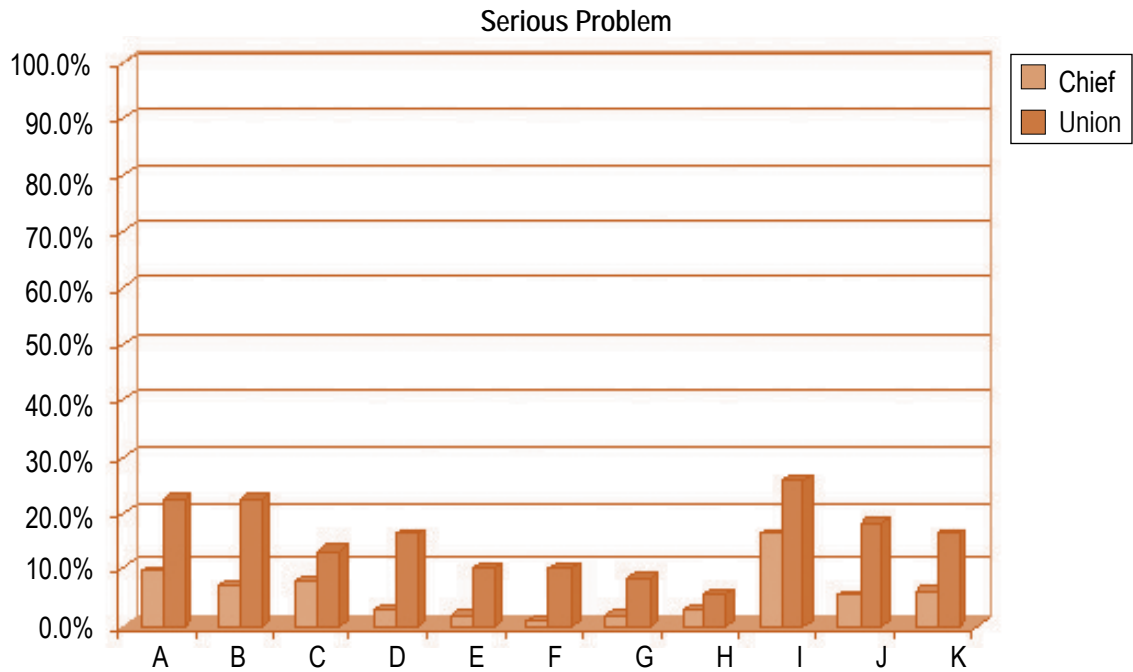
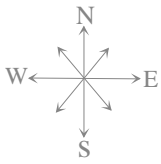


Not a Problem



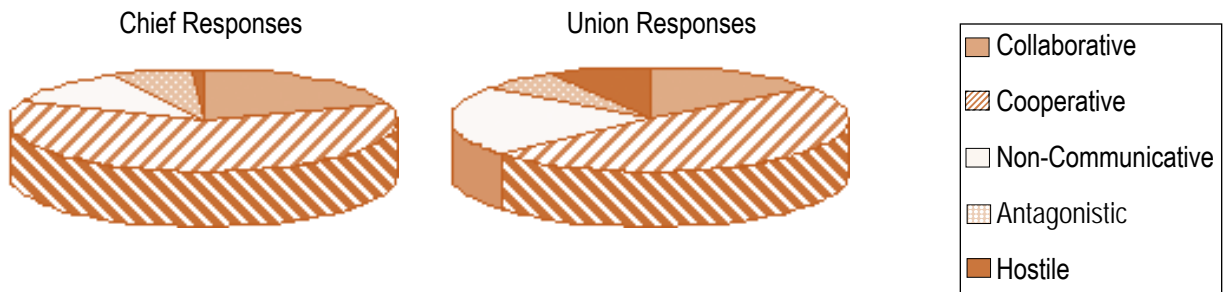
Some Problem

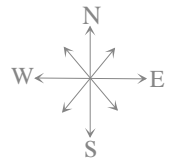




10. Which term best describes your current relationship with association/union representatives (police agency management) with regard to developing and implementing change in your agency?

	Chief	Union
A. Collaborative and fully engaged	20%	15%
B. Cooperative and friendly	61%	48%
C. Noncommunicative, generally neutral	11%	22%
D. Antagonistic, usually opposed	7%	7%
E. Hostile and bitter	1%	8%



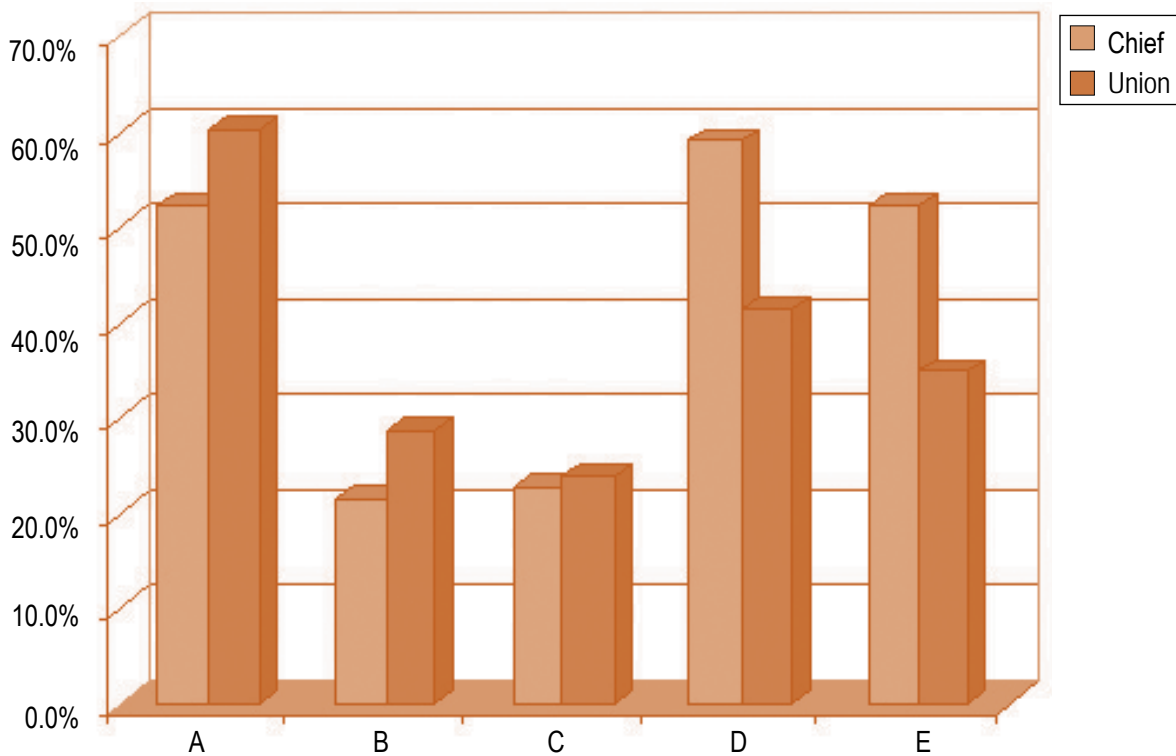


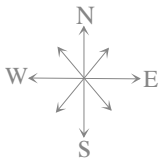
11. Has there been a critical incident, e.g., a shooting, civil disturbance, disciplinary case, that has generated undue antagonism between management and association/union representatives in recent years?

	Chief	Union
Yes:	33%	49%

12. Have you and representatives of your association/union (agency management) ever done any of the following:

	Chief	Union
A. Appear at community forums together	52%	60%
B. Hold dual press conferences	22%	29%
C. Issue joint press releases	23%	24%
D. Participate in training programs together	59%	41%
E. Attend conferences together	52%	35%





13. *The nature of the implementation of community policing philosophy varies widely, of course. While a philosophy, community policing often entails the implementation of specific programs or personnel roles. Do you have roles in your agency that you would characterize as specialists in “general assignment” community policing, e.g., neighborhood patrol officers, problem solving officers, et cetera - but not DARE, etc.*

	Chief	Union
Yes:	60%	57%

14. *A frequently cited hindrance to association/union participation with management in programs and initiative planning is that the union representatives may be seen by the rank-and-file membership of the association as “getting too close to management”. Do you perceive that this has occurred in the history of your relationship with your police department’s association (management)?*

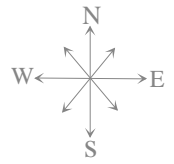
	Chief	Union
Yes:	21%	21%

15. *A related issue is the observation that if an association/union participates in the development of a program or policy in response to an issue, such as racial profiling data collection, or implementation of a civilian board, union leadership risks “taking the blame” from their membership for a potentially unpopular police agency response. Have you experienced this phenomenon?*

	Chief	Union
Yes:	12%	18%

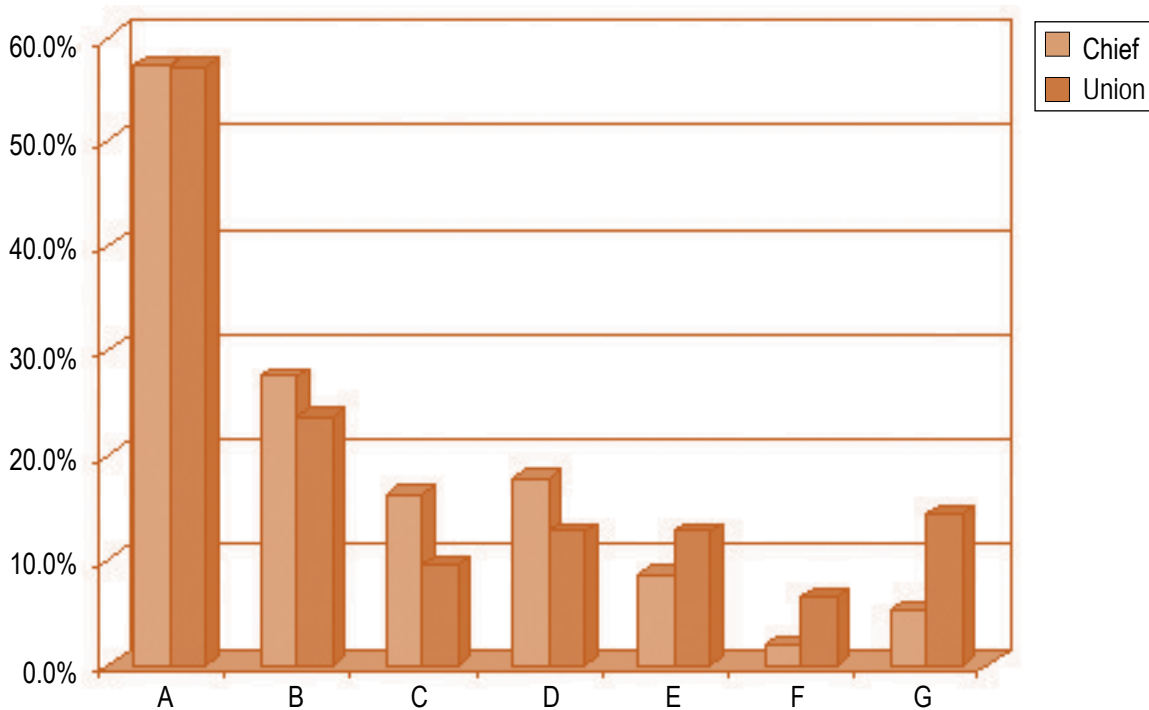
16. *A third related issue is the concern that working collaboratively together may become legally formalized as a management–labor “past practice”, and hence be mandated by arbitrators and/or courts for future endeavors, i.e., a mandate may occur to involve the union in all/most management decision making because it was a past practice. Has a potential “past practice” ruling ever been raised by management as a concern in the context of working collaboratively with them?*

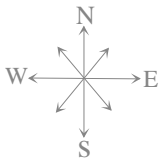
	Chief	Union
Yes:	14%	14%



17. Do you have any provisions in a contract, memorandum of understanding, or other document pertaining to management–labor relations that creates special considerations, such as flex time, for officers assigned to programs that you would characterize as incorporating community policing philosophy?

	Chief	Union
A. None or not applicable	57%	57%
B. Scheduling of personnel	28%	24%
C. Rotation of personnel (transfer)	16%	10%
D. Assignment of personnel	18%	13%
E. Role or nature of work issues	9%	13%
F. Personnel standards	2%	6%
G. Other	5%	14%





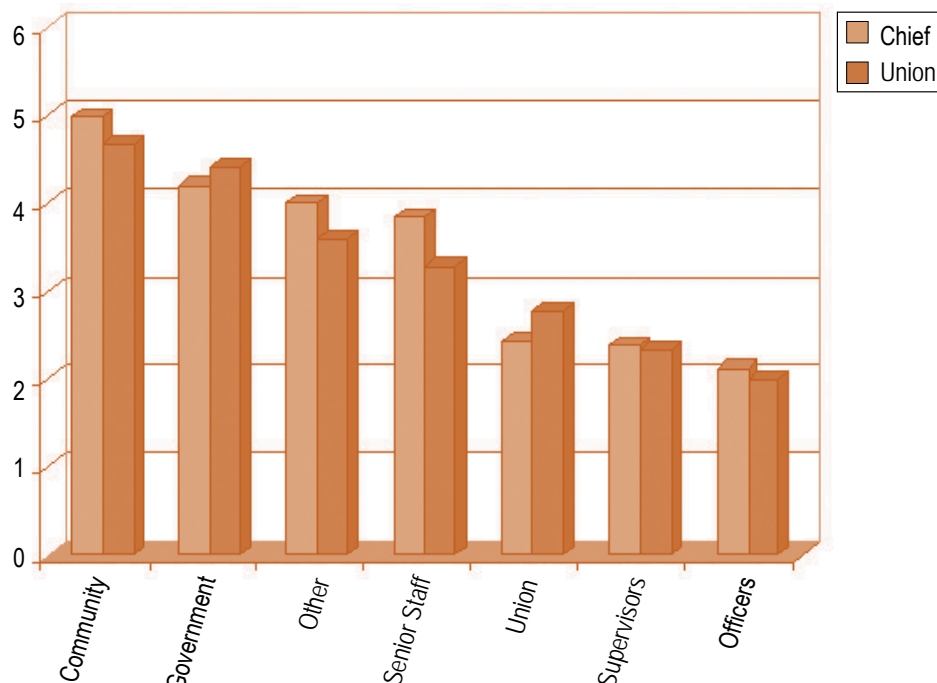
18. Assuming that you have encountered undue resistance to the implementation of change, including but not limited to community policing, please rank order, one to six, the sources of that opposition. Use number one for the source generating the most opposition, number six for the source creating the least.

Chief	
Community members	4.98
City/county/state government	4.21
Other group	4.00
Senior command staff (captains, deputy/assistant chiefs)	3.84
Union or association	2.43
Supervisors and middle managers (sergeants and lieutenants)	2.39
Rank-and-file officers not operating under the auspices of an association	2.13

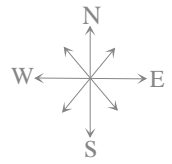
(Higher number denotes more cooperation)

Union Presidents	
Community members	4.69
City/county/state government	4.41
Senior command staff (captains, deputy/assistant chiefs)	3.59
Union or association	3.29
Supervisors and middle managers (sergeants and lieutenants)	2.77
Other group	2.33
Rank-and-file officers not operating under the auspices of an association	2.00

(Higher number denotes more cooperation)

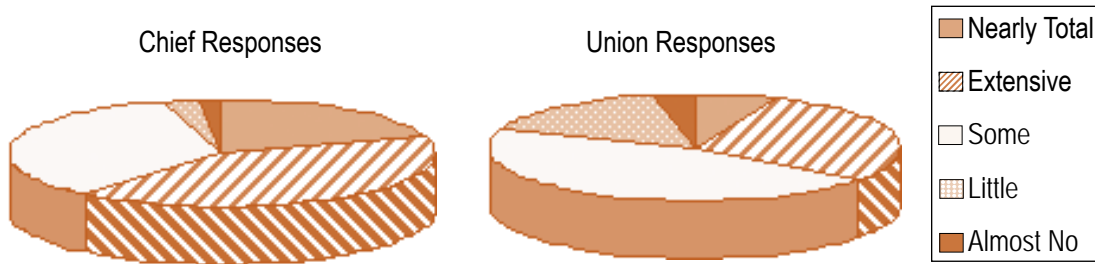


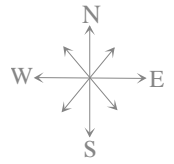




19. To what extent is there support among association/union members regarding community policing?

	Chief	Union
A. Nearly total support	20%	7%
B. Extensive support	42%	29%
C. Some support (everyone has a little, or a few have a lot)	35%	45%
D. Little support	3%	16%
E. Almost no support	2%	3%





## APPENDIX B

### INDEPENDENT NATIONAL POLICE UNIONS

#### **Fraternal Order of Police (FOP)**

Chuck Canterbury, National President  
Grand Lodge FOP  
1410 Donelson Pike, A-17  
Nashville, TN 37217-2933  
Telephone: 800.451.2711  
Telephone: 615.399.0900  
Fax: 615.399.0400  
E-mail: [glfop@grandlodgefop.org](mailto:glfop@grandlodgefop.org)  
Home Page: [www.grandlodgefop.org](http://www.grandlodgefop.org)

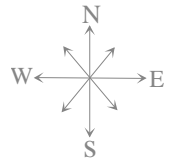
Jim Pasco, Executive Director  
Legislative Office FOP  
309 Massachusetts Ave, N.E.  
Washington, DC 20002  
Telephone: 202.547.8189  
Fax: 202.547.8190  
E-mail: [nlfop@wizard.net](mailto:nlfop@wizard.net)

Note: The National FOP reports a membership of 310,000 and has lodges in all 50 states. FOP National President Chuck Canterbury is a retired major in the Horry County Sheriff's Office in South Carolina.

#### **National Association of Police Organizations (NAPO)**

Thomas Nee, President  
Bill Johnson, Executive Director NAPO  
750 First Street, N.E.  
Suite 920  
Washington, DC 20002  
Telephone: 202.842.4420  
Fax: 202.842.4396  
E-mail: [napo@erols.com](mailto:napo@erols.com)  
Home Page: [www.napo.org](http://www.napo.org)

Note: NAPO reports a membership of 239,000 in 2,000 local associations. NAPO President Tom Nee is a patrolman with the Boston Police Department and president of the Boston Police Patrolmen's Association.



## APPENDIX C

### AFL-CIO AFFILIATED UNIONS WITH A SUBSTANTIAL POLICE MEMBERSHIP

#### **International Union of Police Associations (IUPA, AFL-CIO)**

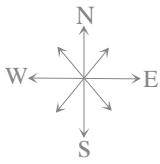
Sam Cabral, President  
1421 Prince Street  
Suite 400  
Alexandria, VA 22314  
Telephone: 800.247.4872  
Telephone: 703.549.7473  
Fax: 703.683.9048  
Email: [iupa@sddi.com](mailto:iupa@sddi.com)  
Home Page: [www.iupa.org](http://www.iupa.org)

Note: IUPA is the only AFL-CIO chartered police union and reports a membership of 100,000 members. IUPA President Sam Cabral is a retired police detective sergeant from Defiance, Ohio.

#### **International Brotherhood of Police Officers (IBPO, NAGE, SEIU, AFL-CIO)**

David Holway, NAGE National President  
Paul Birks, Director, IBPO  
Jerry Flynn, Executive Director, IBPO  
159 Burgin Parkway  
Quincy, MA 02169  
Telephone: 617.376.0220  
Fax: 617.376.0285  
E-mail: [webmaster@ibpo.org](mailto:webmaster@ibpo.org)  
Home Page: [www.ibpo.org](http://www.ibpo.org)

Note: The independent IBPO merged with the independent National Association of Government Employees (NAGE) in 1969. In 1982, NAGE affiliated as an autonomous division of the Service Employees International Union (SEIU, AFL-CIO). IBPO is a division of NAGE. SEIU has chartered police unions outside of IBPO/NAGE. NAGE reports a membership of 50,000 members, but no separate figures are available for IBPO membership. The best estimate for IBPO membership is less than 10,000.



## **National Coalition of Public Safety Officers (NCPSO, CWA, AFL-CIO)**

Chris McGill, President  
John H. Burpo, Executive Director  
NCPSO  
3355 Bee Cave Road  
Suite 604  
Austin, TX 78746  
Telephone: 512.330.0882  
Fax: 512.330.0885  
E-mail: [Jburpo@cwa-union.org](mailto:Jburpo@cwa-union.org)  
Home Page: [www.ncpso-cwa.org](http://www.ncpso-cwa.org)

Note: NCPSO is a sector of the Communications Workers of America (CWA, AFL-CIO). CWA reports a membership of 700,000 and NCPSO reports that 26,000 of those members are in the police and corrections sector. NCPSO President Chris McGill is a police officer with the El Paso Police Department.

## **American Federation of State, County and Municipal Employees (AFSCME, AFL-CIO)**

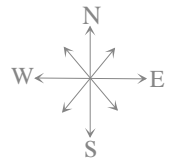
Gerald McEntee, President  
AFSCME  
1625 L Street, N.W.  
Washington, DC 20036-5687  
Telephone: 202.429.1000  
Fax: 202.429.1293  
E-mail: [webmaster@afscme.org](mailto:webmaster@afscme.org)  
Home Page: [www.afscme.org](http://www.afscme.org)

Note: AFSCME reports a membership of 1.4 million. There are no membership figures available for the number of law enforcement officers in AFSCME. AFSCME Corrections United represents 75,000 correction officers.

## **International Brotherhood of Teamsters (IBT)**

James P. Hoffa, President  
IBT  
25 Louisiana Ave, N.W.  
Washington, DC 20001-2198  
Telephone: 202.624.6800  
Fax: 202.624.6918  
E-mail: [PublicEmployees@teamster.org](mailto:PublicEmployees@teamster.org)  
Home Page: [www.teamster.org](http://www.teamster.org)

Note: The Teamsters International reports a membership of 1.4 million. Law enforcement officers are a part of the 140,000-member Public Employees Division but no separate figures are reported.

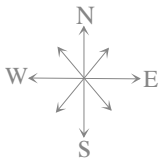


## APPENDIX D

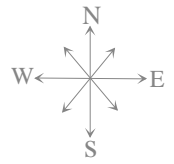
### AFFILIATIONS OF POLICE UNIONS IN 100 LARGEST MUNICIPALITIES

The following charts represent the police union recognized as the collective bargaining agent for the rank of police officer in the 100 largest municipal police departments. If no union is recognized by the city as the bargaining agent, the police union(s) with a substantial membership that includes police officers is listed.

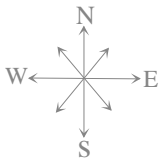
Rank	Population	City	ST	Police Union	Affiliation	Contract
1	8,008,278	New York	NY	Patrolmen's Benevolent Association of New York City	NAPO	Yes
2	3,694,820	Los Angeles	CA	Los Angeles Police Protective League, Local 714	IUPA/NAPO	Yes
3	2,896,016	Chicago	IL	F.O.P. Lodge 7	FOP	Yes
4	1,953,631	Houston	TX	Houston Police Officers Union	NAPO	Yes
5	1,517,550	Philadelphia	PA	F.O.P. Lodge 5	FOP	Yes
6	1,321,045	Phoenix	AZ	Phoenix Law Enforcement Association	NAPO	Yes
7	1,223,400	San Diego	CA	San Diego Police Officers Association	Independent	Yes
8	1,188,580	Dallas	TX	Dallas Police Association F.O.P. Lodge 588	NAPO FOP	No No
9	1,144,646	San Antonio	TX	San Antonio Police Officers Association	NCPSO/ NAPO	Yes
10	951,270	Detroit	MI	Detroit Police Officers Association	NAPO	Yes
11	894,943	San Jose	CA	San Jose Peace Officers Association	Independent	Yes
12	791,926	Indianapolis	IN	F.O.P. Lodge 86	FOP	Yes
13	776,733	San Francisco	CA	San Francisco Police Officers Association, Local 911	SEIU	Yes
14	735,617	Jacksonville*	FL	F.O.P. Lodge 5/30	FOP	Yes
15	711,470	Columbus	OH	F.O.P. Lodge 9	FOP	Yes
16	656,562	Austin	TX	Austin Police Association	NCPSO/ NAPO	Yes
17	651,154	Baltimore	MD	F.O.P. Lodge 3	FOP	Yes
18	650,100	Memphis	TN	Memphis Police Association	Independent	Yes
19	596,974	Milwaukee	WI	Milwaukee Police Association, Local 21	IUPA	Yes



Rank	Population	City	ST	Police Union	Affiliation	Contract
20	589,141	Boston	MA	Boston Police Patrolmen's Association, Local 16,807	IUPA/NAPO	Yes
21	572,059	Washington	DC	District of Columbia FOP Police Labor Council	FOP	Yes
22	563,662	El Paso	TX	El Paso Municipal Police Officers Association	NCPSO/NAPO	Yes
23	563,374	Seattle	WA	Seattle Police Officers Guild	NCPSO	Yes
24	554,636	Denver	CO	Denver Police Protective Association	Independent	Yes
25	545,524	Nashville	TN	F.O.P. Lodge 5	FOP	Yes
26	540,828	Charlotte	NC	F.O.P. Lodge 9 Charlotte-Mecklinburg Police Benevolent Association	FOP IUPA	No No
27	534,694	Fort Worth	TX	Fort Worth Police Officers Association	NAPO	No
28	529,121	Portland	OR	Portland Police Association	NAPO	Yes
29	506,132	Oklahoma City	OK	F.O.P. Lodge 123	FOP	Yes
30	486,699	Tucson	AZ	Tucson Police Officers Association	NCPSO	Yes
31	484,674	New Orleans	LA	Police Association of New Orleans	NAPO	No
32	478,434	Las Vegas	NV	Las Vegas Police Protective Assn., Metro, Local 23	IUPA	Yes
33	478,403	Cleveland	OH	Cleveland Police Patrolmen's Association, Local 178	IUPA	Yes
34	461,522	Long Beach	CA	Long Beach Police Officers Association	FOP	Yes
35	448,607	Albuquerque	NM	Albuquerque Police Officers Assn., F.O.P. Lodge 1	FOP	Yes
36	441,545	Kansas City	MO	Kansas City Police Officers Assn., F.O.P. Lodge 99	FOP	No
37	427,652	Fresno	CA	Fresno Police Officers Association	Independent	Yes
38	425,257	Virginia Beach	VA	F.O.P. Lodge 8 Virginia Beach Police Benevolent Assn., Local 34	FOP IUPA	No No
39	416,474	Atlanta	GA	Atlanta Police Union, Local 623	IBPO	No
40	407,018	Sacramento	CA	Sacramento Police Officers Association	Independent	Yes

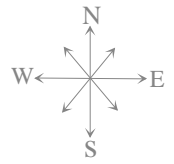


Rank	Population	City	ST	Police Union	Affiliation	Contract
41	399,484	Oakland	CA	Oakland Police Officers Association	Independent	Yes
42	396,375	Mesa	AZ	F.O.P. Lodge 9 Mesa Police Association	FOP Independent	No No
43	393,049	Tulsa	OK	F.O.P. Lodge 93	FOP	Yes
44	390,007	Omaha	NE	Omaha Police Union, Local 101	IUPA	Yes
45	382,618	Minneapolis	MN	Minneapolis Police Officers Federation	Independent	Yes
46	362,470	Miami	FL	F.O.P. Lodge 20	FOP	Yes
47	360,890	Colorado Springs	CO	Colorado Springs Police Protective Association	Independent	No
48	348,189	St. Louis	MO	F.O.P. Lodge 9 St. Louis Police Officers Association, F.O.P. Lodge 68	FOP	No
49	344,284	Wichita	KS	F.O.P. Lodge 5	FOP	Yes
50	337,977	Santa Ana	CA	Santa Ana Police Officers Association, Local 799	IUPA	Yes
51	334,563	Pittsburgh	PA	F.O.P. Lodge 1	FOP	Yes
52	332,969	Arlington	TX	Arlington Police Association	NAPO	No
53	331,285	Cincinnati	OH	F.O.P. Lodge 69	FOP	Yes
54	328,014	Anaheim	CA	Anaheim Police Association	Independent	Yes
55	313,619	Toledo	OH	Toledo Police Patrolmen's Association, Local 10	IUPA	Yes
56	303,447	Tampa	FL	West Central Florida Police Benevolent Association	NAPO	Yes
57	292,648	Buffalo	NY	Buffalo Police Benevolent Association	NAPO	Yes
58	287,151	St. Paul	MN	St. Paul Police Federation	Independent	Yes
59	277,454	Corpus Christi	TX	Corpus Christi Police Officers Association	NAPO	Yes
60	276,393	Aurora	CO	Aurora Police Association	Independent	Yes
61	276,093	Raleigh	NC	F.O.P. Lodge 141 Raleigh Police Protection Association, IUPA Local 99	FOP IUPA	No No
62	273,546	Newark	NJ	F.O.P. Lodge 12	FOP	Yes
63	269,512	Lexington	KY	F.O.P. Lodge 4	FOP	No
64	260,283	Anchorage	AK	Anchorage Police Department Employees Association	NAPO	Yes



Rank	Population	City	ST	Police Union	Affiliation	Contract
65	256,231	Louisville	KY	F.O.P. Lodge 6	FOP	Yes
66	255,166	Riverside	CA	Riverside Police Officers Association	Independent	Yes
67	248,232	St. Petersburg	FL	Pinellas County Police Benevolent Association	NAPO	Yes
68	247,057	Bakersfield	CA	Association of Bakersfield Police Officers	Independent	Yes
69	243,771	Stockton	CA	Stockton Police Officers Association	Independent	Yes
70	242,820	Birmingham	AL	F.O.P. Lodge 1 Birmingham Police Union, Local 1871	FOP IUPA	No No
71	226,419	Hialeah	FL	Jersey City Police Benevolent Association	NAPO	Yes
72	240,055	Jersey City	NJ	F.O.P. Lodge 3 Norfolk Police Union, Local 412	FOP IBPO	No No
73	234,403	Norfolk	VA	Baton Rouge Union of Police, Local 237	IUPA	Yes
74	227,818	Baton Rouge	LA	Dade County Police Benevolent Association	NAPO	Yes
75	225,581	Lincoln	NE	Lincoln Police Union	Independent	Yes
76	223,891	Greensboro	NC	Greensboro FOP Lodge 79 Greensboro Police Officers Association, IUPA	FOP IUPA	No No
77	222,030	Plano	TX	Plano Police Association	Independent	No
78	219,773	Rochester	NY	Rochester Police Locust Club	NAPO	Yes
79	218,812	Glendale	AZ	Glendale FOP Lodge 12 Glendale Law Enforcement Association	FOP Independent	No No
80	217,074	Akron	OH	F.O.P. Lodge 7	FOP	Yes
81	215,768	Garland	TX	Garland Police Officers Association F.O.P. Lodge 68	Independent FOP	No No
82	208,054	Madison	WI	Madison Professional Police Association	NAPO	Yes
83	205,727	Fort Wayne	IN	Fort Wayne Policemen's Benevolent Association	Independent	Yes
84	203,413	Fremont	CA	Fremont Police Association	Independent	Yes
85	202,705	Scottsdale	AZ	F.O.P. Lodge 35	FOP	No

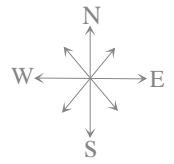




Rank	Population	City	ST	Police Union	Affiliation	Contract
86	201,568	Montgomery	AL	F.O.P. Lodge 11	FOP	No
87	200,145	Shreveport	LA	Shreveport Police Association, IUPA Local 75	IUPA	No
88	199,564	Lubbock	TX	Lubbock Professional Police Association	NAPO	No
89	199,184	Chesapeake	VA	Chesapeake Coalition of Police, IUPA Local 5020 F.O.P. Lodge 9	IUPA FOP	No No
90	198,915	Mobile	AL	Mobile Police Association	FOP	No
91	198,682	Des Moines	IA	Des Moines Police Bargaining Unit	NAPO	Yes
92	197,800	Grand Rapids	MI	F.O.P. Lodge 97	FOP	Yes
93	197,790	Richmond	VA	Richmond Coalition of Police, IUPA Local 5001 F.O.P. Lodge 2	IUPA FOP	No No
94	196,086	Yonkers	NY	Yonkers Police Benevolent Association, Local 16	IUPA	Yes
95	195,629	Spokane	WA	Spokane Police Guild	Independent	Yes
96	195,182	Augusta	GA	None	No	No
97	194,973	Glendale	CA	Glendale Police Officers Association	Independent	Yes
98	193,556	Tacoma	WA	Tacoma Police Union, Local 6	IUPA	Yes
99	191,615	Irving	TX	Irving Police Officers Association Irving Police Patrolmen's Union, Local 323	Independent IUPA	No No
100	189,594	Huntington Beach	CA	Huntington Beach Police Officers Association	Independent	Yes

## Notes

The International Brotherhood of Police Officers (IBPO) has an affiliation with the National Association of Police Organizations (NAPO) which gives the IBPO affiliates in Atlanta (Georgia), Charlotte (North Carolina), and Norfolk (Virginia) access to NAPO services.



## APPENDIX E

### CONTACT INFORMATION

#### Project Coordinators

Ronald G. DeLord  
President, Combined Law Enforcement  
Association of Texas  
400 West 14th Street  
Suite 200  
Austin, TX 78701  
Telephone: 512.495.9111  
E-mail: [rondelord@cleat.net](mailto:rondelord@cleat.net)  
Web Site: [www.cleat.org](http://www.cleat.org)

Jerry Sanders  
Chief, San Diego Police Department (Retired)  
750 "B" Street  
Suite 2320  
San Diego, CA 92101  
Telephone: 619.795.0630, x102  
E-mail: [grs@vccllc.com](mailto:grs@vccllc.com)

#### Union Advisory Team

Philip D. Cameron  
Past President, Florida State FOP Lodge  
242 Office Plaza  
Tallahassee, FL 32301  
Telephone: 954.564.3752  
E-mail: [FTLFOP31@aol.com](mailto:FTLFOP31@aol.com)  
Web Site: [www.floridastatefop.org](http://www.floridastatefop.org)

Michael D. Edwards  
Past President, Seattle Police Officers Guild  
2949 4th Avenue South  
Seattle, WA 98133  
Telephone: 206.767.1150  
E-mail: [email@seattlepoliceguild.org](mailto:email@seattlepoliceguild.org)  
Web Site: [www.seattlepoliceguild.org](http://www.seattlepoliceguild.org)

#### Management Advisory Team

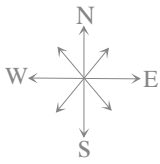
Mark E. Alley  
Chief, Lansing Police Department  
120 W. Michigan Avenue  
Lansing, MI 48933  
Telephone: 517.483.4801  
E-mail: [malley@ci.lansing.mi.us](mailto:malley@ci.lansing.mi.us)  
Web Site: [www.lansingpolice.com](http://www.lansingpolice.com)

Jerry L. Hoover  
Chief, Reno Police Department (Retired)  
MGT of America  
4344 Dant Boulevard  
Reno, NV 89509  
Telephone: 775.825.2219  
E-mail: [jhoover@mgtofamerica.com](mailto:jhoover@mgtofamerica.com)  
Web Site: [www.mgtamer.com](http://www.mgtamer.com)

Harold L. Hurtt  
Chief, Houston Police Department  
1200 Travis Street  
Houston, TX 77002  
E-mail: [harold.hurtt@cityofhouston.net](mailto:harold.hurtt@cityofhouston.net)  
Web Site: [www.houstontx.gov/police](http://www.houstontx.gov/police)

#### Contributing Authors

Shelly Wilkison  
Co-Owner  
Media and Political Strategies, Inc.  
301 Palomino Place  
Liberty Hill, TX 78642  
Telephone: 512.515.7620  
E-mail: [wilkison@mindspring.com](mailto:wilkison@mindspring.com)



Ted Hunt, Ph.D.  
Secretary  
Los Angeles Police Protective League  
1308 West 8th Street  
Los Angeles, CA 90017  
Telephone: 213.251.4554  
E-mail: [leaguemail@lappl.org](mailto:leaguemail@lappl.org)  
Web Site: [www.lapd.com](http://www.lapd.com)

Mark Burgess  
Chief Executive Officer  
Police Federation of Australia  
Level 1, 21 Murray Crescent  
Griffith ACT 2603  
Australia  
Telephone: 61.2.6239.8900  
E-mail: [mark@pfa.org.au](mailto:mark@pfa.org.au)  
Web Site: [www.pfa.org.au](http://www.pfa.org.au)

Dale Kinnear  
Director of Labour Services  
Canadian Professional Police Association  
141 Catherine Street  
Ottawa, ON K2P 1C3  
Canada  
Telephone: 613.231.4168 x 228  
E-mail: [dkinnear@coppa-acpp.ca](mailto:dkinnear@coppa-acpp.ca)  
Web Site: [www.coppa-acpp.ca](http://www.coppa-acpp.ca)

Will Harrell  
Executive Director  
ACLU of Texas  
1210 Rosewood  
Austin, TX 78702  
Telephone: 512.695.7519  
E-mail: [wharrell@aclutx.org](mailto:wharrell@aclutx.org)  
Web Site: [www.aclutx.org](http://www.aclutx.org)

Michael Shannon  
MANDATE  
P.O. Box 2124  
Woodbridge, VA 22193  
Telephone: 703.583.6277  
E-mail: [mandate@home.com](mailto:mandate@home.com)

Sheldon Greenberg, Ph.D.  
Director, Public Safety Leadership  
School of Professional Studies in Business  
and Education  
Johns Hopkins University  
6716 Alexander Bell Drive  
Suite 200  
Columbia, MD 21046  
Telephone: 410.312.4406  
E-mail: [greenberg@jhu.edu](mailto:greenberg@jhu.edu)  
Web Site: [psl.jhu.edu/programs/psl.cfm](http://psl.jhu.edu/programs/psl.cfm)

### Consultants

Larry Hoover, Ph.D.  
Jerry Dowling, J.D.  
Justex Systems, Inc.  
P. O. Box 6224  
Huntsville, TX 77342-6224  
Telephone: 936.291.7981  
E-mail: [Justex@justex.com](mailto:Justex@justex.com)  
Web Site: [www.justex.com](http://www.justex.com)

### Office of Community Policing Services (COPS Office)

Robert Chapman  
Senior Social Science Analyst  
U. S. Department of Justice  
Office of Community Policing  
1100 Vermont Avenue, N.W.  
Washington, DC 20530-0001  
Telephone: 202.514.8278  
E-mail: [robert.chapman@usdoj.gov](mailto:robert.chapman@usdoj.gov)  
Web Site: [www.cops.usdoj.gov](http://www.cops.usdoj.gov)

For More Information:

U.S. Department of Justice  
Office of Community Oriented Policing Services  
1100 Vermont Avenue, N.W.  
Washington, DC 20530

To obtain details on COPS programs and resources, call the  
COPS Office Response Center at 800.421.6770

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