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**AN EXAMINATION OF THE EFFECT OF  
A POLICE OFFICER'S AGE AT THE TIME OF EMPLOYMENT  
ON INVOLVEMENT IN MISCONDUCT**

by

**Susan C.-H. Shortreed**

**A THESIS**

**Submitted to**

**Michigan State University  
in partial fulfillment of the requirements  
for the degree of**

**MASTER OF SCIENCE**

**School of Criminal Justice  
College of Social Science**

**1989**



## ABSTRACT

AN EXAMINATION OF THE EFFECT OF  
A POLICE OFFICER'S AGE AT THE TIME OF EMPLOYMENT  
ON INVOLVEMENT IN MISCONDUCT

By

Susan C.-H. Shortreed

The purpose of this study is to assess the effect age has on a police officer's misconduct by measuring the relationship between a recruit's age at the time of employment and his/her involvement in acts of misconduct. The findings are discussed with regard to the establishment by police agencies of age as a Bona Fide Occupation Qualification.

The data was derived from analysis of a stratified random sampling of disciplinary records of 350 police officers in a major metropolitan police department. Bivariate analyses were conducted on two categories of officers: officers 18, 19, and 20 years of age, and officers 21 years of age and older.

The major findings of this study are as follows...

- ...A statistically significant difference exists between the number of acts of misconduct committed by officers under 21 and officers over 21
- ...A statistically significant difference exists between the level at which disciplinary proceedings were initially adjudicated between officers under 21 and officers over 21
- ...The recidivism rate for officers under 21 involved in acts of misconduct is over 50%

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1989

To my daughters, Kimberly and Mary.  
Although you're too young to fully understand,  
your sacrifices were the largest.



## ACKNOWLEDGEMENTS

I would like to thank those individuals who made this thesis a reality. My deepest gratitude is tendered to Dr. David Carter, thesis committee chairman, who provided the advice, patience, and encouragement I needed to complete this project. I also extend my thanks to Dr. Robert Trojanowicz and Dr. Robert Warden, committee members.

I am indebted to Dr. Clinton Donaldson, who opened the doors for this research to be conducted and who persevered through all obstacles; and to the principal officers of the Metropolis Police Department, for their generosity in supplying the much-needed data to conduct this study.

Personal thanks is also given to two friends who were supportive to this project in a variety of ways, both directly and indirectly: To Cathy Palm, who generously gave so much of her time. Through her invaluable comments and various corrective suggestions, I benefited substantially. To Mary Beth Veda, who unfailingly supplied the firm support and understanding I frequently called upon.

Perhaps belatedly, I am forever grateful to Russell Shortreed for the day-to-day unspoken sacrifices he made, and for all the times he was both mother and father to our children.

\* \* \*

## TABLE OF CONTENTS

<b>CHAPTER I</b>	<b>INTRODUCTION TO THE RESEARCH</b>	<b>1</b>
<b>The Problem</b>		<b>1</b>
<b>Recruitment Requirements</b>		<b>2</b>
<b>Affirmative Action Programs</b>		<b>4</b>
<b>Ideal Recruits</b>		<b>7</b>
<b>Initial Observation</b>		<b>8</b>
<b>Undesirable Recruits</b>		<b>8</b>
<b>The Purpose of the Study</b>		<b>13</b>
<b>Hypothesis</b>		<b>13</b>
<b><u>Definition of Terms</u></b>		<b>14</b>
 <b>CHAPTER II</b>	 <b>LITERATURE REVIEW</b>	 <b>19</b>
<b>Previous Research</b>		<b>20</b>
<b>Court Decision</b>		<b>21</b>
<b>Outside Jurisdictions</b>		<b>25</b>
<b>Alternative Programs</b>		<b>28</b>
<b>Age as a Bona Fide Occupational Qualification</b>		<b>30</b>
 <b>CHAPTER III</b>	 <b>METHODOLOGY</b>	 <b>33</b>
<b>The Study Site</b>		<b>33</b>
<b>Study Group Composition</b>		<b>34</b>
<b>Data and Sample</b>		<b>34</b>
<b>Control Group Composition</b>		<b>35</b>
<b>Subgroup Composition</b>		<b>36</b>
<b>Disciplined Officers Composition</b>		<b>36</b>
<b>Variables</b>		<b>37</b>
 <b>CHAPTER IV</b>	 <b>RESEARCH QUESTIONS AND TABLES</b>	 <b>39</b>
<b>Table 4-1</b>	<b>Effect of Officer's Age at Employment on Officer's Assignment at Time of First Act of Misconduct</b>	<b>39</b>
<b>Table 4-2</b>	<b>Effect of Officer's Age at Employment on Officer's Assignment at Time of Second Act of Misconduct</b>	<b>40</b>
<b>Table 4-3</b>	<b>Effect of Officer's Age at Employment on Officer's Assignment at Time of Third Act of Misconduct</b>	<b>40</b>

Table 4-4	Effect of Officer's Age at Employment on Officer's Duty State at Time of First Act of Misconduct	41
Table 4-5	Effect of Officer's Age at Employment on Officer's Duty State at Time of Second Act of Misconduct	41
Table 4-6	Effect of Officer's Age at Employment on Officer's Duty State at Time of Third Act of Misconduct	42
Table 4-7	Effect of Officer's Age at Employment on Initial Level of First Misconduct Adjudication	42
Table 4-8	Effect of Officer's Age at Employment on Initial Level of Second Misconduct Adjudication	42
Table 4-9	Effect of Officer's Age at Employment on Initial Level of Third Misconduct Adjudication	43
Table 4-10	Effect of Officer's Age at Employment on Type of Misconduct--First Offense	44
Table 4-11	Effect of Officer's Age at Employment on Type of Misconduct--Second Offense	44
Table 4-12	Effect of Officer's Age at Employment on Type of Misconduct--Third Offense	45
Table 4-13	Effect of Officer's Age at Employment on Disposition of First Act of Misconduct	45
Table 4-14	Effect of Officer's Age at Employment on Disposition of Second Act of Misconduct	46
Table 4-15	Effect of Officer's Age at Employment on Disposition of Third Act of Misconduct	46
Table 4-16	Effect of Officer's Age at Employment on Level of Appeal for First Act of Misconduct	46
Table 4-17	Effect of Officer's Age at Employment on Level of Appeal for Second Act of Misconduct	47
Table 4-18	Effect of Officer's Age at Employment on Level of Appeal for Third Act of Misconduct	47

Table 4-19	Effect of Officer's Redefined Age at Employment on Assignment at Time of First Act of Misconduct	48
Table 4-20	Effect of Officer's Redefined Age at Employment on Assignment at Time of Second Act of Misconduct	49
Table 4-21	Effect of Officer's Age (Gender, Race) at Employment and Assignment at Time of First Act of Misconduct	49
Table 4-22	Effect of Officer's Age (Gender, Race) at Employment and Initial Level of Second Misconduct Adjudication	50

## CHAPTER V      DISCUSSION      51

Overview of Study	51
Discussion of Findings	52
Implications of Findings	59
Financial Cost of Misconduct	60
Intangible Cost of Misconduct	63
Citizen Confidence	64
Community Leaders	65
Expert Opinions	65
Informal Disciplinary Proceedings	67
Analysis of Corruption in Large Cities	70
Recommendations	71
Reevaluation of Hiring Criteria	71
Alternative Hiring Practices	72

## LIST OF REFERENCES      77

## CHAPTER I

### INTRODUCTION

This study will focus on issues of misconduct among officers in a major metropolitan police department; specifically, the study will delve into the ramifications of recruiting and hiring policies of a large, urban police department and how those policies align with the needs of the community it serves. Because anonymity was guaranteed to this police department, for purposes of this paper, the department is referred to as the Metropolis Police Department (MPD).

In response to the needs of the community, the Metropolis Police Department has instituted changes in a variety of areas. For example, the MPD developed an innovative crime prevention program which became the model for other police departments to pattern their programs after. Also, in order to dispel the perception of an "occupation army" and to address the "quality of life" problems in the inner city, satellite police stations were installed throughout the neighborhoods and business communities. In addition, Affirmative Action programs were vigorously undertaken in order to reflect the demographics of the urban community more accurately.

Of course, the programs listed above are in addition to the primary functions which are common to all police departments. Traditionally, the functions of a police department are to keep

the peace within the community, investigate crimes, initiate a defendant into the criminal justice system (obtain criminal warrants, update criminal records via computer, etc.), prevent crime, and adjudicate disputes "on the street".

The MPD has recognized the need to update and upgrade its procedures and policies and has been effective in the areas which have been given attention. It is this paper's contention that recruiting and hiring policies are crucial and are in need of upgrading. With the assistance of statistical research, recruiting policies can be formulated which reflect the needs of the MPD as well as the community and can be utilized by other agencies to assist in establishing hiring criteria that meet their needs.

In keeping with these traditional functions, the police department historically recruited with these functions in mind. Establishing criteria and guidelines for recruiting efforts are of the utmost importance. As per the City Manager's Yearbook of 1931, this was true: "It is generally agreed that a high standard of entrance should be required for all police applicants, as carefully selected police personnel are the foundation upon which successful police administration is built." (p. 1) Because police departments are still required to maintain traditional goals and objectives as well as incorporating new technology (CAD computer systems, LEIN computers, etc.) and ideas (Community Relations programs, team policing, etc.), the recruiting process is even more crucial and

it is imperative that recruiters have well defined standards and guidelines to assist them in their endeavor. This was recognized as far back as 1931, when the City Manager's Yearbook warned, "When a department fails to function properly, the cause is found in its low entrance standards or inferior or 'improper' selection. Because of the enormity of the task of policing a community, it is necessary to emphasize the fact that the best human material in the country is none too good for the police service." (City Manager's Yearbook, 1931:1)

Some of the reasons the best possible recruiting efforts need to be maintained are as follows. As Goldstein stated, "...it is imperative that there be increased recognition of the realities of police work, of the multiplicity of functions assigned to the police, the limited need for combat like activities, the use police make of various alternatives, the discretion that must be exercised at the lowest levels in the organization, and the high value attached to restraint and accountability for one's actions." (Goldstein 1977:259)

The officer who is in a scout car, walking a beat, answering a myriad of questions, taking complaints, etc., becomes the police department's "customer service representative" to the community. He/She is charged with the responsibility for making instantaneous decisions, often without the opportunity to sort out conflicting information, or only with access to fragmented bits of information. Police officers are often called upon to fit these "jigsaw" puzzle pieces of

information together and base their decision upon the "picture" they are able to formulate, whether or not some of the "jigsaw puzzle" pieces are missing. Nevertheless, the impetus for analyzing the situation is upon the officer, who is ever-mindful that any decision that he/she makes may be subject to "Monday Morning Quarterbacking" by superiors.

In addition to the importance of quality police officers at the baseline level, the decision of who to employ or not has long-range effects. In the police department, supervisors at nearly every level are promoted from the ranks. The "age factor" at the time of employment can also affect the promotional process. To be promoted in the Metropolis Police Department, an officer needs to have only two years on the job and a baccalaureate degree, or two and one-half years of service and two years of college.

Since the implementation of affirmative action programs, the makeup of Metropolis Police Department has changed dramatically. In 1964, blacks comprised 32% of the population in Metropolis and 3% of the police force. Affirmative action programs were implemented in 1973 and, as a result, in 1989, 49% of the police officers are black, as is 71% of the population.

An affirmative action program affects the promotional process in this particular instance because it allows for supervisors being eligible for promotion at a younger age and with much less experience than more traditional promotional policies. Therefore, it is imperative that officers possess



life experience skills when they are hired, as they may be promoted before they have had time to acquire them on the job. As critical as a police officer's decisions are, a supervisor's decision-making powers are even greater.

Metropolis Police Department's promotional process takes into consideration an officer's length of service, level of education, military experience, and service rating, as well as written and oral examination scores. Under a traditional promotional process, a new recruit could not acquire sufficient points in these categories to place "high enough" on an eligibility list to be promoted. The need to comply with an affirmative action program supercedes the chronological order. For example, a white female that wrote an 82% on the written score (of a possible 100%), received 47 points at an oral board (of a possible 50 points), has two years on the job, and has a high service rating, placed 162 over all among eligible candidates. Under traditional promotional practices, this individual would not have been promoted. However, at 162, this policewoman is the fifth-highest white female on the promotional list and is very likely to be promoted. This point is not made to denounce the need for an affirmative action program, but rather to emphasize the need to hire recruits that already possess maturity and academic skills.

Theoretically, an officer who was hired at 18 years of age could be promoted to the rank of sergeant at the age of 20.

Also, beyond the rank of lieutenant, promotions are at the discretion of the Chief of Police, which makes the levels of Inspector, Commander and Deputy Chief susceptible to political favoritism.

Most police department administrators would agree that recruits should be of the "highest quality and standards". However, the problem lies in defining such general terms as "high quality and standards" with specific characteristics.

The President's Crime Commission chose to define quality in such a way as to include not just applicants with better education, but also those who more accurately represented the area they were going to police. The National Advisory Commission on Criminal Justice Standards and Goals were no more specific in defining quality, but it went on to urge research to find out what abilities and personalities are necessary for the police officer's job and to develop procedures for validating the selection system. (National Advisory Commission on Criminal Justice Standards and Goals, Police, 1973:337, 348-351)

It is imperative that police departments set high standards for recruits that meet the department's goals and objectives for the reasons stated above. Needless to say, police departments do not necessarily recruit properly. According to Goldstein (1977), "An aggressive recruitment effort, no matter how impressive, will be ineffective in producing needed change if it seeks individuals judged capable of performing tasks related to the stereotyped, mythical concept of policing, rather than the

actual duties police are called upon to handle." (p. 259)

Goldstein (1977) also stated: "It is imperative that administrators clarify their goals...or they risk the chance of failing to recruit the best personnel, with the misperception that the problem lies in the standard set, when, in fact, it may be an inaccurate assessment of the police function." (p. 258)

While traditionally a recruit may have felt that he (until a few years ago, they were all "he's" with rare exceptions) needed to project an aggressive "macho" image and could rely on physical size and intimidation for "street enforcement" today's recruit needs to be more judicious as well as to have a more "cosmopolitan" attitude compatible with a large, cosmopolitan community.

Today's "Ideal Recruit" would possess:

1. Academic Skills: Academic skills are most frequently measured through years of education. With the multitude of demands placed on police officers, as well as the trend toward professionalism in police work, police agencies are finding a need to implement a higher education requirement. for employment by the agency.

2. The ability to abide by the rules and regulations of a paramilitary organization such as a police department. One determinate of this quality would be military experience. Other determinants could be group memberships, i.e., ROTC; church or community organizations; prior job experience; criminal record.

3. Maturity: Age is frequently used to measure maturity. Life's experience broadens an individual's perceptions and exposes them to a variety of situations which enhances their ability to cope with everyday stresses.

As Goldstein (1977) observed, "What can be said about these qualities...a high level of intelligence is obviously crucial...an officer must have the sort of inquiring mind that questions prevailing practices and comes up with new ways to improve the quality of police service...recruits should be able to understand the cosmopolitan nature of an urban area and appreciate differences between cultures...further, in a job that consists chiefly of relating to people, officers must have the self-discipline and maturity to enable them to deal with others in a clinical manner without outward display of emotion, that will equip them to tolerate stress in any number of different situations, and that will cause them to take an intense interest in incidents which, though routine for them, are crises in the lives of others." (p. 273)

When a police department neglects to hire applicants who possess the necessary qualities, such as academic skills, the ability to follow the rules and regulations, and maturity, they run the risk of hiring undesirable recruits; for example, the "aggressive" macho recruit who is still idealistic and views the world in terms of black and white. He/She has little tolerance or understanding for persons with differing lifestyles and ideologies. He/She is very rigid in decision-making.

A second type of undesirable applicant would be the "unmotivated" individual. He/She would be ambivalent to the needs of the community and views policing as a job rather than a career; someone that would be attracted to the security of a civil service atmosphere where once hired, it becomes extremely difficult to fire. The individual's sole motivation is to receive (not necessarily earn) a paycheck.

The "immature" applicant is equally as unacceptable. He/She is the type of person that lacks self-confidence and would hesitate to make a decision. Because he/she cannot make quick assessments or take decisive action, he/she becomes a liability. This individual is more vulnerable to the job's temptations and would require close supervision.

In recent years, while assigned to an internal investigative bureau in a large police department, this researcher observed repeated disciplinary problems among officers who exhibit these type of behavioral styles. The number of incidents appeared to increase after 1985, when hiring drives recruited 1,666 officers during a two-year period. The problem appeared centralized among new, younger recruits and ranged from department misconduct to serious crimes. Secondly, these same officers became involved in several incidents over a relatively short career.

It appears there was a similar pattern of disciplinary problems in Metropolis Police Department in 1977, when 1,207 officers were hired after a two-year moratorium on hiring.

These two hiring drives occurred subsequent to the lowering of the department's age criterion from 21 to 18 years of age. In this research study, the writer will attempt to determine if the lower age requirement contributed to the apparent increase in disciplinary problems.

A review of the existing literature revealed that research has not adequately addressed the age criterion. The learned are of conflicting opinions, most of which are not based on factual data. This conflict is reflected in the establishment by police agencies of minimum age requirements, which appear to be capricious and arbitrary and are not supported by empirical data.

Poor recruiting practices have far-reaching effects on a police department and the community it serves. Young recruits, who are often hired at a frenzied pace by recruiters who are under pressure to fill large quotas with short-term deadlines (naturally in compliance with all government mandates) are certainly not scrutinized as carefully as recruits hired through a gradual, continuous hiring drive. This tenuous situation is compounded by the ineffective manner in which such an overwhelming group of recruits are implanted in the "system".

These problems were acknowledged by Metropolis Police Department, and programs were implemented whereby senior officers volunteered to work with new recruits and provide on-the-job training. Unfortunately, their efforts were futile.

When an officer is hired at 18, 19, or 20 years of age, he lacks the maturity and academic skills to perform the myriad of responsibilities demanded of a police officer without close supervision. As a result of the mobility of police officers as well as their varied responsibilities, it is difficult for a supervisor to be aware of the activities of each scout car crew, and to a great extent, management depends on veteran partners to provide direction, to be mentors, if you will, to new recruits. Due to the tremendous influx of new recruits, Metropolis Police Department was forced to assign rookies to work scout cars with other rookies, minimizing the opportunity for veteran on-the-job training, which again emphasizes the need for recruits to possess maturity and academic skills when they are hired. Officers who met the criteria of being young and poorly recruited exhibited the following types of behavior: For example, two rookie partners, after getting off duty and still in partial uniforms, solicited the services of a prostitute. Unwilling to pay the \$15 service fee, one of the officers pulled his service revolver and attempted to obtain the services for free. Obviously, this behavior is indicative of immaturity and is not the behavior desired in a police officer.

A second incident involving a rookie officer occurred while on duty, on foot patrol. The officer walked up to a bank teller's window and slid her a note which read, "I have a gun give me all your money". Initially, this incident was taken seriously. Upon further investigation, it was more along the

lines of a "kid" playing a prank rather than a "Jessie James holdup".

Further exemplifying this immature behavior was an incident involving a student police officer on his way to the police academy, smoking marijuana, when he was observed by an academy instructor. If an officer is ever going to be on his/her best behavior, it is going to be when they are in the academy. If an officer is going to flaunt the rules and regulations in the academy, chances are when they are on the street with minimal supervision, there will be little thought given to obeying department policies.

A final example of an officer that lacks the maturity and skills to be a professional officer occurred while the officer was off-duty. The officer, dressed in full uniform, returned to his precinct, commandeered a scout car and proceeded to make numerous traffic stops, robbing each citizen of their money and jewelry. Obviously, this officer was "in over his head". He was given too much authority and power and did not possess the basic judgemental skills nor the life experience necessary to appropriately cope with decision-making.

These are the acts of immature officers who had not thought through the consequences of their actions. In each of these incidents, the officers had less than two years on the job and were under the age of 21 at the time of the incidents.



## **The Purpose of the Study**

The purpose of this study is to assess the effect age has on officer misconduct by measuring the relationship between a recruit's age at the time of hire and their involvement in acts of misconduct. Specifically, do younger officers have more disciplinary problems than older officers.

Utilizing the results of this research and the use of age as a predictor of misconduct, a progressive department which has accurately assessed their function and goals can then rationally decide whether younger recruits can effectively perform the multiplicity of functions assigned to a police officer. A police agency will then be able to more accurately establish appropriate criteria for minimum age standards.

## **Hypothesis**

H<sub>0</sub>: There is no significant difference between age of employment and involvement in misconduct.

Specifically, officers who are 18, 19, and 20 years of age when they are hired by a police agency will be involved in the same number of acts of misconduct as officers who are 21 years of age or older when they are hired.

## **Definition of Terms**

The following are operational definitions of terms used in this study.

**Felony:** A felony is an offense that the legislature has so designated. If there is no designation of felony or misdemeanor, and the offense is punishable by imprisonment in the state prison, it is a felony. A felony can only be tried in a Circuit Court. This definition is controlling only in determining the convicted person's record, where he will serve his time, if any, and what court the offense will be tried in. For the purpose of arrest, and how that arrest will be made, a felony is a violation of a penal law of this State for which the convicted offender may be punished by death or imprisonment for more than one year, as well as any offense which is specifically designated by law as a felony. (761.1)

This study included the following felonies:

Criminal Sexual Conduct - Third Degree  
Felony Assault  
Carrying a Concealed Weapon  
Mail Fraud  
Homocide  
M.D.P. Over \$100  
Robbery, Armed  
Larceny  
Welfare Fraud

**Misdemeanor:** In this study, the term "Misdemeanor" will incorporate Simple Misdemeanor, High Misdemeanor and Circuit Court Misdemeanor.

**Simple Misdemeanor:** An offense punishable by not more than 90 days imprisonment and/or \$100 fine and is tried by the District Court.

High Misdemeanor: An offense punishable by not more than one year imprisonment and whatever fine may be provided for. This offense is tried in District Court.

Circuit Court Misdemeanor: An offense designed by statute as a Misdemeanor and punishable by more than one year imprisonment.

This study included the following misdemeanors:

Stolen Plates  
Fraudulent Certificate of Insurance  
Failed to Register Gun  
Intentionally Aim a Firearm at a Citizen  
Possession of a Dangerous Drug  
Falsely Report an Abduction  
Conviction in Criminal Court Other than Minor Traffic  
Minor in Possession of Alcohol  
Accident While Intoxicated  
Possession of Marijuana  
Accosting and Soliciting  
Reckless Use of a Firearm  
Abducted and Coerced Under Threat of Arrest

Misconduct: Violation of Department's Rules and Regulations which govern the behavior of police personnel.

This study included the following acts of misconduct:

Neglect of Duty  
Failed to Maintain Minimum Academy Standards\*  
Failed Probation Period  
Mistreatment of Any Person or Prisoner  
Shots Fired - Unjustified  
Fail to be Punctual in Attendance to All Duties  
Fail to Report for All Duties  
Engage in Police Action in Personal Controversy  
Abusive Use of Sick Time  
Ignorance of Rules and Regulations  
Failure to Exercise Care and Practice Economy (Department Equipment)  
Fail Drug Screening Test  
Wilfully Make a False Oral or Written Statement  
Wilful Disobedience of Rules and Orders  
Consume Alcoholic Beverages Rendering Unfit for Duty

\* This category encompasses all acts of misconduct committed while an officer is in the police academy, including failing to meet state-mandated academic skills.

Sustained: The allegation was found to be true by the investigative body, and the finding was upheld at a Departmental Tribunal.

Not Sustained: The allegation was found to be true by the investigating body; however, it was not upheld at a Departmental Tribunal.

#### Levels of Discipline

Official Reprimand: The first form of discipline at the level of an officers' superior officer, who shall be empowered to reprimand an officer in writing for minor misconduct.

Commander's Hearing: This hearing is the second form of discipline. Upon a full investigation of allegations against an employee, a Commander shall be empowered by the Chief of Police to conduct a hearing and to render a disciplinary penalty of up to three days for two offenses.

Chief's Hearing: This hearing is the third form of discipline. Upon a full investigation of allegations against an employee, the Chief may conduct a hearing and render a disciplinary penalty. The penalty may include dismissal.

Trial Board: The fourth form of discipline is the Trial Board. When serious charges are made against an employee, the matter may be referred to a Trial Board. All Trial

Boards shall be made up of one command officer of the rank of Commander or higher; and two command officers of the rank of Inspector, who shall be chosen by lot.

Board of Police Commissioners: The Board of Police Commissioners is a final quasijudicial determinant of guilt or innocence. Instead of hearing an appeal of de novo from a Trial Board itself, the Board may appoint a fact finder. The Board's disposition of any disciplinary matter shall be final in the line of administrative remedies.

Probationary Review Board: A board of three department executives enpanelled to hear evidence regarding disciplinary matters involving student police officers attending the police academy. The review board may retain jurisdiction for one year. The board has the power to impose a penalty, recycle an officer, or dismiss the officer from the department.

Arbitration: Any employee not satisfied with the decision rendered at a Trial Board may request the union to appeal the Trial Board decision to arbitration. If an employee decides to appeal the Trial Board decision to arbitration, the employee may not process his appeal, with regard to the same matter, to the Board of Police Commissioners.

Arbitration is a full de novo review.

Level Of Appeal:

Written Reprimand: A written reprimand may proceed immediately by way of appeal to a Trial Board and then to the Board of Police Commissioners.

Commander's And/Or Chief's Hearing: Any employee not satisfied with the decision rendered at a Commander's or Chief's Hearing may proceed immediately by way of appeal to a Trial Board.

Trial Board: Any employee not satisfied with the decision rendered at a Trial Board has the option of proceeding to arbitration or to the Board of Police Commissioners. Note: In no event shall any penalty be increased from that rendered in the original hearing.

## CHAPTER II

### LITERATURE REVIEW

In the past, the criteria used in hiring was based on objective qualifications such as height, education, and age-minimum and maximum. These standards could be easily measured, i.e., an applicant could be accepted or rejected based solely on whether or not he/she met the standard. If the height requirement was, for example, 5'10" - 6'4", a recruiter could determine if the standard was met by using a tape measure.

Similarly, if weight was an issue, one trip to the scale could determine whether or not the recruit met the standard. In recent years, standards such as height and weight have been abolished due to community demands, as well as court decisions mandating these changes, and more subjective standards have taken their place. Herein lies the problem. There are no "cut and dried" standards. Everyone is in agreement that standards are needed. Previously, standards were set using the measuring stick and scale. Now that these "tools" for measuring standards have been abolished, what has taken their place? How does one measure qualities such as maturity, flexibility, foresight, empathy, etc.? These are just a few of the qualities a police officer needs to police a changing community. The Police Department has responded to changes in society which has broadened its scope and made it more sensitive to community demands, i.e., community policing and problem-oriented policing.

Because society has come to expect an officer to function beyond a "cops and robbers" level, an officer needs the aptitude and skills for dealing with a more complex environment.

An officer is expected to have the basic skills of a social worker, paralegal, psychologist, etc. It would be impractical to expect an 18-year-old with a high school education to have acquired even the most basic qualifications attained by these professionals who have college degrees.

Either the community can lower its expectations or the Police Department can establish a higher education requirement to ensure that each officer can meet the expectation of the community. Since it is unrealistic to expect the community to lower its expectations, the option of establishing higher education requirements needs to be addressed.

Carter, Sapp and Stephens (1989) articulate several distinct advantages to requiring that police applicants have a college education, such as, it develops a broader base of information for decision making. The course requirements and achievements inculcate responsibility in the individual. A college education engenders the ability to flexibly handle difficult or ambiguous situations with greater creativity or innovation and a higher education develops a greater empathy for minorities and their discriminatory experiences through both coursework and interaction within the academic environment. Further, a greater understanding and tolerance for persons with differing lifestyles and ideologies is acquired, which can translate into more effective communications and community



relationships in the practice of policing. Lastly, the college experience will help officers communicate and respond to crime and service needs of the public in a competent manner with civility and humanity. (p. 7)

Research has shown two significant reasons why police agencies have not consistently required higher education. First, they did not feel that a higher education requirement could be quantitatively validated to show job-relatedness. Second, they feared such a requirement would be shown to be discriminatory toward minorities, thus not meeting the provisions of Title VII of the Civil Rights Act of 1964, nor be consistent with the Equal Employment Opportunity (EEOC) guidelines. (Carter, Sapp, Stephens, 1989:1)

These fears prove to be groundless when the requirement can be proven to be a Bona Fide Occupation Qualification (BFOQ), i.e., college education is job-related. BFOQ can be established by demonstrating that the tasks performed by police officers demand the qualifications acquired through higher education. Given the discretionary powers such as the decision to arrest and when to use deadly force, along with the impact of a police officer's mere presence within the sanctity of a citizen's home, there can be little doubt that the expanded knowledge and understanding acquired through education can increase an officer's ability to deal with these difficult responsibilities.

In *Spurlock v. United Airlines, Inc.* 475 F.2d 216 (10th Cir. 1972), the courts have attempted to measure the degree to which an employment criterion must relate to the tasks

performed. When the job clearly calls for a high degree of skill and the economic and human risk involved in hiring an unqualified applicant are great, the employer bears a correspondingly lighter burden to show that his employment criteria are job related.

In *Chrisner v. Complete Auto Transport, Inc.* 645 F.2d251 (6th Cir. 1981), it was noted that employment involving public safety "must be allowed more latitude in structuring the requirements for the position" (*Chrisner* at 1254). The court went on to note that the importance of the public interest in safety is sufficient to show a manifest relationship for enhanced job qualifications.

Subjective criteria could be viewed as possessing a threat to the progress made by the courts by sanctioning discriminatory job requirements. A tenuous balance exists between violation of the Civil Rights Act and the needs of public safety. In *Usery v. Tamiami Trail Tours, Inc.* 531 F. 2d224 at 236 (5th Cir. 1976), the court ruled that ...the BFOQ test mandates that the job qualifications which the employer invokes to justify his discrimination must be reasonably necessary to the essence of his business... The greater the safety factor, measured by the likelihood of harm and the probable severity of that harm...the more stringent may be the job qualifications.

In the decision of *Davis v. City of Dallas* 777F.2d205 (5th Cir. 1985, Certiorari Denied to Supreme Court May 19, 1986), the court affirmed a college education requirement for police officers. Part of the court's logic in *Davis* was that the

police hold a unique position with respect to public risk and responsibility. Such a position indicates that higher standards of qualifications can be effectively established on the basis of job-relatedness because police decision-making requires the added dimension of judgement.

In Davis, it was necessary to show that education was a Bona Fide Occupation Qualification. That is, that a correlation exists between requiring college credits of police applicants and the ability to perform the myriad of responsibilities associated with policing. The court ruled that although education had to be proven as a BFOQ, the validation could be accomplished through qualitative proofs such as the complexity of the police task and the public risk associated with policing, utilizing expert opinion to support these issues.

In support of this position, the Fifth Circuit Court stated that ...the job of police officer falls within that category of professional type positions, the job-related skills of which are especially difficult to quantify. Characteristics which must be found in an applicant ...are not easily measured in terms of statistical analysis... Because of the extent to which the skills for an officer are not definable with significant precision...the degree of validation required to sustain the educational requirement for police officers is less than would be required to show job-relatedness for other positions (Davis at 216).

Even though the thrust of research has been aimed toward defining standards in terms of education, the obvious corollary

to that position is to raise the age requirement as well. Simply put, it would be practically impossible for a recruit to attain the necessary college credits without also having gotten older. Moreover, the decision-making and "life experience" skills discussed by the courts as necessary elements for "professional" decision-making and use of discretion require more years of experience than is afforded to an 18-year-old.

Metropolis Police Department requires all applicants to reside within the confines of the city limits. In addition to an 18-year-old's age limiting his exposure to differing community and social environments, the officer is further denied "life experience" skills by a restrictive residency requirement. Therefore, a 21-year age requirement would be extremely compatible with both the academic requirement as well as providing an opportunity to acquire the life experiences needed of a professional officer.

The courts, while considering the education issue, would have been aware that by raising the education requirement, raising the age requirement would logically follow. None of the court decisions which acknowledged higher education as a BFOQ disallowed the education requirement, citing it would discriminate against youth. This tacit implication indicates the need for education requirement in policing supercedes the discriminatory effect of this requirement.

This researcher interviewed representatives of several jurisdictions which in the past recruited applicants under the age of twenty-one and have subsequently raised their age

requirement. In 1971, the Chicago Police Department raised the age at which applicants could apply to 20 years old, and to 21 years old when they are hired. The Miami Police Department was required to raise their age to follow the statewide standard requiring applicants to be at least twenty years old when they apply, and twenty-one years old prior to being certified.

The Dallas Police Department has adjusted their age requirement several times. In 1969, they raised their age requirement from nineteen-and-one-half to twenty-one years of age; and in 1970, reverted to the nineteen-and-one-half minimum age requirement. In 1981, the minimum age requirement was again raised to twenty-one years old, except for those applicants with Associate degrees, sixty hours of college credit, or honorable discharges from the military who, in those instances, may be nineteen-and-one-half. Recruits are generally at least twenty years of age, as the Dallas Police Department requires all recruits to have forty-five hours of college coursework.

The Houston Police Department has raised the age requirement from nineteen years of age to twenty-one years of age due to a change in state law requirements which raised the drinking age to twenty-one.

Inferred in the fluctuation of recruiting standards is the practitioner's admission that the social and legal effects of increasing the age requirement is unclear. Some jurisdictions are hesitant to establish clear, concise guidelines, as they fear the guidelines will violate Title VII of the Civil Rights Act and, further, they fear they will be subject to litigation.

Houston Police Department attached legal validity to a 21-year age requirement by adjusting it to coincide with the legal drinking age of that state (the age of majority).

Dallas, Chicago and Miami Police Departments, by raising the hiring age to 21, appeared to have weighed the cost of voluntarily limiting its pool of candidates against the greater need for applicants to possess decision-making and life experience skills along with the need for public safety.

In 1973, the Detroit Police Department lowered their age requirement from twenty-one years old to eighteen years of age, where it has remained. Paramount to this decision was a then-pending court decision, *Schaefer v. Tannian* 538 F2d. 1234 (1976), which alleged disparities existed between the age and academic requirements of men and women. Women were required to be 21 years of age and have a baccalaureate degree; men were required to have only a high school diploma, with some men being hired under the age of twenty-one. By arbitrarily lowering the age of employment to 18, the issue of job-related hiring criteria was circumvented.

There is no apparent rhyme nor reason to the variance and fluctuation in the age requirement used in recruiting by major metropolitan police departments, and it appears that there is little supporting quantitative research upon which a police department can make an educated decision. This research study will begin to fill that void by providing quantitative data on the performance of younger officers (18-20-year-olds) versus older officers (21+). Specifically, the research will measure

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if there is a statistically significant difference between the disciplinary patterns of younger and older officers.

Presently, there is no literature on how immaturity affects performance and, since standards are set through expert opinion, practitioners' experience as well as research, this thesis will provide research material to assist in the development of guidelines for an age requirement.

Within the limited literature available, there is some concern that a higher age requirement would cause the loss of qualified applicants. Johnson, Misner, Browman (1981) theorizes that age requirements act as an impediment to the selection and recruitment of young people who desire to enter the police service. (p. 211)

Leonard (1966) recommended lowering the age requirement to allow the police to recruit persons before they became committed to other careers. (p. 87-89)

Wilson and McLaren (1974) cited that the younger the candidates, the less likely they are to be exposed to some of the corrupting influences that make young persons ineligible for police service. (p. 254)

In light of the community needs at the time of these writings, it is understandable that the demands placed on police officers may have been met by less mature officers. But in view of the ever-changing community and the acknowledged need for higher education, a more suitable solution would be to channel this younger pool of applicants in CSO and cadet programs. These programs would accept high school diplomas and could



provide tuition incentives to younger applicants. These candidates could continue their education, receiving training by assisting police officers, as well as performing non-crime-related functions.

Under the traditional cadet or trainee program, a police department hires persons between the ages of seventeen and twenty-one and assigns them the responsibility of performing non-sworn police tasks or assisting sworn officers until they qualify to take the entrance examination. Such a program has been in existence in England since the 1930s and now constitutes the primary source of recruiting men to police service (Bancroft, 1966:22).

In the New York City Police Department, those persons in its trainee program perform certain clerical and other tasks not directly related to crime control, receive police training and earn salaries competitive with other salaries paid to high school graduates. The trainee can take his qualifying examination before reaching age twenty-one, and when he reaches the minimum age required for sworn status, can immediately enter the service as an officer.

The advantages of a cadet program are that through attrition, the disinterested, disillusioned applicants will leave before a large financial investment is incurred by the police agency. Further, these programs will serve as a "weeding out" process and provide an opportunity for a more suitable candidate to enter the police academy.

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To further address the possible concern of police agencies that they may lose some of their pool of applicants, an alternative solution to reducing the age would be to reevaluate restrictive hiring criteria such as a residence requirement and the applicants' driving records.

Pilavin (1977) suggests, as an additional source of new recruits, to create a program whereby applicants could serve as police for a "temporary period". (p. 5)

Goldstein (1967) suggests in addition to destroying the insularity of the police, this proposal would have the potential for increasing police status, creating a more favorable atmosphere for present officers, encouraging career officers to pursue their education, and increasing community understanding of police operations, thereby generating public support for needed change by having a greater number of people in the community who had worked with the police.

The notion of replacing the existing career service with a short-term service appears so radical to most police officers and to others as to sound ludicrous. But if these employees were used to assist career officers the way paraprofessionals are being used in other areas, the plan might win the support of police personnel.

Many young people who would otherwise never consider police employment might be willing to put in several years with a police agency if they were not expected to commit themselves to policing as a career. A reduction in college costs would make the opportunity even more attractive. (p. 268)

A 21-year age requirement has social, legal and ethical ramifications. Granted, a direct correlation cannot be drawn that in all cases, a 21-year-old will be more mature than an 18-year-old. However, it is reasonable to assert that a stable continuous rate of growth will occur during that three-year period which would enhance the development of characteristics that are needed by individuals to meet the rigorous demands of police service. Through maturation, an individual becomes less rigid and more innovative in dealing with unpredictable situations. He/She has more life experiences and can see the whole picture more clearly. An older recruit would be less authoritative, more stable, reliable and would require less supervision. Again, these are difficult qualities to measure; however, in view of the diverse community needs and the dire consequences of an inadequate officer, it is imperative that a police agency invoke the highest standards for all applicants.

As the court observed in Davis, few professionals are so peculiarly charged with individual responsibility as police officers. Officers are compelled to make instantaneous decisions, often without clear-cut guidance from the legislature or departmental policy, and mistakes of judgement could cause irreparable harm to citizens or even the community. (Davis at 215)

To determine if age is a BFOQ, the same burden of proof is required as in the court rulings on education. It is reasonable to expect that an older, more mature officer will use better judgement and possess more of the qualities necessary to police



a community with understanding, empathy and dedication. Age can be shown to be job-related through the subjective qualities stated earlier, which the court has agreed are valid indicators, as well as through the objective data this research will provide.

The discriminatory effect of hiring 21-year-olds must be measured against the needs and demands of the job. The court has ruled in *Griggs v. Duke Power Co.* 401 US. 424, 91 S. Ct. 849 (1971) that the touchstone is "business necessity".

In police work, the needs of the community can better be met by more mature officers, officers with greater "life experience" skills, and, therefore, an age requirement falls within the provisions of Title VII of the Civil Rights Act of 1964.

In 1967, an Age Discrimination in Employment Act (ADEA) was implemented which, in many respects, parallels Title VII. The Act was amended in 1978. The provisions of the ADEA differ from Title VII in that the claims of so-called "reverse discrimination" by younger workers cannot be made under the ADEA. Thus, employers are not prohibited from discriminating against individuals on the basis of their youth.

Secondly, the body of ADEA case law overwhelmingly supports the fact that the Act was intended to prohibit only intentional discrimination. Thus, claims of age discrimination based on *prima facie* evidence of disparate impact are very likely not possible. (Avery, Faley, 1988:59)

It is incumbent upon police departments to adapt to changes in the community and society. Even though it is obvious that policies, as they apply to recruiting standards, need to be updated to reflect these changes, what the new recruiting standards should be are not so obvious. This observation is graphically reflected by the disparity as well as the fluctuation of the minimum age requirement in major metropolitan departments.

It is this researcher's contention that, given the benefit of statistical data and research analysis, a police department will have a basis for determining a minimum age standard that is in the best interest of the department as well as the community it serves.

## CHAPTER III

### METHODOLOGY

Chapter III contains a description of the study group, design, and methodological procedures. The chapter concludes with a discussion of the variables included in the study.

#### The Study Site

The city of Metropolis is a major industrial city which is administered by a mayor-city council form of government. In 1984, the city of Metropolis had a population of 1.15 million. Metropolis is largely a racially heterogeneous community. 30% of the population is white.

The Metropolis Police Department currently employs 4,772 full-time sworn officers, including 118 executives, 205 lieutenants, 799 sergeants, 107 investigators and 3,543 police officers. The police department is comprised of 44% white males, 5% white females, 35% black males, 14% black females and 2% other.

Table 3-1  
Numerical and Percentage Breakdown of Police Department  
(All Ranks)

	<u>#</u>	<u>%</u>
White Males	2,109	44%
White Females	239	5
Black Males	1,688	35
Black Females	662	14
Other	<u>74</u>	<u>2</u>
Total	4,772	100%



Table 3-2  
Numerical and Percentage Breakdown of Police Officers

	<u>#</u>	<u>%</u>
Males	2,822	80%
Females	<u>721</u>	<u>20</u>
Total	3,543	100%

Hiring criteria for employment with Metropolis Police Department consist of a written examination, oral examination, psychiatric examination, and a physical agility test.

Applicants' height must be proportionate to the person's weight and their eyesight must be corrected to 20/20. Officers' driving and criminal records are considered along with a background investigation. Further, MPD requires its members to reside within the city limits.

All recruits attend a sixteen-week academy training program regardless of prior certification programs. For the most part, rookies are assigned to foot and motorized patrol, with a small percentage placed in plainclothes assignment.

The structure within the police department consists of a Board of Police Commissioners, Chief of Police, Executive Deputy Chief and six Deputy Chiefs. Each Deputy Chief is in charge of a Bureau, which consists of the traditional divisions such as patrol, detective, crime prevention, community relations, training, and administrative services.

#### Data and Sample

The data for this study came from a stratified sampling of three hundred fifty (350) police officers who were randomly

selected from a group of 4,043 officers that were hired between January 1, 1973 and August 31, 1987\*. This time span was chosen to reflect the lowering of the hiring age from 21 years to 18 years, which occurred in January 1973. August 31, 1987 completed a two-year "hiring frenzy" and was also the last time Metropolis Police Department has hired.

Of the 4,043 officers in the study population, 3,577 officers were 21 years of age or older, and 466 were 18 to 21 years of age at the time of employment. The 4,043 officers were comprised of 997 white male officers, 344 white female officers, 1,647 black male officers, 970 black female officers, and 85 "others".

\*(Some officers who were laid off during budget reductions were called back to duty during this time.)

Table 3-3  
Numerical/Percentage Breakdown of Population

	<u># of P.O.s</u> <u>over 21</u>	<u># of P.O.s</u> <u>under 21</u>	<u>% of P.O.s</u> <u>over 21</u>	<u>% of P.O.s</u> <u>under 21</u>
White Males	891	106	25%	22%
White Females	326	18	9	4
Black Males	1,399	248	39	53
Black Females	891	79	25	17
Other Females	21	3	1	1
Other Males	<u>49</u>	<u>12</u>	<u>1</u>	<u>3</u>
Subtotal	3,577	466	100%	100%
Total	4,043			

The control group was broken down into two subgroups of "Over 21" and "Under 21" to determine if a statistically significant difference existed between the two groups with

regard to the number and type of disciplinary problems with which each group was involved.

One hundred seventy-five officers were randomly selected from each of these subgroups. The gender and race of the selected officers are displayed in Table 3-4.

Table 3-4  
Numerical/Percentage Breakdown of Selected Officers

	<u># of Officers Over 21</u>	<u># of Officers Under 21</u>	<u>% of Officers Over 21</u>	<u>% of Officers Under 21</u>
White Males	49	35	28%	20%
White Females	14	10	8	6
Black Males	80	93	46	53
Black Females	31	36	18	21
Other	<u>1</u>	<u>1</u>		
Total	175	175	100%	100%

The writer further defined the study group to compare only those officers in each group that were involved in acts of misconduct. Of the original 175 officers in each group, 48 officers over 21 and 74 officers under 21 were involved in acts of misconduct. The gender and racial breakdown is displayed in Table 3-5.

Table 3-5  
Numerical and Percentage Breakdown of Disciplined Officers

	<u># of P.O.s over 21</u>	<u># of P.O.s under 21</u>	<u>% of P.O.s over 21</u>	<u>% of P.O.s under 21</u>
White Males	10	12	21%	16%
White Females	4	2	8	3
Black Males	27	47	56	64
Black Females	7	12	15	16
Other	<u>—</u>	<u>1</u>		<u>1</u>
Total	48	74	100%	100%

To determine if factors other than age contributed to disciplinary problems, the researcher controlled the data for race, gender, education, and marital status. The variable of officer's age was initially collected as interval level data and was dichotomized into "Under 21 (18-, 19- and 20-year-olds)" and "Over 21" years of age. Dichotomizing these two subgroups enabled the writer to determine whether a statistically significant difference existed between the number and type of misconduct committed by each group. The variable of race was initially collected in four standard categories, including white, black, hispanic and other, but was dichotomized into "Black" and "White" after initial analysis revealed there was inadequate frequency within the study to distinguish between the "Hispanic" and "Other" categories. In the "Other" category, there were no officers randomly selected, and within the "Hispanic" category, only one officer was represented.

The variable of "level of education" was initially collected in six (6) standard categories ranging from "No College" to "Doctorate Degree"; however, this variable was collapsed into "No College" to insure adequate frequencies throughout the analysis. The variable of "rank" was initially collected in five (5) categories ranging from "Police Officers" through "Officers Above the Rank of Lieutenant". However, for the purpose of analysis, this category was collapsed to include only officers with the rank of "Police Officer". Initially analysis revealed only eight officers had obtained a rank higher

than "police officer". Measuring on only one category insured adequate frequency for statistical techniques.

After the initial information of age, sex, race, marital status, and rank was obtained on all three hundred fifty (350) officers, specific data was collected on those officers who were charged with misconduct. This data was obtained through the review of each officer's individual disciplinary file which are maintained by the Metropolis Police Department for every incident of misconduct which is substantiated by the initial investigative body. The following data was extracted from these files: the number of incidents that each officer was involved, as well as the officer's age at the time of the incident; the type of specific charge; the level within the department at which the incident was initially dealt with; whether the officer was on or off duty at the time the incident occurred; type of assignment at the time of the incident; disposition of each incident, i.e., sustained, not sustained; and lastly, whether the officer appealed the disposition and if it was appealed, the highest level of that appeal.

## CHAPTER IV

### RESEARCH QUESTIONS AND TABLES

Chapter IV will simply present the research questions. Chapter V will interpret the results and discuss the meaning and inferences.

Question #1: Does a relationship exist between an officer's age at the time of employment and his assignment at the time he/she became involved in his/her first act of misconduct?

Table 4-1  
Effect of Officer's Age at Time of Employment  
On Officer's Assignment at Time of First Misconduct

Age	$\chi^2$	Significance	Cramer's <u>V</u>	Pierson <u>R</u>	D.F.	Patrol	Investi- <u>gation</u>	Staff	Academy	Non- <u>Duty</u>
	9.678	.046	.281	-.165	4					
Under 21						45	1	0	25	3
Over 21						35	1	3	9	0

As observed from Table 4-1, an officer's age at the time of employment has a statistically significant effect on an officer's assignment at the time of his first act of misconduct.  $\chi^2 = 9.678$ , D.F. = 4, Significance = .046,  $V = .281$ . That is, an officer under 21 is most likely to be assigned to the academy when he or she became involved in their first act of misconduct.

Question #2: Does a relationship exist between an officer's age at the time of employment and his or her

assignment when he/she becomes involved in the second act of misconduct?

Table 4-2  
Effect of an Officer's Age at Time of Employment  
On Officer's Assignment at Time of Second Misconduct

<u>Age</u>	<u><math>\chi^2</math></u>	<u>Significance</u>	<u>Cramer's V</u>	<u>Pearson R</u>	<u>D.F.</u>	<u>Patrol</u>	<u>Staff</u>	<u>Academy</u>
Under 21	2,400	.301	.258	-.194	2	19	1	4
Over 21						11	1	0

There is no statistically significant relationship between an officer's age at the time of employment and the assignment at the time of the second act of misconduct.

Question #3: Does a relationship exist between an officer's age at the time of employment and his or her assignment when the officer becomes involved in a third act of misconduct?

Table 4-3  
Effect of Officer's Age at Employment on  
Assignment at Time of Third Misconduct

<u>Age</u>	<u>Patrol</u>
Under 21	12
Over 21	5

All officers involved in three acts of misconduct were assigned to patrol.

Question #4: Is there a relationship between an officer's age at the time of employment and his/her duty status when he/she is involved in his/her first act of misconduct, i.e., "on or off" duty?

Table 4-4  
Effect of Officer's Age at Employment on  
Officer's Duty Status at Time of First Misconduct

<u>Age</u>	<u>X<sup>2</sup></u>	<u>Significance</u>	<u>Pearson R</u>	<u>D.F.</u>	<u>On Duty</u>	<u>Off Duty</u>	<u>Total</u>
Under 21	.469	.4932	-.084	1	60	14	= 74
Over 21	.875	.3495		1	42	6	= 48

Apparent from this table is the absence of statistical significance between an officer's age and his duty status when he is involved in his first act of misconduct.

Question #5: Is there a relationship between an officer's age at the time of employment and his/her duty status at the time the officer is involved in the second act of misconduct?

Table 4-5  
Effect of Officer's Age at Employment on  
Officer's Duty Status at Time of Second Misconduct

<u>Age</u>	<u>X<sup>2</sup></u>	<u>Significance</u>	<u>Pearson R</u>	<u>D.F.</u>	<u>On Duty</u>	<u>Off Duty</u>
Under 21	.000	1.000	-.081	1	19	3
Over 21	.211	.645			8	2

Apparent from this table is the absence of statistical significance between an officer's age and his/her duty status when he/she is involved in the second act of misconduct.

Question #6: Does a relationship exist between an officer's age at the time of employment and his or her duty status at the time the officer is involved in the third act of misconduct?



Table 4-6  
Effect of Officer's Age at Employment on  
Officer's Duty Status at Time of Third Misconduct

Age	Pierson R	Lamda Asymmetrical	On Duty	Off Duty
Under 21	.367		10	1
Over 21		.125	3	2

Question #7: Does a relationship exist between an officer's age at the time of employment and the level at which the officer's first act of misconduct is initially adjudicated?

Table 4-7  
Effect of Officer's Age at Employment on  
Initial Level of First Misconduct Adjudication

Age	$\chi^2$	Signifi- cance	Cramer's V	Pierson R	D.F.	Official Repri- mand	Com- mander Action	Chief's Hearing	Trial Board	Proba- tionary Hearing
Under 21	7.854	.0971	.254	-.155	4	16	5	22	2	28
Over 21						10	9	18	2	9

Apparent from this table is the absence of statistical significance between an officer's age at employment on the level at which the officer's first act of misconduct is initially adjudicated.

Question #8: Does a relationship exist between an officer's age at the time of employment and the level at which the officer's second act of misconduct is initially adjudicated?

Table 4-8  
Effect of Officer's Age at Employment on  
Initial Level of Second Misconduct Adjudication

Age	$\chi^2$	Signifi- cance	Cramer's V	Pierson R	D.F.	Official Repri- mand	Com- mander Action	Chief's Hearing	Trial Board	Proba- tionary Hearing
Under 21	15.663	.003	.659	.111	4	11	1	9	0	3
Over 21						1	5	4	2	

As observed from Table 4-8, an officer's age at the time of employment has a statistically significant effect on the level at which the officer's second act of misconduct is initially adjudicated:  $X^2 = 15.663$ , Signif. = .003°, Cramer;  $V = .659$ , D.F. = 4. That is, an officer under 21 is more likely to have his second level of misconduct adjudicated at "the official reprimand" stage of misconduct than would an officer over 21.

Question #9: Does a relationship exist between an officer's age at the time of employment and the level at which the officer's third act of misconduct is initially adjudicated?

Table 4-9  
Effect of Officer's Age at Employment on  
Initial Level of Third Misconduct Adjudication

Age	$X^2$	Signifi- cance	Cramer's V	Pierson R	D.F.	Official Repri- mand	Com- mander Action	Chief's Hearing	Trial Board
Under 21	3.75	.289	.469	.275	3	3	3	6	0
Over 21						1	0	3	1

A statistically significant difference does not exist between an officer's age at the time of employment and the level at which the officer's third act of misconduct is initially adjudicated.

Question #10: Does an officer's age at the time of employment influence the type of first offense in which an officer is involved? That is, does an officer's age affect whether an officer's first act of misconduct is a felony, misdemeanor or department violation?

Table 4-10  
Effect of Officer's Age at Employment on  
Type of Misconduct - First Offense

Age	$\chi^2$	Significance	Cramer's Pierson		D.F.	Felony	Misdemeanor	Departmental Misconduct
			V	R				
Under 21	2,760	.251	.151	-.122	2	61	8	4
Over 21						43	5	0

As observed from Table 4-10, there is no statistically significant relationship between the age at which an officer is hired and the type of first offense in which an officer is involved.

Question 11: Does an officer's age at the time of employment influence the type of second offense in which an officer is involved?

Table 4-11  
Effect of Officer's Age at Employment on  
Type of Misconduct - Second Offense

Age	$\chi^2$	Significance	Cramer's Pierson		D.F.	Felony	Misdemeanor	Departmental Misconduct
			V	R				
Under 21	2.00	.366	.236	-.235	2	1	1	22
Over 21						2	1	9

There is no statistically significant difference between an officer's age at the time of employment and the type of second offense in which an officer is involved.

Question #12: Does an officer's age at the time of employment influence the type of third offense in which an officer is involved?

Table 4-12  
Effect of Officer's Age at Employment on  
Type of Misconduct - Third Offense

Age	$\chi^2$	Significance	Cramer's	Pierson	D.F.	Felony	Misdemeanor	Departmental
			V	R				Misconduct
Under 21	3.352	.187	.444	-.440	2	1	1	10
Over 21						2	1	2

There is no statistically significant difference between an officer's age at the time of employment and the type of third offense in which an officer is involved.

Question #13: Does a relationship exist between an officer's age the time of employment and the disposition of the first act of misconduct?

Table 4-13  
Effect of Officer's Age at Employment on  
The Disposition of First Act of Misconduct

Age	$\chi^2$	Signifi-	Pierson	D.F.	Sustained	Not
		cance	R			Sustained
Under 21	.210	.646	.096	1	53	2
Over 21	.860	.353			35	3

An officer's age does not have a statistically significant effect on the disposition of an officer's first act of misconduct.

Question #14: Does a relationship exist between an officer's age at the time of employment and the disposition of his second act of misconduct?

Table 4-14  
Effect of Officer's Age at Employment on  
The Disposition of Second Act of Misconduct

Age	<u>X<sup>2</sup></u>	Signifi- <u>cance</u>	Pierson <u>R</u>	<u>D.F.</u>	<u>Sustained</u>	<u>Not Sustained</u>
Under 21	.100	1.00	.020	1	21	2
Over 21	.014	.904		1	9	1

An officer's age does not have a statistically significant effect on the disposition of an officer's second act of misconduct.

Question #15: Does a relationship exist between an officer's age the time of employment and the disposition of the third act of misconduct?

Table 4-15  
Effect of Officer's Age at Employment on  
The Disposition of Third Act of Misconduct

Age	<u>X<sup>2</sup></u>	Signifi- <u>cance</u>	Pierson <u>R</u>	<u>D.F.</u>	<u>Sustained</u>	<u>Not Sustained</u>
Under 21					12	0
Over 21					3	0

As observed in Table 4-15, all third acts of misconduct were sustained by the department tribunal.

Question #16: Does an officer's age the time of employment affect the level the department tribunal's decision is appealed to for first acts of misconduct?

Table 4-16  
Effect of Officer's Age at Employment on  
The Level of Appeal for First Acts of Misconduct

Age	<u>X<sup>2</sup></u>	<u>Significance</u>	Cramer's <u>V</u>	Pierson <u>R</u>	<u>D.F.</u>	<u>Trial Board</u>	<u>Arbitra- tion</u>	<u>Police Commissioners</u>	<u>No Appeal</u>
Under 21	1.813	.612	.159	.088	3	6	2	1	30
Over 21						2	3	1	26

Apparent from this data is the absence of statistical significance between an officer's age at the time of employment and the level to which a department tribunal's decision is appealed on first acts of misconduct.

Question #17: Does an officer's age at the time he or she is employed affect the level of appeal of a department tribunal decision on second acts of misconduct?

Table 4-17  
Effect of An Officer's Age at Employment on  
The Level of Appeal for Second Acts of Misconduct

Age	$\chi^2$	Significance	Cramer's Pierson		D.F.	Trial Board	Arbitra- tion	Police Commissioners	No Appeal
Under 21	1.388	.595	.255	.064	3	1	2	1	15
Over 21						1	0	0	9

Apparent from this data is the absence of statistical significance between an officer's age at the time of employment and the level to which a departmental tribunal decision is appealed on second acts of misconduct.

Question #18: Does an officer's age at the time he or she is employed affect the level of appeal of a departmental tribunal decision on third acts of misconduct?

Table 4-18  
Effect of An Officer's Age at Employment on  
The Level of Appeal for Third Acts of Misconduct

Age	Symmetric <u>Lambda</u>	Pierson <u>R</u>	Arbitra- <u>tion</u>	No Appeal
Under 21	.085	-.547		0
Over 21			2	3

The writer further measured the effect an officer's age at time of employment had on acts of misconduct by redefining officers 21 years of age and older (at time of employment) into three categories. Incorporated in the first category are officers 21, 22, and 23 years of age; the second category is comprised of officers 24 and 25 years of age; and the third category consists of officers over 25 years of age.

To discern which officers within the two subgroups were involved in the acts of misconduct, the writer further defined the officers within the under-21 and over-21 age groups by gender and race.

Tables are included for those questions which were shown to be statistically significant utilizing the over-21 and under-21 age categories.

Question #19: Does a relationship exist between an officer's age at the time of employment and his assignment at first misconduct?

Table 4-19  
Effect of Officer's Redefined Age at Time of Employment on Assignment at Time of First Misconduct

Age	$\chi^2$	Signifi- cance	Cramer's V	Pierson R	D.F.	Patrol	Investi- gation	Staff	Academy	Non- Duty
18-20	15,882	.196	.208	-.112	12	45	1	0	25	3
21-23						17	0	1	4	0
24-25						17	1	2	3	0
25+						1	0	0	2	0

As is apparent from Table 4-19, no statistically significant relationship exists between an officer's (redefined)

age at time of employment and his or her assignment at time of first misconduct.

Question #20: Does a relationship exist between an officer's (redefined) age at the time of employment and the level at which the officer's second act of misconduct was initially adjudicated?

Table 4-20  
Effect of Officer's Redefined Age at Time of Employment on Second Misconduct Adjudication

Age	$\chi^2$	Signifi- cance	Cramer's V	Pierson R	D.F.	Official Repri- mand	Com- mander Action	Chief's Hearing	Trial Board	Proba- tionary Hearing
18-20	20.682	.0552	.437	.084	12	11	1	9	0	3
21-23						1	1	2	1	0
24-25						0	3	2	1	0
25+						0	1	0	0	0

Table 4-21 shows the relationship between an officer's age at time of employment, including gender and race, and the officer's assignment at first misconduct.

Table 4-21  
Officer's Age (Gender, Race) at Employment and Assignment at First Misconduct

	Patrol	Investi- gation	Staff	Academy	Non-Duty
<u>Under 21</u>					
Black Male	25	0	0	19	3
Black Female	8	1	0	3	0
White Male	11	0	0	1	0
White Female	1	0	0	1	0
<u>Over 21</u>					
Black Male	20	1	1	5	0
Black Female	4	0	0	3	0
White Male	9	1	0	0	0
White Female	2	0	1	1	0



Table 4-22 shows the relationship between an officer's age at employment, distinguished by gender and race, and the initial level of the second act of misconduct.

Table 4-22  
Officer's Age (Gender, Race) at Employment and  
Initial Level of Second Misconduct Adjudication

<u>Under 21</u>	<u>Official Reprimand</u>	<u>Commander Hearing</u>	<u>Chief's Hearing</u>	<u>Trial Board</u>	<u>Probationary Hearing</u>
Black Male	8	0	7	0	2
Black Female	3	0	0	0	0
White Male	0	1	2	0	1
White Female	0	0	0	0	0
<u>Over 21</u>					
Black Male	0	1	1	2	0
Black Female	0	0	1	0	0
White Male	0	2	2	0	0
White Female	1	2	0	0	0

## CHAPTER V

### CONCLUSION

An organization's hiring policies supply that organization with the "building materials" necessary to lay the "foundation" of that organization. Without quality "raw material", any attempt to build a solid foundation will be unsuccessful. The organization will fail to meet not only its own needs, but the needs of the community it serves and the individuals it employs. Therefore, it is incumbent upon the Metropolis Police Department, as it is of any organization that has an obligation to its community, to identify its weaknesses and restructure its policies in order to correct those weaknesses.

This research has identified a correlation between age at the time of employment and acts of misconduct. When an officer was hired under the age of 21, the officer was 14.5% more likely to develop a pattern of misconduct. Any misconduct, but especially serious acts of misconduct, are extremely disruptive to a Police Department. The implications and the effects are far-reaching.

Utilizing my background as a Commander's clerk in patrol as well as an internal affairs investigator, I was able to observe data that may have not been traceable through hard evidence, i.e., formal disciplinary procedures, but which do exist and play a prominent role in the dynamics of the Police Department.

As a researcher, I have had the opportunity to empirically critique the effect a recruit's age has on his or her ability to function as a police officer. Beyond that, I had the viewpoint of an employee of a major metropolitan police department. I would like to utilize my findings, which are based on both of these experiences, to bridge the gap between the inadequate standards currently used and the existing needs of Metropolis.

As the Tables in Chapter IV conclude, an officer's age at the time of employment has an effect on whether an officer becomes involved in acts of misconduct.

Specifically, Table 4-1 shows that an officer's age at the time of employment has a statistically significant effect on the officer's assignment at the time of his or her first act of misconduct ( $p < .05$ ). Cramer's V shows that the relationship is fair ( $V = .281$ ). A closer examination of the data further reveals that more than twice as many officers under 21 were first involved in acts of misconduct while assigned to the police academy as compared to officers 21 and over (25 officers under 21 versus 9 officers 21 or over). Metropolis Police Department has a sixteen-week accreditation program, which means these officers were already involved in acts of misconduct before they had completed four months on the Police Department. Further, 34% of all acts of misconduct by officers under 21 occurred before they graduated from the academy. An officer who is immature and has not acquired "life experience" skills will find it difficult to adjust to the regimented paramilitary structure of a police department. Recalling some of the BFOQs

cited by Carter, Sapp and Stephen (1989) for police officers, such as a broad base of information for decision-making, an ability to flexibly handle difficult and ambiguous situations with creativity and innovation, and a tolerance for differing lifestyles and ideologies, it is obvious that these officers do not exhibit these traits and it is reasonable to assert that, if these officers are involved in misconduct under the close supervision provided at a police academy, they will continue to be in trouble when placed in a minimally supervised position as occurs in street patrol. These officers will need to rely extensively on their own human resources both for their own survival as well as to meet the needs and demands of the community. It is unfair to both the officer and the community to subject an officer to these pressures without adequate skills to meet these demands. It is apparent from the misconduct rate of officers under 21 that they do not yet possess these human resource skills.

Interestingly, Table 4-20 reveals that 85% of all acts of misconduct which occurred during the first four months of an officer's career were committed by officers 18 to 23 years of age. It is logical to assume that younger officers are less likely to possess the needed skills to successfully complete the police academy. In light of Metropolis Police Department's residency requirement, it is important to note from Table 4-21 that black male officers committed 76% of the acts of misconduct which occurred in the academy. This can possibly be attributed to the somewhat unique cultural pressures a black male may

experience from living in the heart of an urban industrial city with its negative influences and to his sudden attempt, at a young age, to overcome the negative influences and make the transition into a police career. Historically, the city of Metropolis has been segregated, with the non-white population residing within the inner city and the white population residing on the outer perimeters. It is this researcher's opinion that the inner city pressures are greatest on black males; however, as black females generally reside in these areas, statistics which include both these groups will be reviewed.

Twenty-two of the twenty-five acts of misconduct committed in the police academy by officers under 21 were committed by black officers, or 88%. This information is also valuable when considered along with the data in Table 3-5, which shows that 64 black officers under 21 were involved in acts of misconduct and, of these 64 acts, 22 of these occurred in the academy, or 34%. A police department needs to be aware of the differing cultural demands placed on its applicants so that it can establish training programs to make the officers aware of the unique pressures to which they will be subjected. Currently, Metropolis Police Department does not teach a stress awareness class in its recruit training program, nor does it offer a program that an officer can attend in order to deal with these pressures.

Further adding to the difficulties experienced by black officers in the city of Metropolis is an inadequate public education system which has been under intense criticism for its

poor educational standards. When police officers are hired at 18 years of age and are required to be residents of the city, it is likely that they will have been educated within the city's school system. An officer who is both young and poorly educated is unlikely to possess the needed maturity and life experience skills required of a police officer in a culturally and socially diverse community such as the city of Metropolis.

It is important to note that all officers who received their education in the Metropolis school system would have received a substandard education. However, a recent study (1989) showed the school enrollment for the city of Metropolis was comprised of 91% non-white. Metropolis Police Department is comprised of 49% white officers; therefore, it is reasonable to assert that many of these white officers received their education in parochial schools or in Metropolis public schools before they deteriorated. (The seniority date of white officers in this study is considerably higher than the seniority date of black officers.)

Table 4-2 measures the relationship between an officer's age at the time of employment and his assignment at the time he became involved in his second act of misconduct. As you will note, there is no statistically significant relationship. Also apparent from this data is a sharp decline in the number of acts of misconduct committed by officers under 21 years of age (from 74 to 24). This is due in part to the fact that most police officers who were involved in their first act of misconduct in

the police academy were dismissed (approximately 20 of the 25 officers).

When the officers dismissed from Metropolis Police Academy were eliminated from the Table (i.e.,  $74-20=54$ ), there is a recidivism rate among officers under 21 of 45%. In other words, almost half of the officers involved in one act of misconduct became involved in a second incident.

Table 4-3 indicates that half of the officers under 21 years of age who were involved in a second act of misconduct became involved in a third incident. Specifically, 12 out of 24 officers were involved in a third act of misconduct. The same approximate percentage is true for Table 4-19, which shows the number of officers under 21 involved in more than three incidents of misconduct. Twelve officers were involved in three acts of misconduct and seven of those twelve officers became involved in additional acts of misconduct, or 58%.

The average recidivism rate for all acts of misconduct is 51%. In view of these findings, it is crucial for police agencies to recognize the importance of high standards for entrance to the police force as well as dealing decisively with those officers that do become involved in incidents of misconduct.

Tables 4-4 through 4-6 determine that there is no statistically significant relationship between an officer's age at the time of employment and whether the officer was on or off duty when he or she became involved in acts of misconduct.

It is interesting to note that 77% of the first acts of misconduct committed by officers under the age of 21 were committed on duty (when the second act of misconduct occurred, 84% were on duty, and 91% of the third incidents were on duty). Young officers who possess personality traits conducive to becoming involved in misconduct would more than likely also be involved in these acts off-duty. The data indicates this is obviously not true, exemplifying the intense demands placed on officers by police work. Officers are required to be "stress tolerant", a trait which officers under the age of 21 have not had the time or opportunity to acquire through life's experiences.

Tables 4-7 through 4-9 show the relationship between an officer's age at the time of employment and the initial level of adjudication of acts of misconduct. Tables 4-7 and 4-9 do not show that a statistically significant relationship exists; however, Table 4-8, "Second Act of Misconduct", does show a statistically significant relationship. In Table 4-8, eleven officers under 21 were given an official reprimand as compared to one officer over 21. Official reprimands are normally given for "less serious offenses" which do not warrant a suspension. This again indicates the immaturity of younger officers and their inability to adjust to the regimented style of police work. Also important in Table 4-8 is the fact that three officers under 21 were sent to a Probationary Review Board which convenes when officers on probation (first year on the police force) are involved in misconduct. Hence, at least three



officers were involved in their second act of misconduct during their first year on the job, compared to no officers over the age of 21.

In view of the fact that there is a relationship between the level of adjudication of second acts of misconduct (Table 4-8), it is interesting to note that there is no statistical difference between an officer's age and the "type" of misconduct he/she is involved in (Table 4-10). That is, an officer's age at the time of employment does not affect whether he is involved in a felony, a misdemeanor, or a violation of department rules and regulations. One interesting point is that officers under 21 were responsible for 12 of the 17 felonies and misdemeanors committed, or 71% (first acts of misconduct).

It is important to note in Table 4-11 that the unit of measurement is Chi-Square, which is not a robust test and, therefore, will have a difficult time distinguishing one category from the next. It is reasonable to assert if only misconduct was measured, a significant difference would exist between officers under 21 and those over 21. Specifically, 20 officers under 21 versus 9 over 21 were involved in misconduct, or an officer under 21 is twice as likely to be involved in misconduct.

Tables 4-13 through 4-15 look at the effect an officer's age at the time of employment has on whether the act of misconduct was upheld at a department tribunal. A review of this data shows that regardless of an officer's age, the charges brought against him were upheld. 96% of the charges were upheld

for first acts of misconduct; 91% of second acts of misconduct; and 100% of the charges for third acts of misconduct were upheld. This can possibly be attributed to the fact that, for the most part, Metropolis Police Department conducted in-house investigations which were presented to an in-house tribunal. A second possibility is that only those behaviors which are blatant are brought to the attention of the Department and, therefore, the majority of the charges are upheld.

Tables 4-16 through 4-18 show no relationship exists between an officer's age and his/her decision to appeal the results of the department tribunal. An interesting observation is that out of a total of 71 decisions that were measured (the remaining decisions were pending at the time of this study), the officers did not appeal the decision in 56 of the cases, or 79% of the time. This may be attributed to a sympathetic departmental tribunal which imposes light sentences, or to the fact that out of the fifteen officers that did appeal the decision of the tribunal, only one officer was acquitted by the appeal board.

The implications of these findings, specifically that officers under 21 are 14.5% as likely to be involved in acts of misconduct than officers over 21, have a far-reaching effect.

The cost in man-hours permeates all areas of the police department as well as the city of Metropolis. The cost of a student police officer's salary when he/she is in the academy is \$8,600. In addition, a training sergeant and police officer are assigned to each academy class of 30 students. Their salaries

for this time period would be approximately \$17,600, or \$590 per student. The state reimburses the city of Metropolis \$1,200 for 440 hours of training. Conservatively, it costs the city of Metropolis \$6,590 to train one police officer, plus an additional \$1,200 which is absorbed by the state. As a result of budgetary restrictions, a limited number of officers are hired and an unqualified recruit fills a slot which could have been occupied by a productive employee who would have contributed to the department and to the city. (Note: the 1988-89 budget for the Metropolis Police Academy is \$2,543,162.)

Secondly, the expense of maintaining an Internal Investigative Bureau to investigate the allegations of misconduct limits the funds available for other worthwhile programs and bureaus. The Metropolis Police Department's investigative bureau employs approximately 155 sworn members. Their salaries alone exceed \$5,110,000 a year. In addition, officers conducting internal investigations are not available for other job assignments which could serve the community, such as crime prevention and police/community relations. (Note: the overall 1988-89 budget for the internal investigative bureau is \$4,873,316.)

Another tremendous expense incurred by hiring unqualified officers is the cost of the internal adjudication process. A Metropolis police officer has the contractual rights to appeal any disciplinary decision to three separate appeal boards, i.e., Chief, Trial Board or Board of Police Commissioners, and arbitration as well as civil adjudication. The expense in money

and lost man-hours for these boards to convene further exhausts the limited resources available. An average Trial Board costs \$400 (in man-hours alone) and an arbitration hearing costs approximately \$1,500 (half of the expense is incurred by the union). The city of Metropolis received over 700 complaints in 1987 (an increase of 225 from 1985). According to the most recent statistics (1987), 36 allegations were sustained (in the first 9 months of 1988, 45 complaints were sustained). If these allegations were appealed to a Trial Board and arbitration, the cost in salaries alone would exceed \$68,000. Further, the 700 complaints did not include discipline initiated in-house, which accounts for a large number of substantiated disciplinary investigations. The cost in personnel alone to maintain disciplinary records exceeds \$204,000.

It is also important to note that Metropolis Police Department was in the top five cities nationwide both for the number of citizen complaints that were received and the number of complaints that were substantiated.

Important to note also is the expense incurred by all police officers who pay the legal expenses of the unqualified officers through their union dues. The Metropolis Police Department's union pay for a subject officer to have an attorney present during all department tribunals, as well as during any interviews conducted throughout an investigation. In addition, if an officer commits a criminal act off duty, the union retains an attorney for that officer through the preliminary examination. An officer who commits a criminal act on duty is

provided with an attorney, free of charge, throughout the entire criminal proceeding and appeals.

The Metropolis Police Department maintains its own staff of attorneys, both in-house as well as consulting attorneys, which handle litigation for the "plaintiffs".

Perhaps the greatest monetary cost is incurred through civil suits. Inasmuch as officers under 21 are likely to be involved in substantially more acts of misconduct, it is feasible that the Metropolis Police Department could reduce the number of potential lawsuits by raising its recruitment age to 21. The state police is seen through the eyes of the community as a professional, dedicated, above-reproach organization. Even this organization, with its sterling image, was liable in 1988 for \$1 million in civil suits. In a city such as Metropolis, in which 43% of its citizens are dissatisfied with the police, it is fair to assume that the civil litigation will be magnified. The minimum award for a civil suit is \$10,000 in Circuit Court...

An expense which is not as obvious is incurred through pension awards. Officers frequently contend that an investigation of their conduct by Internal Affairs causes excessive stress on the individual, which forces them to take a leave of absence, with pay, of course. Frequently, an officer's claim of stress is adjudicated medically prior to the completion of the criminal investigation. It is a common adage that the quickest way to receive a stress-related duty-disability

retirement is to have the Internal Affairs Section conduct an investigation of your behavior.

A police officer at full pay makes approximately \$32,000. The city of Metropolis must incur this expense for the duration of an officer's would-be career, plus his retirement. Approximately one-third of MPD has less than four years on the job. Based on paying an officer \$32,000 (officer salary at full pay) for twenty-one years of service, the cost to the city for a duty-disability is \$672,000 per officer (MPD has a 25-year retirement plan). This figure does not include health or life insurance for the officer and his family for the rest of their lives.

It is apparent that the monetary cost of hiring unqualified applicants is in itself sufficient to warrant a review of hiring criteria; however, equally as crucial are the intangible costs which cannot be measured in dollars and cents.

The reputation of a police department inevitably suffers from the hiring of unqualified applicants. The citizens' confidence is eroded not only by the blatant acts of misconduct which receive notoriety, but also by the day-to-day exposure of citizens to officers who fail to display a professional manner.

In a recent survey conducted by a local newspaper (February 1989) of city residents, 47% said they believe police are committing more crimes today than five years ago. 50% were dissatisfied with the Department's disciplining of officers who had committed crimes or violated department rules, and half of those polled believed that one in 20 of the department's

officers are involved in illegal drugs. 44% said they had called the police for help sometime in the past two years. And among that group, 43% were dissatisfied with the department's response. Further, the poll found that the citizens did not think Metropolis Police Department had taken the same steps as other big cities to deal with crooked cops.

Civic leaders have spoken out recently, citing their concerns about younger officers. "There are many police officers, especially the young ones, who just recently came on... who probably shouldn't be in the department." "The department hired too many officers at one time, lowered its standards, and failed to emphasize professional standards in training new recruits." And the result, they say, has been the rise in criminal investigations and charges against Metropolis police.

"Perhaps the screening was not done well, the department didn't do its homework. Because if they did, we wouldn't have cops getting shot and using crack." "There's no way there could be so much dope in our community without some police cooperation." "Whatever its cause, some community leaders say the increase in police crime has eroded public confidence in the police department; the only question is by how much."

In addition to concerns by the community, fears are being voiced by the victims of the officers' misconduct. Said a man, one of five people whom a Metropolis police officer was convicted of robbing one night last August: "I have my family to protect. I live in the same neighborhood as him and his

friends... Everybody knows how the police are, what's going on. Maybe if I was moving out-of-state, I'd talk about it."

The study further found that, in 1984, 180 criminal investigations were conducted on Metropolis police officers and, subsequent to the mass hiring of 1986 and 1987, the number of criminal investigations doubled to 361.

Prominent figures in the city of Metropolis have also begun to speak out critically of the hiring practices of MPD. A mayoral candidate was quoted as stating, "There are people coming into the department who are not being properly managed and who are being lured astray by things they should not become involved in."

The study interviewed prosecutors, criminologists, and community leaders. In those interviews, national experts said many of the serious crime scandals to strike big-city police departments in recent years have followed large-scale hiring.

"There is a theory that says a single individual does not change the organization, but the organization can change the individual," says Jim Fyfe, a criminologist at American University in Washington D.C. and a consultant to police departments. "That's not true when you suddenly have an influx of so many individuals into an organization. Then they change the organization."

"Experts say the young recruits like Metropolis' often lack the mature judgement needed to resist the temptations they face in their work."



An interview with the assistant prosecutor, whose job it is to prosecute police charged with crimes, stated: "Just a few years ago, the occasional crimes committed by Metropolis police occurred as they went about their jobs--use of excessive force in making an arrest, for example. But in the past two years, Metropolis officers have been charged by their own department, by the Metropolis County prosecutor or by federal grand juries with committing crimes they once only investigated." These included rape, hiring an arsonist to set fire to an occupied apartment building, car theft, insurance fraud, cocaine and heroin possession, armed robbery, selling gun permits, concealing stolen property and hiring a man to kill someone. "Years ago, more of the cases we saw related to the function of the police officer's job, something that might happen during an arrest. Now you just see the general run of criminal statutes being violated."

Difficult to measure, but equally as important, is the cost of lower morale among the competent officers of the Metropolis Police Department. It is difficult to stand by and watch the demise of a police department that for many years was a source of pride. It is equally difficult for an officer to maintain a high level of professionalism when he is assigned with partners that he cannot trust to back him up, or to be above reproach when temptation surfaces.

Also crucial to the future image of MPD is the loss of potential new recruits. A police department with a poor reputation will not attract the "cream of the crop", which makes

the future of Metropolis Police Department look even more dismal. A political figure recently stated, "We wind up pushing numbers through and when the best and brightest come along, there's no room for them."

The loss in the workforce by the hiring of unqualified recruits who subsequently fail to graduate from the academy or who are dismissed through internal investigations creates a need to start the hiring process over again. The potential for repeating the cycle of hiring unacceptable recruits is great. Each time this cycle is repeated, the pool of applicants will decrease, due to both good officers failing to apply because of the department's reputation as well as the restrictive residency requirements. In effect, the MPD may hire three applicants for every one that should be hired, using criteria such as an educational requirement as well as raising the minimum age requirement to 21.

This study has looked at the formal disciplinary proceedings used in the MPD. An area which also needs to be addressed is the effect of hiring younger officers on the informal adjudication process. New officers, upon arrival at their first assignment, quickly learn what type of behaviors are acceptable and which are not. This is learned from observation as well as taught by veteran officers. As a result of hiring younger, less mature officers, the tolerance for previously unacceptable behavior has increased. In the mid-1970s, it was standard operating procedure that you could be late three times before the wrath of management bestowed itself upon you. With

the influx of immature, less conscientious officers, supervision has found it necessary to tolerate a string of late arrivals, as well as occasions where officers choose not to report for duty or notify their commands. An officer that may have received three warnings before receiving an official reprimand may now receive six or seven warnings. This is not reflective of a breakdown in supervision, but rather an adjustment to the reality that supervision would be spending a disproportionate part of their day writing up a great number of its employees and, subsequently, they will be unable to attend to the many other equally important tasks. As a result, incidents which in the past would have resulted in an official reprimand go unreported.

Management also has the discretion within Metropolis Police Department to use an informal disciplinary process called the administrative counseling register. An officer's behavior (both good and bad) can be logged in this record book, which is maintained for six-month periods. Entries in this log can be used for determining a service rating as well as proof of prior disciplinary problems that would warrant formal discipline. Due to the increase in minor offenses, misconduct which in the past warranted a formal written reprimand is now handled through the counseling register.

A third reason for the informal adjudication of misconduct is an age-old problem of an executive being accountable for its workers. Executives are political appointees that must answer for the action of the officers under their command. It is to

the executive's advantage to handle internal problems informally and thus the problem will not come to the attention of the governing powers.

This study found that of the twelve officers who received two written reprimands, 11 of these officers were under 21 (note: the twelfth officer was under 24). It is reasonable to assert that if a study was conducted that included not only the formal adjudication of acts of misconduct, but also the informal adjudication of incidents, the statistics would be overwhelmingly convincing that these younger officers do not possess the life experience skills or the maturity needed for police work.

In recent years, the Metropolis Police Department has cut back the size of its internal investigative section, while at the same time, the number of officers in the MPD with experience has decreased. In 1984, the department had almost no officers (less than 1%) with fewer than four years' experience. In 1987, 26% of the force had four years' service or less. At the same time, the department was losing veterans. Some 2,680 officers left the force between 1980 and 1987, mostly through retirements, job burn-out and budget-triggered layoffs. It is also important to note that one-third of all the officers now on the force came on the job between 1985 and 1987.

With the increased number of young officers on the job who are more easily influenced and the decrease in "controlling" forces, it is reasonable to expect that there will be an increase in undetected acts of misconduct. Further, it is also

reasonable to assert that these individual acts will spread to encompass larger, more organized groups of officers.

In two recent incidents, evidence has surfaced to support this view. In one incident, a narcotics supervisor was indicted for perjury for directing a subordinate to falsify a search warrant and then paid an informant, with money embezzled from MPD, to swear to the facts in the falsified search warrant. The second incident involved eight officers working the same shift who forced entry into a home without a search warrant and forced the homeowner to swallow several hits of crack cocaine.

A discussion of the implications of hiring officers who are too young to deal with the excessive pressures of policing, or any applicant who for a myriad of reasons is unacceptable, would not be complete without recommendations for change.

Perhaps now is the time for Metropolis Police Department to "bite the bullet", to acknowledge that like many good police departments, it has some problems that need to be addressed. Past precedents have been set in cities with strong mayoral figures who had centralized control, for the type of corruption which the MPD can perhaps circumvent by taking decisive action. In a city as large and diverse as Metropolis, the causes of internal problems are many, but are not nearly as important as are the remedies.

New York City and Kansas City both acknowledged their internal problems and then set out to correct them. In the 1960s, Kansas City began making the necessary changes to improve

its police department and, by the 1970s, it became a model department for other agencies to emulate.

Utilizing some of the recommendations cited in this Chapter, perhaps Metropolis Police Department can again be an example for other police agencies. This researcher wholeheartedly recommends that the MPD take a long, serious look at all its hiring criteria and determine if those criteria are still applicable to the current needs of the community and, in addition, to determine if the hiring criteria are sufficiently restrictive to "weed out" unacceptable applicants.

Reasonable job criteria are used in some areas of hire within the MPD. The driving record of an applicant is viewed along with other criteria. An applicant may have as many as ten points before he/she is disqualified. Further, an applicant's weight must be proportionate to his/her height. There is no maximum age requirement for applicants; however, this change has only recently been implemented.

The Metropolis Police Department currently accepts applicants with criminal records. It may be beneficial to conduct a study to see how these applicants have fared since their employment with the MPD and to review this hiring criterion in light of those findings. Further, in view of the number of 18-, 19-, and 20-year-old applicants, it may be advantageous for MPD recruiters to look at these applicants' juvenile records.

The written and oral examinations should be reviewed to determine if they measure the skills needed for policing or are

in fact based on the misconception so frequently held of the type of police work performed. A job-related written and oral examination could eliminate unacceptable applicants at a minimal cost to the police department.

This researcher encourages that greater emphasis be placed on the psychiatric examination. In recent years, tremendous progress has been made in this field. Several police agencies have achieved an excellent success rate in determining the most qualified applicants. The impetus is no longer on weeding out the undesirable applicants, but rather on hiring the best candidate.

The removal of the MPD's residency requirement would increase the pool of applicants and allow for recruits with a diverse social and cultural background to apply. MPD could still maintain a racial and gender balance by increasing the area from which it recruits. Application is further restricted by the requirement that recruits must reside in the city of Metropolis for sixty days before they may apply. Given the fact that the MPD does not hire for long periods of time in between hiring frenzies, a potential applicant must move into Metropolis with only the hope of being hired on the force.

A problem of increasing concern in the Metropolis Police Department is of drug use by MPD officers. In just a short period of time last year, 14 Metropolis officers were identified as cocaine or marijuana users. Five of the officers were assigned to the narcotics division. By comparison, in Miami--a city renowned for cocaine trafficking--13 officers have tested

positive for drugs in four years of department-wide random drug testing. Basically, drugs are an inner-city problem and the requirement that MPD officers and applicants reside in the city may explain the disproportionate number of officers that have been identified as users. A Board of Police Commissioners' report of last July stated that 30% of all applicants for the MPD failed the drug test and were automatically rejected. MPD hires one out of every 10 applicants. The disqualification of three out of those 10 applicants for drug use may make it necessary to lower other hiring standards in order to have a sufficient pool of candidates to choose from. The abolition of MPD's residency requirement may reduce the number of officers hired that use drugs, as well as increase the pool of qualified applicants.

Based upon the establishment of college as a BFOQ, it is reasonable to require that applicants for the MPD possess academic skills. However, in view of the current residency requirement and the poor educational system in the city of Metropolis, it is unlikely that MPD will adopt such a requirement in the near future.

Under the circumstances, it is more feasible to require that applicants be 21 years of age prior to employment with Metropolis Police Department. An increase in the age requirement to 21 would eliminate the high incidence of misconduct committed by officers under 21 as the findings of this study revealed. To encourage the professionalism of Metropolis police officers, this researcher recommends the



institution of tuition incentive programs. Currently, the MPD reimburses its member \$400 annually. A program could be implemented whereby officers are reimbursed for all college tuition as well as an increase in base salary commensurate with the completion of associate, bachelor, master's and doctorate degrees.

The Metropolis Police Department currently gives two points on a promotional test for a four-year college degree. However, due to the limited number of supervisory jobs inherent in most police departments, this provides incentive for only a few officers. Providing a base salary increase for all officers that complete a degree program may motivate those police officers that do not desire to become part of management but do, however, perform an equally important role as the foundation upon which the police department stands.

To make higher education available to officers that rotate shifts, an agreement could be reached with a local university to offer classes that rotate schedules which can correspond with an officer's rotating shift. That is, a class would meet in the morning when officers work midnights, and in the afternoon when the officers are assigned to the day shift.

The writer also recommends a change in the current practice of hiring a large number of officers in a short period of time. By spreading out the hiring process, the expense incurred could be absorbed over several fiscal budgets. Further, only the most qualified applicants would be hired and their progress carefully monitored to "cut short" the career of any officer who does

become involved in misconduct. (Recall the finding of this study which showed a recidivism rate of over 50%.)

Jim Fyfe stated, "Mass hiring and the loss of veteran police officers can dramatically alter the character of a police department. ... Ideally, police officers should be hired in small numbers." Fyfe further stated that big hiring drives often result in less emphasis on training recruits because the priority is "getting them on the street". "It becomes a matter of grabbing any warm body you can find." Fyfe stated that the hiring of officers en masse has caused problems in other departments. Fyfe cited the example of the Miami Police Department. Sixteen Miami officers, recruited during a 1980 drive that added 500 members to the force, later were charged with murder and stealing 900 pounds of cocaine.

Fyfe was also quoted as saying that affirmative action hiring programs are not to blame. Hiring large numbers of black officers during a recruiting drive is not the problem, but hiring unqualified recruits--black and white--often lead to more police crime.

At initial observation, the short-term benefits of hiring officers that are 18-, 19-, and 20-years-old look good. The short-term effects are reduced recruitment cost, applicants that are reflective of the community it serves, and officers who are available on short notice. However, police officers are an expensive commodity and must be viewed in light of the long-term investment. The high cost of training, the liability factor, as well as the professional demeanor required by the community far

exceed the short-term advantages of hiring young officers who are prone to misconduct.

Just as it may be difficult to measure in statistical terms the effectiveness of crime prevention programs (police presence, community relations, etc.), since the number of "crimes prevented" can only be estimated, the effectiveness of an improved hiring standard which incorporates a higher educational standard as well as implementing a minimum age requirement of 21 can be estimated to eliminate 14.5% of police officers who would be subject to misconduct procedures.

Preventative measures need to be instituted at the most critical point, which would be at the recruiting level, rather than attempting to ferret out problem employees who have become enmeshed within the system.

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