Colorado

Police

Quarterly

The Official Journal of the Colorado

Association of Chiefs of Police

Editorial Mission Statement

Colorado Police Quarterly:
The Official Journal of the Colorado Association of Chiefs of Police

The editorial mission statement of the *Colorado Police Quarterly* is to provide a resource of information among law enforcement professionals. The journal serves as a professional forum for the dissemination of original research, legal updates, training strategies as well as best practices and literature reviews. The journal incorporates the expertise of both practitioners and academics to achieve these goals. Promoting the publication of peer-reviewed research and providing sound advice from practitioners for law enforcement within the state of Colorado are the journal's main goals.

The editorial board of the *Colorado Police Quarterly* considers for publication the following types of articles:

Commentaries: Short papers of a philosophical nature addressing important issues, innovative training strategies, and best practices are invited. The journal welcomes the thoughts and comments of the association's members and its other readers.

Legal Updates: Pertinent reviews of legal cases and articles addressing legal issues are published as well.

Original Research: Research articles of interest to the members of the Colorado Association of Chiefs of Police are welcome.

Literature and Book Reviews: The journal publishes literature and book reviews of well-documented manuscripts on pertinent topics and newly available texts within the discipline.

Letters to the Editor: Relevant letters are published, with authorship, on important topics.

Colorado Police Quarterly:

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SAFETY FIRST.

ecoATM® kiosks have provided a safe, secure, and innovative way for consumers to recycle their used or broken mobile devices since 2009. To learn more visit **ecoatm.com/law-enforcement.**

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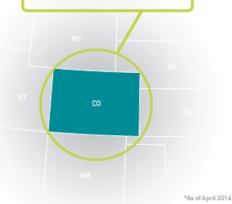
ecoATM kiosks are installed in **over 110 locations in Colorado** and are part of our nation-wide network of 2,100 kiosks in 42 states.*

*As of April 2016

Looking Ahead to the Annual Conference

Gary Barbour

As we enter the last quarter of the association year, it is reassuring to note that our financial condition continues to be strong. The contract with Civica Management has worked to the association's benefit. Their oversight of the mid-year conference at Evans in February was demonstrative of their long experience in working with associations.

The website has become another medium for communication among members. The Community Forum discussion on Narcan resulted in seventeen posts and a good exchange of information that provided some clarity on this new initiative. This website resource is available to members for discussion of questions or issues. It is easy to get an item posted. Contact Emma at emma.bartels@civicamanagement.com.

Accreditation

We currently have 40 agencies that are accredited. This number includes four agencies that are expiring soon. Paul Schultz, Fort Morgan Chief, is our professional standards chair and he will be reaching out to those nearing expiration. Three agencies have recently inquired about becoming accredited and it is expected that they are in the process of getting prepared. There are 11 agencies with expired accreditation.

Law Enforcement Executive Certification

We have 49 members that are certified. Also, there are 15 retired members that were certified when they were in service. Executive certification is a distinction that everyone is encouraged to consider. It is acknowledgement by CACP of the contributions that you have made to law enforcement and your professional accomplishments. All the information is on the website and I urge you to check it out.

Members

We have had 19 members join since January 1st. Please consider enrolling those on your staff as associate members. This will give them access to the website and to the weekly newsletters that are continuing to improve as a timely resource for information.
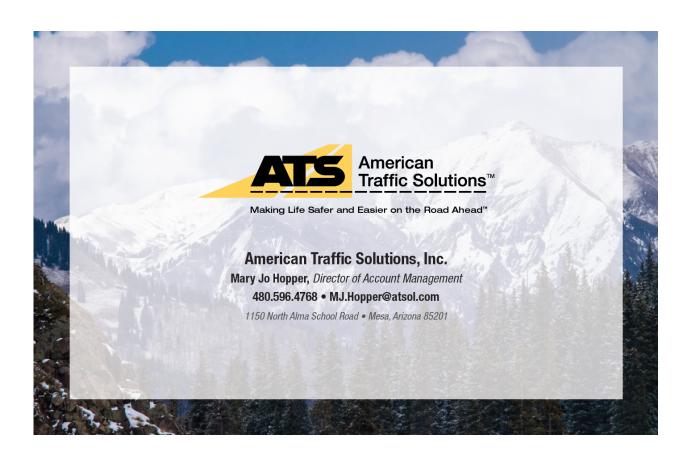
Colorado Fallen Hero Foundation

Originally known as the Colorado Line of Duty Death Response Team, the foundation exists to provide resources quickly to agencies that experience the loss of an officer in the line of duty. To that end, an inter-agency team has been formed and trained under the leadership of Chief Nick Metz of Aurora. Donation information on how to support this team is available on the CACP webpage.

Annual Conference

The June conference will be held at the Hotel Eleganté, 2886 South Circle Drive, Colorado Springs, on June 27, 28, and 29. Registration for the conference itself will soon be available on the website. Speakers and presentations at the conference are going to be informative and interesting. Details will be provided soon. Hotel reservations can be made now and you should ask for the "Colorado Chief of Police" rate. Phone: (719) 576-5900

Golfers, take note: there will be a golf tournament at Fort Carson on Monday, June 26, the day before the conference begins. The location is nearby and CACP has been given full access to the course facilities for the day. Thanks to Chris Heberer of Fountain and Duane Oakes of Alamosa for making the arrangements. This is being overseen once again by Walt Vanatta of Craig. Details will be available on the website. I hope to see you at the conference!

Gary Barbour, Chief
Frederick Police Department

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Stress and Stress Management in the Modern Police Agency

David Krouse

The causes and prevention of stress and stress-related disorders in police service are of significant concern to modern police officers and agencies, as well as the public. The policing profession has been identified as one of the most stressful careers in existence, and correspondingly, the presence of stress-related psychological problems like Posttraumatic Stress Disorder (PTSD) is higher in this occupation than in many others (Anshel, 2000). A study involving Dutch and North American police (Maia, Marmar, Metzler, Nobrega, et al., 2007) measured the prevalence of full and partial PTSD. This study found the rates of PTSD amongst these officers were 8.9% for full PTSD, and 16% for partial PTSD. Compared with the control group that exhibited no PTSD symptoms, the police officers with full PTSD were five times more likely to be divorced, (21.6% vs. 4.3%), felt their physical health was poorer (64.3% vs. 6%), had more medical consultations during the last 12 months, and reported more often lifetime suicidal ideation (35.7% vs. 5.2%). These are symptoms of the causes of stress in police work, and represent the seriousness of the issue of stress for police officers.

For the public who finance police services and rely upon their protection, the results may be less evident, but are certainly felt when costs increase as new personnel are hired to replace those who leave police service with physical and/or mental health issues. In addition, unhappy officers may become less motivated and unable to competently help their citizens (Morash, Haarr, & Kwak, 2006). Because the problem of stress in policing affects not only those officers who are exposed, but also to the public these officers serve, it deserves increased attention. Modern police agencies should develop stress recognition and reduction programs, and the first step in this process is recognizing the causes of police officer stress.

Sources of Stress in Policing

Several notable aspects of policing contribute to stress. The nature of police work involves regular and disturbing exposure to the worst parts of humanity and life. Officers are routinely called upon by individuals in their darkest hours to deal with situations that most people never encounter. For all of the training they receive, police officers' experiences are still likely to challenge their assumptions about life and their ability to cope. Once the event is over, additional victimization may occur through inadequate support from officers' employers. Such critical incidents can create lasting stress-related reactions in officers. Other aspects of police work that contribute to stress are occupational conditions such as shift work, and inadequate emphasis on nutrition and exercise, which has been a focus of past articles in this journal.

Critical Incidents and Unusual Occurrences

Physical danger and emotional trauma are strong trigger events for the development of stress and stress-related disorders (Herman, 1997; McNally, 2005). Danger and trauma are felt both directly and vicariously by police officers who encounter critical incidents where they are confronted with the potential for death or serious injury, or they witness horrible events involving the death or injury of others. Some sources of trauma for police include critical incidents like officer-involved shootings, an accidental death caused by the officer, serious injury to or risk of death to the officer or a fellow officer, death and suicide investigations, the wounding or killing a suspect by an officer, traumatic deaths or injuries to children, situations in which the victims are known to the officer or remind the

officer of a loved one, and traffic accidents or homicides that are particularly gruesome (Plaxton-Hennings, 2004). When considering stress reduction, there is likely little that can be done to eliminate this particular source; however, some measures (discussed below) may be taken to mitigate the seriousness and effects of stress on personnel.

Due to the nature of the experiences involved with certain duties, occupational assignments can also have a significant impact on stress in police officers. One role that puts officers at increased risk of developing a stress disorder is that of the child homicide investigator (Van Patten & Burke, 2001). Child homicide investigators have to investigate horrific crimes involving children. Many officers report crimes involving children are the most difficult to work and challenge their personal belief systems.

Dealing with death is a necessary, if undesirable, part of the policing profession. Police, unlike most other professions, experience recurrent and extreme incidents of people doing harm to other people. This regular exposure to terrible violence puts officers at increased risk for the development of stress; this is further intensified when such violence involves children. The death or injury of a child challenges ideas most people hold related to the innocence and purity of childhood. Often the wicked circumstances surrounding a child's victimization are impossible for individuals to accept. Homicide investigators must immerse themselves in this dreadfulness, including thorough examination of crime scenes and constant re-experience of the trauma during the investigation, including looking at photos, conducting detailed interviews, and testifying in court. With such constant reminders of trauma, it is not uncommon for investigators to experience distressing recollections, dreams, nightmares, guilt, emotional numbing, and intrusive thoughts, depression, anxiety, irritability, and difficulty sleeping, all of which are potential symptoms of stress disorders (Van Patten & Burke, 2001; APA, 2000). Society needs individuals who can perform such arduous duties. Those who do so will unlikely feel the associated stress, but as previously mentioned, organizations can take steps to assist those who endure the associated distress.

Work Environment

Critical or unusual incidents are not the only causes of stress-related disorders in police. Morash, Haarr, and Kwak (2006) indicated t since the 1970's studies on the prevalence of police officer stress have shown workplace environment and pressures are important sources of police stress. The prevalence of negative influences such as harassment, unrealistic expectations, public demands and scrutiny, and overall lack of adequate support during and following traumatic events in many police organizations have exacerbated the trauma experienced by police officers. Additionally, officers who report high levels of occupational stress report correspondingly higher levels of physical illnesses, job dissatisfaction, heart disease, depression, alcohol and drug use, and suicidal ideation. These officers are also more likely to leave the occupation early through either voluntary retirement or a medical disability. This increases even more the occupational stresses of the officers remaining in the department who have to deal with the additional stressor of low staffing levels (Zhao, He, & Lovrich, 2002). When there exists inadequate organizational support for the detection, treatment, and prevention of stress, officers and the public are likely to suffer the consequences.

Even more common and ever-present occupational stresses for police officers exist, such as shift work, poor nutrition, and inadequate exercise (Force Science, 2009; Levenson, 2007). An ongoing study explored the relationship between shift work, suicidal thoughts, and sleep problems in policing (Force Science, 2009). This study found that police officers die six years sooner than other civic workers do. A number of related medical tests found that officers working midnight shifts showed numerous signs of health problems including abdominal obesity, low HDL cholesterol, high blood pressure, and metabolic syndrome. Additionally, these officers averaged less than six hours of sleep. A 2007 study of over 5,000 North American police officers reported almost 40% of active duty officers suffered from sleep abnormalities like apnea, insomnia, restless leg syndrome, and narcolepsy with temporary paralysis (Force Science, 2007). Such sleep problems can cause significant physical, cognitive, and social disruptions. Left untreated, sleep disruptions such as these can lead to accidents, injuries, depression, obesity, poor decision making, cardiovascular and gastrointestinal disease, and diabetes. Furthermore, fatigue can impede officers' ability to comprehend complex situations, perform risk assessments, be innovative, recollect events, communicate effectively, and control mood and behavior – all critical policing tasks.

The officers on night shifts also relied heavily on fast-food restaurants and vending machine snacks for their meals, and few had regular exercise routines (Force Science, 2009). Many officers blamed these habits on fatigue as well as the unavailability of nutritious foods and exercise facilities during their wakeful hours. Others noted their dependence on caffeine and sugar in coffee, soft drinks, and candy bars in order to boost their energy

during their shifts. Additionally, officers generally work at least eight, and sometimes 12 hours during a regular shift, and often times officers are called upon to work overtime due to staffing shortages or late calls for service. These long days further disrupt eating and exercise habits for many officers. The results are seen in the physical and mental health of police officers. This should concern not only the officers who depend on their ability to keep themselves and their partners safe, but also to the public who rely upon the police to be there in the darkest hours, prepared to take action and keep people safe.

Assessing Police Officer Stress

Research has revealed numerous sources of police officer stress. Agencies looking to develop stress reduction programs need to assess their organizations and personnel for the presence of these symptoms and others. Several legitimate measurement instruments have been developed for this purpose. The Operational Police Stress Questionnaire (PSQ-Op) and the Organizational Police Stress Questionnaire (PSQ-Org) are two surveys that are particularly relevant to the study of causal factors of police stress (McCreary & Thompson, 2006). Both of these measures are provided free for non-commercial, educational, and research purposes (see Appendixes A and B for complete surveys).

While other instruments exist to measure general job and occupational stress, these two measurements are specifically associated with the police profession and the specific psychometric properties involved therein (McCreary & Thompson, 2006). Both surveys utilize a Likert scale with ratings of 1-7, with 1 representing "no stress at all," and 7 representing "a lot of stress." The PSQ-Op includes questions mostly related to issues like encountering traumatic events, shift work, and dealing with the public; while the PSQ-Org relates primarily to issues such as working within a bureaucracy, dealing with coworkers, and staff shortages. Both studies have been shown to be valid and reliable.

Intervention and Prevention

Police culture and police personality present unique issues for stress intervention and prevention programs. Fraternity, cynicism, self-reliance, mistrust, and a need for control are all characteristics that challenge traditional strategies (Levenson, 2007). Although a significant part of police officers' duties is intervening in crises, officers are not well prepared for dealing with their own difficulties (Plaxton-Hennings, 2004). Several stress management strategies have been explored including biologically oriented treatments such as antianxiety and antidepressant drug therapies, and sociocultural treatments like group therapy. Drug treatments have been shown to be only somewhat successful in treating stress, and police officers are likely to reject group therapies due to their relative mistrust of those outside the profession and discomfort with open discussions of an emotional nature.

Due to the nature of police work, some degree of stress is inevitable. Officers are bound to encounter distasteful events and life-threatening incidents. While this type of stress cannot necessarily be avoided, the negative after effects can be mitigated. One intervention strategy that has been successfully and widely used for police officers is Critical Incident Stress Management (CISM). Levenson (2007) explored the use of CISM with police officers following traumatic events, and showed that CISM has been particularly effective with police officers for several reasons. First, policing professionals generally distrust mental health professionals. For many officers, the only interaction they have with mental health professionals is during the initial hiring phases when some mental health professionals have been known to use trickery or antagonism in an effort to reveal the applicant's "true personality," or subsequent to an event requiring a fitness for duty evaluation. During both of these types of interactions, the police officer's livelihood is in the hands of the mental health professional. To minimize influence from this type of outside and feared source, CISM often involves the use of peer support officers. These officers are trained in crisis intervention and CISM processes. Generally, officers are more comfortable talking with people they know and trust, and are more willing to accept advice on further treatment if necessary.

Another important part of stress reduction or prevention is pre-incident training that teaches officers about the effects of traumatic events, reinforces that reactions to such events are normal, sets expectations, and teaches stress management techniques and coping skills (Levenson, 2007). Educating officers to engage in positive coping strategies is imperative. Police are prone to develop their own negative coping mechanisms, after repeated exposure to death and violence (Plaxton-Hennings, 2004). Primarily, officers are likely to distance themselves emotionally from death. This is likely to include the use of dark humor and focus on professional responsibilities and tasks. When officers employ this coping mechanism, they may feel guilt, shame, and embarrassment at their reaction to the

death of another person. Other strategies include withdrawal, depression, withdrawal from people, increased alcohol consumption, and decreased professional interactions. Despite the generally problem-focused and action-oriented tendencies of police officers, the coping strategies they most often employ, without proper preparation and education, are emotion-focused. Failure of such strategies increases the risk of development and perpetuation of stress symptoms.

Other aspects of intervention and prevention of stress in policing involve improving the fitness and nutrition habits of officers. The Force Science Research Center (2010) identified 10 psychological keys to keeping or building routines. The first step is to set goals. Both short-term and long-term goals are important; but more important is that the goals are meaningful to individuals on a personal level. The next key is specification and shaping, which involves the clear definition and planning of what behaviors a person wishes to undertake in order to achieve goals. Another key is behavior contracting; this is informing others and creating a contract either verbally or in writing of one's goals and plans. This step involves others in the process, creating social support for goals. Creating signals and cues that a certain behavior should take place is another way of reinforcing habits. These prompts should be obvious, such as placing workout gear on the car seat next to you. Stimulus control is also an important part of habit forming and maintenance.

Some people may find it more difficult to exercise at home where there are chores and responsibilities awaiting them, as opposed to working out at a gym where there is a clear purpose in the environment. Self-talk is also a factor in forming routines. Negative self-talk in the form of all or nothing thinking, over-generalization, and catastrophizing can sabotage well-intentioned plans. Replacing these schemas with positive associations with good health and future benefits can help reinforce healthy behaviors. Individuals should also monitor their activities and progress. This may be done by keeping a log or journal, charting progress as goals are reached. Additionally, behaviors that are reinforced are more likely to be repeated. Individuals should reward themselves in some way for sticking to exercise programs and healthy diets. Too often in police training, physical activity is used as punishment. The policing profession can engage in self-improvement by changing this way of thinking. Social reinforcement can be a powerful motivator. Having an exercise partner and involving others in one's plans can increase adherence to healthy routines. Finally, police officers pride themselves on their teamwork. Teamwork offers not only social reinforcement, but also some competition – another strong personality trait in many police officers. These keys to keeping and forming habits can be incorporated into the organizational culture of police departments to create an environment that supports a healthy lifestyle.

Conclusion

Policing has been shown to be one of the most stressful careers, yet officers are overwhelmingly psychologically unprepared for dealing with traumatic events. The need exists for effective intervention and prevention strategies that encourage officers to seek help. Guffey (2010) suggests that five simple rules exist for police officers to reduce stress. First, he encourages officers to eat right. Next, Guffey says, "After your shift, go home." This implies that officers should enjoy their time at home and leave police work to those on duty. Similarly, he suggests on days off, officers should engage in activities outside of police work. Officers often have a heightened sense of awareness, even when off duty because of the expectations of them when they are working. This can take a toll on their families and friends, when officers constantly point out hazards or individuals they have encountered when working. Along these same lines, officers should engage in hobbies that have nothing to do with law enforcement. Often, officers enjoy shooting, martial arts, and other police related activities, even on their off time. To relieve some stress, policing professionals should take up other activities that have nothing to do with policing and can help remove their thoughts from work. Finally, the camaraderie and teamwork in policing can lead officers to have little interaction with those outside of the profession. Police officers should endeavor to make friends outside of policing; this, again, offers some buffer between the professional and personal lives of police professionals.

While some of these ideas require some dedication on the part of the officers and their organizations, better service to the community, the improvement of an officer's quality of life, or perhaps even saving an officer from suicide is certainly worth whatever effort may be involved in creating such programs.

David Krouse, Chief
Fruita Police Department

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Developing and Mentoring Competent Leaders in Policing and Planning for Succession

Dennis McLaughlin

Have you ever looked around the room at a staff meeting and wondered just who was going to run the department when you were gone? Or, have you tried to figure out how to turn average, lethargic or struggling leaders into competent and inspirational leaders? Leaders who will take the department to its next level? Unfortunately, too many top-cops spend significant energy directing everything from above and never get to the place of developing strong, competent leaders, and allowing them to lead.

Developing skilled and competent police leaders can be a demanding undertaking and is usually an exercise in patience, but in the end is exponentially worth the effort. Successful leadership development is dependent upon three components: (1) the mentor or leader's own personal leadership style/model, which may be the most important component; (2) the intentional development or mentoring program; and (3) the leader's willingness to become a better leader.

The Leader's Personal Leadership Style/Model

Most leadership models practiced by police leaders today can be described as "hybrid," or in other words, a combination of the characteristics of several. While some leaders possess predominant characteristics of a single model, e.g. servant, transformational, autocratic, participative, ethical leadership or another model, it is rare to see a leader who consistently stays aligned with just one.

If there is a model or style that is most consistent with positive leadership development it is "transformational" leadership. Transformational leaders are those who consistently inspire and motivate employees to grow professionally and personally by providing them opportunities to develop beyond their present skill set and above perceptions of their own capabilities. On the other end of the leadership spectrum is an "autocratic" style, or what I refer to as "micromanagement." There is a time and place for this type of firm leadership control, such as overseeing the firing range or supervising inexperienced officers performing a technical skill. Generally, a leadership approach should be dependent on employee competency and the technical nature of the job. Micromanagement, however, has no place in leadership development and actually detracts from it. If a department has incompetent leaders that require rigid control, the problem most likely resides with leadership selection rather than in development or mentoring efforts. Micromanagement not only diminishes the motivation of an aspiring leader, but actually reduces the desire and ability to serve as an effective leader.

One example of this type of control comes from a leader I once worked under who admittedly had a need to control. This leader routinely returned memos and documents with red correction marks all over them. These returned documents came back to every leader in the department. The unfortunate part is that the "corrections" had little to do with grammar, spelling or sentence structure. The red-penned changes replaced one adjective, verb, or adverb for another which neither improved nor detracted from the document. The unfortunate result was, over time, most of the leaders began feeling incompetent and somewhat apathetic, particularly in their verbal communication. Some leaders quit trying to improve and regressed to haphazardly throwing paragraphs on a document. They were indeed aware that whatever quality of work was submitted would be corrected and returned.

A leadership style such as this does not foster healthy development nor does it motivate leaders to grow and think for themselves. A controlling leader prevents subordinate leaders from learning to think on their own and to make dynamic decisions. Instead, subordinate leaders become adept at making decisions based on the control

relationship and by second guessing rather than by exercising dynamic leadership and problem solving skills. Or they just quit trying altogether and simply develop an unhealthy dependent relationship.

A comprehensive examination of the benefits and limitations of various leadership models has filled many pages and is not the intent of this article. However, I want to emphasize the importance of recognizing that some leadership styles are more conducive to developing leaders than others. And secondly, an emphasis needs to be placed on self-reflecting on one's own leadership model or style before engaging in this endeavor.

Intentional Development or Mentoring Program The second component of leadership development is the intentional development or mentoring, which is actually the "nuts and bolts" of the program. There are two parts to this component: the *informal* and the *formal* (examples are provided in Table 1 below). Let me first state that leadership development is not the same thing as leadership training. Training is a useful part of a leadership development strategy. However, sending a leader to training and expecting a skilled and "well-oiled" leader to return is akin to sending a recruit to the basic police academy and expecting a seasoned officer back.

Informal

The informal leadership development program begins by getting to know your leaders on an individual basis. Whenever I am assigned a new leadership team, promote or hire a new leader, I make an early priority to get to know them as well as I can. What makes them tick? What are their interests? What annoys them? What are their beliefs about leadership? What memories do they have about good leaders and not so good ones? What are their future goals for themselves and for the department? This type of understanding cannot occur in a single meeting, but is the result of continuous efforts in relationship building. Informal meetings should be semi-frequent and a continuous process. No doubt, some top leaders will say, "My schedule does not allow for regular one-on-one meetings with my subordinate leaders. I need my leaders to be efficient, fully-functional and hold their own without much attention from me." My suggestion is maybe the reason your schedule is so full is you have not developed your leaders to competently lead the department. After all, isn't that what you hired them for? The concept of leadership development is to spend time developing leaders, allowing them lead the department, and spending less time directing things from the top. One of the most important responsibilities a senior leader has is to develop subordinate leaders. And you cannot develop your leaders if you do not take the time to know your leaders.

Once you begin the process of regularly meeting with your leaders and begin to observe their leadership skills in action, you gain a better understanding of their strengths and where they need growth. For example, you might have a leader who resists public speaking opportunities because of discomfort in front of audiences. Or you might have a leader who has not developed a strong relationship with the Public Works or Fire Departments. You might have a leader who lacks the confidence to counsel subordinates, one who avoids engaging conflict in a positive manner, one who cannot get organized and manage time, or another who is overly brazen when dealing with subordinates. Once you have identified and exposed the areas that need improvement, the next step is to challenge individual leaders to grow by presenting them with opportunities for development. This is where you need to think creatively and draw on your own leadership experiences. The process begins by making leadership assignments not on who is best suited for the job, but on who needs this type of exposure and development. Rather than sending your commander who has the best relationship with Public Works to assist them in developing a flood safety plan, you send the one who has not formed those strong working relationships. The leader who is not comfortable speaking to audiences, accompanies you to Council to assist with a presentation, or helps another leader moderate the next community forum. I'm not a fan of sending people unaccompanied and ill equipped to make them face their worst fears. I prefer to ease them into growth opportunities. There are endless opportunities to expose leaders to development experiences. These opportunities are limited only by your own creativity and the thought you invest.

Formal

The second part of an intentional development or mentoring plan is the formal program. This is best accomplished in a group setting such as part of your executive staff or command staff meetings. This is also a valuable opportunity for you to impart your own vision and expectations for leadership. While there always seem to be way too many agenda items in leadership meetings, it is essential to make time at the end or in the beginning to directly work on leadership development. This can take many forms, but one that I particularly like is a group book study. Between each meeting leaders are assigned to read a chapter or chapters and come to the meeting prepared

and expected to engage in a discussion. I have found this tool most effective by assigning a different leader to moderate the discussion at each setting. A group study such as this allows for meaningful discussion on a variety of leadership topics. It also has the added benefit of letting you better understand the leadership philosophies of subordinate leaders, and will undoubtedly, provide additional insight into the areas that need developed. Two of my favorite books for a study such as this include *Lincoln on Leadership* (Phillips, 1992) and *the Leadership Secrets of Colin Powell* (Harari, 2002).

Another valuable tool for a formal program is to develop and present a tabletop exercise. This can take many forms, but one that is very impactful is an officer-involved shooting. An exercise such as this can be developed for a line-supervisor group, the command or executive leadership group. A well-thought-out tabletop exercise has the added benefit of allowing critical policy evaluation. Leaders participating in the assessment can determine if the policy met the needs of the incident or not, or will be practical in an actual situation. It not, adjustments can be made. Other ideas for tabletops might include a major flood or dam break, a major storm requiring numerous evacuations, a fire in the jail, a large community disturbance or riot. There are so many constructive lessons that come out of tabletop exercises that they are greatly recommended as a semi-frequent leadership development exercise.

Another useful tool for leadership development is to assign each leader to construct a meaningful *Personal Leadership Enhancement Plan*, (PLEP) which can be done either as part of a group or individually. This exercise begins with self-reflection on the part of the developing leader with the intent of discovering areas for leadership growth and skill development. The PLEP can also begin with a leadership inventory or skill assessment. My only caution is that leadership inventory assessments are most useful when there is meaningful follow up with some sort of leadership growth plan. Leader assessments and inventories with no intentional growth plans are little more than mildly intriguing. The PLEP is not a formalized program with specifically defined steps but rather a concept that can be utilized as a leadership development tool. I personally like to use the first three parts of a SWOT analysis by asking leaders to reflect on their areas of *strengths*, *weaknesses* and *opportunities*, with opportunities representing specific steps for personal growth development.

The leader who is responsible for growth development can help guide this process either one-on-one or in a leadership group. I've seen this work exceptionally well in a group where each leader individually develops the plan, shares it verbally with the group and solicits feedback from members. This type of group setting generally places the presenter in a vulnerable position and is advised only after group members have developed trusting relationships. Afterward, group members can hold one another accountable to follow up on individual growth opportunities. Otherwise, the PLEP can be part of one-on-one leadership meetings. To reiterate an earlier comment, intentional formal leadership development is limited only by the leader's own creativity and the time he or she is willing to dedicate.

Table 1. Examples of Informal and Formal Leadership Development

Informal	Formal
·Get to know your leaders	·Meet regularly (use staff meetings)
·Meet regularly	·Group book studies about leadership
·Recognize leadership skills that need developed	·Tabletop Exercises
·Identify and provide opportunities for development	·Take turns leading
·Follow up and debrief	·Develop Personal Leader Enhancement Plan

A Leader's Willingness to Become a Better Leader

Leadership development is most successful with leaders who are motivated and desire to grow or aspire. Unfortunately, a typical police department has at least one leader who is satisfied simply by occupying a leadership position with little or no aspiration to grow as a leader. The motives for leadership lethargy are endless. I'm not going to attempt to discuss motivation here except to reemphasize that most leaders become unenthusiastic and indolent when they are micromanaged, excessively controlled, do not feel trusted, and are not given opportunities to lead. Executive and command leadership has the responsibility for motivating subordinate leaders to lead the

department and carry out its mission with at least a mild tone of enthusiasm. Some leaders and employees will require your best transformational leadership skills to inspire and motivate them to grow professionally and personally. If you will recall, I stated leadership development is an exercise in patience. For some individuals, the desire to adapt and develop moves frustratingly slow and may take several trips back to the proverbial "blackboard." The most effective venue to assess and address lethargy or low motivation is in informal and sincere leadership meetings. The informal setting provides an outstanding opportunity to assess a leader's motivation and to strategize about development.

It's a reality that some leaders will never get on board. Give your best and most patient efforts, but do not dedicate so much energy that you are disrupted from the betterment of your full leadership team. I hate to give up on a leader or an employee, but when an individual refuses or avoids all opportunities to develop professionally, it sometimes becomes necessary, particularly if the individual has become a cancer within the organization.

Conclusion

Developing and mentoring successful leaders takes energy, endurance and creativity. Most certainly it is an exercise in patience and persistence. As you engage in developing other leaders, you will discover a proliferation of your own leadership skills and abilities. The real payoff, however, is when you recognize your efforts have led to a leadership team that works together to effectively problem-solve and address issues long before they become problems.

The title of this article includes the phrase *planning for succession*, which I have avoided mentioning until the end. When you engage in an effective leadership development program, you won't have to do much succession planning. Just step back; it's already occurred!

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References
Phillips, D. (1992). *Lincoln on Leadership: Executive Strategies for Tough Times*. New York: Business Plus.
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LEGAL UPDATE

People v. Brown

Colorado Court of Appeals. 14CA0959. Decided October 20, 2016.

Phillip J. Baca, Esq.

If the legality of the vehicle impoundment is illegal, the subsequent inventory search is fatally tainted.

Facts:

Aurora police officers pulled Brown's car over after he failed to make a complete stop at a stop sign. During the traffic stop, the officers learned that Brown was driving on a suspended license. Based on this violation, they chose to issue Brown a summons, but did not arrest him. The officers then decided to impound his car. While waiting for the tow truck, one of the officers performed an inventory search and found drugs in the car. After that discovery, Brown was arrested.

Issues:

(1) Does the Fourth Amendment allow police officers to impound a car only because the driver and sole occupant was cited – but not arrested – for driving on a suspended license? No.

(2) If not, then was the ensuing inventory search unlawful? Yes.

Court Decision:

The Court of Appeals decided the impoundment and inventory search of Brown's car violated the Fourth Amendment. The Court reversed the trial court decision and remanded the case for the trial court to grant Brown's motion to suppress.

Restatement of the Law:

To begin, everyone would agree that ***"the impoundment of an automobile is a seizure within the meaning of the Fourth Amendment***." *Miranda v. City of Cornelius*, 429 F.3d 858, 862 (9ᵗʰ Cir. 2005). Even so, ***an impoundment by the police without a warrant satisfies the Fourth Amendment if it occurs in furtherance of "public safety" or "community caretaking functions,"*** such as removing "disabled or damaged vehicles" and "automobiles which violate parking ordinances and which thereby jeopardize both the public safety and the efficient movement of vehicular traffic." *South Dakota v. Opperman*, 428 U.S. 364, 368-69 (1976).

Like the exception for inventory searches***, this exception to the warrant requirement recognizes that the purpose of the impoundment is not to obtain evidence***. In every inventory search case, then, the ***dilemma between a seizure and the lack of a warrant or other permissive court order must be resolved by determining whether "the state has an interest in impoundment that outweighs the individual's Fourth Amendment right to be free of unreasonable searches and seizures."*** *Gauster*, 752 N.W.2d at 502.

As part of the legal framework for this determination, ***when departmental regulations give police the discretion to impound a vehicle, often "decisions to impound will be upheld as long as that discretion has been exercised according to standard criteria***." *Milligan*, 77 P.3d at 776; *see Bertine*, 479 U.S. at 374 ("Reasonable police regulations relating to inventory procedures administered in good faith satisfy the Fourth Amendment, even though

courts might as a matter of hindsight be able to devise equally reasonable rules requiring a different procedure."). ***But not always.***

See *Miranda*, 429 F.3d at 866, ***"An officer cannot reasonably order an impoundment in situations where the location of the vehicle does not create any need for the police to protect the vehicle or to avoid a hazard to other drivers."***; *see also Thompson v. State*, 966 S.W.2d 901, 905 (Ark. 1998); "It is permissible for an officer to impound and inventory a vehicle when the driver is physically unable to drive the car, *and* leaving it on the side of the road would create a safety hazard."

Court Reasoning:

The Court of Appeals found that, although an officer testified that a department policy allows officers to impound a vehicle, the ***prosecution failed to prove that the impoundment was reasonable***.

It also found other ***undisputed evidence*** that made the ***impoundment decision unreasonable***: (1) the ***officer planned to release Brown after issuing a summons, not arrest*** him; (2) ***Brown's inability to lawfully drive the car did not alone make the impoundment reasonable*** (e.g., the car was not in an unsafe location or impeding traffic); and (3) there ***was no evidence that Brown could not have called someone else to lawfully drive his car or summoned a tow truck himself***. Because the prosecution did not meet its burden of showing the impoundment was reasonable, the inventory search was unreasonable.

Bottom Line:

Remember the purpose of the inventory search is essentially "community caretaking"; to prevent loss, damage or theft of property belonging to another and to protect officers from any dangerous items therein when it comes into our possession.

A vehicle can be impounded without the necessity of a warrant when it jeopardizes public safety or when authorized by state statute. Impounding a vehicle just based on department policy alone doesn't necessarily mean it's lawful to do so.

United States v. Juszczyk

10th Circuit Court of Appeals. 15-3323. Decided January 3, 2017.

Phillip J. Baca, Esq.

Abandoned property supports no reasonable expectation of privacy or possessory rights, and it can be collected and examined without a warrant.

Facts:

The property at issue here is a backpack owned by Nicolas Juszczyk, who was repairing his motorcycle in the backyard of Ms. Tina Giger. A concerned neighbor contacted police, who came to investigate. When they did, Juszczyk threw the backpack onto Ms. Giger's roof, where the backpack was later retrieved by police and searched. Inside was methamphetamine, a firearm, and documents bearing Juszczyk's name.

Ms. Giger testified that she had not allowed Juszczyk to keep anything on the roof. He was allowed to use her backyard to fix his motorcycle but he had no permission to keep his belongings on the roof.

Issue:

Did Juszczyk lack an objectively reasonable expectation of privacy after throwing his backpack onto Ms. Giger's roof? Yes.

Court Decision:

The trial court denied Juszcyk's motion to suppress the evidence. The 10th Circuit Court of Appeals affirmed the trial court's decision.

Restatement of the Law:

Property is considered abandoned if the owner lacks an objectively reasonable expectation of privacy. *United States v. Garzon*, 119 F.3d 1446, 1449 (10th Cir. 1997). ***Abandonment contains subjective and objective components***. *Id*. Applying these components, a court must find abandonment if Juszczyk's toss onto the roof reflected his intent to relinquish any right to the backpack or if his expectation of privacy was no longer objectively reasonable. See *Id*.

Court Reasoning:

Juszczyk obviously was trying to conceal the backpack from police. But did he intend to come back to get it? ***Even if he did, he would have lacked an objectively reasonable expectation of privacy after throwing the backpack onto the roof***.

Ms. Giger testified that she had not allowed Juszczyk to keep anything on the roof. He was allowed to use her backyard to fix his motorcycle; he had no permission to keep his belongings on the roof. Thus, Juszczyk would need to obtain permission from Ms. Giger to go onto her roof to retrieve the backpack.

Viewing the evidence favorably to the ruling, one could justifiably question why anyone would have expected Ms. Giger to allow Juszczyk onto the roof. The two were not close. When confronted by the police, Juszczyk did not

even know the homeowner's gender or name. And Juszczyk had seen the homeowner only about three times in his life. If Juszczyk would have asked to go onto the roof to retrieve his backpack, the homeowner would presumably have been suspicious.

Bottom Line:

An expectation of privacy does not give rise to Fourth Amendment protection unless society is prepared to accept that expectation as objectively reasonable.

People v. Crouse

Supreme Court of Colorado. 14SC109. Decided January 23. 2017.

Phillip J. Baca, Esq.

Compliance with article XVIII section 14(2)(e)of the Colorado Constitution requires law enforcement officers to distribute marijuana in violation of the federal Controlled Substances Act.

Facts:

On May 5, 2011, the Colorado Springs Police Department arrested Robert Crouse for cultivating and possessing marijuana with intent to manufacture in violation of state law. The police seized drug paraphernalia, fifty-five marijuana plants, and approximately 2.9 kilograms of marijuana product from Crouse's home. He was charged with one felony count of cultivation of more than thirty marijuana plants and one felony count of possession of between five and one hundred pounds of marijuana with intent to distribute. At trial, Crouse asserted that he was a registered medical marijuana patient, and that state law authorized his cultivation and possession of medical marijuana. The jury acquitted him of both charges.

The trial court subsequently ordered the police to return the seized marijuana to Crouse.

Issue:

Is the return provision of article XVII, section 14(2)(e) of the Colorado Constitution preempted by the federal Controlled Substances Act? Yes.

Court Decision:

The Colorado Court of Appeals affirmed the trial court's order to return the marijuana to Crouse.
The Colorado Supreme Court reversed the judgment of the Court of Appeals.

Restatement of the Law:

Under the Supremacy Clause of the United States Constitution, the "Constitution, and the laws of the United States . . . shall be the supreme law of the land . . . anything in the constitution or laws of any state to the contrary notwithstanding." U.S. Const. art. VI, cl. 2. "Under this principle, Congress has the power to preempt state law." *Arizona v. United States*, 567 U.S. ___, ___, <u>132 S.Ct. 2492</u>, 2500 (2012).

The federal Controlled Substances Act includes its own preemption language. Section 903 of the CSA states that the ***CSA will not preempt state law on the same subject matter "unless there is a positive conflict between a provision of the CSA and state law so that the two cannot consistently stand together."*** 21 U.S.C. § 903. <u>***Because compliance with one law necessarily requires noncompliance with the other, there is a "positive conflict" between section 14(2)(e) and the CSA such that the two cannot consistently stand together***</u>.

Court Reasoning:

Under the Colorado State Constitution, article XVIII, § 14(2)(e), law enforcement must return medical marijuana seized from an individual who is later acquitted or when criminal charges are dismissed.

However, the Colorado Supreme Court held that this provision of the State Constitution is preempted by federal law —the Controlled Substances Act—under which distribution of marijuana is prohibited. Therefore, it would be illegal for law enforcement to return medical marijuana to an individual. In sum, the Court found that the medical marijuana return provision of the Colorado Constitution is void.

Bottom Line:

Law enforcement agencies should no longer return marijuana, medical or recreational, to individuals whose criminal charges are dismissed or if they are acquitted of charges.

In the event marijuana is booked into the agency's evidence vault, this marijuana should not be returned when the individual is released from jail. Based on the Colorado Supreme Court's reasoning, ***return of marijuana to individuals for any reason*** by law enforcement would be considered an illegal act in violation of the federal Controlled Substances Act.

David Krouse is the Chief of the Fruita Police Department in Colorado. He has served in law enforcement for over 20 years, serving with both the Fruita and Grand Junction Police Departments. Chief Krouse held positions as a Patrol Officer, Hostage Negotiator, Crime Prevention Officer, and Public Information Officer. He served over 12 years as a Sergeant with the Grand Junction Police Department where he supervised several Patrol teams before being assigned to the Professional Standards Unit where he worked Internal Affairs, Training, and Recruitment and Hiring. He also served as the department's liaison to the Western Colorado Peace Officers Academy at Western Colorado Community College. He then became the Sergeant overseeing the School Resource, Homeless Outreach, and Community Advocacy programs at the GJPD before becoming the Lieutenant at the Fruita Police Department. Chief Krouse holds several instructor certifications including firearms, defensive tactics, law enforcement driving, crisis intervention, anti-biased policing, and ethics. Chief Krouse holds a bachelor's degree in Sociology/Criminology from Colorado State University – Pueblo, and a master's degree in psychology from Northcentral University. Chief Krouse is an adjunct instructor in the Criminal Justice Program at Colorado Mesa University and serves as the Assistant Editor for the *Colorado Police Quarterly*.

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Philip J. Baca is the Director of the Jefferson County Sheriff's Office and Lakewood Combined Regional Law Enforcement Academy. He served for fifteen years with the Denver Police Department in various positions, ultimately attaining the rank of lieutenant before he left law enforcement to practice law for seven years. During this time, he continued to develop law enforcement training programs and materials. Mr. Baca was selected as the initial Director of the Highlands Ranch Law Enforcement Academy. Two years later, Mr. Baca went to the Jefferson County Sheriff's Office to manage its training academy and Support Services Division. While at Jefferson County, he served as the Captain of the Support Services Division, Captain of the Patrol Division, and as the Division Chief of the Criminal Investigations Division. Mr. Baca served as the Chief of Police in Commerce City from 2008 to 2012, and then he returned to the Jefferson County Sheriff's Office. Mr. Baca earned his bachelor's degree in Pre-Law/Political Science from Colorado State University, and his Juris Doctor from the University of Denver. Shortly thereafter he was admitted to the Colorado State Bar as a practicing attorney. Mr. Baca can practice law in all Colorado courts, the United States District Court, and the 10th Circuit Court of Appeals. Additionally, he is a graduate of the 216th Session of the FBI National Academy.

Guidelines for Authors

Please see the *Editorial Mission Statement* for a more detailed description of these articles located on the inside cover of this journal. All manuscripts submitted for publication must be computer-generated submissions. Manuscripts must be double-spaced, with margins of 1 inch, and may range from 250 to 3,000 words in length. Letters to the editor and commentaries may be no longer than 1,000 words and may be abridged at the editor's discretion. All accepted manuscripts shall be edited and formatted to meet the needs of the journal. Authors do have final approval of the manuscripts. All manuscripts published become the property of the Colorado Association of Chiefs of Police; however, personal and professional use of the articles shall be granted to all authors provided that the original publication is attributed.

Please consider the following guidelines when submitting a manuscript:

1. One typewritten, double-spaced page is approximately 300 words.
2. Original research articles should be approximately 1,000 to 3,000 words. Historical and pragmatic articles are welcome. If the article is a traditional research article, the following headings should be used: Abstract (less than 250 words); Introduction; Methods; Results; Discussion; and References. Other articles should include an Abstract (less than 250 words), Introduction, Discussion (or other appropriate heading), and References. The Editor-in-Chief recognizes that other headings may be appropriate in certain instances for clarity, and their use is encouraged.
3. Each chart, graph, photograph, or other illustration should be placed on a separate page apart from the written text. Each must be titled and easily understood without the aid of the written text.
4. Commentaries on important issues within the discipline are welcome. They should be no longer than 1,000 words – please note that shorter is better - addressing a specific issue. All commentaries shall be assigned authorships. No anonymous commentaries shall be published.
5. Manuscripts should be referenced following the American Psychological Association (APA) guidelines.
6. Letters to the Editor should be between 250-1,000 words. Remember, brevity is key. Also, the first and last name of the writer must be submitted. Anonymous letters shall *not* be published.
7. All authors should include a brief biographical sketch that describes any degrees earned, certifications awarded, and the current position or positions held.
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joreece@coloradomesa.edu

Authors shall be notified of acceptance, provisional acceptance, or rejection within six weeks of receipt of the manuscript. Please include the full contact information of the corresponding author.

Respectfully,

Dr. John G. Reece
Editor-in-Chief
Colorado Police Quarterly

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