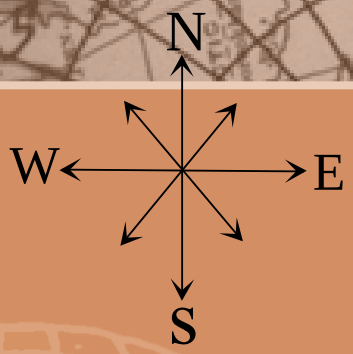
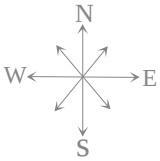


PART ONE:
Circumnavigation of Police Labor-Management Relations



PART ONE:
CIRCUMNAVIGATION OF POLICE LABOR-MANAGEMENT RELATIONS

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

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

- *Chapter 1* explains the environment that exists in every community and the special-interest groups in those communities attempting to influence law enforcement. The authors have identified the six spheres of influence—elected officials, government administrators, police management, police union, media, and general public—that make up the opinion leaders, power brokers, and decision makers in the community and the pressures on them to obtain their goals.

- *Chapter 2* is a brief history of American police labor-management relations. American policing has been controversial from its beginning and remains the focal point of controversy in every community. A crisis seems to erupt every day, followed by calls for change and reform of the law enforcement agency.

- *Chapter 3* outlines the similarities and contrasts between police labor-management relations in the United States and Australia. Australian policing is centralized in the states and territories, with a very small federal policing presence. Police labor-management relations are some of the best among westernized countries.

- *Chapter 4* outlines the similarities and contrasts between police labor-management relations in the United States and our neighbor to the north, Canada. The Canadian policing model relies heavily on the federal government to police the rural areas and to contract to police the provinces (states) and many municipalities. Canada has a model police labor relations system with very high national standards of policing.

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

- *Chapter 5* has a veteran police chief describing his experience as a police chief and what is required to survive in a political fishbowl. The reader is provided with pointers on how to be an ethical police chief and how to maintain a balanced life.

- *Chapter 6* was written by a veteran police union official who takes the reader through the competitive, hostile, and ever-changing police union environment. It is an in-depth look at how police unions have developed and how they have become political power brokers.

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

- *Chapter 7* gives the reader an academic overview of the selection and survival problems of America's police chiefs. The author is a distinguished professor who has been a high-ranking police official.

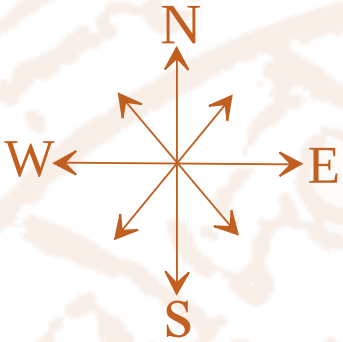
- *Chapter 8* looks at the cooperative police labor-management model. The police chief of one of America's largest cities describes how he has chosen to share power with the police union to build a professional police department.

- *Chapter 9* takes a more radical approach as an outside police chief tries to explain why his confrontational model was the only way to force reforms in the police department.

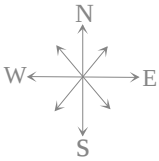
Section 4 presents a police union official at a major police department and a police political consultant discussing various aspects of police labor relations.

- *Chapter 10* goes inside the Los Angeles Police Department to discuss the union's viewpoint on why Police Chief Bernard Parks failed to achieve the changes he so desired when he was appointed to reform the police department.

- *Chapter 11* analyzes a public information campaign in Minneapolis by the police officers and a coalition of citizens to convince the mayor and city council to not reduce the number of officers in the 2005 budget.



SECTION ONE: AMERICAN POLICING: A CUSTOM SCHOONER



Chapter 1

UNDERSTANDING THE CROSSWINDS FROM THE COMMUNITY AS THEY AFFECT LAW ENFORCEMENT

By
Ronald G. DeLord
Jerry Sanders
Project Coordinators

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

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

"Change comes from power; and power comes from organization."

—Saul Alinsky

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

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

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

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

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

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

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

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

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

Elected officials

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

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

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

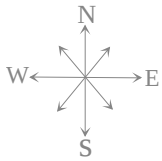


Diagram 1

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

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

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

Government Administrators

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

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

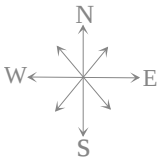
Add to the mix the demands of the elected officials working to allocate budgetary resources to organizations and residents in the districts they represent. Also bring in every politician who wishes to seek reelection who must be able to claim that he or she was able to spread government resources around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

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

Law Enforcement Executives

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

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



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

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

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

Police Unions

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

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

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

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

The Media

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

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

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

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

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

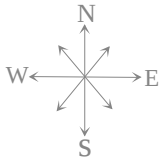
The battle over law enforcement issues is in the court of public opinion, and the media, by nature, are designed to sway that court. If the law enforcement union and executive have developed a relationship that allows them to work cooperatively during a crisis or controversy, the negative impact of the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

General Public

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

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

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



Chapter 2

AMERICAN POLICING: LAUNCHED IN CONTROVERSY AND STILL CONTROVERSIAL TODAY

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

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

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

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

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

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

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

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

Change and Reform Can Be Dirty Words

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

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

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

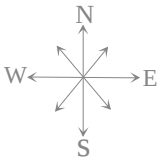
The Political Nature of Policing in the United States

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

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

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

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



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

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

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

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

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

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

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

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

The Changing Demographics of Policing

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

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

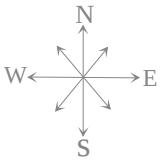
Most law enforcement union leadership positions are still dominated by white males. While more Latino and African-American men are becoming union presidents, it is extremely rare to see a female become president of a law enforcement union. Unions are being pressured from within to diversify leadership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

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

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

Conclusion

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



FIVE FACTS THAT MAKE A DIFFERENCE IN LABOR-MANAGEMENT RELATIONS

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

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

A Perspective from the Southern Ocean

Chapter 3

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

By
Mark Burgess, Chief Executive Officer
Police Federation of Australia

A Federation of States and a Federation of Police Associations

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

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

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

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

First Police Force Born Out of a Convict Settlement

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

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

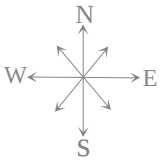
Formation of Police Associations and the Police Federation

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

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

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

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



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

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

Two-Tiered System of Representation

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

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

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

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

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

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

Strategic Plan

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

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

> *The PFA requires a strategy to increase its influence with the Federal Parliamentary and Government Process and thereby raising the profile and influence of affiliates within their own jurisdictions. In this context the "process" includes all elements of the Government, including the Opposition and the parties and individuals of the cross-benches, the Commonwealth bureaucracy, and extends to key members of the media and influential party figures external to the parliamentary process.*
>
> *The range of issues will include workplace relations, matters of a professional nature and broader community concerns of specific interest to policing.*
>
> *The long-term objective is to ensure that when any matter of interest to the profession is under consideration by Government or policy makers at the Federal level, the Federation is included in the consultative process.*

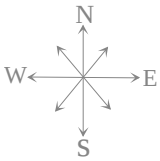
PFA's First Campaign

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

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

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

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



Police Associations and Police Reform

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

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

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

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

Broadening Police Union Agenda

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

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

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

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

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

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

Expanding the Notion of Professionalism

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

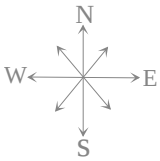
The PFA has realized the importance of ensuring that police officers play a significant role in shaping the future of the police profession. As a result, they conducted a "Future of the Police Profession" conference in early 2006. The conference, which originally was to be a joint conference between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

The conference addressed several key issues including the following:

- The role of police in a contemporary liberal democracy, which examined the philosophy and models of policing, the relationship of policing with other professions, and intergovernmental relations in policing

- The need to protect the independence and integrity of the office of constable by examining the role of private security and second-tier policing, the role of police unions, police oversight arrangements, and the politics of policing

- The identification of models for the strategic direction of the policing profession in Australia, including examining education issues, a possible police registration model, policing research, and the philosophy of separating the policing profession from the police employer.



Increasing Member Participation in Union Activities and Processes

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

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

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

Expanding the Research Capacity of Police Unions

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

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

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

Responding to the Challenges

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

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

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

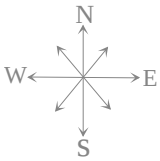
Third, the PFA has made an obligation to look beyond the relative privileged circumstances of police unions in Australia to consider the plight of police workers in other countries. In this regard, the PFA is committed to assisting fellow police members in the South Pacific to form strong and effective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

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

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

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

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



A Perspective from Northern Waters

Chapter 4

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

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

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

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

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

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

Policing in Canada

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

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

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

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

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

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

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

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

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

Police Labor Relations in Canada

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

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

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

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

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

Municipal, Provincial, and Federal Representation

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

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

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

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

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

The National Police Association Effort 1948-2003

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

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

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

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

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

Where Is the Contrast?

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

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

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

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

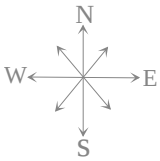
Canadian police unions are fortunate in having had an easier time of it than most American police officers and unions in organization, recognition, and the ability to bargain collectively. This is a direct consequence of our bargaining units affiliating into provincial and national associations. This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

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

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

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

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



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

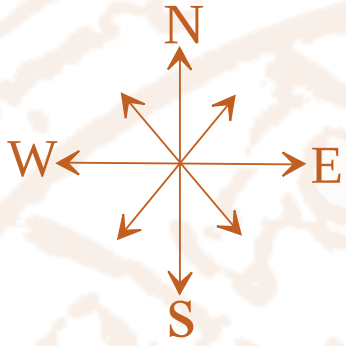
Policing in Canada is referred to as quasimilitary and indeed our federal and provincial forces can be classified as paramilitary. This can often be a root cause of labor relations problems in policing. These military overtones in structure and operations and military-like thinking by some middle managers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

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

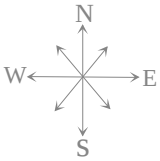
Until recently, Canadian police unions did not endorse political candidates or become openly involved election campaigns for any level of government. We, however, have a long history of getting involved in key issues like the repeal of capital punishment and changes to pension or taxation law. Real political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

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

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



SECTION TWO:
PERSPECTIVES FROM THE BRIDGE



The Police Chief's Role: Finding a Clear Channel

Chapter 5

THE POLICE CHIEF: HEAVEN OR HELL?

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

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

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

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

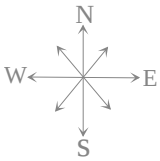
The causes of this stress are varied. Everyone is looking for the chief to make a mistake. In some cases, they may even set the chief up for failure. The union is one such group that may do just that. It is much easier being a leader without formal authority, such as a labor leader, because he or she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

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

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

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

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



Chapter 6

DISORGANIZED LABOR: THE MUTINOUS SIDE OF POLICE UNIONS

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

One Big Union for Firefighters

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

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

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

Disorganized Labor for Police Officers

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

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

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

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

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

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

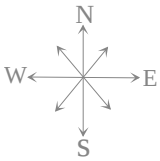
In 1969, 50 years after the Boston police strike, the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) received a request to charter a national police union. The AFL-CIO rejected the request because the same old hard feelings against the police still lingered. It was not until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

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

The Police Labor Movement Is a Maze of Different Union Affiliations

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

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



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

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

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

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

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

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

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

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

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

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

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

Why the discrepancy in the number of unionized police officers?

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

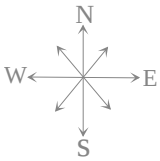
Second, on the national, state, and regional levels, membership inflation is not only common, but accepted. All unions, but especially national police unions, puff up their membership numbers without the least bit of guilt. More accurate membership numbers are found only when the union is representing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

The Police Labor Movement Is Extremely Competitive

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

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

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



- The Police Association of New Orleans (PANO) affiliated with the Teamsters Union, but after the disastrous 1979 police strike, disaffiliated and affiliated with SEIU. PANO later disaffiliated from SEIU and is independent today.

- Tucson police were affiliated with FOP for more than 20 years. A group of officers formed the independent Tucson Police Officers Association (TPOA) to challenge the FOP as the bargaining agent. The TPOA decided to affiliate with the NCPSO and won the decertification election.

- In Washington, D.C., police officers were affiliated with an independent police association. They disaffiliated and join the IBPO, then later voted to disaffiliate from the IBPO and join the FOP.

- In Cleveland, the independent Police Patrolmen's Association affiliated with the IUPA, disaffiliated, and years later re-affiliated.

- Orlando (Florida) police were represented by the IBPO. They disaffiliated and joined the independent Florida Police Benevolent Association, then disaffiliated and joined the FOP.

More Fragmentation: The Question of Supervisors and Dual Unionism

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

- In Los Angeles County, the nonsupervisory and supervisory unions are affiliated with different AFL-CIO unions. The Association for Los Angeles Deputy Sheriffs, which is affiliated with MEBA, represents rank-and-file deputy sheriffs. The Los Angeles County Professional Peace Officers Association, which is affiliated with the IUPA, represents sergeants and lieutenants.

- In Phoenix, the independent Law Enforcement Association (PLEA) represents all non-supervisors. Sergeants and Lieutenants formed a union and affiliated with the NCPSO. After getting their first contract, the union dropped its NCPSO affiliation and joined an independent state association associated with PLEA.

- In the New York City Police Department, patrol officers, detectives, sergeants, lieutenants, and captains have separate, independent unions.

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

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

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

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

Conclusion

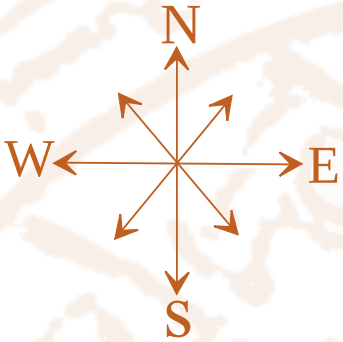
The concept of switching unions and having dual union membership creates an unhealthy atmosphere for police union leaders who fear that one misstep in dealing with the employer or management will cause dissident officers to start a drive to oust the union, not just the union president. The truth is that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

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

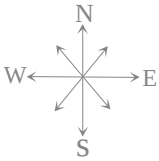
What does the future hold for police unions in the United States? A civil war cannot end without someone defeating the other side or the parties deciding to reunite. Under the current situation, no national union is going to defeat its competitors. The strife and turmoil will continue unless one or more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

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

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



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



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

Chapter 7

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

By
Dr. Sheldon Greenberg
Johns Hopkins University

"There isn't enough job security, money, or need within a city to make me want to be a chief of police again."

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

"There's no other job that compares. If you play it right, you come away with a feeling of doing good everyday."

—Chief of police on reappointment to his second term.

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

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

"Never ride the first car in the parade."

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

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

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

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

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

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

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

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

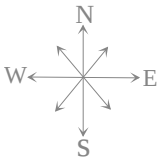
A couple of the positions were filled rapidly with the immediate appointment of an in-house deputy or assistant chief. In some of the others, officials expressed concern that their jurisdiction was not attracting a large number of qualified applicants. In a front-page article, a city council president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

Attracting and Shunning Candidates

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

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

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



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

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

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

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

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

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

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

Lack of Guidance in Achieving Success and Overcoming Problems

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

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

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

Mid-Term and Short-term Appointments

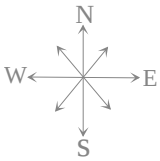
Candidates for chief of police and other political appointees want job security, just like the rest of us. A position that offers little or no hope of job security will not attract the best candidates. The phrase "serves at the pleasure of…" should not be synonymous with "insecurity."

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

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

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

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



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

Land Mines and Pitfalls

"The police view the public as the enemy."

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

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

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

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

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

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

• *Taking internal matters public*

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

• *Taking criticism and media reports personally*

"The media loves you or hates you. They hate me."

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

"I don't want every detail of my existence played out on the front page."

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

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

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

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

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

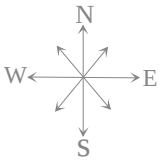
Some officials believe that harsh media scrutiny comes with the job. Others believe that chiefs get what they deserve. Some believe that the media strikes out at a chief who is not routinely forthcoming with information. Still others perceive that leaders suffer as a result of "post-Watergate journalism"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

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

• *Casual chiefing*

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

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



• *Giving up the ranch*

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

• *Integrity and moral behavior*

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

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

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

- A chief of police who sipped a glass of wine at an evening dinner where he was the main speaker was accused by the police union of drinking on duty. There was no ill intent or conscious ethical violation in this case. A member of the union videotaped the chief at the function. The story made the front page and it played out publicly as an ethics issue. The chief barely survived.

- Another chief of police used his departmental car to attend a political event. It violated the agency's policy. He argued that a lot was happening that evening and he had to have the car available. His response was fruitless. The incident received extensive play in the media and the chief resigned.

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

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

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

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

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

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

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

- *Failing to listen to supporters and dissenters*

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

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

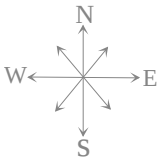
The chief who fails to listen to supporters and potential supporters sets the stage for a difficult tenure. According to retired Chief Neil Behan of the Baltimore County Police Department, the chief who fails to listen to his or her dissenters is equally doomed. He points out that dissenters have much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

- *Failing to gauge politics*

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

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

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



- Several chiefs of police who supported the ban on the import of assault weapons and the manufacture of "cop killer" bullets lost their jobs because their view created political upheaval. Their positions were filled by those who supported the prevailing political sentiment, but were not necessarily best qualified to be chief of police.

- Other chiefs of police have lost their jobs for far less noble reasons. They took a stand on an issue prematurely, and did not communicate with their appointing authority before going public. They assumed that their points were so logical that everyone would support it, but they underestimated the influence of special-interest groups or political backers who opposed their point of view.

- In a Midwest town, a chief of police referred to an underdeveloped area of the community as a "barren wasteland" that has no use and drains police resources unnecessarily. His comments were reported on the front page of the region's daily newspaper at the same time that his mayor was trying to land a deal with a developer to build a townhouse and apartment complex and a shopping center on the property. The wounds the comments caused never healed.

• *Riding the first car in the parade*

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

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

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

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

• *Statistical overkill*

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

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

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

Conclusion

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

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

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

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

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

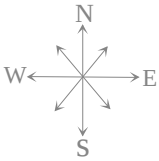
The jurisdiction doing the hiring must do more than usually occurs in a selection process if it hopes to attract the right candidates for the job. Extensive advertising and a good salary and benefits package are insufficient. Being honest about the agency and its issues, understanding the policing needs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

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

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

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

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



Getting Everyone On Board

Chapter 8

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

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

By
Shelly Wilkison

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

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

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

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

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

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

Paramount on the list was his relationship with labor.

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

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

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

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

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

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

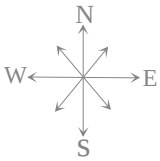
Chief Hurtt says the implementation of community policing programs throughout the country has contributed to the shift in power. By the very nature of their jobs and their regular exposure to residents in the neighborhoods under their watch, police officers have developed positive relationships, and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

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

Sharing the Power Makes Change More Effective

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Understanding Union Dynamics

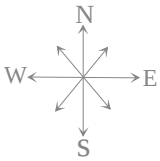
Management will be more successful in its relationship with union leaders when it reaches a better understanding of the dynamics of union governance and internal politics.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Dealing with the Administrative Challenges of Community Policing

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

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

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

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

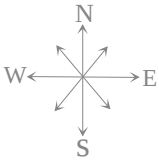
"So now that we have less money to work with, how does the chief go to the politicians and obtain the necessary funding?" he asked. "We have greater demand, more complex investigations, and increased numbers of employees due to COPS grant funding for more employees in the mid-1990s. We've eliminated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

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

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

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

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



Admiral Rickover or Captain Bly?

Chapter 9

A RADICAL APPROACH TO REFORM ANGERS POLICE UNIONS

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

By
Shelly Wilkison

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

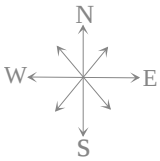
While new policies are certainly the subject of complaints throughout the ranks, it's the chief's public statements that seem to be the source of much of the discontent. He has stated he intends to fire "criminals" in the ranks, pointing to hundreds of unresolved cases in Internal Affairs, many of which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

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

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

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

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



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

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

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

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

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

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

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

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

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

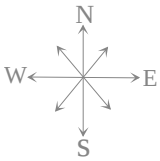
Chief Oliver, who started his police career in 1971 in the Phoenix Police Department and climbed the ranks to assistant chief before going on to serve as chief in Pasadena, California, and Richmond, Virginia, says he realizes the enormity of his reform plan and understands that change won't happen overnight.

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

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

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

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



FOR MORE INFORMATION ON THIS CHAPTER

For a chronological newspaper account of the events in this chapter, go to *The Detroit News* at www.detnews.com.

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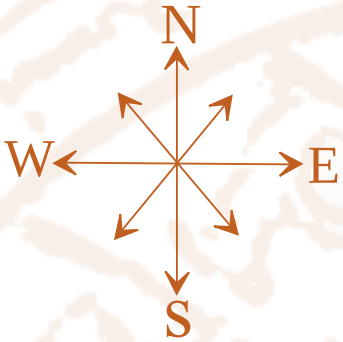
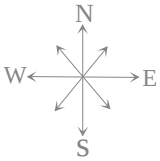


SECTION FOUR:
POLICE UNIONS: THE DREADNOUGHTS OF THE POLICE WORLD



Chapter 10

SYSTEMIC FAILURES: WHAT WAS WRONG WITH LAPD?

By
Ted Hunt, Secretary
Los Angeles Police Protective League

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

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

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

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

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

Results

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

Holding Officers Accountable Through Discipline and Firing Bad Cops

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

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

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

Building a New Department

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

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

- High attrition rate. When Chief Parks took over in mid-1997, there were approximately 10,000 officers. When he retired in mid-2002, there were approximately 8,300 officers.

- Inability to recruit new employees. In the mid-1990s, the LAPD would put recruit classes of 80 to 100 new officers into the Police Academy every month. By 2000, the LAPD could field recruit classes of 25 to 30 every third month. Moreover, the LAPD could not attract nonsworn employees either. The Report of the Rampart Independent Review Panel (November 2000) stated that there were approximately 600 to 800 vacant support positions in the LAPD.

- High injury and sick rate. The sick rate increased noticeably under Chief Parks' tenure. Particularly interesting was the increase in the number of officers taking bonding leave. Some 45 percent of these were male. No one can say definitively that officers were taking full advantage of their right to bonding leave to look for a position with another agency, but the inference is there. One need only look at the high number of young officers with children who left LAPD to come to that conclusion.

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

Lowering Crime and Keeping the City Safe

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

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

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

Cultural Change

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

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

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

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

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

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

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

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

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

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

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

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

Epilogue

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

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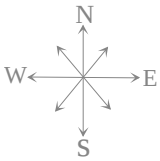


Chapter 11

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

By
Michael R. Shannon
Mandate Media

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

It was a dramatic turnaround from only a week before.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

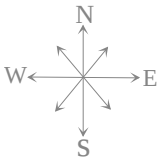
In the abstract this makes sense. In context it is lunacy. St. Paul suffered from the same budget cuts, yet enlightened leadership in the Twin City was adding police officers. Instead of budget cutting by decimation, the St. Paul mayor cut the fat and pumped up the muscle.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

The radio commercial we played for the assembled media began:

> *Minneapolis and St. Paul are the twin cities, but when it comes to violent crime — they're not so equal.*
>
> *In Minneapolis we have an almost one-third greater chance of being a victim. FBI statistics reveal 11.95 violent crimes per thousand residents, compared to St. Paul's 7.62.*
>
> *So what's the difference between the two cities — other than your chances of staying alive?*

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

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

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

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

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

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

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

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

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