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EDITORIAL MISSION STATEMENT



Journal of Colorado Policing

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The editorial mission statement of the Journal of Colorado Policing 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 Journal of Colorado Policing 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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Dr. Eric R. Watters, BPA, MPA, PhD
Assistant Editor
Colorado Mesa University

Send editorial correspondence to:

Dr. John Reece
Department of Social and Behavioral Sciences
Colorado Mesa University
1100 North Avenue
Grand Junction, CO 81501-3122
joreece@coloradomesa.edu
970.248.1541

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COMMENTARY

Message from the CACP President

Gary Creager, Chief of Police
Broomfield Police Department



Chief Gary Creager

The Colorado Association of Chiefs of Police (CACP) had an exciting year under the leadership of Director Camper, and in 2019-2020, we will continue to build our organization based upon the feedback we have received. Our annual conference returned to Keystone where the attendance of chiefs and executive staff was phenomenal. Our financial position is strong, allowing the association to host national speakers on a variety of topics members requested. The vendor show was much larger, with sponsorships and booth rentals providing an opportunity to see the latest equipment and products available to law enforcement. We plan to return to Keystone next year, increasing the room reservations to accommodate everyone at the same hotel. Additionally, the board is working to partner our mid-year conference with the County Sheriffs of Colorado (CSOC) conference to build upon our collaborative efforts. We welcome any suggested improvements for either the upcoming mid-year or annual conference, and if you have suggestions for future speakers, please let us know soon to allow sufficient time for scheduling.

At our annual conference, I outlined six priorities; press relations, position papers, recruitment, mentorship of new/future chiefs, proactive approaches to legislation, and enhanced coordination with partners. Many chiefs indicated a priority for recruitment assistance, and I recently posed in our forum, a request for videos that highlight policing

around the state. At our upcoming board meeting, we will establish a committee to build a Colorado Policing video and add a recruitment section to the CACP website. Sandra Solin and Ron Sloan will again assist in our legislative efforts, and Chief Phibbs remains our committee chair. Chief Phibbs is working to proactively identify any legislation impacting law enforcement prior to the start of the legislative session. The mentorship of future/new chiefs is another topic for discussion at our upcoming meeting, so stay tuned!

CACP accreditation continues to grow with 56 agencies currently accredited, including seven agencies in 2018, and six agencies expected in 2019. Congratulations to the Parker Police Department and Cherry Hills Village Police Department as the most recent to be awarded accreditation/reaccreditation! To better assist agencies in the process, Lexipol is developing a new program to assist agencies. If you are interested in how this can assist you and your staff, contact your Lexipol representative directly.

CACP representatives are working with stakeholders (e.g., CDAC, Attorney General, State Judicial, POST, etc.) to assist chiefs with the implementation of Extreme Risk Protection Orders. Recently, a summary of key elements, to include policies, was distributed to CACP and CSOC membership. This is not intended to be a complete policy for an agency, rather a guide to help chiefs develop a policy for their agency. CACP will continue to work with stakeholders as they develop more processes and forms needed to fully implement this law. The IACP conference is quickly approaching. I hope to see everyone in Chicago!

ORIGINAL RESEARCH

Higher Education Requirements for Hire or Promotion: What is Best for Local Law Enforcement?

Eric R. Watters, PhD
Colorado Mesa University

Studies have shown police officers with higher education often perform better than those without it. However, studies have also shown requiring police applicants to have higher education to be eligible for hire can negatively impact minority and military veteran recruitment. Professional police associations have long called for law enforcement agencies' demographics to mirror the communities they serve and with racial tensions between the police and the public on the rise, such recruitment efforts are particularly relevant. The dichotomy between higher education hiring requirements and the need to recruit minority and veteran applicants makes this an important area of study for police administrators and human resources professionals. In this article, the author reviews the literature regarding the link between higher education and increased police performance, and provides some recommendations for leveraging that benefit while avoiding barriers to minority and military veteran recruitment.

Introduction

In 1973, the National Advisory Council on Criminal Justice Standards and Goals recommended all police officers in the United States have a 4-year university degree within 10 years (National Advisory Council on Criminal Justice Standards and Goals, 1973; Peak, 2015; Schmallegger, 2020). Its recommendation highlighted the general belief university-educated police officers would help to professionalize the American law enforcement community. More recently, the President's Task Force on 21st Century Policing (2015) echoed the National Advisory Council's belief when it wrote "many believe that a higher level of required education could raise the quality of officer performance" (p. 59). Over the years, many researchers have studied whether higher education positively impacts police officer performance and their findings suggest it does. However, those findings continue to fuel the debate over whether law enforcement agencies should require police officer applicants to have some level of higher education at their time of hire. In this article, the author will highlight some of the existing research and

discuss the implications for higher education hiring requirements in local law enforcement.

Contemporary Higher Education Requirements in Law Enforcement

On average, only 15 percent of local law enforcement agencies in the United States require police applicants to have some level of higher education, while only 1 percent require a bachelor's degree (Reaves, 2015). By comparison, in the state of Colorado, nearly 23 percent of local law enforcement agencies require police applicants to have some level of higher education, while only 4.5 percent require a bachelor's degree (U.S. Department of Justice: Office of Justice Programs Bureau of Justice Statistics, 2015). Table 1 provides a side-by-side comparison of national and Colorado educational hiring requirements. It is important to note, however, the Colorado statistics are tempered by the fact data from only 44 agencies in the state were reported in the 2013 Law Enforcement Management and Administrative Statistics survey results.

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Table 1

Education Requirements for Sworn Officer Hiring

| Education Level | Colorado | Nationwide ^a |
|--------------------|----------|-------------------------|
| High School or GED | 77.3% | 84% |
| Some College | 4.5% | 4% |
| 2-Year Equivalent | 13.6% | 10% |
| 4-Year Degree | 4.5% | 1% |

Note. Bureau of Justice Statistics (2013) LEMAS Survey Data

^aAverage of all agency sizes

Higher Education and Police Performance

According Smith and Aamodt (1997), “police officers who possess college degrees are better performers than those with only high school degrees” (p. 12). Multiple studies found significant correlations between higher education and better communication, public relations, report writing, and decision-making skills (Baro & Burlingame, 1999; Nagosky, 2007; Paoline & Terrill, 2007; Scott, 1986; Smith & Aamodt, 1997; Worden, 1990). Some studies found university-educated officers responded better to new training and showed greater organizational commitment than their less educated colleagues (Smith & Aamodt, 1997; Worden, 1990), while other studies noted no significant difference (Shernock, 1992). Noteworthy was Smith and Aamodt’s (1997) finding that officers with and without higher education performed similarly at beginning of their careers, whereas the performance of officers with higher education was found to be superior to similarly tenured officers later in their careers, highlighting the long-term benefits of college-educated cops.

Studies by Truxillo, Bennett, and Collins (1998) and Worden (1990) both found significant correlations between higher education and police officer job knowledge and dependability. Perhaps

more interestingly, both studies also found higher education positively impacts police officer performance regardless of their field of study in school (Truxillo et al., 1998; Worden, 1990), which indicates that higher education in any field can be an asset for police officers.

A research study by Paoline and Terrill (2007) found a correlation between higher education and fewer uses of force in police officers, with officers with at least a 4-year university degree having a more significant reduction in uses of force than those with only some college (Paoline & Terrill, 2007). Similarly, officers with higher education were found to be less likely to have uses of verbal force in citizen encounters than officers with only a high school education (Paoline & Terrill, 2007; Telep, 2011). Interestingly, Paoline and Terrill (2007) found law enforcement experience was as significant a factor in reducing uses of force as having a 4-year university degree (Paoline & Terrill, 2007). Yet, because reductions due to higher education are not time dependent, like experience, the benefits of fewer uses of force can be realized earlier in an officer’s career than with experience alone. Finally, Paoline and Terrill (2007) also found a combination of education and experience was no more significant in reducing uses of force than either variable on their own.

While those findings suggest having some degree of higher education provides officers with higher-level skills, in areas like in verbal and written communication, problem solving, and adaptation to change, other studies have revealed higher education does not significantly impact all areas of police performance. For example, Smith and Aamodt (1997) found no correlation between higher education and an officer’s number of arrests or chargeable accidents, while several other studies reported officers with higher education did not have fewer disciplinary issues than those without (Kakar, 1998; Michals & Higgins, 1997; Roberg & Bonn, 2004; Smith & Aamodt, 1997;

Truxillo et al., 1998). While this was but a brief review of the reams of existing research on the subject, these examples clearly indicate that university-educated cops are good for American law enforcement. However, it also seems clear higher education hiring requirements are not the panacea they have been suggested to be in candidate selection.

The Possible Negative Impacts of Higher Education Hiring Requirements

Minority Applicants

The President's Task Force on 21st Century Policing (2015) remarked, law enforcement agencies benefit from "a diverse range of officers who bring their cultures, languages, and life experiences to policing" (p. 59). With tensions between minority groups and law enforcement particularly high, one could argue diversity is equally as critical to law enforcement's contemporary mission as the other performance variables examined in this article. Thus, many law enforcement agencies are focusing their recruitment efforts on attracting minority applicants. Professional police associations such as the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), International Association of Chiefs of Police, Police Executive Research Forum (PERF), and National Organization of Black Law Enforcement Executives (NOBLE) have all called for law enforcement agencies to mirror the demographics of the communities they serve (Commission on Accreditation for Law Enforcement Agencies Inc., 2019; Crawford, 2015; International Association of Chiefs of Police, 2003; Morison, 2017). A review of the literature also suggests requiring some level of higher education to be hired into policing could negatively impact minority recruitment (Bohigian, 1979; Decker & Huckabee, 2002; Jordan, Fridell, Faggiani, & Kubu, 2009; Nagosky, 2007; Paoline & Terrill, 2007; Roberg & Bonn, 2004; Telep, 2011).

Consider a 4-year study of the Indianapolis Police Department's hiring process. According to Roberg and Bonn (2004), if the Indianapolis Police Department had required applicants to have a bachelor's degree to be eligible for hire, nearly 65 percent of the officers hired during that 4-year period would not have been eligible to be hired. More significantly, 77 percent of African American applicants would have been ineligible. Their study illustrates the inherent dichotomy of higher education hiring requirements and the need to increase minority hiring in the law enforcement community.

Military Veteran Applicants

Another issue created by higher education hiring requirements is the disqualification of military veterans from police hiring processes. The value prior military experience does not need to be examined here, as its value is well known and long appreciated in the law enforcement community. While military experience is not a universal predictor of superior police officer performance, research does show military veterans are often superior performers in many areas of police work (Ivie & Garland, 2011; Nagosky, 2007; Patterson, 2002). While veterans leave their military service with valuable skills and experience, many do not leave with a university degree in hand. Consequently, many veterans are ineligible for hire in police agencies with higher education hiring requirements. While some agencies allow military experience to substitute for a higher education, most do not. In fact, only 9 percent of reporting Colorado agencies (U.S. Department of Justice: Office of Justice Programs Bureau of Justice Statistics, 2015) allow such a substitution, leaving many veterans to experience disqualification issues akin to those experienced by minority applicants.

Higher Education Requirement Recommendations

Considering higher education has been proven to be beneficial for police officers, but that higher education hiring requirements can be a barrier to minority and military veteran recruitment, a compromise needs to be found. Accordingly, the recommendation of the President's Task Force on 21st Century Policing (2015) to allow the hiring of applicants without a higher education degree and combine that with the ability for and encouragement of those officers to obtain higher education during their career would seem to be a step in the right direction. With that in mind, this author makes the following suggestions.

First, agencies should remove any higher education requirements for initial hire. No research suggests officers without higher education cannot be good and consistent performers, so keeping candidates out of the applicant pool simply for lacking some level of higher education is counterproductive. Therefore, agencies should offer higher education preference points to police applicants. Preference points could be applied on a sliding scale with, for example, applicants with some higher education receiving fewer points than those with bachelors or masters degrees. Second, agencies should incentivize officers to obtain a higher education while working. That goal could be accomplished through the use of traditional mechanisms like tuition assistance and educational achievement salary incentives. Currently, some 61 percent of Colorado law enforcement agencies offer their sworn officers tuition reimbursement, while only 20 percent offer salary incentives for educational attainment while on the job (U.S. Department of Justice: Office of Justice Programs Bureau of Justice Statistics, 2015).

Many officers aspire to rise to a higher rank, so a third recommendation is to make higher education a

promotional requirement. To be a successful police leader, officers need leadership, management, and administration skills. While many agencies send their leaders to professional development schools like the FBI National Academy, Administrative Officer's Course at the Southern Police Institute, or School of Police Staff and Command at Northwestern University, seats in those programs are limited and expensive. Consequently, formal university education often supplements such training and fills the gap for those who cannot attend those professional development programs. On the other hand, considering the awareness that higher education is not a prerequisite for good police performance and effective leadership, agencies may also wish to consider higher education preference points for promotion, similar to the suggestion of preference points for initial hire. However, this author suggests limiting that approach to first-line supervisory positions since middle, senior, and executive law enforcement managers require broader skills that require exposure to advanced concepts like labor law, liability, policy development, and public budgeting, just to name a few.

Conclusion

Clearly the existing research into higher education and police performance indicates police officers with higher education are good for their agencies and the communities they serve. Notwithstanding that, it also seems clear making higher education a requirement for initial hire will negatively impact minority and military veteran recruitment and hiring. Thus, agencies should remove higher education requirements for initial hire and instead require higher education for promotion to higher ranks while providing financial support for the attainment of such education. Perhaps the incentive to stay with an agency to receive educational assistance and the possibility of promotion will incentivize officers to seek higher education. There is a need to

continue the professionalization of law enforcement and officers with higher education seem like an important step towards that goal. Nevertheless, instituting higher education hiring requirements that may also reduce minority and military veteran hiring is shortsighted and, undoubtedly, an unintended consequence the law enforcement community can ill afford at this time in history.

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Dr. Eric Watters

Dr. Eric Watters is an Assistant Professor of Criminal Justice at Colorado Mesa University. Dr. Watters worked for the Miramar (FL) Police Department for 20 years, where he began his career as

a communications officer and worked his way up the ranks, eventually retiring as the Executive Commander. Dr. Watters's experience ranges from traffic homicide investigations to law enforcement accreditation and emergency management. The last 10 years of his law enforcement career were spent at the management level where he led all the administrative functions of a department that served 140,000 fulltime residents with a \$50 million annual budget. Dr. Watters also served as an adjunct professor of public administration at Barry University in Miami Shores, Florida for 10 years. Dr. Watters holds Bachelor and Master of Public Administration degrees from Barry University, and a PhD in Leadership (specialization in criminal justice) from the University of the Cumberlands. Dr. Watters is also a graduate of the 136th Administrative Officers Course at the University of Louisville's Southern Police Institute. Dr. Watters serves as the Assistant Editor of the *Journal of Colorado Policing*.

ORIGINAL RESEARCH

Peer Support: Does it Work? The Efficacy of Law Enforcement Peer Support

Jack A. Digliani, PhD, EdD

Peer support teams within law enforcement agencies have existed for many years. To collect information about the use and outcome of agency peer support, the peer support experiences of employees from three northern Colorado law enforcement agencies were assessed utilizing the Peer Support Team Utilization and Outcome Survey. The applied methodology produced a combined return of 644 surveys, which represented 77.9 percent of the survey-eligible population. The findings support the use and efficacy of law enforcement peer support.

Introduction

Peer support teams within law enforcement agencies have existed for many years. Although many law enforcement officers and police psychologists have advocated for peer support programs, there has been surprisingly little research providing evidence for the efficacy of peer support. To gather information about the use and outcome of agency peer support, the peer support experiences of employees of the Fort Collins Police Services Department, Larimer County Sheriff's Office, and Loveland Police Department were assessed utilizing the Peer Support Team Utilization and Outcome Survey. The peer support teams of each agency were well established, similarly structured, and function under the oversight of a licensed mental health professional. Each peer support team member was initially trained within the Police Peer Support Team Training program.

The applied methodology for survey distribution and collection produced a return of 644 surveys, a return rate of 77.9 percent of the survey-eligible population. Of the 644 surveys collected, 98 percent ($N=631$) were returned completed and included in the study. The rate of return and the resulting data is sufficiently robust to reasonably conclude that had all survey-eligible employees completed the survey, there would not be meaningful differences in proportional outcome values. That

improves confidence in the extrapolation of survey results to all law enforcement agencies with similarly trained and organized peer support teams.

Peer Support

Use of Peer Support

Nearly one-half of surveyed employees reported participation in peer support interactions. Of the 631 employees who completed the survey, 48.3 percent ($N=305$) reported having participated in peer support.

Reasons for Non-use of Peer Support

The most frequently identified reason for the non-use of peer support was *I have not had a need for peer support* (77.1%). That was followed by *I'm not the kind of person that asks for peer support from peer support team members* (13.7%). Several respondents cited both of the above reasons. There were no meaningful associations between the reasons for non-use of peer support and years of service.

These findings suggest: (a) years of service is less a factor in the utilization of peer support than the perceived need for peer support and (b) personality and personal perceptions are a factor for some employees that choose not to engage peer support.

Survey Findings

Peer support is helpful for a remarkable majority of those who have used it. Nearly 9 out of 10 employees who reported peer support interactions, stated peer support was *helpful to very helpful* in addressing the issues discussed or managing the stress associated with the issues. Nearly 8 out of 10 employees reported they would seek peer support again in the event of future stressful circumstances, while nearly 9 out of 10 employees reported they would recommend peer support to co-workers known to be dealing with stressful circumstances. Over one-half of those who participated in peer support reported the support had directly or indirectly helped them to better perform their job and/or improved their home life.

Nearly 6 out of 10 employees who reported not having participated in peer support interactions stated they would be *likely to very likely* to seek peer support should future stressful circumstances arise. That finding reflected the positive standing of the peer support teams within their agencies, even with those who reported not having used peer support.

There was significant employee confidence in the confidentiality of peer support team interactions. That was likely the result of three factors: (a) agency peer support policy, peer support team operational guidelines, and Colorado statute CRS 13-90-107(m), which provides for peer support team member confidentiality; (b) the consistent exemplary behavior of peer support team members and their adherence to the above mentioned documents and the peer support team code of ethical conduct; and (c) the steadfast support of agency administrators and supervisors.

The peer support teams have done well with reaching out to employees and offering peer support when appropriate. However, the survey results revealed about 2 in 10 employees had experienced work-related circumstances where they felt they

should have been contacted by the peer support team but were not contacted. That information suggests peer support teams may need to reexamine their threshold for peer support outreach. Some employees may be more stressed by their involvement in particular events, wherein, neither the event nor their involvement would normally generate a peer support contact. It is also possible the event never came to the attention of the peer support team or individual employees, especially if on the periphery of an incident, and that they were simply missed and not included in peer support efforts. Special attention in any threshold and outreach reexamination should be given to civilian employees, particularly agency dispatchers, evidence and lab technicians, and records personnel.

Conclusion

The study supports the use and efficacy of agency peer support. Peer support provided by trained and clinically supervised members of peer support teams has been shown to be a significant resource. Peer support has also been shown to be a significant potential resource for those who have not used such a program. Law enforcement agencies without a peer support team would be well advised to consider developing one. Agency peer support programs have become an integral part of best practices for sustaining employee wellness. To help employees better manage the unavoidable stressors of policing, the cumulative effects of work-related stress, and the trauma frequently associated with law enforcement critical incidents, there is simply no substitute for a well-trained, appropriately structured, clinically supervised peer support team.

Peer support teams occupy a support niche that cannot be readily filled by either health plan counseling services or an employee assistance program. That is because well trained peer support teams provide support that is qualitatively different

than support provided by health insurance therapists, employee assistance program counselors, and police psychologists. The difference is the power of the peer. The power of the peer is the constant factor in the support provided by peer support team members. It is the factor not present in other support modalities. If an agency wishes to do the best it can to support its employees, a peer support program is necessary.

(Note: This article was originally published on the Law Enforcement Today on March 15, 2018.)



Dr. Jack Digliani

Dr. Jack A. Digliani is a licensed psychologist and a former deputy sheriff, police officer, and detective. He served as a law enforcement officer for the Laramie County (WY) Sheriff's Office, Cheyenne (WY) Police Department, and Fort Collins (CO) Police Services (FCPS). He was the FCPS Director of Human Services and police psychologist for the last 11 years of his FCPS police career. While in this position he provided psychological services to employees and their families, and clinically supervised the FCPS Peer Support Team. He also served as the police psychologist for the Loveland (CO) Police Department and Larimer County (CO) Sheriff's Office (LCSO). During that period of service, he provided psychological counseling services to department employees and their families. He was also the clinical supervisor of the Peer Support Teams. He continues to serve LCSO as an adjunct psychologist. He has worked with numerous municipal, county, state, and federal law enforcement agencies. He is the author of *Reflections of a Police Psychologist*, *Contemporary Issues in Police Psychology*, *Law Enforcement Peer Support Team Manual*, *Law Enforcement Critical*

Incident Handbook, and *Law Enforcement Marriage and Relationship Guidebook*.

ORIGINAL RESEARCH

The Implementation of Neighborhood Policing: A Quality Management Approach

John G. Reece, PhD
Colorado Mesa University

This article is a brief analysis of a quality management program commonly referred to as neighborhood policing (an offspring of the CompStat model or Computer Statistics). Originally developed in New York City, CompStat is designed to achieve strong geographical responsibility that is informed by accurate statistical crime data. Unfortunately, some models developed by policing agencies have had significant implementation flaws and ultimately devolve into organizational crises. The impetus for such a program failure can be directly attributed to insufficient leadership and leaders' failure to support the vision in practice. Policing leadership will continue to face many challenges, but will also have the opportunity to instill change if a department is to embrace total quality.

Introduction

Although the Total Quality Management (TQM) movement originally focused on industry and the private sector, its presence has swept through government as well, with applications in many different types of agencies and at all levels of government (Council of State Governments, 1994). Municipalities and their policing agencies are no exception. In addition, organizational transformations have become the order of the day and with them have come the potential for crises and chaos or for new freedoms and better ways of doing business. Regrettably, the implementation of neighborhood policing (an offspring of the CompStat model) as a quality management program in some agencies has devolved into organizational chaos.

The basic principles of TQM emphasize successful total quality efforts depend heavily on commitment and strategic implementation (Cohen and Brand, 1993). The principles of quality management are often general, stressing leadership, culture, motivation and trust, groups and teams, and many other aspects within an organization. Failed TQM efforts often display the opposite of these qualities

(e.g., insufficient leadership, weak culture, poor provisions for motivation and trust, lack of focus on teamwork, etc.). For those reasons, the implementation of neighborhood policing as a quality management program can be doomed to failure.

The CompStat Model

New York City was in decline for several decades. As the crime rate soared, many fled to the suburbs to optimize their quality of life. Many referred to this migration as the *white flight*, because the majority of those with the means to leave were not minorities. New York was in dire need of a comprehensive crime-fighting strategy. The program created to implement that strategy has become known as CompStat or Computer Statistics. This management tool has been one of the most talked about innovations in policing since its creation under the guiding hands and leadership of former Mayor Rudolph Giuliani and former Police Commissioner William Bratton. In 1993, New York City saw 1,946 murders committed. By 1998, after several years of CompStat, there were 629. While the rest of the country saw a 23 percent decline in this most serious of crimes, the city posted statistics three times as impactful (Dussault, 2000).

NEIGHBORHOOD POLICING

The pattern continued to repeat itself in most jurisdictions in which the model is *correctly* implemented (e.g., Baltimore, Philadelphia, Los Angeles, etc). For many departments, that did not mean slavishly duplicating New York's approach, but in the end, most agency leaders agreed upon the four core principles of: a) accurate and timely intelligence, b) rapid deployment of resources, c) effective tactics, and d) relentless follow-up were the mandatory keys to success.

CompStat is a collection of modern management principles, military-like deployment efforts, and strong enforcement strategies all informed by accurate statistical crime data. The model forces top police managers to be involved with crime again. CompStat allows for geographic responsibility to be applied with **weekly meetings using mapping information** to address crime trends in particular areas. Command staff are forced to have direct involvement in their areas and to use all tools and resources to combat crime. Community policing, specialty units, patrol, and outside agencies are brought together with one goal in mind, making the community safer.

The Typical Approach

The CompStat accountability process within some agencies has been coined as neighborhood policing or *policing [insert agency name] style*. The primary focus is on the operations division (e.g., patrol, investigations, etc.) and on a mandate of crime reduction. Personnel are held responsible for measurable crime reduction results within their areas of responsibility. The services division (i.e., non-enforcement units) are to support the mission by making certain all key organizational systems operate efficiently and professionally.

The crime statistics for every neighborhood beat are reviewed at weekly Command Staff meetings (i.e., CompStat meetings), where colorful crime maps

are projected on a large screen and the operations division head question commanders/lieutenants and sergeants on the crimes in their areas. Commanders/lieutenants and sergeants, while not expected to eliminate crime entirely, are expected to articulate sensible strategies for reversing a trend or eliminating a *hot spot*.

The weekly and monthly meetings involve personnel being *aggressively* questioned on such issues as:

- Crimes against persons and property in their areas of responsibility,
- Deployment and response strategies,
- Pending investigations,
- Clearance rates for detectives.

These meetings can be overly tense experiences for the people speaking and making attempts to explain why a certain crime or trend is happening in their neighborhood(s) of responsibility. The meetings can be more confrontational and adversarial than what most employees are comfortable with. An effective quality management program calls for people to be challenged, but not belittled in a personal manner, as can be the case with some initiatives.

The Key Factor of Leadership

Research has shown the leadership of senior management is the key factor in making a quality management program succeed (see Table 1).

Table 1
Key Factors in Successful TQM Programs, by Percentage of Respondents Mentioning.

| Factor | Percentage |
|------------------------------|------------|
| Senior Management leadership | 82% |
| Clear vision | 60% |
| Employee training | 41% |
| Recipe for reengineering | 36% |
| Cross-functional teams | 31% |
| Financial resources | 24% |
| Information technology | 15% |
| Other | 10% |

Note. From Oxford Associates’ Survey of Fortune 500 Companies, by Furney, Garlitz, and Kelleher, Copyright 1993.

Police executives can create a viable vision, yet fail to implement the vision properly and effectively. Covey (2003) asserted leadership itself can be broken into two parts: a) vision and direction, and b) inspiring and motivating people to work together. Policing leadership can grasp the importance of the former during the implementation of a quality management initiative, but fail to follow through with the latter.

When an agency’s top leaders promulgate the governing value of total quality, they should demonstrate not only caring about the quality of service delivered to the citizenry, but the quality of the lives and relationships within the organization (i.e., internal stakeholders) as well. Evans (2005) wrote, “One way that organizations can promote quality and teamwork is to recognize the existence of internal customers” (p. 199). Executive staff need to remain cognizant of internal constituents and continue recognize their importance.

McCall and Lombardo (1983) examined differences between senior leaders who accomplished organizational goals and those who were expected to reach exemplary goals but were derailed just before achieving them. Those who fell short seemed to have one or more of what McCall and Lombardo described as *fatal flaws*. They included being:

- Insensitivity to others, intimidation, employing a bullying style
- Cold, aloof, arrogant
- Untrustworthy
- Overly ambitious
- Playing politics
- Unable to build a team effort (i.e., over-managing or micromanaging)

The most frequent cause for derailment was insensitivity to others, but the most serious was untrustworthiness. After all, trust is a reciprocal attitude. Employees will tend to reflect the amount of trust that is directed toward them.

Quality as an Organizational Value

Top management of an agency needs to establish a *quality mindset*, which is pervasive throughout the organization. Without a paradigm soundly in place, a quality approach such as neighborhood policing or community policing, will fight an uphill battle from the very outset. It is clear, for quality to become operationally effective, it must permeate the every level of the organization.

Deming (1986), one of the founders of the quality movement, emphasized quality starts at the top. Moreover, the leaders of a policing organization must be intimately involved in the process to ensure the quality paradigm, such as neighborhood policing, is translated into the minds and hearts of everyone in the organization. Quality must become the passion of

the entire organization. Organizational leaders need to be considerate of employee needs. That consideration minimizes frustration and builds needed trust. Such consideration should not be done in a paternalistic manner where emphasis is placed on the power of leaders over subordinates. Senior leaders need to commit to the development of the entire workforce and should encourage participation, learning, innovation, and creativity throughout the organization (Evans, 2005).

If quality does not become, as Peters (1994) argued, the religion, organizing logic, and culture of the [organization], but instead gets stalled as internal programs run by technocrats, various initiatives will fail. Quality will fail because efforts are, in Kanter's (1994) words, "mounted as programs, unconnected to strategy, rigidly and narrowly applied, and expected to bring about miraculous transformations in the short term" (p. 5).

Looking specifically at implementation issues, Barrier (1992) argued, "If there is one vital ingredient for a successful TQM effort...it is the CEO's visible and unreserved commitment to TQM. Without it, other managers will hang back" (p. 25). Quality management approaches and fall victim to most of these shortcomings during implementation. In addition, immediate success and short-term milestones need to be properly identified and celebrated as a means of reinforcing the implementation of a quality program. Top management is correct in their quest for the organization to be results and outcome driven, however, there also needs to be visible indicators of immediate success. Holland (1993) suggested:

If quality improvement is to even take root, let alone flourish, it must achieve bottom-line results immediately. If you do not hit home runs upfront in the quality improvement effort, it will fail. Dramatic successes early on are the

most important factors for long-term improvement. (p. 43)

Conclusion

Most police agencies are dynamic organizations with exemplary personnel from top to bottom. Most departments certainly have the potential to be a great learning organizations. In this author's experience, it appears few policing organizations do not demonstrate a keen ability to learn at every hierarchical level. As such, agencies need to be led and managed in a fashion that liberates, rather than restrains, people's knowledge and abilities. Unfortunately, some agencies have a skeptical workforce with a certain inertia that may defy new philosophies or approaches to policing. At the same time, that presents police leaders with an excellent opportunity to instill prolific and intrinsic change. Lessons ought to be learned from past mistakes, however, those mistakes need to be placed in the past so the organization can move forward. Building a successful quality environment, and related programs, at any agency will unquestionably start with effective leadership.

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Dr. John Reece

Dr. John Reece is a 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 PhD in Public Administration from Northcentral University. He serves as the Editor-in-Chief of the *Journal of Colorado Policing*.

COMMENTARY

Why Leaders Lose Good People

Vernon Knuckles, Undersheriff
Montezuma County (CO) Sheriff's Office

How do you first react when employees quit? Do you think, *They're foolish for leaving? It's best for them?* As they clean out their desk, remember personnel do not usually change jobs solely for money nor are they likely resign on a whim or in a fit of anger. People joined your organization because they considered it right for themselves at the time, and it probably was. So, what transpired between the day you hired them and the day they quit?

Absence of Leadership

Personnel need effective, trustworthy leadership. Without such leadership, they will struggle to perform at their full potential. Employees' productivity may slip if their leaders do not provide proper direction regarding the organization's vision and goals. In addition, without needed support, employees more than likely will become frustrated and discouraged, and lose their motivation to devote their full effort to the job. Lack of leadership can result in lowered productivity, wasted time and resources, diminished morale, and increased turnover.

Lack of Organizational Vision

An agency without a clear vision statement (i.e., roadmap) allows for too much speculation. Without this direction, employees must wait to see what happens next. They are less likely to understand the organization's overall expectations and objectives, let alone their own roles. Personnel want to know what they are striving for and how their efforts fit within the agency. A vision statement allows them to think creatively and take initiative, rather than simply wait for assignments. As a result, they feel free to work independently within the confines of the vision. Furthermore, employees emotionally attached to the vision believe in what they do and become more committed to the organization. They consider their job important.

Micromanagement

When monitored too closely, employees feel they have no independence. Micromanagement causes personnel to lose their desire to do anything other than what leaders want them to do. No one *steps outside the box* or puts in extra work when micromanaged. Employees' skills will diminish, leaving the agency with personnel who know how to do only what they are told. Such an environment results in individuals who lack innovation, depend on direction, distrust management, and want to leave.

Failure to Develop Personnel

Neglecting to build employees' skill sets can devastate their morale. Developing and growing personnel helps eliminate their desire to look outside the agency for promotion. When trained and mentored, individuals understand the organization from the inside out. They become competent and independent, both now and in the long term. Furthermore, when leaders promote from within, employees see that advancement opportunities exist within the organization, which leads to higher productivity and better morale.

Focus on the Wrong People

Through employee development, agencies discover their best performers. Leaders must identify the organization's top personnel, the ones worth investing in who will, in turn, give their time and energy to the agency. It is critical to offer opportunities to the employees who deserve them; they put more value in the future than the present. Agencies must promote only ideal candidates. To that end, a well-trained team provides a deep internal hiring pool from which to select during a promotion process. Leaders who consistently develop and promote their employees lead their organization into the future with a clear and coherent vision.

LOSING GOOD PEOPLE

Capable, hardworking personnel want to work with others who share the same work ethic and perform optimally. When leaders fail to properly evaluate candidates and to hire the best, it can demotivate those stuck working alongside them. Promoting the wrong personnel can prove devastating. When employees *go the extra mile* and put in additional work only to lose out on a promotion to someone who received it because of deception or favor, it is an insult. Such action often makes good people leave.

Toxic Employees

Personnel who continue exhibiting destructive behaviors, such as anger, laziness, or incompetence, can ruin the performance of a team or an entire organization, regardless of how effective other employees are. Such behaviors are remarkably contagious. Agencies that hire or continue to retain such personnel allow them to become toxic and, subsequently, set the stage for the most skilled employees to fail. Leaders must do all they can to screen individuals before hiring them. If people with concerns slip through, organizations must make every effort to reform or, if necessary, get rid of them.

Conclusion

Losing good people negatively impacts employee morale and productivity. Recruiting and training new personnel require time and money, and staff members must carry the extra workload. Furthermore, when honest, capable employees leave, they often take a wealth of knowledge and experience with them. Agencies must retain such personnel. Leaders need to guide their organization according to the established mission and vision statement. They must develop employees without micromanaging them. Furthermore, leaders need to identify, hire, and promote ideal employees while getting rid of poor ones. Keeping good people is simpler, and much more cost effective, than replacing them.

(Note: This article was originally published in the FBI Law Enforcement Bulletin on October 23, 2017.)



Undersheriff Vernon Knuckles

Mr. Vernon Knuckles is the undersheriff of the Montezuma County Sheriff's Office. He previously served as a narcotics detective supervisor, the 22nd Judicial District Drug Task Force Project director, which was a multi-agency task force. Mr. Knuckles is a veteran of the National Guard where he saw combat as a platoon sergeant in Iraq in 2003-2004. He is also a graduate of the 263rd Session of the FBI National Academy.

LEGAL UPDATE

U.S. v. Gurule
U.S. 10th Circuit Court of Appeals No. 18-4039
Decided July 11, 2019

Philip J. Baca, Esq.

Legal Proposition

Passengers may be detained for the duration of an otherwise valid traffic stop. The stop ends when the police have no further need to control the scene. Passengers may be subject to a frisk if an officer can articulate reasonable suspicion that they are armed and dangerous.

Facts

An officer observed a sedan commit several traffic infractions and initiated a traffic stop. The vehicle pulled into the parking lot of a nearby gas station. The parking lot was poorly lit, with a fence to the vehicles' right, the station to their left, and a darkened field beyond.

The sedan contained three occupants, two in front and one in back. None possessed a valid driver license and the driver had accumulated multiple misdemeanor warrants, which she volunteered to the officer upon first contact. As the officer conducted a records check, one of his colleagues arrived to provide backup. Upon his arrival, the second officer conversed with the occupants of the vehicle and focused primarily on securing the scene. The sedan was outfitted with tinted windows and also contained a great deal of property, since the driver apparently was living out of her vehicle.

After a records check, the driver was informed a licensed driver was required to operate the vehicle lawfully. The officer also told the driver he would not arrest her if she revealed the presence of any contraband in the sedan. In response, she volunteered

the officers could search her vehicle to verify her claim it contained nothing illegal. The officer confirmed her consent to the search and asked that she contact a licensed driver.

The officers then asked the vehicle's passengers to exit. Upon exiting the vehicle, the front-seat passenger consented to a protective frisk. The officers then asked the back-seat passenger, Tommy Gurule, if they could perform a protective frisk on him. Gurule twice told the officers he would not consent to a search. He was directed to sit on a nearby curb.

Gurule had initially engaged officers in a friendly manner—even volunteering that a bottle of alcohol in the sedan was his, so as not to incriminate the driver. As one officer asked repeatedly whether Gurule possessed any weapons, both officers began expressing concern he was responding deceptively. Gurule disputed he was acting uncooperatively and stated he had no weapon. Unsatisfied with his response, one of the officers ordered Gurule to stand.

As Gurule began to stand, the other officer noted a visible bulge in Gurule's right-front pocket. That officer took hold of Gurule's right arm as a protective action. He then observed a gun in Gurule's right-front pocket. Both officers handcuffed Gurule before confiscating a pistol. Gurule's equivocal response to questioning about his criminal history prompted further investigation, which revealed a prior felony conviction. He was arrested and, in a post-arrest interview, confessed to knowingly possessing the pistol.

Issue

Were the pistol and Gurule's subsequent confession fruits of an unlawful detention and search (i.e., frisk)?

Court Decision

No. The Court concluded the officers did not violate the Fourth Amendment.

Restatement of Law

Traffic stops are seizures subject to the Fourth Amendment's requirement for reasonableness. *Rodriguez v. United States*, 135 S. Ct. 1609, 1614 (2015). It is well-established the "touchstone" of this inquiry "is always the reasonableness in all the circumstances of the particular governmental invasion of a citizen's personal security." *Pennsylvania v. Mimms*, 434 U.S. 106, 108–09 (1977).

In *Mimms*, the Supreme Court recognized "the safety of the officer" as a "legitimate and weighty" interest in support of detention during a traffic stop. *Id.* "Against this important interest," courts must weigh "the intrusion into the driver's personal liberty . . . by the order to get out of the vehicle." *Id.* Ultimately, the Court concluded this intrusion was "at most a mere inconvenience that cannot prevail when balanced against legitimate concerns for the officer's safety." *Id.*

In *Maryland v. Wilson*, the Court, while acknowledging the personal-liberty interests of "passengers are in one sense stronger than that for the driver," also recognized the "danger to an officer from a traffic stop is likely to be greater when there are passengers in addition to the driver in the stopped vehicle." 519 U.S. 408, 413–14, (1997). The Supreme Court has observed it is "reasonable for passengers to expect that a police officer at the scene of a crime, arrest, or investigation will not let people move around in ways that could jeopardize his safety." *Brendlin v. California*, 551 U.S. 249, 258 (2007).

The Court has further acknowledged passengers may be detained for the duration of an otherwise-valid traffic stop: "The temporary seizure of driver and passengers ordinarily continues, and remains reasonable, for the duration of the stop. Normally, the stop ends when the police have no further need to control the scene" *Arizona v. Johnson*, 555 U.S. 323, 333 (2009) (citing *Brendlin*, 551 U.S. at 258). Employing much the same calculus in balancing these interests, our court has likewise held police officers may lawfully order passengers to remain in a stopped vehicle, *United States v. Holt*, 264 F.3d 1215, 1223 (10th Cir. 2001), or to exit the vehicle, depending upon the circumstances.

During a valid investigatory detention, officers may conduct a limited protective search (commonly called a frisk) if they develop an articulable and reasonable suspicion the subject is armed and dangerous. *United States v. Hammond*, 890 F.3d 901, 905 (10th Cir. 2018). Within the context of a traffic stop, this is true not only for the driver but also for any passengers. *Johnson*, 555 U.S. at 332.

Because a frisk is a search for the purposes of the Fourth Amendment, it is subject to the reasonableness requirement the Supreme Court outlined in *Terry*. *United States v. Garcia*, 751 F.3d 1139, 1142 (10th Cir. 2014). The primary justification for a frisk, of course, is officer safety. *Id.* (citing *Terry*, 392 U.S. at 27).

Reasonable suspicion "is not, and is not meant to be, an onerous standard." *United States v. Pettit*, 785 F.3d 1374, 1379 (10th Cir. 2015). It requires "considerably less" than a preponderance of the evidence and "obviously less" than probable cause. *Id.* So long as officers develop "a particularized and objective basis for suspecting an individual may be involved in criminal activity, they may initiate an investigatory detention even if it is more likely than not that the individual is not involved in any

illegality.” Id. (citing *United States v. Johnson*, 364 F.3d 1185, 1194 (10th Cir. 2004)).

Court Reasoning

By the time the search had begun, at least one officer had seen the gun, such that both officers were justified in securing it for the duration of the vehicle search. Several Factors Support a Finding of Reasonableness

1. The officers did not frisk Gurule until after they had noticed an unusual bulge in Gurule’s right-front pocket.
2. Footage from both body cameras indicated a plainly-visible bulge.
3. The fact the officers repeatedly asked whether Gurule was carrying a weapon suggests contemporaneous concern he was deceitful.
4. The vulnerability that attends the act of turning one’s back on multiple subjects while searching an unfamiliar vehicle.
5. The fact a search creates a need to detain individuals safely.
6. At least one of the subjects had accumulated multiple arrest warrants.
7. Officers are “entitled to infer a common purpose or enterprise” between drivers and passengers when one, as here, knows of the other’s “arrest warrants and would want to conceal evidence of any wrongdoing.”
8. The time and place of the traffic stop contributes to the reasonableness of the pat-down search (the stop transpired at 10:30 pm at night)
9. The darkness of the gas-station parking lot, as well as, the proximity of a darkened field just beyond where the vehicles had stopped.
10. Additionally, one officer observed the general area “regularly sees a high volume of drug activity as

well as property crimes, including stolen vehicles.”

Those circumstances, when taken together, would create the requisite reasonable suspicion to justify the frisk.

Bottom Line

Pay close attention to case law concerning passengers in a motor vehicle. Verify consent and be attendant to the totality of facts and circumstances. The Court evaluates each factor alleged to support an inference of reasonable suspicion separately and in the aggregate. Facts when analyzed separately might admit innocent explanation, but the Court may nonetheless hold that they create reasonable suspicion when considered in the totality.

The court has explicitly rejected the notion officers must assess “armed” and “dangerous” in a disjunctive fashion; “An officer’s suspicion that an individual is dangerous can affect that officer’s suspicion that an individual is armed, and vice versa.” *United States v. Garcia*, 751 F.3d at 1143 (10th Cir. 2014).



Mr. Philip Baca

Mr. Philip J. Baca is the former director of the Jefferson County Sheriff’s Office and Lakewood Police Department Combined Regional Law Enforcement Academy. Mr. Baca served for 15 years with the Denver Police Department in various positions ultimately attaining the rank of lieutenant. Mr. Baca left law enforcement for a period of approximately 7 years to practice law. During that 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 in Douglas County (CO).

LEGAL UPDATE: U.S. V. GURULE

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 and Patrol Divisions, and as the division chief of the Criminal Investigations Division. Mr. Baca was appointed the Chief of Police in Commerce City (CO) and served in that position from 2008-2012. In 2012, Mr. Baca earned his bachelor's degree in Pre-Law/Political Science from Colorado State University, a Juris Doctor from the University of Denver, and was shortly thereafter admitted to the Colorado State Bar as a practicing attorney. Mr. Baca is admitted to 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.

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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 the original publication is attributed.

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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.
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