



Colorado Police Quarterly

**The Official Journal of the Colorado
Association of Chiefs of Police**

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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.

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Welcome to the *Colorado Police Quarterly*

Dr. John G. Reece**
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Hello and welcome to the inaugural edition of the *Colorado Police Quarterly: The Official Journal of the Colorado Association of Chiefs of Police* or *CPQ* for short. On behalf of the editorial team, we are very pleased to present this first edition, which we hope is the first of many in the coming years.

As one peruses the literature landscape in policing, it does not take long to discern there are a number of police-related publications available to us at the national and international levels (e.g., *Police Executive Research Forum and Police Quarterly*, *Police Chief*, *American Police Beat*, *Police Practice and Research: An International Journal*). However, the professional literature at the state and the local levels is rather sparse.

As a retired police practitioner turned academic, I recognized a need for the Colorado policing community to have a contemporary and central repository for information exchange, and the *Colorado Police Quarterly (CPQ)* will help to serve that purpose. One of the primary goals of the *CPQ* is to help bring the thoughts and expertise of practitioners and academics together by providing a forum for the generation of knowledge, dialogue, critique, debate, and collaboration. Our vision is to help forge this collaboration through a multidisciplinary, interagency, convergent approach.

The *CPQ* will be published quarterly to ensure rapid dissemination of information. Each issue will appear on the website of the Colorado Association of Chiefs of Police. Having an online publication will make it possible to remain fully connected with others in the field and to be directly involved in ongoing knowledge construction.

We at the *CPQ* welcome written work in many forms. The *CPQ* will be ideal for information sharing related to policing, and more. The typical types of articles that we solicit will include, but are not limited, to the following:

Commentaries – this category will include brief articles that examine important and timely issues in policing, innovative training strategies and approaches, best practices being utilized or proposed throughout the state, tutorials on up-and-coming technological advances, etc.

Legal Updates – this will include important court decisions and comprehensive legal bulletins from the last quarter.

Original Research – articles related to evidence-based practices and/or original research findings will be published in this category.

Literature and Book Reviews - the journal also will publish literature and book reviews of well-documented manuscripts on pertinent topics and newly available books within the discipline.

Finally, we wish to encourage more contributions from the academic community and industry practitioners to ensure the continued success of the journal. We are eager to receive your manuscripts. Reviewers and guest editors are always welcome. We will always welcome comments and suggestions that could improve the quality of the journal.

Thank you and we hope that you find *CPQ* to be a valuable resource.

Respectfully,

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Few Things Are More Fragile Than A Reputation

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By now I am sure many have seen the latest police misconduct video out of McKinney, Texas (if not, a link to the video is below). I try not to comment on the many individual videos popping up right now that purport to show police misconduct. A year ago, before Ferguson, there probably would have been little interest in this particular case, but therein lies the point.

I do not know much about what led up to this call or what the crowd was like when officers got there, and I know even less about the prior reputation and skills of the officer in question. What I do know is that the officer (and by extension, his department) is now being portrayed as a thug and a bully. He may ordinarily be a good guy and a good officer...we just do not know...but at the very least his emotions were completely out of control, and in the span of a few short minutes both he and his department became a national news story, and the latest poster child for “what’s wrong” with policing.

What I found as troubling as the actions of the officer, however, were the inactions of his fellow officers. As near as I could tell, for several out-of-control minutes no one intervened until the officer drew his gun. By the simple act of intervening and pulling this officer out of the fray, any one of them likely could have saved a career, the reputation of their department, and perhaps the reputation of all of us. Did they hesitate to do so out of intimidation, culture, or the officer’s corporal rank? We may never know, but in my mind that lack of action was as unfortunate as the conduct itself.

In aviation, there is a concept known as Cockpit Resource Management, or CRM, that was borne out of a number of airplane crashes in which copilots were reluctant to speak-up because of rank. The gist of the theory is that when two pilots are working together, the 1st Officer has the authority, and in fact the *responsibility*, to speak up to the Captain and intervene when he or she has a concern about the safety of the flight.

In our field, we call that “administrative courage,” and it is an important trait to possess. The willingness to address the misconduct of others when necessary is important. Just as “friends don’t let friends drive drunk,” neither do professional police officers let fellow officers commit misconduct or career suicide. Sadly, that appears to be what happened in McKinney, Texas.

Video Link: [http://perf.memberclicks.net/message2/link/af8b2fdd-7d32-4fb2-98cf-
ea47c0638a78/1](http://perf.memberclicks.net/message2/link/af8b2fdd-7d32-4fb2-98cf-
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The Importance of Physical Fitness for Police Officers

Dr. Steven Ross Murray**

Proper policing requires many demands. These range from the psychological – controlling one's emotions in high-stress situations – to the technical – being proficient with one's equipment – to the physiological – being able to perform challenging physical activities. Each is vital to the development of a police officer, but I would like to discuss an element of the third demand: physical fitness.

Being a professor, I have worked with many individuals in regard to physical fitness. Often these individuals are members of law-enforcement departments and other service agencies because their particular departments required fitness standards to be met. The scientific literature on the topic is vast, and it is well established that police officers, in general, need a high level of physical fitness to perform their job duties adequately (Guffey et al., 2015). The day-to-day physical requirements of being a police officer are immense. Guffey et al. state:

Police officers are engaged in physical challenges on a regular basis. For example, they chase fleeing suspects; they climb over fences and onto roof tops; they subdue resisting arrestees; and they lift heavy objects such as recovered stolen property. (p. 2)

Each of these efforts requires that the police officers be “in shape” and able to perform well physically. Unfortunately, research reveals that not all police officers have such a positive level of physical fitness (Quigley, 2008). Efforts have been taken, nationwide, to help police officers to be more fit, from special training programs such as those provided by the Cooper Institute (2015) to departmental wellness programs (Guffey et al., 2015). These are steps in the right direction, and helpful links are listed below in the references section.

Without question effective policing is an important part of government. Having fit police officers is just one piece of the puzzle, but it plays a vital link in not only improving the policing efforts, but in the lives of the individual officers as well. Both are excellent goals for any police department, but improving the life on the individual officer, making a healthier and happier person, is definitely worthwhile.

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People v. Munoz-Gutierrez

Colorado Supreme Court No. 14SA187. Decided February 9, 2015

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This case addresses the applicability of CRS 16-3-310, which requires a Colorado peace officer to provide an oral advisement to a person who is not under arrest prior to conducting a consensual search of a person's effects or motor vehicle.

Facts:

Fifty-five year old Munoz-Gutierrez was driving his car to Chicago from Pixley, CA and traveling on I-70 near Grand Junction, CO when Trooper Romine of the CSP Smuggling Traffic Interdiction Section, made the stop. Munoz-Gutierrez's vehicle had twice swerved over the white fog line on the right side of the highway.

On contact, Romine immediately smelled an overwhelming odor of air freshener from the car. He spoke to Gutierrez in English and asked for his license, insurance, and registration. While watching Gutierrez retrieve his paperwork, Gutierrez's hands were shaking, his cheek twitching and he had a large amount of cash in his wallet. Gutierrez speaks little English but was able to communicate with Romine who speaks very little Spanish. During the stop, Romine cleared Gutierrez for wants and warrants and called for backup, to include a drug K-9 and a Spanish speaking Trooper (Trooper Bieseimeier).

Once Bieseimeier and others were on scene, Gutierrez was asked to step out of his car. A warning ticket was eventually issued and explained to him in Spanish. He accepted the ticket and was told he was free to leave. As he walked away, Trooper Romine reinitiated contact and asked Gutierrez (in English) if he could ask him some questions, Gutierrez agreed. Romine asked him if there was anything illegal in the car to which he replied "no." Romine then asked "may we search your vehicle?" Bieseimeier translated this to Spanish. Bieseimeier testified that Gutierrez demonstrated verbally and with his body language that the troopers could search his car.

The troopers then gave Gutierrez a "consent to search form." Bieseimeier explained the form written in Spanish. Gutierrez took more time than the average person to read and sign. He later argued in court that he was confused and did not understand the form. The troopers executed the search and found three large bags of marijuana (90 pounds) in the trunk.

People v. Munoz-Gutierrez (Continued)

Issue:

Did Munoz-Gutierrez voluntarily consent to the search of his vehicle? Yes.

Court Decision:

The Colorado Supreme Court overruled the trial court's decision to suppress the evidence.

Restatement of Law:

A warrantless search is constitutionally justified when it is conducted pursuant to voluntary consent. Schneckloth v. Bustamonte, 412 U.S. 218, 243 (1973); *People v. Drake*, 785 P.2d 1257, 1265 (Colo. 1990). Consent is voluntary if it is “the product of an essentially free and unconstrained choice by its maker.” *Schneckloth*, 412 U.S. at 225. Thus, a consensual search is involuntary if it is “the result of duress or coercion, express or implied, or any other form of undue influence exercised [by the police] against the defendant.” *People v. Magallanes-Aragon*, 948 P.2d at 531 (Colo. 1997). Undue influence includes promises, threats, and intrusive or threatening police conduct. See *People v. Johnson*, 865 P.2d 836, 845 (Colo. 1994).

The U.S. Supreme Court in *Schneckloth* stated that the *determination of whether the police overbore a defendant's will and rendered his consent involuntary is based on the totality of the circumstances*. 412 U.S. at 226. The Court rejected the notion that voluntariness hinges on a defendant's understanding that he may refuse consent to a search. *Id.* at 234, 248–49. Rather, the Supreme Court reasoned that, *while the defendant's knowledge of a right to refuse is a factor in the determination, it is not “a prerequisite to establishing a voluntary consent.”* *Id.* at 249.

In addition to clarifying that voluntary consent need not be given with knowledge of the right to refuse, in *People v. Helm*, 633 P.2d 1071, 1077 (Colo. 1981), the Court articulated *important factors in the totality of the circumstances analysis, namely: the age, education, and intelligence of the defendant; the duration, location, and circumstances of the search; the consenting person's state of mind; and anything else that could have affected the defendant's free and unconstrained choice in consenting* to the search. 633 P.2d at 1077; see also *People v. Carlson*, 677 P.2d 310, 318 (Colo. 1984).

People v. Munoz-Gutierrez (Continued)

Court Reasoning:

The Colorado Supreme Court concluded that *the trial court misconstrued CRS 16-3-310* when it decided that the troopers failed to use specific language from the statute. The Supreme Court applied the law to the facts of the *Schneckloth* case *and concluded that the troopers did not overbear Munoz-Gutierrez's exercise of free will, and as a result, they obtained voluntary, oral consent to search his vehicle.* The trial court suppressed the statements because the troopers did not use the exact language within the first two subsections statute when advising an individual of consent: *(1) that the person is being asked to voluntarily consent to a search and (2) that the person has a right to refuse that request.*

However, the trial court failed to consider subsection (3) which clarifies that "if a defendant moves to suppress any evidence obtained in the course of the search, the court shall consider the failure to comply with the requirements of this section as a factor in determining the voluntariness of the consent." A complete reading of the statute therefore demonstrates that an officer's articulation of the two enumerated factors is only part of the totality of the circumstances analysis. Hence, *the failure to specifically instruct a defendant that consent must be voluntary and that he can refuse the request to search is not determinative.*

Bottom Line:

Based on the totality of the circumstances of this case, the trooper's conduct did not overbear Munoz-Gutierrez's exercise of free will. More specifically, it was not sufficiently coercive or deceptive to a person with Munoz-Gutierrez's characteristics in his circumstances.

People v. Thames

Colorado Supreme Court No. 14SA312. Decided March 23, 2015

Philip J. Baca, Esq.**

Unrebutted expert testimony that a defendant could not understand a Miranda advisement is not dispositive in answering whether a defendant knowingly and intelligently waived his rights.

Facts:

In June 1994, Jacie Taylor from Palisade, CO was raped and murdered. Robert Dewey was charged and convicted of the murder; he professed his innocence and eventually applied for assistance from the Colorado Justice Review Project (“JRP”). In 2011, during the course of the JRP’s investigation, it identified Thames’ DNA at the scene of the Taylor homicide. At the time, Thames was incarcerated in Burlington, CO where he was serving a sentence on an unrelated murder. Thames had also professed his innocence in his case and had sought assistance from the JRP in his case. Detectives from Mesa County and CBI working for the JRP interrogated Thames at the prison. The detectives doubted that Thames would talk to them (about the Taylor case) so they told him they were there to talk about his case. Although they never told Thames about their true intent in interrogating him about the Taylor murder, they never told him anything that was untrue.

About four minutes into the interrogation, one of the detectives read Thames the *Miranda* advisement. He said he understood the oral advisement. The detective then read aloud the waiver-of-rights form, which Thames signed. About twenty-four minutes into the interrogation, detectives showed Thames a photo of Taylor’s body at the murder scene and informed him that his DNA was found there. Thames admitted living on the same street as Taylor. He said he did not know her, never had sexual relations with her, and had never been to her apartment, and did not know how his DNA would have been at the scene. Thames was charged with first degree murder. The prosecution wanted to use Thames’ statements against him. His cool demeanor and lack of emotion was unnatural and consistent with guilt. Thames filed a motion to suppress.

Thames presented testimony from a speech language expert who concluded that Thames would not be able to make a knowing intelligent decision about something of importance to himself if he were “relying on spoken paragraphs to describe his options.” The expert had concluded that Thames had a hard time understanding complex, abstract paragraphs in conversation. The expert also testified that the *Miranda* advisement was abstract and complex.

Issue:

Did Thames knowingly and intelligently waive his *Miranda* rights? Yes.



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People v. Thames (Continued)

Court Decision:

The Colorado Supreme Court reversed the trial court's suppression order.

Restatement of Law:

A waiver is knowing and intelligent when made with awareness of the nature of the right being abandoned and the consequences of the decision to abandon it. People v. Platt, 81 P.3d 1060, 1065 (Colo. 2004). However, *a defendant need not understand every consequence of his decision to waive for his waiver to be knowing and intelligent. People v. Al-Yousif*, 49 P.3d 1165, 1169, 1172 (Colo. 2002) (holding the defendant "had necessary level of rudimentary understanding" to knowingly and intelligently waive his *Miranda* rights).

In assessing the validity of a *Miranda* waiver, *factors a court may consider, include, but are not limited to: the time interval between the initial Miranda advisement and any subsequent interrogation*; whether and to what *extent the interrogating officer reminded the defendant of his rights prior to the interrogation* by asking if the defendant recalled his rights, understood them, or *wanted an attorney*; the *clarity and form of the defendant's acknowledgement and waiver*, if any; the *defendant's background and experience in connection with the criminal justice system*; the *defendant's age, experience, education, background, and intelligence*; and *whether the defendant has any language barrier* to understanding the advisement. *People v. Kaiser*, 32 P.3d 480, 484 (Colo. 2001). Courts have held that *"a suspect's awareness of all possible subjects of questioning in advance of interrogation is not relevant* to determining whether the suspect voluntarily, knowingly, and intelligently waived his Fifth Amendment privilege." *People v. Humphrey*, 132 P.3d 352, 356 (Colo. 2006) (quoting *Colorado v. Spring*, 479 U.S. 564, 577 (1987)).

Court Reasoning:

"Expert testimony is but one factor in the totality of the circumstances test"... we have clarified that un rebutted expert testimony that a defendant could not understand a *Miranda* advisement is not dispositive in answering the legal question of whether a defendant knowingly and intelligently waived his *Miranda* rights." Here, *the expert witness did not testify that Thames had no ability to understand spoken paragraphs*; rather, she testified that his ability to understand spoken paragraphs was analogous to someone falling "somewhere in the middle" of the spectrum between very limited and native fluency in a foreign language.

The facts indicate that *Thames understood the role of attorneys in criminal proceedings, yet he never asked for an attorney to be present during the questioning*. The video recording shows Thames affirmatively nodding when the detective informed him that he had a right to an attorney, and if he could not afford one, one would be provided. After the detective finished reciting the *Miranda* advisement, *Thames said he*

People v. Thames (Continued)

understood his Miranda rights, and after the investigator explained the waiver form, Thames signed the waiver.

Additional factors weigh in favor of admitting Thames' statements: the *interrogation was relatively short*; the *Miranda advisement immediately preceded the interrogation*; and during the interrogation, Thames responded appropriately to questions, *never expressed any confusion*, and *corrected the detectives* when he believed they were in error. He *did not ask the detectives questions regarding his Miranda rights* at any point during the interrogation.

Bottom Line:

Whether a *Miranda* warning is constitutionally sufficient turns on many, many facts. The Court will make such determinations based on “the totality of the circumstances” and all the facts specific to each case.

Contemporary Management: A Paradigm Shift in the Policing Profession

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Abstract

This article is a descriptive analysis of contemporary management thought and activity as it relates to policing organizations. Most police departments in the United States can be considered a prime example of the “classical bureaucracy.” Emphasis traditionally has been placed on rigid managerial hierarchies, directive leadership, and a strict chain of command. The focus of contemporary management is to move beyond the limits of these traditional approaches and to forge new ground in terms of organizational structure and management practice. Contemporary management theories and practices (e.g., decentralization, empowerment, flattened hierarchy) are possible within a policing organization; however, there will be unavoidable limits. Such methodologies only will be possible when top managers truly are committed to the concepts.

Introduction

Well into the last decade of the twentieth century the language of management and organization was dominated by a focus on structure (i.e., divisions, departments, positions, or jobs). A shift is now clearly underway in the direction of emphasizing process. This fundamental shift, involving not simply vocabulary, but mind-set, occurred first, and is better reflected in the more popular management tracts than in the scholarly literature. Management consultants and other close observers of current practice in innovative organizations stress that as competition increases and technological advances occur, organizations must develop new models and metaphors (Scott & Davis, 2006). Management in the new model needs to be viewed in terms of clusters of activity sets whose membership, composition, ownership, and goals are constantly changing, and in which projects rather than positions are central (Kanter, 2003). The rigidity and regimentation of the industrial company is being replaced by the flexibility and fluidity of the information company (Naisbitt & Aburdene, 2000).

Within this change of mind-set in management theory and administrative behavior, the “classical bureaucracy” rests. The term *bureaucracy* has been used to refer to any large organization characterized by a clearly defined hierarchy of impersonal offices, appointments based on technical qualifications, and strict discipline and control (Weber, 1947). Other concepts and practices such as centralization, authority, unity of command, and limited span of control have also been closely associated with bureaucracy. Many, if not most, police departments in the United States can be considered a prime example of the classical bureaucracy. An emphasis is placed on a rigid managerial hierarchy, directive leadership, and a clear chain of command. One would be hard-pressed to find an exception. Legitimate questions or issues can be posed: Are contemporary management theories and practices possible in such paramilitary organizations? Is the policing profession capable of such a paradigm shift? An analysis of these issues will be presented in this article.

Mission and Structural/Procedural Issues

Most policing organizations are directed by and adhere to a goal-oriented management philosophy. It is the mission of most agencies to deliver timely and courteous policing service. Their primary purpose is to maintain an exceptional quality of life for the citizens within their respective jurisdictions. The ultimate goal being open communication between the community and police professionals as well as the elimination of criminal activity.

Clark and Wilson (1961) postulated an important typology in regards to the operational and structural differences among organizations. Organizations that rely primarily on material incentives are coined *utilitarian organizations*. *Solidary organizations* include most service-oriented voluntary associations and social clubs. Members make contributions in return for sociability and status. *Purposive organizations* might represent the most interesting case. These organizations rely almost exclusively on their stated purposes as incentives to attract and hold contributors. Most police departments can be placed in the latter description. The current condition of most agencies can be described as *heteronomous* in their arrangement. Employees are subordinated to an administrative framework, and the amount of autonomy granted to them is relatively small. Organizational participants are subject to a wealth of administrative controls, and their discretion is clearly circumscribed. Moreover, they are subject to routine supervision, which is exemplified by many public sector organizations. The conditions described above impose some very specific structural requirements on police agencies as a condition of acceptance and support. Hence, the structural conformity expectations of most organizations are extremely high (e.g., organizational charts, divisions, units, rank, and roles). These structural expectations can arguably cause an “Ivory Tower” mentality within the majority of policing organizations.

Within the scope of the structural conformity discussion, one can also speak of procedural conformity. An organization and its management are under pressure from the environment (internal and external) to carry out

specified activities and to carry them out in specified ways. Scott and Davis (2006) argued that such pressures are sometimes the result of uncertainty (the procedures being adopted or copied by organizational choice) and sometimes the result of explicit normative or coercive pressures that require their adoption under threat of informal or formal sanctions.

Given the structural and procedural arrangements, can a conformity pathology be asserted? In a famous essay, “Bureaucratic Structure and Personality,” Merton (1957) called attention to a set of processes by which the very elements conducive to efficiency in general produce inefficiency in specific instances. Merton argued that structural devices established to ensure reliability and adequacy of performance (rules, discipline, a graded career) can also lead to an over-concern with strict adherence to regulations, which induces ‘timidity, conservatism, and technicism.’ Merton’s argument is certainly one that all public organizations, especially police departments, should process and reflect upon.

Hierarchy, Authority, and Decision-Making

A unitary hierarchy can lock top management into the tyranny of daily operational decisions and may not afford them the opportunity to concentrate on the external environment and to position their organization in relation to it. The power and authority in terms of decision-making is highly centralized. The rigid hierarchy simply does not allow a wide range of feedback and collective information. This emphasis on centralization could not only have ill-effects on an organization’s external environment, but on the social structure within the organization as well. Blau and Scott (2011) concluded that formal hierarchies aid the performance of tasks requiring the efficient coordination of information and routine decision-making, but they interfere with tasks presenting very complex or ambiguous problems. Hierarchies impede work on the latter by stifling free interactions that can result in error correction, by undermining the social support necessary to encourage all participants to propose solutions, and by reducing incentives for

participants to search for solutions. The basic decisions within an organization need not be “staffed” by middle and upper management if the right people have been employed in the first place. However, the more ambiguous issues require the involvement of personnel at all levels. In fact, holistic involvement may avoid “knee-jerk reactions.”

The traditional view of management and organizational structure would predict, and likely support, large organizations and their highly centralized systems of decision-making. A contemporary perspective would stress more decentralization in the decision-making processes of an organization. An effective contemporary manager or theorist may assert that decentralization is both necessary, because of information overload at the top caused by increased size and differentiation, and possible, because formalization promotes consistency of decision-making (Scott & Davis, 2006). Simply stated, decentralization is the way of future, the top must trust the bottom.

Alternative Concepts and Practices

Lateral connections may be one alternative practice for a police agency and its managers. Lateral connections allow information to flow more directly among participants in interdependent departments or workgroups, rather than up and over hierarchical channels. Although the opening of such channels may seem both simple and obvious, it represents a management revolution. This would clearly be a significant paradigm shift for most policing agencies. To permit such developments is to undermine the hierarchical structure of an organization. Division heads and managers are no longer in full control of the behavior of their subordinates. Perhaps this is why many agencies have long resisted the development of formal lateral connections (Scott & Davis, 2006). They are increasingly compelled to accept such structures, and when they do, they can choose among several types of arrangements (e.g., liaison roles, task forces, project teams, quality circles, matrix structures, etc.).

The *matrix structure* presents an interesting and challenging alternative for the policing organization. The hallmark of the matrix is its multiple command structure (vertical and lateral channels of information and authority operate simultaneously). The ancient, and seemingly sacred, principle of unity of command is set aside and competing authorities are allowed to jointly govern the workflow of the organization. Ambiguity must be tolerated and competing claims accommodated in order to have the matrix function properly. For many participants, matrix structures can be high-demand, high-stress work environments (Davis & Lawrence, 1977). For many agencies, the implementation of a matrix system would be a giant leap in innovation and a significant step away from the status quo.

Systems Perspective

From the *rational system perspective*, structural arrangements within organizations are conceived as tools deliberately designed for the efficient realization of ends. Managers and theorists utilizing this perspective focus on the *normative structure* of organizations (i.e., the specificity of goals, the formalization of rules and roles, and on the expected patterns of relationships among members). The *natural system perspective*, on the other hand, emphasizes commonalities among organizations. These theorists focus on the *behavioral structure* of organizations (i.e., the actual patterns of relationships). This perspective stresses the importance of participants and their characteristics over organizational structure. A third perspective, *open systems*, views organizations as open to their external environment (to include inter-organizational relations). Finally, an organization can be viewed as *closed* if it is not open to the external environment and other organizational populations or sets (Scott & Davis, 2006). If one was to describe the typical policing agency within the framework just described, they might find, in terms of an operational philosophy, the organization to be a rational-open system. However, in regards to managerial practices, most organizations could be described as rational-closed systems.

Authority and Relationships

Crozier and Friedberg (2009) argued that in such a bureaucratic setting, the members of higher management are not unaware of this *malaise*, although officially they deny it. They try, however, to explain it away by blaming the immediate supervisors. They believe that the cause of the poor morale of the employees can be found in the supervisors' poor handling of human relations at the primary level. The focus on hierarchical tensions, within most police organizations, does not seem to be the face-to-face relationships with immediate supervisors. It appears, rather, to be the more remote, indirect relationships between employees and management (command and above). It seems to be no problem for the working groups to deal with supervisors they see every day (sergeants and corporals), but at the larger organizational level, employees may find it difficult to approach mid or upper management.

As a result, management is condemned to get only unreliable information and to remain isolated from the daily problems of work. Their decisions tend to be impersonal and routine (i.e., decisions based on the letter of the rules and not on equity). The only possible exceptions are a few, more personal decisions, resulting from chance encounters and the informal network of information. These decisions may very well be the cause of accusations of favoritism. This also speaks directly to the centralization issue mentioned earlier. In this sense, decisions must be made by people who have no direct knowledge of the field and of the relevant variables, and who must rely on the information given by subordinates who may have a subjective interest in distorting the data. One can state that the power of decision in this system tends to be located in a "blind spot." Those who have the necessary information do not have the power to decide and those who have the power to decide cannot get the necessary information.

A Shift in Paradigms

Barzelay (1992) helped to start hone the contemporary mind-set and offered a closer look at a true shift in paradigms (bureaucratic to post-bureaucratic). Barzelay asserted that elected public officials, police executives, and media commentators, whose views tend to shape

organizational arrangements and oversight in American policing, are themselves typically slaves of obsolete managerial ideas. In addition, Barzelay argued that the reigning bureaucratic paradigm, though it produces good government, actually tends to produce weak, misplaced, and misguided accountability. Moreover, the specific organizational strategies that go against the grain of the bureaucratic paradigm offer workable solutions.

Police managers are taking up the challenge of improving the performance of their organizations. Some are pursuing their aims with the aid of concepts, the tenor of which is different from bureaucratic ideas of authority, responsibility, efficiency, and control. These concepts include customer service, total quality, value, flexibility, innovation, empowerment, and continuous improvement. Informed by these and other concepts, some police managers are experimenting with innovative solutions to long-standing operational problems. Meanwhile, however, other managers dismiss the excitement about these concepts as just another fad. It would behoove these officials to not dismiss this prolific shift as merely a "fad."

The major concepts of emerging practice are not organized hierarchically, with one master idea at the top. Since the emerging argumentation and practice is structured by a paradigm rather than by any single core idea, those who want to make the most of the new conceptual resources should understand how various components of the system are related to one another. Barzelay (1992) reminded us that the new paradigm can be readily understood by using the metaphor of an extended family. The "image of an extended family is helpful because it indicates that each idea is somehow related to each other and it implies that some concentration is required to identify just how" (p.116). Lakoff and Turner (1989) pushed the metaphor further. They told us to think of the new paradigm, as well as the bureaucratic one, as a generation within the extended family. Although the members of each generation may not enjoy equal standing, their relationships (like those between concepts in either paradigm) are not hierarchical.

Table 1. A Comparison of the Bureaucratic and Post-Bureaucratic Paradigms

Bureaucratic paradigm	Post-bureaucratic paradigm
Public interest	Results citizens value
Efficiency	Quality and value
Administration	Production
Control	Winning adherence to norms
Specify functions, authority and structure	Identify mission, services, customers and outcomes
Justify costs	Deliver value
Enforce responsibility	Build accountability and strengthen working relationships
Follow rules and procedures	Understand and apply norms Identify and solve problems Continuously improve processes
Operate administrative systems	Separate service from control Build support for norms Expand customer choice Encourage collective action Provide incentives Measure and analyze results Enrich feedback

N.B., This table is derived from a table presented in “Breaking Through Bureaucracy: A New Vision for Managing in Government,” by M. Barzelay, 1992, p. 118. Copyright 1992 by University of California Press.

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According to Barzelay (1992), the most appropriate term for the new generation of the extended family of ideas is the *post-bureaucratic paradigm*. This term implies that the post-bureaucratic paradigm is as multifaceted as its predecessor, the bureaucratic paradigm. An unrelated name would hide the fact that as a historical matter, the younger generation of ideas has evolved from the bureaucratic paradigm (see Table 1).

Conclusion

Conventional management is designed to support vertical decision-making and we should not underestimate how difficult it is to radically restructure organizations. To shift from vertical to horizontal arrangements requires changes in performance measures, incentives, job descriptions, reporting relations, information systems, and career incentives. Workers require multiple skills and must relate to one another in a flexible manner. There needs to be an atmosphere of security and trust if task-oriented problems are to be the focus of decision-making. Managers need to be generalists rather than narrow specialists; and there must be incentives for learning and exposing errors (Scott & Davis, 2006). However, what is needed and what is available are not always the same. It does not appear that such conditions are present in most policing agencies at the present time. Organizations that in one way or another utilize lateral relationships, as legitimate avenues of information and influence, constitute the new generation of organizational forms. There are a number of different lateral structural arrangements in use today, including project teams and matrix structures. They move us away from the unitary

hierarchical arrangements and “beyond bureaucracy.” What the future has in store remains to be seen, however, it has been widely agreed upon that these new management styles offer new opportunities and challenges to participants, but at the same time impose greater pressures and requirements (Scott & Davis, 2006). Without question, contemporary management theories and practices (e.g., decentralization, empowerment, flattened hierarchy, etc.) are possible within a paramilitary organization such as a police department. However, due to the nature of the policing profession, there will be unavoidable limits. Such methodologies will only be possible when top managers are truly committed to the concepts.

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Authors' Biographies



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.



John Camper is the Chief of the Grand Junction Police Department in Colorado. He served as a member of the Lakewood, Colorado Police Department for over 28 years. In addition to many years of patrol work, he served as Public Information Officer, Crime Prevention Agent, Crimes against Children Detective, SWAT Team Hostage Negotiator, Theft Investigations Sergeant, Internal Affairs Sergeant, and several assignments as a Police Commander. Appointed to Division Chief in 2004, Camper led the Support Services Division and later the Patrol Division. Chief Camper earned his bachelor's degree in Business Administration from Colorado State University, and his master's degree in Business Administration in Aviation from Embry-Riddle Aeronautical University. He is also a graduate of the Police Executive Research Forum's Senior Management Institute for Police, at the John F. Kennedy School of Government at Harvard University.



Dr. John Reece is an Associate Professor of Criminal Justice and the former director of the Western Colorado Peace Officers Academy (WCPOA) at Colorado Mesa University. Dr. Reece was employed with the Grand Junction Police Department (GJPD) in Colorado for nearly twenty years. During his tenure at the GJPD, Dr. Reece was a Patrol Officer, K-9 Handler, Field Training Officer, Rifle Team Member, and Detective. He was promoted to Police Sergeant and in this capacity was assigned to Patrol, Training and Recruitment, and Internal Affairs. Dr. Reece holds a bachelor's degree in Criminal Justice from Colorado Mesa University, a master's degree in Public Administration from the University of Colorado, and a Ph.D. in Public Administration from Northcentral University. He serves as the Editor-in-Chief of the *Colorado Police Quarterly*.



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Respectfully,

Dr. John G. Reece
Editor-in-Chief
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