THE PSYCHOLOGICAL ASSESSMENT OF CALIFORNIA LAW ENFORCEMENT INCUMBENTS BY THE YEAR 2001

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by

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COMMAND COLLEGE CLASS 14

PEACE OFFICER STANDARDS AND TRAINING

SACRAMENTO, CALIFORNIA JUNE 1992 This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the futurecreating it, constraining it, adapting to it. A futures study points the way.

The views and conclusions expressed in this Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).

"EVEN IN THIS AGE OF UNPRECEDENTED SCIENTIFIC

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ORGANIZATIONAL GOALS."

Industrial Relations Center The University of Chicago

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SACRAMENTO, CALIFORNIA
June 1992

EXECUTIVE SUMMARY

INTRODUCTION

The quality of California's peace officers has always been a concern to the public. In fact, efforts to ensure psychological suitability can be found near the turn of the century. As society changes and California grows, the role of the peace officer becomes much more complex. Recognizing the need to eliminate those applicants who are not suited, California has mandated that law enforcement agencies psychologically screen all peace officer applicants.

But is this screening alone enough? Is it sufficient to "screen out" undesirable candidates rather than "selecting in" those with desired qualifications and psychological characteristics? There is a growing body of evidence which indicates that time and experiences change the psychological condition of an individual. Acts of misconduct, increased job dissatisfaction and the number of stress-related disabilities force law enforcement administrators to ask whether all is being done to ensure the psychological suitability of incumbent peace officers.

SECTION ONE: DEFINING THE FUTURE

The main issue of this study is: What will be the status of psychological suitability assessment for law enforcement incumbents by the year 2001? Three sub-issues which are closely related were selected: 1) What will be the status of periodic/random psychological testing for incumbent officers? What will be the status of psychological evaluation for incumbents after defined, pre-determined events? and 3) What will be the status of personal privacy rights regarding psychological assessment? Utilizing a futures forecasting technique, experts in the field forecasted specific trends and events over the next ten years. Seven significant trends which emerged for further consideration included: public scrutiny of police decisions/actions; ensuring suitability standards are job-related; availability of suitable recruits; job stressors/level of stress retirements; periodic reassessment of psychological fitness; level of event-driven mandates; and

availability of advanced technology. Significant events which surfaced were: specific/reliable and valid test; officer involved in adverse event; legislation mandates annual testing; reduction in funding; interactive psychological test; and incident-driven fitness evaluations. These trends and events were then incorporated into three distinct scenarios. The normative scenario, or desired future state, was selected for further consideration.

SECTION TWO: STRATEGIC PLANNING

The desired future state is identified through the use of a mission statement. The California Highway Patrol (CHP) is used only as a model for consideration in this study, with ramifications for all of California law enforcement. move in the desired direction, those individuals, or stakeholders, with a vested interest in the issue and related sub-issues must be identified and their present attitudes assessed. Additionally, the CHP's ability, resources, strengths and weaknesses must be evaluated as well as external threats and opportunities. An alternative is developed which establishes a two-tier program for testing incumbent officers. Under this program, current incumbents are protected through rehabilitation and/or disability retirement while officers hired after the implementation date who fail psychological reassessment will be dismissed.

SECTION THREE: TRANSITION MANAGEMENT

That period of time between now and the desired future is known as the transition state. It is neither present nor future in itself and needs to be carefully managed if there is any hope of modifying the status quo. There are key individuals or positions whose commitment to the future state must be secured in order for it to be achieved. These individuals are known as the critical mass and they represent a full range of interests, attitudes and They include the Commissioner of the CHP, the president of the CAHP, the Director of DPA, a leader of a major community advocacy group, ACLU chief counsel or designee and an executive officer of CPA. The key to a successful transition is the effective management of these individuals. A project manager from within the CHP is designated as the project manager. Present levels of commitment to the desired change are assessed as well as the necessary level of commitment necessary to accomplish a successful transition. Finally, responsibilities are assigned to each of the critical mass through the use of a responsibility chart and a mechanism is established for the regular evaluation of progress.

SECTION FOUR: CONCLUSIONS, RECOMMENDATIONS AND FUTURE IMPLICATIONS

What is the future of enhanced psychological assessment of incumbent peace officers? Can the desired future state truly be

attained now or in the near future? There are many significant issues to be considered before any change can be made to the current instruments, techniques and/or situations when psychological assessment can be utilized. This study concludes that the desired future state is truly attainable. However, there is little hope for a scientific breakthrough either by the identification of a "police profile" or through the development of scientifically valid and reliable test to determine suitability in the foreseeable future. Additionally, there are labor relations concerns and legal questions which will be difficult to overcome. An event or series of events could be the catalyst to overcome these impediments. There is a question whether or not this threshold has yet been reached. enforcement administrator has available to him/her now mechanisms to help ensure better suitability. One law enforcement psychologist proposes a model for consideration. Remarkably, this model does not include a periodic or random assessment. While the normative scenario may not be attainable by the year 2001, proper utilization of existing techniques can yield a better suited officer while at the same time protecting the interests of the employing agencies and the public they serve. Failure of law enforcement administrators to do so will certainly result in charges of negligent retention or supervision and subject agencies to civil liability.

However, hope should not be abandoned. Agency managers should remain ever alert to opportunities to explore new techniques for psychological assessment. Additionally, they should start now to lay the foundation with the stakeholders and critical mass so that when the time is right, the strategic plan can be implemented and a transition management structure established.

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INTRODUCTION:

A review of the development of psychological assessment and how it has been applied by law enforcement to determine suitability.

SECTION ONE: DEFINING THE FUTURE

What will be the status of psychological assessment for law enforcement incumbents by the year 2001? A study of where we are going.

SECTION TWO: STRATEGIC PLANNING

A strategic plan for implementing the psychological assessment of incumbent officers in California utilizing the California Highway Patrol as a model.

SECTION THREE: TRANSITION MANAGEMENT

A description of the transition management plan and structure necessary to effectuate a change in the status quo.

SECTION FOUR: CONCLUSIONS, RECOMMENDATIONS AND FUTURE IMPLICATIONS To test or not to test - that is the question. A study conclusion with specific recommendations and implications for the future.

INTRODUCTION

A review of the development of psychological assessment and how it has been applied by law enforcement to determine suitability.

INTRODUCTION

The citizens of California have always been concerned with the caliber of men and women selected and retained as peace officers. While the perfect "profile" for a peace officer has been elusive, the basic cornerstones of integrity, good judgment, emotional stability and compassion are well established. Entry-level written examinations, personal interviews, background investigations and psychological screening have been employed as traditional techniques to roughly define the parameters of an individual's personality and to determine whether there is a conflict with the general profile. To date, this is the level of sophistication relied upon by major California law enforcement agencies.

With increasing regularity, there are media reports of police misconduct, sometimes of unbelievable proportions. In addition, peace officers appear to be experiencing a higher level of job burnout and an increase in the number of stress disabilities. There is also substantial evidence to indicate that an individual's psychological "condition" changes over time. Further, while techniques such as psychological screening are beneficial, they "screen out" individuals rather than "selecting them in."

Law enforcement administrators must ask themselves whether all is being done to protect the interests of both their departments and the public they serve if psychological assessment is limited only to preemployment situations. This paper will study the issue as it could affect the California Highway Patrol (CHP), with implications for the California law enforcement community collectively. The ultimate goal is to provide an intelligent foundation for the development of policies to deal with the assessment of incumbent officers in a changing California.

BACKGROUND

Public interest in the psychological condition of law enforcement personnel is not something new. "Many actions of police officers are of a discretionary nature, and the impact they can have on individuals and society is potentially significant and irreversible."1 Therefore, attempts to determine the "mental" suitability of peace officers in California were made as early as 1917. While these early tests were only attempts to determine the relationship between intelligence quotient and those involved in law enforcement, they nevertheless indicate concern by turn-of-the-century society with the caliber of its peace makers.

In the 1930's, two researchers from the University of Minnesota embarked upon a study primarily designed to diagnose "constitutional psychopathic inferiors." Their research led to the development of a test which "came to be seen as an aid in determining levels of psychiatric impairment and changes in conditions over time..."2 This paper and pencil test, the Minnesota Multiphasic Personality Inventory (MMPI), was published in 1943 and has since become "the most widely used objective personality inventory in the world."3

Since its publication during World War II, the MMPI was administered without revision until 1989 when it was revised significantly. Serious concerns had surfaced regarding the original standardization sample of individuals upon which the norms were developed. Specifically, researchers feared the original sample was not truly representative of the US population. The sample was gathered by convenience rather than by background. Most were individuals visiting friends or relatives at the University of Minnesota Hospital, high school students attending precollege conferences or medical patients from the University hospital itself. The original sample was all white and drawn only from the Minneapolis area. In

addition to this, researchers were concerned "that the average American citizen had changed since the normative data were collected in the late 1930's."4

Based upon the aforementioned, a decision was made by a special committee to revise the test instrument and to gather new normative sample data. However, every effort was made to maintain continuity with the original MMPI. The subsequent test, the MMPI-2, was based upon a population sample from seven different geographic locations within the US. The new sample included minorities as well. "Clearly, the normative sample for the revised MMPI is more representative of the general population than was Hathaway's original sample."5 It was also determined that a large number of the test questions should be modified or eliminated.

With few exceptions, the MMPI/MMPI-2 and perhaps an interview with a trained professional are the mainstay of law enforcement's entry-level psychological assessment today. According to the Commission on Peace Officer Standards and Training (POST), "(t)he goal of psychological screening is to predict future behavior."6 Yet, "there is agreement among authors...that the current state of the art in psychological assessment favors a focus upon 'screening out' individuals with problems rather than 'selecting in' individuals with desirable traits."7

In a 1989 survey of the California Peace Officers Association's Psychological Services Committee members and associates, 100% of the survey respondents (23) indicated that they felt "candidate/organization climate 'matching' is an important part of the (promotional) process."8 It can be reasonably inferred from this that there would have been similar agreement that this "matching" should occur at the entry level as well.

"Although the use of preemployment psychological evaluation has become widespread, little research has been conducted relating decisions of psychological suitability to subsequent performance. "9 Dr. Edward E. Shev, a San Francisco psychiatrist who assisted several California law enforcement agencies establish psychiatric evaluation programs over the last few decades, "believes that 35% of all police officers in California are psychologically unfit for police work, and that the number is even higher in other parts of the United States, especially in large-city police departments."10 As recently as 1990, Lawrence A. Bennett, Director, Adjudication and Corrections Division, National Institute of Justice, warned "(p) sychologists must start now to conduct the job analyses necessary to determine what kinds of personality characteristics are most closely related to successful functioning in each of the areas of (law enforcement) specialization."11

"A common question in the literature on law enforcement psychology has been, 'Is there a police personality?' Writers and researchers have addressed the question in different ways, coming to contradictory conclusions."12 While numerous studies have been conducted over the years to identify "the police personality," none has provided validated results. "Because there is no valid psychological profile of what a successful police applicant should look like, the approach has been to screen out those considered emotionally unfit to function as a police officer rather than trying to select in those who have the desired personality traits and aptitudes."13

Paper/pencil assessments and interviews are, therefore, designed to eliminate candidates with psychopathology at the entry level. Experts agree that the psychological profile of an individual can change over time. One law enforcement psychologist interviewed by this researcher estimates the validity of the entry-level MMPI to be approximately six

months. Beyond this, another expert claims "the psychological life span of an officer is considered to be only seven to ten years."14 If this is in fact true, then an individual's suitability as a law enforcement officer may change as well. Since this is possible, what attempts are being made to identify those officers who are no longer suited for their occupational role as a peace officer?

"Recent court decisions have held law enforcement administrators responsible for the negligent acts of their subordinates when, in the opinion of the courts, they have been psychologically unfit for the job of police work."15 Law enforcement across the nation is shifting its focus from simply attempting to apprehend perpetrators to dealing with the underlying causes of crime. "It is clear that as police work becomes more complex, a simple 'yes/no' screening process can no longer be considered adequate."16

Experts have recently recognized that rather than a single law enforcement personality, there may be "differing law enforcement roles." For this reason, some departments psychologically assess incumbents before moving them into highly specialized assignments such as SWAT or vice. This is an acknowledgment by law enforcement administrators that there truly are differing roles.

Beyond this evaluation of incumbents, any psychological assessment of officers already employed seems to be reserved to fitness-for-duty examinations. "Drug and alcohol abuse, obvious emotional disturbance, violence or threats of violence, poor judgment and abuse of authority are among the reasons for fitness-for-duty concerns. In addition, extremely stressful events (e.g., shootings, exceptionally brutal homicides, deaths of children) should result in counseling-evaluation sessions aimed, in part, at determining the officer's fitness to return to the street."17 Government Code Section 19253.5 gives the

appointing power the authority to "require an employee to submit to a medical examination by a physician or physicians...to evaluate the capacity of the employee to perform the work of his or her position."

"The fitness-for-duty evaluation is a disability evaluation...A key difference between a disability evaluation and other kinds of psychological examinations is that the issue is very narrowly defined: can this person do that job...safely?"18 Even though many law enforcement agencies are plagued by problems related to emotional fitness, few have formalized procedures to deal with the need.

Additionally, "inadequately screened officers are more likely to take early disability and retirement for both physical and psychological stress..."19 It has been estimated that a disability retirement costs an agency in excess of \$700,000 over the life of the retiree. A review of disability retirements for the CHP for the period 1975-1990, revealed that stress-related disabilities accounted for approximately 17-39% of all disabilities in a given year.

"As our society becomes increasingly urbanized and complex, the amount of stress on public safety employees grows, and the ability to make correct decisions in difficult situations becomes increasingly important."20 In addition to increased stress levels, these changes can lead to "long-range psychological burnout." This burnout could possibly be reduced by better matches between assignments and individual officers.

In the wake of the Rodney King beating in Los Angeles,
California in March of 1991, a report of the Independent
Commission on the Los Angeles Police Department was prepared.
Among other things, the Commission concluded that "(p)olice
work modifies behavior. Many emotional and psychological

problems may develop during an officer's tenure on the force.

Officers may enter the force well suited psychologically for the job, but may suffer from burnout, alcohol-related problems, cynicism, or disenchantments, all of which can result in poor control over behavior."21

The conclusions drawn by the Commission appear to be logical ones in light of the aforementioned background. Yet, this researcher was unable to find a California law enforcement agency which administers a periodic or random psychological assessment of incumbent officers. The courts are telling law enforcement administrators that "if an officer's behavior warrants concern, the postponement of an evaluation may lead to even more serious problems for the law enforcement agency, the officer himself and, at times, the community itself."22

Utilizing futures research techniques, this study will explore the identified issue: "What will be the status of psychological suitability assessment for law enforcement incumbents by the year 2001?" After an examination of possible trends and events associated with this issue and related sub-issues, a strategic plan and transition management structure will be detailed. This researcher will then draw conclusions from the study and list specific recommendations for law enforcement administrators as well as identifying possible implications for the future.

SECTION ONE: DEFINING THE FUTURE

What will be the status of psychological assessment for law enforcement incumbents by the year 2001? A study of where we are going.

DEFINING THE FUTURE

Before any futures study can take place, the general subject area of psychological assessment must be limited by defining a specific issue for exploration. In order to identify issues and graphically depict their relationships, a futures wheel was developed (Appendix A). Out of this exercise, a single significant issue with three closely related sub-issues emerged. The criteria for selecting the main issue to be examined in this study were the tremendous impact it could have upon not only the CHP but all of California law enforcement and the ability to address it in some type of articulable policy. The issue selected for this study is as follows:

What will be the status of psychological suitability assessment for law enforcement incumbents by the year 2001?

After research into the main issue, the following closely related sub-issues were developed and refined:

What will be the status of periodic/random psychological testing for incumbent officers?

What will be the status of psychological evaluation for incumbents after defined, pre-determined events?

What will be the status of personal privacy rights regarding psychological assessment?

Trend/Event Identification

In order to brainstorm, develop trends and events which may affect the issue/sub-issues and to evaluate the resulting trends and events, a forecasting group process was employed. A panel of seven individuals with expertise in the field of psychological evaluation and/or personnel selection practices

was assembled for this purpose (Appendix B). In addition to sworn law enforcement personnel, participants were selected from outside of the law enforcement community in an attempt to balance the responses. Care was given to define the terms "trend" and "event" in detail. The panel was encouraged to be open-minded and to project occurrences over the next ten years rather than focusing on current trends and events.

The panel developed a rank-ordered list of trends and events which it believed would have an impact upon the identified issue and sub-issues. Each trend and event was thoroughly discussed to ensure understanding (Appendix C and Appendix D).

Target Trend Identification

The panel was asked to evaluate the value of having good long range forecasts for the top 12 trends which had been selected (Appendix E). After a thorough discussion, the panel voted on the seven top trends. The two criteria for voting were the potential impact upon the issue/sub-issues and the value of developing policies to address the identified trends. The following seven trends were selected as target trends:

- Public scrutiny of police decisions/actions The level of the public's interest in and concern for police activities. This trend includes such things as pressure for civilian review boards and the desire to have a say in who will be the top administrators of an agency.
- Ensuring suitability standards are job related Standards used to evaluate the suitability of an individual must be job related.
- 3. Availability of suitable recruits This trend involves the level of available recruits suitable for a career in law enforcement.
- 4. <u>Job stressors/level of stress retirements</u> The number and intensity of job stressors and the corresponding number of stress related retirements.

- 5. <u>Periodic reassessment of psychological fitness</u> This trend involves the level of post-screening psychological evaluations which are performed on incumbent officers.
- 6. <u>Level of event-driven mandates</u> The number and effect of mandates resulting from police misconduct.
- 7. Availability of advanced technology This trend involves the type and application of advanced technology to determine psychological fitness with high validity and reliability.

Event Selection

After discussion to ensure a clear understanding of the identified events, the panel voted to determine which events would have the greatest potential impact upon the issue/sub-issues and if they could be affected by policy. The following six events surfaced as the most significant and were selected for further consideration:

- 1. Development of a police-specific psychological test which is scientifically valid and reliable This test would replace existing screening/selection techniques which consist of pencil/paper exercises and interviews. The panel believed that the development of a validated test would have the single most significant impact upon the issue/sub-issues.
- 2. Psychologically screened officer involved in an adverse event Entry-level screening is the technique most often utilized by departments conducting psychological evaluations. The involvement of one such officer in a significant adverse event would point to the relative value of preemployment screening and may impact the manner in which this technique is viewed.
- 3. Legislation mandating annual psychological testing for incumbent officers Just as with substance testing, the panel believed a mandated psychological evaluation would have a marked impact upon the issue/sub-issues.
- Reduction in funding A significant reduction at the department or program level.
- 5. Development of an interactive psychological test Rather than evaluating an individual's suitability utilizing conventional techniques, the panel believed a validated interactive test involving role-playing, video and/or virtual reality technology would provide a more accurate assessment of psychological suitability.

6. <u>Incident-driven fitness evaluations</u> - Officers involved in specific incidents, such as combat shootings or excessive force arrests, would be required to submit to a psychological fitness evaluation whether or not there were psychological indications such as aberrant behavior.

Trend Forecasting

With the targeted trends identified, the panel was asked to estimate past and future shifts in these trends in relation to their levels today. The participants worked individually to provide an assessment of the trend levels five years ago and then to predict where these levels "will be" five and ten years into the future (nominal). Next, the panel was asked to assess where it would "like to see" these levels five and ten years from now (normative). The individual results were consolidated and the median estimates identified (Table 1). The responses were graphed to illustrate the magnitude of the estimated and predicted changes in the targeted trends, both nominally and normatively (Appendix F).

Trend Forecast Interpretation

An evaluation of the median data developed by the panel yields interpretations about the level of the trends over a 15-year period.

- 1. Public scrutiny of police decisions/actions While the public has always expressed interest in and has sometimes been critical of police decisions/actions, the panel believed the level of this scrutiny five years ago was only 60% of what we see today. The panel forecasted this level of scrutiny to increase to 50% above today's level in five years, then fall back to a level of 20% above today ten years from now. This increased public scrutiny could help to pave the way for enhanced assessment of incumbents. While the expectation is the level of scrutiny will be above today's experience, the panel's normative forecast was that it should be below today's level.
- 2. Ensuring suitability standards are job related The panel believed that efforts to ensure standards used to determine

suitability are job related was only half the level five years ago than it is today. There will be an increased emphasis on this relationship and the level will rise another 50% in five years where it will plateau. Because of privacy and employment rights interests, expanded assessment of incumbents would encounter challenges by the courts and advocacy groups. The panel normatively forecasted that the level should remain unchanged through the end of the century.

- 3. Availability of suitable recruits According to the panel, the pool of qualified candidates is unchanged over levels five years ago and will remain so until 1996. The forecast was then for a 5% reduction in this level. If there is a reduction in the availability of suitable candidates, then accurate psychological assessment of applicants and incumbents becomes even more critical. In its normative forecast, the panel agreed with the five year level but wanted to see a 50% increase in ten years.
- 4. Job stressors/level of stress retirements The panel forecasted an increase in stressors and associated retirements of 50% in five years and a level twice today's ten years from now. The panel estimated the level five years ago to be half what it is today. As the level of stressors is projected to steadily increase, so must concern for the psychological condition of incumbents. The normative forecast was for levels below those experienced today with a ten-year level of 75%.
- 5. Periodic reassessment of psychological fitness The panel estimated the level five years ago to be only 5% what it is today. Levels in five and ten years were forecasted to be 20% and 80% above today's level. The panel believed these levels should also be above today's with forecasted increases of 30% and 50% respectively.
- 6. Level of event-driven mandates Five years ago, the estimated level for this trend was 70% of today's level. The panel forecasted the level to double today's experience in ten years with half of the increase in five years in response to adverse publicity, job burnout and stress-related disabilities. Normatively, the panel forecasted a reduction to a level half of today's in ten years.
- 7. Availability of advanced technology While the panel estimated technology to be at a level of 60% today's level five years ago, it forecasted only a moderate increase over the next ten years to a level of 35% above today's. The panel would like to see technology advance at a rate slightly above where it is forecasted to move.

TABLE 1 -TREND EVALUATION

| | TREND STATEMENT (Abbreviated) | LEVEL OF THE TREND ** (Today = 100) | | | | | | | |
|-------|--|--|--------|-----------------------|-------------------------|--|--|--|--|
| Trend | | 5 Years Ago | Textay | * Five years from now | • Ten years from now | | | | |
| 1 | Public scrutiny of police decisions/actions | 60 | 100 | 150 90 | 120 | | | | |
| 2 | Ensuring suitability standards are job-related | 50 | 100 | 150 | 150 100 | | | | |
| 3 | Availability of suitable recruits | 100 | 100 | 100 | 75 150 | | | | |
| 4 | Job stressors/level of stress retirements | 50 | 100 | 150 90 | 200 75 | | | | |
| 5 | Periodic reassessment of psychological fitness | 5 | 100 | 120 | 180 | | | | |
| 6 | Level of event-driven mandates | 70 | 100 | 150 80 | 200 50 | | | | |
| 7 | Availability of advanced technology | 60 | 100 | 110 | 135 150 | | | | |
| | | | 100 | | | | | | |
| | | | 100 | | | | | | |
| | | | 100 | | | | | | |

** Panel Medians

N = 7

* Five years
from now
"will be"
"should be"

* Ten years
from now
"will be"

Will be

"should be"

Event Forecasting

Participants were asked to forecast how far into the future they envisioned the targeted events taking place. They were asked to identify that moment when the probability for occurrence first exceeds zero and to provide estimates of probability for each event's occurrence five and ten years from now. The panel was advised that a forecast of zero on the probability scale means the event will probably not occur while a forecast of 100 means the event will probably happen. The range of responses available for review in Appendix G. The median responses (Table 2) have been graphed to illustrate the panel's forecast of the probability for each event's occurrence during the next ten years (Appendix H). In addition to forecasting the probability of occurrence, the panel was asked to assess the positive and/or negative impacts upon law enforcement if the events actually occurred (Table 2).

Event Forecast Interpretation

- 1. Development of a police-specific psychological test which is scientifically valid and reliable The panel does not foresee this event beginning to occur until about four years from now and then with a relatively low probability at five years. The positive expected value for this event is 720 and the negative is 180. Should this occur as forecasted, it would have a very significant positive impact upon the issue and sub-issues.
- 2. Psychologically screened officer involved in an adverse event The panel forecasted the probability of this event occurring to begin at about two years with both positive and negative values of 500. While the event might support the need to assess incumbents, it also reflects negatively upon law enforcement.
- 3. Legislation mandating annual psychological testing for incumbent officers The number of years before the probability of this event occurring was forecasted to be four with a very small probability at the five-year mark. The positive expected value for this event is 600 and the negative is 500. Once again, this is a positive step toward incumbent testing but it would probably result from a negative event or concern over the caliber of officer serving the public.

- 4. Reduction in funding This was forecasted to be a very real event with probability first exceeding zero at one year. The panel could see no positive value and an expected negative value of 1,000. Without necessary funding, it would be extremely difficult to move from status quo.
- 5. Development of an interactive psychological test This was another event which the panel forecasted the probability to first exceed zero at about four years. The assigned expected positive value was 900 with a negative expected value of 0. The panel believed that the development of a validated interactive process to replace paper and pencil instruments would have the highest positive impact upon the issue and sub-issues.
- 6. <u>Incident-driven fitness evaluations</u> The panel forecasted the probability of this event first occurring to be in two years. The positive expected value for this event is 630 and the negative expected value is 270.

Cross-impact Evaluation

Utilizing a consensus panel of three consultants, a cross-impact evaluation matrix was prepared to assess the potential impact each forecasted event would have upon each other event and upon the targeted trends. If an event was determined to have a cross-impact, the consultants forecasted the level of impact each event would have by indicating a positive or negative percentage change. The predicted number of years until the impact will reach its maximum influence was also forecasted (Table 3).

An analysis of the cross impacts yields a number of significant actors and reactors.

Significant Actors

An adverse event involving a psychologically screened officer influenced 12 other events/trends (E2). Incident-driven mandates imposed upon law enforcement impacted ten other events/trends (E6).

The analysis revealed that these two events individually or collectively would have the greatest impact upon the issue and sub-issues. In one instance, law enforcement may be pressured into modifying its current method of psychological assessment while in the other it would be mandated to do so by those outside of the law enforcement community.

TABLE 2 - EVENT EVALUATION

| | | • YEARS UNTIL | • PROBA | BILITY | IMPACT ON THE ISSUE AREA IFTHE EVENT OCCURRED | | |
|-------|-------------------------------------|---|-------------------------------------|------------------------------------|--|----------------------------|--|
| Event | EVENT STATEMENT | PROBAUIL- ITY FIRST EXCEEDS ZERO | Five Years From Now (0-100 %) | Ten Years From Now ((1-100%) | • POSITIVE (0-10 scale) | • NEGATIVE (0-10 scale) | |
| 1 | Specific/Reliable and Valid Test | 4 | 25 | 90 | 8 | 2 | |
| 2 | Officer Involved in Adverse Event | 2 | 100 | 100 | 5 | 5 | |
| 3 | Legislation Mandates Annual Testing | 4 | 10 | 100 | 6 | 5 | |
| 4 | Reduction in Funding | 1 | 100 | 100 | 0 | 10 | |
| 5 | Interactive Psychological Test | 4 | 30 | 100 | 9 | 0 | |
| 6 | Incident-Driven Fitness Evaluations | 2 | 50 | 90 | 7 | 3 | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Panel Medians

Significant Reactors

The development of advanced technology was impacted by six events (T7).

The level of job stressors/stress retirements was influenced by five events (T4).

The development of a police-specific test which is scientifically reliable and validated was impacted by five other events as was incident-driven mandates (E1 and E6).

In order to impact the issue and sub-issues, these reactors must be given careful consideration as they are influenced by a number of other trends and/or events. As with the actors, the future of the issue and sub-issues will hinge on them.

Scenarios

By applying the forecasts developed by the panel, three possible scenarios emerge by the year 2001. The exploratory mode is "surprise free" while the normative mode is one that is desired and hopefully attainable. The final scenario, the hypothetical mode, is a "what if" look into the future.

Exploratory Mode

For several years, there had been allegations by individuals and advocacy groups of inappropriate conduct by police officers. The Rodney King beating in Los Angeles in 1991, and the Thomas Thorne death while in police custody in the fall of 1992, catapulted the concern over officer conduct to a new level of consciousness and public scrutiny. While the involved departments were busy conducting personnel investigations, others quickly began to evaluate their policies and procedures in an attempt to prevent similar incidents from occurring in their jurisdictions.

In addition to enforcement policies, these departments began to examine selection criteria to see if there were any procedures which could be implemented to identify potential "abusers" before incidents occurred rather than simply administering

TABLE 3 - CROSS IMPACT EVALUATION

| | | | MATRIX Consensus Panel - N = 3 | | | | | | | Maximum Impact (% change ±) Years to Maximum | | | | |
|-----------|----------|----------|--------------------------------|-----------------|------------|-----------------|-------|-------|-----------------|--|------------|-----|-------|------------|
| 44 | Ei | E2 | E3 | E4 | E 5 | E6 | E7 TI | T2 | Т3 | 74 | Т5 | Т6 | | TOT |
| El | | -60/3 | -20/5 | +30/3 | | +494 | -20 | 5 | +90/1 | -40/5 | +30/3 | | +206 | EI |
| | +90 | | +70 | +30 | +10 | +60 | +30 | +50 | -20 | +20 | +30 | +80 | +10 | |
| E2 | <u> </u> | | <u>/ 3</u> | <u> </u> | <u>/8</u> | 24 | | | <u>_1</u> | <u>/5</u> | <u>/ 6</u> | | 7 | E2 |
| E3 | +90 | -50 8 | | +70 | | $\frac{-25}{7}$ | | +20/9 | | +15/1 | +70 | | +20/5 | E 3 |
| E4 | +20 | | | | | +10/5 | | +20/5 | | +15/3 | | -20 | -30/3 | E |
| E5 | +40/4 | -50 | | | | -30/7 | | | | | | | +25/ | E |
| E6 | +30 | -30 | +40/5 | $\frac{-20}{5}$ | | | +30 | +40/5 | $\frac{-10}{3}$ | +25/4 | +30/5 | • | +10/ | E |

| "IMI" | 'nυ | I LU | UΙ | ALS | | |
|-------|-----|------|--------|-----|--|--|
| | | | | | | |
| | | | | | | |

| | | | | | | | T2 T3 | | | |
|---|---|---|----|---|----|-----------|--------|-----|---|---|
| 5 | 4 | 3 | 4_ | 1 | _5 | _3 | _4 _3_ | 5 4 | 2 | Ĺ |

** Legend

El Specific/Reliable Test E5

Interactive Test

Tl Public Scrutiny

T5 Periodic Reassess

E2 Adverse Event

Incident-Driven Mandat 72 Job Related Standards

T6 Event-Driven Manda

E3 Annual Testing

E7

T3 Suitable Recruits

77 Advanced Technolog

E4 Reduction in Funding

T4 Job Stressors

discipline after the fact. Law enforcement agencies in California, including the CHP, had already implemented some type of psychological screening at the entry level as mandated by law. In fact, some of the officers involved in the Thorne incident had been psychologically screened. This raised a concern over the validity of entry-level screening in properly assessing the suitability of an individual for law enforcement. This concern was heightened by what appeared to be a trend over the last two decades of increased job burnout and stress-related retirements.

In the spring of 1993, the California Peace Officers' Association (CPOA) decided to study the issue of psychological assessment of <u>incumbent</u> officers. This was a relatively unexplored area as current assessment was only at the entry level. Since the CHP had both a departmental psychologist and physician, and was peripherally involved in one of the incidents, it was asked to do much of the research.

By winter of 1993, the full impact of the State's budget problems had been realized. The State's problem was also affecting the fiscal well-being of local jurisdictions. By late 1993, much of the public outcry over both incidents had subsided. Since these incidents, there had been no further publicized situations involving gross police officer misconduct. Most departments had strengthened their statements of ethical conduct and publicly proclaimed that any inappropriate conduct by their officers would not be tolerated.

The officers charged in both the King and Thorne incidents were convicted either in local or federal court for their misconduct. The urgency to explore the area of incumbent testing dwindled and in December 1993, CPOA "temporarily" postponed its study. It cited "the need to judiciously administer public funds" as the reason.

Departments individually focused on refining their training programs and placed a greater emphasis upon their background investigation and field training processes. It was hoped that when the budget pendulum swung back to a time of plenty near the end of the century, technology would have advanced to a point where a police-specific psychological selection method could be developed. Until that time, police administrators held their breaths and ensured their budgets contained increased funds to deal with civil liability claims.

Normative Mode

In February 1993, an officer from the Oak Creek Police Department was video taped committing a sexual assault on a motorist he had stopped while on duty. The public outcry over police misconduct, which had subsided substantially during the previous year, was instant and united. Something had to be done about the quality of individual selected for law enforcement.

This outcry, coupled with mounting pressure from elected officials, caused police administrators to scramble as they were forced to consider what precautions could be taken to preclude similar incidents from occurring in the future. The CHP established a committee to consider the benefit and legality of psychologically evaluating incumbent officers. Up until that time, only applicants were evaluated, and they were only "screened" out rather than being "selected" in.

In early 1994, the CHP concluded its study recommending the psychological evaluation of incumbent officers under specific circumstances, arguing that the psychological and emotional make-up of an individual changes over time. The response from the police union was a legal challenge to the department's proposed policy. Seeking injunctive relief, the union claimed a violation of due process and the US Constitution.

After years of legal challenges, and another video taped incident of police misconduct in late 1998, the US Supreme Court ruled it was appropriate for an agency employing peace officers to "periodically" assess the suitability of its officers as the "safety of the public outweighed the privacy interests of the individual officers." In 2001, the California State Legislature sent a bill to the Governor's office for signature which mandated annual evaluation of all peace officers as defined by the Penal Code. The bill was signed and passed into law.

Hypothetical Mode

In a major scientific breakthrough, Genetic Engineering of America (GEA) identified an economical and scientifically reliable way of isolating psychopathology utilizing DNA typing of biological material. Late in 1995, GEA announced a positive test to detect not only psychopathology but also to job-match personalities. In independent laboratory studies during the spring and summer of 1996, results seemed to corroborate GEA claims.

Anxious to apply this new technology, law enforcement administrators from seven of California's major law enforcement agencies developed a personality profile for the "ideal" police officer. This profile was immediately applied to all applicants who were already required to give blood for a preemployment physical. After four years, the results of tracking studies involving the officers who had been selected by profile were remarkable. Incidents involving inappropriate conduct were down 92% over similar officers who were hired but not profiled only one year earlier. Additionally, there appeared to be a greater job satisfaction among these officers and 32% fewer stress-related disability claims.

In spite of cost, the decision of the CHP was to extend this

technology to incumbent officers. In an agreement with the police union, the profile would become a minimum job standard for officers hired on or after January 1, 2001. Incumbent officers who did not match the job profile would not lose their jobs unless the test revealed psychopathology or there was a mismatch in three or more of the seven "essential professional characteristics." This was heralded as the final solution to police misconduct, job burnout and the inordinate number of stress-related disabilities. There were some, however, who insisted it just moved these problems from one profession to another, from the police officer to the genetic engineer.

In order to construct a viable strategic plan, this researcher selected the normative scenario for further consideration and development.

SECTION TWO: STRATEGIC PLANNING

A strategic plan for implementing the psychological assessment of incumbent officers in California utilizing the California Highway Patrol as a model.

STRATEGIC MANAGEMENT PLAN

Mission Statement

To properly evaluate the impact of the issue and sub-issues on the CHP, it is necessary to identify overall, long range objectives in psychological assessment. An effective means of stating these objectives is through a mission statement. The following mission statement was developed for analysis:

As a major California law enforcement agency, the CHP is committed to selecting and retaining only the most qualified individuals to perform peace officer duties. It is a primary mission of the Department to ensure that the psychological suitability of all applicants is consistent with these high standards and that the suitability of incumbent peace officers be periodically reevaluated in order to maintain these same standards. This will be accomplished by:

- o Developing a job-related psychological profile, with acceptable variances, which each applicant and incumbent must meet <u>and</u> maintain.
- o Applying the latest technologies and medical information to determine psychological suitability.
- o "Selecting in" applicants rather than merely "screening them out."
- o Periodically reassessing the psychological suitability of incumbent peace officers on a random basis or after predetermined events.

Situational Analysis

The initial phase of this analysis is an examination of the the external influences which either threaten the mission as stated or positively impact the Department's ability to affect the desired change. The second phase is an internal evaluation of the Department's strengths and weaknesses. Three law enforcement managers (two of them CHP) met and a consensus was reached on both the external and internal influences deemed to be significant. Among them, a number of the identified trends and events will either enhance or impede the ability of the CHP to achieve the stated mission. The following were determined to

be opportunities because they tend to support the mission as stated:

Opportunities

- o The public's desire for the most qualified officers.
- o Mandates to improve the selection process.
- o Availability of advanced technologies.
- o CHP is a specially funded agency.
- o Need to reduce the number and amount of civil awards.
- o Current receptiveness of elected officials to make changes.
- o Legislation mandating periodic/random testing.
- o Other types of periodic/random testing (e.g. drug testing) and their success against legal challenge.

Influences which do not appear to support the mission statement or appear to advocate status quo are considered to be threats and include:

Threats

- o Certain advocacy groups desiring to become involved in the decision-making process including policy determination and selection of police administrators.
- o The availability of suitable recruits.
- o The absence of performance data on individuals "screened out" at the entry-level.
- o The current lack of a police-specific, scientifically reliable and validated test for psychological suitability.
- o Jurisdictional/mission differences between departments which may not be properly addressed by a single "profile."
- o The State's fiscal condition.
- o Reduced departmental funding.
- o The cost of testing.
- o Opposition by employee organizations attempting to protect the privacy interests of their members.

An analysis of these opportunities and threats reveals that while the public has always expressed interest and concern over the caliber of its peace officers, recent events point to the need for ongoing monitoring of an incumbent's suitability for law enforcement. This enhanced concern could also manifest itself in various mandates which would force the law enforcement community to take action in this direction. There are, however,

drawbacks which cannot be overlooked. While the public would like to see change, some advocacy groups want to be actively involved in the decision-making process. Additionally, the pool of "qualified" recruits is dwindling as the baby boomer generation ages while the competition for suitable candidates is steadily increasing.

Even though there have been significant advances in technology, there is not yet a police-specific, scientifically reliable and validated method for determining psychological suitability. With the current technological generation being approximately 18 months, this goal appears to be attainable in the foreseeable future <u>if</u> appropriate emphasis and adequate funding could be directed toward the effort.

While there may be arguments between economists about the actual state of the economy, there is little doubt that revenues for government in California are not what they were projected to be. This has resulted in drastic measures such as lay offs, program cuts and employee benefit reductions in the public sector. This does not appear to be a climate for the introduction of any new program requiring a substantial amount of research and new funding. However, the CHP is not a generally funded agency.

There are those who would clearly support a modification to the selection/suitability assessment process and those who would vehemently oppose it. Elected officials should mirror the attitudes of their constituency while the employee organizations would fight to protect the privacy interests of their members. Both the public and the labor organizations can exert pressure upon the Legislature, county boards and city councils to enact rules and regulations which could either mandate action or prohibit it with regard to psychological assessment.

Organizational Capability

Any complete analysis must consider the capability of the CHP, and the law enforcement community in general, to fulfill the mission from an organizational point of view. The Department has strengths and weaknesses which will enhance or restrict its ability to respond to the identified opportunities and threats.

One of the Department's strengths is that it already has pre-employment psychological screening in place which has been approved by the State Personnel Board (SPB) to be job-related. The CHP also has a staff psychologist and physician to oversee this and any other psychological suitability assessment program. As resident experts in the field of psychological and medical evaluations, they have already developed a variety of valuable contacts outside of the Department. Conversely, one of the Department's greatest weaknesses is that it only utilizes traditional instruments to "screen out" unsuitable candidates. It has never assessed incumbent officers for psychological suitability except for an occasional fitness-for-duty examination.

Another strength of the Department is its reputation as a leader in the law enforcement community and the relationships it has throughout the nation. There is a tremendous amount of knowledge and expertise available to the Department should a decision be made to embark upon a new program. Just as with the .40 caliber automatic weapon and Ford Mustang patrol vehicles, the private sector knows that if it can provide state-of-the-art service to the CHP, other agencies will be standing in line. major drawback to the Department is also this very situation. The Department is often approached by the private sector to test or validate products (such as space blankets and urine disposal bags) and/or hypotheses which may be of little value to law enforcement. In addition, the public sector bureaucracy often impedes access to the latest technologies.

While these are major strengths and weaknesses of the Department, they are by no means the only ones. In addition to those previously mentioned, the CHP has the following strengths and weaknesses:

Strengths

- o The CHP has a full-time representative assigned to the legislature and an office which deals exclusively with labor relations issues.
- o The Department has experience with the validation process through programs such as the Physical Performance Program.
- o The CHP has an annual budget in excess of 1/2 billion dollars.
- o Departmental representatives occupy key roles in a variety of multi-agency organizations.
- o The CHP has its own legal unit in addition to representation provided by the Attorney General.
- o The CHP has its own academy which provides cadet training as well as in-service training for incumbent officers and supervisors.

Weaknesses

- o The CHP is a statewide organization with a wide range of local performance needs and expectations.
- o While the Department has a significant budget, the budget cycle is 18-24 months and requests for expenditure are subject to approval by the Department of Finance, the Legislature and the Governor.
- o Changes in working conditions are subject to the Dills Act which requires collective bargaining.
- o A poor fiscal climate may restrict or prohibit any change at this time or in the near future.

Any consideration of strategies to accomplish the identified mission must also include an evaluation of these strengths and weaknesses as well as a review of the stakeholders.

Stakeholder Analysis

In order to properly assess the impact and feasibility of modifying psychological suitability assessment techniques, it is essential that those with a vested interest, or stakeholders, be identified. Some of these stakeholders are quite obvious while

others may be only peripherally involved. While every effort can be made to identify all of the "affected" parties, the possibility exists that someone will be overlooked. This analysis attempted to identify one such party who might surface and radically impact the strategy. In addition to the identification of the stakeholders, the assumptions which they might hold are included.

1. CHP and Other Agencies

- a. With an increase in the number of requests for adverse action, the number of stress-related retirements, increased job burnout and greater competition for a dwindling pool of qualified candidates, the present method of screening out unsuitable candidates is inadequate.
- b. Life experiences, stress and personal situations can change psychological suitability over time.
- c. There is a need to monitor the psychological suitability of all peace officers on an ongoing basis.

2. Community Advocacy Groups

- a. There are peace officers who are totally unsuited for law enforcement. They are corrupt and insensitive to the needs of the citizens they serve.
- b. A way to ensure a "better" police department is to become personally involved in its decision-making process and to have an oversight role with the authority to dictate change.
- c. The actions of a law enforcement agency can be affected through political pressures.

3. State Legislature, County Boards and City Councils

- a. There are times when it is appropriate to mandate or prohibit actions of law enforcement through legislation.
- b. On any issue involving such actions, there will be pressure from <u>both</u> advocacy groups and labor unions. The need to balance the pressures from both sides of the issue against personal motivations will influence positions.
- c. It seems reasonable to support any process which would enhance the caliber of peace officer.
- 4. Commission on Peace Officer Standards and Training (POST)
 - a. Law enforcement should have the highest caliber of individual available.

b. There should be some single standard for psychological suitability applied to all California peace officers with acceptable variances for specific job functions (i.e. SWAT, vice, etc.).

c. POST would be the most logical body to establish these standards and to monitor compliance.

5. American Civil Liberties Union (ACLU)

- a. Psychological assessment instruments discriminate against minorities.
- b. Because of subjectivity, this procedure could be used by management to disadvantage minorities.
- c. Peace officers should be hired from the community in which they work or at least accurately reflect the ethnicity of that community.

6. Employee Unions

- a. Any psychological assessment of incumbent officers violates due process and the individuals' privacy rights.
- b. Incumbent testing is a collective bargaining issue which cannot be administered unless it is specifically negotiated.
- c. Any new program should protect peace officers already employed and should be applied only to those hired after the procedure is put into place.

7. Scientific Community

- a. There are currently no scientifically reliable, validated tests to determine overall psychological suitability for law enforcement.
- b. Current instruments are little refined since their original development but society has changed dramatically.
- c. If it were made fiscally attractive enough (large grants or lucrative consulting fees), this could become a priority and new technologies could be explored.

8. Independent Consultants

- a. Scientific data must be interpreted and applied to real world situations.
- b. Most law enformement agencies do not have staff psychologists or trained clinicians necessary to administer a program of this complexity.
- c. It is important to remain current on any new developments and to develop relationships with law enforcement administrators.

9. Courts

a. Any program which is legal and does not violate an

- individual's constitutional rights is appropriate.
 b. There are other similar issues (i.e. drug testing)
 which have been heard by the Supreme Court which have
 provided direction should psychological assessment be
 challenged.
- 10. Department of Personnel Administration (DPA)
 - a. Speaks on behalf of the Governor in collective bargaining (State's chief negotiator) and other personnel issues.
 - b. Has the authority to issue direction to the CHP and other State departments/agencies.

The relative importance and certainty of each assumption is graphically displayed utilizing an assumption map (Illustration 1).

ILLUSTRATION I

ASSUMPTION MAP

CERTAIN 6b 9ь 1b 10 24 3b 2c 44 7a 10b 7b 91 10a 3a 3c 4b la 86 **VERY** 8c 8a IMPORTANT UNIMPORTANT 2b 4c Sb ба 6c 7c Sc

UNCERTAIN

The stakeholders appear to fall roughly into three separate groupings, those that support the mission, those that oppose it and those whose position will fluctuate depending upon other influences. The groupings are as follows:

Support

CHP/Local Law Enforcement Community Advocacy Groups POST Independent Consultants

Oppose

ACLU Employee Unions

Unknown

State Legislature, County Boards and City Councils Scientific Community Courts
DPA

DPA has been identified because of its ability to have a radical impact upon any plan developed. Because it speaks for the Governor and carries authority to direct others, any plan could be foiled or modified with DPA's involvement. Even if all other stakeholders reached agreement, DPA could attempt to negotiate a different program. As the Governor's representative on personnel matters, DPA could convince the Governor that the program was not in the best interest of the State and kill it at the bargaining table. DPA has relationships with the employee unions and the Legislature as well. It is unknown to what extent DPA could use these relationships to serve its own purpose. Finally, local personnel officers would probably look to DPA for direction as they considered any program modification in their local jurisdictions.

<u>Developing Alternative Strategies</u>

Utilizing the modified delphi process, alternative strategies were identified. Eight individuals with expertise in the field of personnel selection practices and/or psychological evaluation techniques were asked to generate alternate strategies to

accomplish the identified mission (Appendix H). Utilizing a consensus group of three individuals, the strategies were then rated to determine the top three which would be considered for further discussion and analysis (Appendix I).

Alternative #1 - Recognizing that the union will strongly oppose any impact on incumbent officers, the Department develops a two tier program where incumbents are protected. New employees hired after the program change will be subject to dismissal while incumbent officers who fail to maintain the standard will be offered rehabilitation or medical retirement.

Major California law enforcement agencies do not currently assess incumbent officers on a random or periodic basis for psychological suitability. After passing the entry-level psychological screening, an officer's only other assessment of psychological "condition" or "well being" would probably occur during a fitness-for-duty examination. Such an examination is generally reserved for those occasions when the officer's physical ability to perform all required tasks is questioned. Because of aberrant behavior, psychological condition has occasionally been assessed as well. However, this is on an exception basis and is triggered usually by bizarre behavior such as threatening to take the life of a supervisor.

Any periodic or random assessment of incumbent officers, therefore, would be a change to the terms and conditions of employment making the program a negotiable issue. It would be necessary to gain the union's support for any such program. As an exclusive representative for the officers, the union must protect the officers' interests and would object to any program which unreasonably impacted its members.

The strategy of developing a two tier system to provide a measure of protection to the incumbent officers would appear to have the following advantages:

o It protects incumbent officers from termination.

o It should permit the Department to initiate ongoing assessment if agreed to by the union.

o It would identify many of those officers who are no longer psychologically suited for law enforcement.

o It would provide for rehabilitation of incumbents or the benefit of a medical retirement.

o It should reduce the number of incidents involving inappropriate conduct which would influence the number of civil claims against the Department.

o It should reduce the number of disability retirements and job burnout.

While there are a number of apparent advantages to this strategy, there also appear to be the following disadvantages:

o The union could possibly reject the proposal.

o An officer who is clearly unsuited could remain a Departmental employee during rehabilitation. At the conclusion of any rehabilitation program, there must be a period of performance reassessment to determine whether or not the officer is truly rehabilitated. This could place the Department in a position of liability should anything go wrong.

o There is the potential for disparate treatment between officers performing the same duties should some be protected from termination while others are not.

o There is a significant cost associated with rehabilitation and/or disability retirement.

Generally, the vast majority of the stakeholders should support this strategy if the union agreed to it. With this agreement, necessary regulations could be developed through the legislative process. Advocacy groups would be supportive if the end result was a reduction in inappropriate conduct. With the proper financial support, the scientific community could be dispatched to begin work in the development of test protocol. If there were to be opposition to this strategy, it would probably come from the ACLU which would argue that any psychological assessment would discriminate against minorities.

Alternative #2 - The CHP tests incumbent officers who manifest desirable characteristics to develop job-related standards. The officers' identities would be confidential and no action would be taken if a problem was detected.

There are many CHP officers performing their duties admirably

without any evidence of misconduct or extraordinary stress. If these officers could be psychologically evaluated, a "profile" might emerge to which other applicants and officers could be compared. If this profile or job standard could be validated as job-related, then there would be a law enforcement specific assessment instrument that could replace general-population instruments currently being used.

There appear to be several advantages to this strategy which include:

- o There should be some measurable relationship between officers who have performed successfully in a law enforcement environment and their psychological "profile."
- o The absence of undesirable behavior should tend to validate the common, suitable characteristics as job-related.
- o These tests would reinforce some of the desirable characteristics that we now seek in candidates.
- o The confidentiality of the assessment information would probably result in more accurate data.
- o Good officers would be protected should a psychological problem be detected.

This strategy could also have the following shortcomings:

- o "Desirable characteristics" are subjective.
- o If a psychological problem were to be detected, no action could be taken and the officer would become a potential liability.
- o The results of the assessment could be too general to make them job-related.
- o The assessment results are subject to interpretation.
- o Past attempts to define a "police personality" have not been validated or promising.

The identified stakeholders would probably also support this strategy. It would be difficult to argue against the logic that we want all officers to perform as well as our best officers and then attempt to determine what all of these officers have in common. If there were to be a dissenting voice, it would probably focus on the subjectivity of the entire strategy. Specifically, who determines what is desirable performance? The advocacy groups and the ACLU may disagree with law enforcement

administrators. If a common thread appears between test subjects, how will it be interpreted and by whom? How will a "standard" accommodate local needs, differences in agency missions and specialized assignments? The union will again seek to ensure the protection of its members' jobs and privacy rights but may not be able to come out against any reasonable and lawful means to improve the quality of peace officers.

Alternative #3 - The Department tracks all officers who have been psychologically screened to determine how future actions of the officers relate to the test results. The purpose would be to narrow the band of acceptable responses to general-population instruments such as the MMPI/MMPI-2.

Since the introduction of the Department's psychological screening in the early 1980's, many officers now functioning in a field environment were psychologically "evaluated" as applicants. If all of these officers were tracked, it would be possible to compare actions against test responses to see if there are any relationships. Current screening techniques are not law enforcement specific. The same instruments used to test general populations are used to screen law enforcement applicants. Yet, there appears to be a desire to establish a higher standard for law enforcement personnel. A comprehensive correlation study could help to narrow the band of acceptable responses so that while a response would be acceptable for a member of the general population, it would not be so of a law enforcement applicant or incumbent.

Like the other strategies examined so far, this one also appears to have some advantages:

- o The officers can be identified.
- o Most inappropriate action is documented.
- o This could result in more specific criteria which is law enforcement specific.

It also appears to have the following disadvantages:

o The psychological condition changes over time and the results of an earlier screening process may no longer be valid.

- o This strategy relies upon traditional assessment instruments.
- o Since the screening process does not determine suitability, the data may mean little.
- o The results of the psychological screen are confidential.
- o Subsequent performance of those who were psychologically disqualified at the entry level is not available for comparison.

Several stakeholders would probably support this strategy as it appears to be only an analysis of existing information. No incumbent officer would be subject to an assessment and there do not appear to be any collective bargaining concerns. This strategy is also well meaning since the desired outcome is a better officer. The scientific community and others may object, however, to the use of old data. As indicated earlier, one psychologist believes the "shelf life" of a psychological evaluation may be no more than six months. Under this strategy, actions would be compared to test results which could be as old as ten years. Additionally, advocacy groups and the ACLU may argue that they want immediate action and not just another "year-long study."

Alternative Selection

All three alternative strategies have strengths and weaknesses. It would be difficult to implement only one of the strategies to the exclusion of the others because of their apparent interrelationship. For the purposes of the remainder of this analysis, key elements of Alternatives #1 and #2 will be merged to form the following strategy:

The CHP assesses incumbent officers who manifest desirable characteristics utilizing traditional instruments as well as newly developed methods to develop job-related standards. After these standards are established, the Department begins psychologically assessing incumbent officers. Recognizing that the union will strongly oppose any impact on incumbent officers, the Department develops a two-tier program where incumbents who are assessed as not meeting the established standards will be rehabilitated and/or medically retired. Officers hired after the program

begins will be subject to dismissal for failing to maintain the psychological suitability standards.

This strategy is really a hybrid of two of the top alternative strategies with the introduction of new technologies which was an element of another top alternative strategy. The selection of this as the final strategy is driven by the relatively high ratings and the feasibility of employing the strategy in the foreseeable future if the needs of the stakeholders can be met. Because of the departure from established practices, it further reflects the need to implement the program in stages.

Implementation Plan

Prior to initiating this strategy, and ultimately negotiating its acceptance, it is necessary to develop an implementation plan.

The plan has four major components:

- o Research, instrument development, assessment, data analysis and validation.
- o Negotiating the program with the union.
- o Securing necessary statutory authority.
- o Implementing the program.

These broad components have a variety of sub-components which must be accomplished in order for the overall strategy to be successful. The first component would require the greatest amount of time. This is the program development stage with the ultimate goal of establishing validated psychological suitability standards. The Department's Personnel and Training Division (P&TD) would take the lead role in this endeavor. Under the direction of the Departmental psychologist, individual officers would be selected for evaluation utilizing traditional instruments. Concurrent with this evaluation would be the application of new techniques such as interactive video, role playing and virtual reality techniques. A secondary goal would be to validate newer technology for future use.

After all of the assessment results are gathered, the data must be analyzed to identify relationships between responses and desired behavior. Once these are established, the Department must publish the results and interpretations, subjecting them to the scrutiny of the scientific community and SPB for validation as being job-related. Because of the complexity and critical nature, it would be unreasonable to assume that this single component could be accomplished in less that 24-36 months.

The next component begins with a notice to the California Association of Highway Patrolmen (CAHP) that the Department has a compelling operational need to modify the terms and conditions of employment. Under the Ralph C. Dills Act, the State would be obligated to negotiate the change. This aspect of the implementation plan would be accomplished by the Department's Office of Employee Relations (OER). These negotiations could take six months or more depending upon the term of any existing labor agreement.

The third major component involves securing the necessary statutory authority to implement the program. The CHP has a special representative to the Legislature which would seek to move necessary legislation. P&TD would interface with both POST and SPB to develop test standards and protocol while OER would work with DPA to make necessary modifications to State personnel rules and regulations. Depending upon the Legislative session, this component could be accomplished in 6-12 months.

The final implementation plan component involves the program implementation itself. Again, P&TD would take a lead role in disseminating necessary information about test procedures to affected individuals. The Departmental psychologist would coordinate the administration of the assessment instruments and response analysis. Disability and Retirement Section, in conjunction with the Commissioner's Office and Bureau of Internal Affairs (BIA), would coordinate rehabilitation, medical

retirements and dismissal actions as necessary. It is conceivable that the first assessments of incumbents could begin 5-6 years of initiating the implementation plan.

NEGOTIATING ACCEPTANCE OF STRATEGY

Negotiating acceptance is a <u>critical</u> element to the success of the selected strategy. As indicated earlier, this strategy involves a significant modification to the terms and conditions of employment and a departure from traditional techniques. Should negotiations fail at any level of the implementation plan, the strategy as indicated could be in serious jeopardy.

<u>Proponent's Position - (CHP)</u>

The key elements of the strategy from the proponent's point of view are establishing validated psychological standards, securing the necessary contractual and statutory authority to assess incumbent officers and gaining the ability to take administrative action against incumbents who do not meet or maintain the established standards. Without these three key elements, the strategy as described could not be fully employed.

While the assessment itself is designed to include new instruments, this alone would not doom the overall program. If only traditional techniques were utilized, it may be possible to still establish standards. The proponent also has room for movement in the area of test administration. The stated strategy calls for an assessment of incumbents on a periodic basis as well as after certain predetermined incidents. If it were only possible to negotiate an incident-driven assessment, the proponent would still be well ahead of the current process.

Finally, the time line for implementation of this strategy is

fluid. The sooner the complete strategy can be implemented, the faster the detection of the unsuitable officers. However, each step of the implementation plan will yield benefits and satisfy certain stakeholders. The proponent cannot lose sight of the fact that the magnitude of this program will have long lasting impacts on the quality of law enforcement and the investment of necessary time will be rewarded.

Stakeholders' Positions

For this aspect of the analysis, only five other stakeholders were identified. Each of these will have positions with flexibility and others where there will be no movement. The stakeholders follow with their positions and rationale.

Community Advocacy Groups - These stakeholders would hold firm on the development of psychological standards and the implementation of a meaningful program in a reasonable amount of time. These individuals would want to see results in the officers working their communities as soon as possible. They would probably be somewhat flexible on the means for determining psychological suitability and may vacillate on the fate of incumbents who fail to meet these standards so long as there was no discrimination. Their primary motivation is to have a professional Department with officers who recognize their needs and will treat them with respect and dignity.

Employee Union - As discussed earlier, this stakeholder must protect the privacy rights and employment interests its members. It will hold firm on protection for incumbent officers, validated standards and confidentiality of information. The union will also hold firm that this is a negotiable issue and no action can be taken without appropriate authority. There will probably be flexibility in the instruments used, so long as the standards derived from them are validated, and the time frames for complete implementation of the program.

Scientific Community - This stakeholder must remain firm on the need for validated results. With the tremendous amount of subjectivity in psychological assessment, and the potential for civil liability, this stakeholder will be extremely cautious before committing. If permitted, this stakeholder would probably willingly extend time frames for

implementation of the program. The administrative action taken against incumbents would probably be too remote for initial consideration until such time as assessment results were challenged.

Courts - This stakeholder would be absolutely unmovable on the issue of contractual and statutory authority as well as validated psychological standards. There would probably be flexibility in the instruments used to develop the standards and the two-tier system for administrative action. Privacy rights of the individual would be paramount until the compelling needs of the government could be demonstrated.

<u>DPA</u> - This stakeholder could support or oppose the program. As the Governor's representative and the State's chief negotiator, DPA would remain firm on appropriate authorities. DPA could foil an attempt to negotiate the program with the CAHP if this jeopardized other aspects of collective bargaining. Other elements of the strategy would probably be viewed with a certain amount of flexibility. The main concern of this stakeholder would be the impact on other bargaining units and the cost of the program.

Negotiating Strategy

Any negotiating strategy must consider the interests of each stakeholder. The strategy's proponent should approach the negotiations with an overall strategy of mutual gain. The proponent could frame the issue in such a manner that each stakeholder would be able to claim that a major portion of its initial concerns were addressed and that all would ultimately benefit from the implementation of the strategy. Utilizing psychological influence, the proponent could gain an advantage by listening not only to ideas but also feelings and commitments to certain positions. This negotiating strategy would be particularly effective with the advocacy groups.

Probably the most effective strategy when negotiating with the union would be accommodation. Starting with mutual gain arguments, the proponent would attempt to accommodate the union's concern for the welfare of its incumbent members. This is the primary reason for a two-tier strategy in the first

place. Without the union's support, the strategy could not be implemented. However, the union may not be able to come out in complete opposition to a program designed to enhance the caliber of officer.

In dealing with the scientific community, courts and DPA, the strategy of rationality would probably yield the greatest results. Because of their logical reasoning, the proponent would be best served by filling information gaps and developing expertise in the area of psychological assessment.

The proponent must realize that each side has multiple interests and that the most powerful interests are the basic human needs. During negotiations, the focus should be on the problem and what the proposed strategy is designed to achieve. The proponent will be dealing with influential stakeholders who may have significant emotional investments in the negotiations. It is, therefore, critical that the emphasis be on the issue and not the people. The greatest success for implementing this strategy would probably come through the approach that "we have a rare opportunity to impact our own community and together we can improve the caliber of peace officer serving us all."

<u>ADMINISTRATION</u>

The administration of such a program would be vested with the CHP. However, a variety of resources and authorities outside of the Department would play critical roles in implementing the strategy, evaluating its progress and deciding its ultimate future. If the plan could be implemented as written, the future of this Department, and perhaps the law enforcement community as a whole, would yield a better suited peace officer, a potential reduction in disability retirements, more job satisfaction and fewer acts of misconduct.

SECTION THREE: TRANSITION MANAGEMENT

A description of the transition management plan and structure necessary to effectuate a change in the status quo.

TRANSITION MANAGEMENT

It will be necessary to develop a specific transition management plan in order to successfully manage the transition from today's condition to the desired future condition. This plan will consist of an identification of the key players, a description of the management structure necessary to facilitate the transition and an identification of the available technologies/methods which can be employed to support implementation of the plan.

Identifying Critical Mass

The critical mass is defined as those key individuals (or positions) who, if actively in support of the change, can ensure that it will take place. By inference these are the same individuals who, if opposed to the change, can most likely make it fail. These should not be confused with the larger, more general, group of stakeholders. Rather, they are the individuals with the necessary influence to deliver the stakeholders and to actually affect the desired change.

After a careful assessment of the proposed strategic plan, the following individuals/positions emerged as the critical mass:

- o Commissioner of the CHP
- o President of the CAHP
- o Director of DPA
- o Leader of a major community advocacy group
- o ACLU chief counsel, or designee
- o An executive officer from the California Psychological Association (CPA)

Before developing a transition management plan, the <u>present</u> commitment of each key individual to the proposed strategy must be assessed. Additionally, the <u>projected</u> commitment each must have, at a minimum, for a successful transition must be determined. Illustration 2 visually depicts these commitments along with the necessary direction of movement between present

and projected commitment levels for each member of the critical mass.

ILLUSTRATION 2

COMMITMENT CHART

| CRITICAL MASS | BLOCK CHANGE | LET CHANGE | HELP CHANGE HAPPEN | Make Change Happen |
|------------------|-----------------|---------------|-----------------------|-----------------------|
| COMMISS. | | x | | →> 0 |
| САНР | x | > o | | |
| DPA | | x | > o | |
| COMMUNITY | | | 0← | X |
| ACLU | x | > 0 | | |
| СРА | | x | →> 0 | |

X - PRESENT COMMITMENT

O - PROJECTED COMMITMENT

The following is an analysis of present and projected commitment levels for each member of the critical mass. Some approaches which might be employed to affect the necessary changes in commitment levels are also discussed.

Commissioner of the CHP - As Commissioner, this member of the critical mass directs all of the activities of the Department. The proposed strategy will require the involvement of several elements of the Department working in concert. Because of the coordination required between

elements, the expenditure of funds and interaction with the Legislature, CAHP and DPA, the Commissioner is in the best position to deliver these individual elements. Elements of the Department necessary to accomplish the transition include P&TD, OER, Office of the Special Representative, BIA and Budget Section.

The Commissioner's present level of commitment is probably to permit the change to happen. This commitment level must be enhanced to making the change happen. An approach to facilitate this change in commitment would be to demonstrate the reasons for the need through an analysis of public attitudes, existing practices, available technologies and medical research, adverse actions, citizens' complaints, disability retirements, early retirements and civil judgments against the Department. If the Commissioner could be convinced that the strategy is something the majority of stakeholders desire and that the outcome will be a more qualified officer who will provide an enhanced service to the public, it should be feasible to gain the new level of commitment.

President of the CAHP - The present level of commitment for the union representing the officers would surely be to block the change. This commitment level must be enhanced to at least permitting the transition to occur. As the president, this individual could deliver the support of the members who will be directly affected by implementation of the proposed strategy.

In order to secure the necessary level of commitment, the president must be convinced that in the long term the proposed strategy would benefit the majority of the membership. If the CHP were to pioneer this issue, the end result should be a better suited officer. If costs associated with adverse actions, citizens' complaints and adverse civil judgments could be reduced, these monies could be redirected to enhanced employee benefits. While the CHP already enjoys a very good reputation, if this reputation could be even further enhanced in the eyes of the general public, minority communities and elected officials, it may be easier for the union to secure additional benefits for its membership through the collective bargaining process. Finally, if the president could be assured incumbents would be protected and that the new procedures would become a condition of employment only for new hires, it should be easier to secure the necessary support.

<u>Director of DPA</u> - As the Governor's representative in personnel matters, including collective bargaining, this individual's commitment to at least helping the change to occur must be developed. DPA's present level of commitment is probably to permit the strategy to occur <u>under certain</u> <u>conditions</u>. In light of the State's budget difficulties, this member of the critical mass must be convinced that the change

is a management prerogative which is essential to the continued effective and efficient operation of the CHP. The savings such a program could ultimately reap must be identified as well possible existing funds to conduct a pilot or to initiate a permanent program. Since the new procedures would be a change in terms and conditions of employment, they must be negotiated. As the State's chief negotiator, this individual's commitment is critical.

Leader of a Major Community Advocacy Group - Depending upon current issues/incidents, a specific leader of a major community advocacy group must be identified to deliver the support of the community for the strategy. Because these advocacy groups desire change now and they are often not satisfied with the actions taken independently by the law enforcement community, their present commitment of wanting to make the change happen must be modified to a point where they will want to work with others to help make it happen.

The approach which would probably be the most beneficial in winning this commitment would be to involve this individual early in the development of the program. He/she must be convinced that he/she is playing a key role in fashioning the program. Listening, providing access and incorporating the advocacy group's concerns should earn the appropriate level of commitment.

ACLU Chief Counsel or Designee - Because of concern for the privacy, due process and employment rights of employees and prospective employees, this individual's present level of commitment would probably be to block implementation of the strategy. This level of commitment must be moved to a position where this individual at least would permit the transition to occur.

The best approach to ensure the necessary level of commitment would be to once again permit this individual to have input into the actual development of the process. Adequate safeguards must be developed to ensure the above rights are not violated. Additionally, the instruments utilized must be free from cultural bias if there is hope to gain the necessary support.

Executive Officer of CPA - As an elected officer representing psychologists in California, this individual could be instrumental in delivering the cooperation and commitment of a major portion of the affected scientific community. The present level of this individual's commitment would probably be to allow the change to occur. It would be critical to enlist this individual's assistance in helping the change to occur.

The best approach to secure this new level of commitment would be to identify a legitimate need and to provide a level of financial support for research attractive enough to enlist cooperation.

Transition Management Structure

Prior to entering into the transition period, a management structure must be identified which can effectively facilitate the transition. Since the transition state is temporary in nature and is neither present nor future in itself, it too must be carefully and actively managed. The structure will be an asset during the resultant organizational change phases of pre-change, transition and post-change. It is envisioned that the transition management structure will be temporary in nature and will not be necessary following the post-change period. At that time, the program will be turned over to P&TD for permanent administration.

In arriving at the appropriate transition management structure, three elements had to be considered; will the leadership have the authority to keep the change moving, will it have the respect of both existing leadership and the change advocates, and will it possess the necessary interpersonal skills to persuade rather than forcing an issue.

Upon first glance, it would appear that the management structure with the greatest potential for success is the "representatives from constituencies" option. While it is true that the critical mass is diverse, with often opposing points of view, it cannot be overlooked that this is a program which is specific, at this point, to a single agency. For that reason, there must be clear direction and critical oversight of the transition. This would be a complicated and very critical transition period with significant impact primarily upon the operations of the CHP and its sworn employees. There would also be the need for a tremendous amount of coordination between different offices within the Department.

After carefully considering the above, it becomes apparent that the most logical management structure really would be to have the program managed by a single individual from within the CHP. Obviously, this individual would have to be the chief executive or someone with true authority to speak on his/her behalf. Because of the demands already placed upon the CHP Commissioner, it would be highly unlikely that this individual would or could manage the transition. Therefore, a project manager should be appointed to oversee the transition.

The CHP is a paramilitary organization with a very clear chain of command. Reporting relationships are already established for other projects. Because of the magnitude of the proposed strategy, it would seem reasonable to appoint a project manager from within the existing Top Management. This individual currently reports to Executive Management and has already developed many of the relationships necessary to successfully manage the transition. The role of this individual would include oversight of the transition plan, identification of necessary resources, coordination of concurrent activities and managing communication to and from the Department.

However, because of the diversity of the critical mass and their present levels of commitment, the project manager cannot ignore the need to involve these individuals in the transition. Each must have a feeling that their input is desired, understood and genuinely considered. The project manager must be persuasive and convince the critical mass that the ultimate strategy is beneficial to all involved. This can be done through personalizing the process by working collectively toward a common goal.

Two separate functions emerge which will need to be managed during the transition, one internal and the other external. As indicated earlier, several different offices within the CHP will be involved in the transition. Individual efforts must be

coordinated and information shared. This internal aspect of the transition could be delegated by the project manager, probably to the commander of one of the involved offices. Commanders of the various offices already have regular interaction and this concept would not be new to the Department.

The external function, management of the critical mass, however, should not be delegated below the project manager. This individual must be in a position to speak for the Commissioner on any issue and must have the authority and status with the remainder of the critical mass to make the transition happen. It is this external element which is critical to the success of the change. This element is in a position to deliver the majority of the stakeholders and can control potential problems which could threaten the success of the transition.

Implementation Technologies/Methods

Any change of this magnitude will generate anxiety and initial resistance. Just as with every other element of the transition, these human responses too must be actively managed. Since change by edict will generate a negative response, implementation should involve affected individuals. Therefore, the transition management plan must identify techniques to deal with the human responses to change. Among those to be considered are the following:

Confrontational/Goal Setting Meeting - The project manager must meet with members of the critical mass prior to initiating any change. This will be critical to defining the problem, setting the working climate and providing an agenda to all involved. It also immediately sets up an environment where brainstorming is encouraged and expected. Collectively the critical mass can establish realistic goals which should bear some individual identification of each member, thus personalizing the change.

<u>Communications/Rumor Control</u> - This is a critical element of any transition management plan. Honest, regular <u>and</u> contemporary communications can do much to reduce or eliminate anxiety, frustration and resentment over the proposed change. Members of the critical mass must establish this as a

benchmark for all of their future dealings. The project manager can initially set the tone for future dealings by his/her approach to the issue. He/she must be genuine and provide whatever information/assistance is appropriate.

Current status information must be exchanged regularly. This will help to reduce rumors and develop a sense of contributing. This can be done simply by distributing a transition management team bulletin or utilizing more sophisticated technologies such as computer modems and/or FAX machines.

Conflict Management - No matter what attempts are made to avoid it, conflict is bound to occur during the transition phase. The interests and perceptions of the various critical mass members differ greatly. The project manager must first acknowledge conflict will occur then develop means to deal with it when it does. A procedure which is known to all and has been agreed to by same in advance could be instrumental in averting such conflict. The collective good and common goal should also be reiterated to help disarm individual conflicts. Poor management of conflict could develop into an "us/me" vs. "them" attitude which could seriously jeopardize the transition plan.

Realistic Goals - A successful transition is really the achievement of numerous lesser and realistic goals. These lesser goals become the road map for the transition management team to follow through the transition period. Unrealistic goals can frustrate involved parties or deliver them to a place they do not want to be. The project manager must be careful to establish attainable goals which have been agreed upon by all key actors if at all possible.

Tracking the Path of Change - The path of the transition must be carefully monitored by the project manager. By adhering to assigned responsibilities, meeting periodically with key actors and regularly reviewing goals accomplished, the project manager can evaluate progress and keep the change on the desired path. Failure to do so faithfully could seriously jeopardize the transition. The key players must keep the project manager advised of their assigned responsibilities on a regular basis. The frequency would be determined by the responsibility and the need to have input/approval from the other actors.

Responsibility Charting

A successful transition can only occur if responsibilities of the key individuals or positions are identified and tracked. Responsibility charting helps to eliminate confusion, clarify individual responsibilities, provide a sequence of actions and establish time frames. In reviewing fixed responsibilities, a responsibility chart was developed depicting the necessary actions of the key players to bring about the desired change (Appendix K). Each member of the critical mass was assigned a key reponsibility for some aspect of the transition management function. Additionally, at the very least, each key player would be informed of the progress at each step of the transition.

SECTION FOUR: CONCLUSIONS, RECOMMENDATIONS AND FUTURE IMPLICATIONS

To test or not to test - that is the question. A study conclusion with specific recommendations and implications for the future.

CONCLUSIONS, RECOMMENDATIONS AND FUTURE IMPLICATIONS

Conclusions

In a recent study (Cowart 1989), the consensus of psychologists interviewed was "that certain unhealthy personality traits, (sic) can in fact, be masked over the years - especially by an officer on the street."23 This paper has explored the psychological assessment of incumbent peace officers and what the future may hold. After this analysis, it is critical to attempt to answer the root issue of the study: "What will be the status of psychological assessment for law enforcement incumbents by the year 2001?" In addition to answering the issue, conclusions must be drawn about each of the related sub-issues.

"So why hasn't the reliability and validity of the screening process improved? The major stumbling block is establishing the criterion."24 Research failed to identify a scientifically reliable and validated psychological assessment instrument which is specific to law enforcement. While studies have been conducted and general conclusions drawn, it is difficult, perhaps impossible, to "select in" individuals when a "single police personality" has not yet been identified. One of the basic problems with the development of this personality is the fact that "(t)here are almost no instances in which an applicant with disqualifying psychological screening results was hired by an agency, thus, research on job performance of applicants who are typically screened out has not been conducted."25

If, then, there is not yet a "target" personality, we appear to be totally reliant upon the scientific community to develop this much sought after profile. If this is not attainable, more sophisticated techniques and/or technologies which are far more discriminating to screen out additional unsuited applicants must be explored. "Existing psychological tests that are generally

considered to be 'state of the art' when it comes to police screening were all of the paper/pencil variety. Such tests rely on the job applicant's self-report and are vulnerable to 'faking good.' In addition, predictions of behavior must be inferred from test scores, rather than from viewing a sample of behavior."26

Preemployment psychological assessment <u>alone</u> ignores a significant conclusion drawn from this research - time and events change psychological condition and sometimes suitability. The Christopher Commission also drew the conclusion that "officers should be retested periodically to determine both psychological and physical problems." This study has identified a mission statement, strategic plan and transition management structure to attain this goal. But is it realistic to assume that the projected commitments of the critical mass are truly achievable now or in the very near future?

In an interview with the Executive Manager of the CAHP, this was discussed. He agreed that circumstances <u>could</u> be such that the union could not afford to resist the enhanced assessment of incumbents. Since this is a negotiable issue, this member of the critical mass alone could preclude the implementation of the strategic plan if he did not believe the threshold had been reached <u>and</u> the enhanced assessment was in the best interest of the majority of his membership.

The State of California has found itself in a very serious fiscal situation and other governmental entities are also feeling the pinch. The development and evaluation of new techniques and technologies would be a very costly endeavor. "(F)ull-scale psychological assessment (is) often prohibitive in times of budgetary restraints, making the assessment a low priority."27 It is highly unlikely there will be funds sufficient enough to make significant progress in this area in the near future.

Recommendations

This study has explored a desirable future which <u>is</u> attainable. However, is it attainable by the year 2001 as stated in the original issue? There are major considerations which must be addressed along the way. Availability of funding, union support and technological advances are among the major issues to be addressed, as well as being potential hurdles.

Dr. Lawrence Schoenfeld of the University of Texas is an expert in the field of the psychological assessment of law enforcement personnel. When asked if he saw a significant scientific breakthrough or an increased emphasis of the assessment of incumbents, he replied he did not. Rather, he suggests that law enforcement place its energies in training and monitoring performance. Specific attention should be given to citizens' complaints and adverse actions. He concluded by stating that the assessment of incumbents has the potential to "bankrupt" pension plans due to the increase in disability retirements alone.

In a recent court case, "it was ruled that a chief of police could order a subordinate exhibiting questionable conduct to undergo psychological evaluation because 'it is the duty of the police chief to maintain a capable and efficient force."28 This is an under-utilized and often overlooked tool of the law enforcement administrator. Increased utilization of the psychological fitness-for-duty evaluation should be encouraged when warranted and not reserved only for extreme situations.

While the periodic or random testing of incumbents may be unattainable in the near future, it may be possible to negotiate a lesser standard of assessment after certain pre-determined events such as a sustained complaint of brutality. While many of the same concerns exist, only a portion of the incumbent officers would be affected. The union may be able to support

assessment of incumbents where wrongdoing can be demonstrated at the same time it cannot support the periodic assessment of all of its members.

The privacy rights of the incumbents will be protected no matter what the outcome. If incumbent assessment is not effectuated, privacy interests are protected. If the assessment of officers becomes a reality, it will be under the watchful eyes of the courts, the union and DPA. As with substance testing, the government can only intrude where there is an overwhelming governmental interest and the safety of others is at issue. The Government Code already gives the CHP the authority to conduct fitness-for-duty evaluations. Any enhancements to this authority must be negotiated and/or legislated.

A law enforcement psychologist was asked by this researcher what he viewed the model for determining incumbents' psychological suitability to be. Remarkably, he did not include the random or periodic reassessment of incumbents utilizing existing or even more sophisticated psychological techniques. Instead, the model included peer evaluations, increased training for supervisors and training officers, self-referral and fitness-for-duty evaluations. This expert also believes that the entry-level assessment should always include an interview, even if there are no indications of psychopathology on the paper/pencil instrument.

In light of this study, the aforementioned model is recommended as a reasonable and attainable step toward identifying those incumbents who are not suited, psychologically or otherwise, to remain in law enforcement. Law enforcement administrators must make a commitment to improve the training, monitoring and evaluating the performance of incumbent officers. Additionally, they should be particularly attentive to patterns of misconduct and utilize the adverse action procedures and/or the fitness-for-duty evaluation whenever the ability of an officer

to perform the full range of duties is questioned because of psychological or physical reasons. While this falls short of a random or periodic assessment of all incumbents, proper supervision can be extremely instrumental in identifying officers who do not belong "behind the badge."

Future Implications

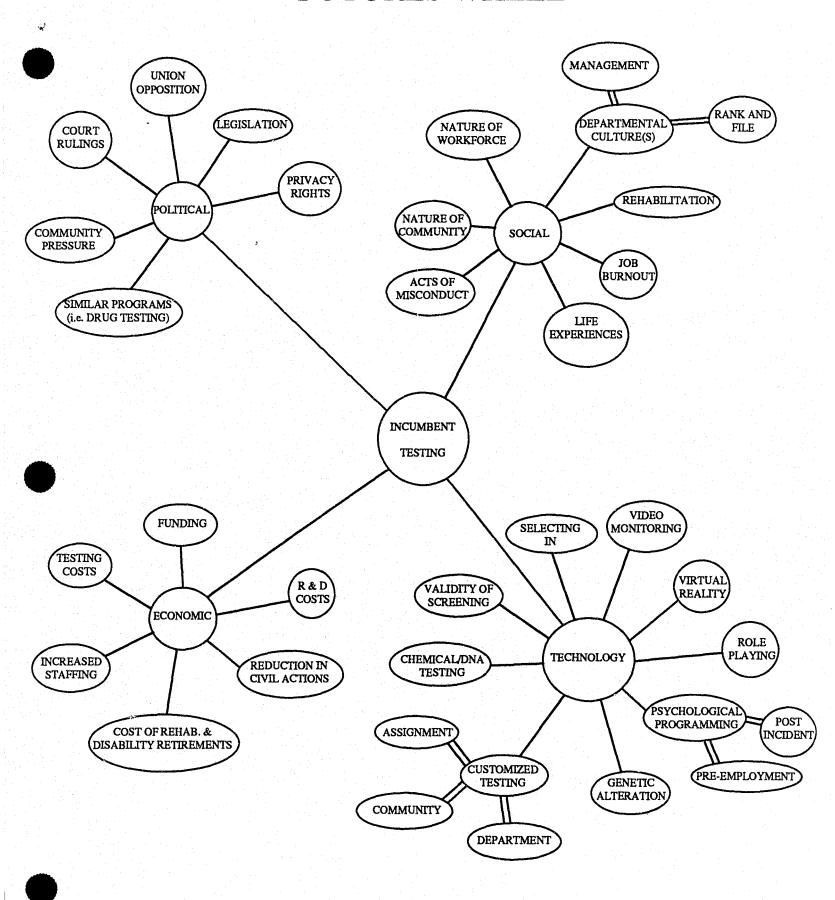
The mission of law enforcement is carried out by its personnel. The opinion of an agency is based upon contacts the public has with its personnel. The selection and retention of only qualified personnel is, then, of paramount importance. While there may never be a single law enforcement profile identified nor a more effective or technologically sophisticated instrument developed to determine who <u>is</u> rather than who <u>is</u> not suited, law enforcement administrators must remain alert to opportunities to further explore this area.

The retention of psychologically unsuitable incumbents can have dire future implications. The law enforcement community cannot afford incidents such as the one explored in the normative scenario. Yet, history has taught us they are not only possible, but probable. Should a law enforcement administrator be faced with such a situation, he/she must be able to defend his/her actions against charges of negligent retention or supervision. For this reason, all available techniques of performance, physical and psychological evaluation must be utilized as appropriate.

While the normative scenario is attainable, the exploratory one will most likely occur through the year 2001. However, law enforcement should work toward attaining the desired state whenever and whereever possible. "In the long run, better qualified law enforcement personnel, rather than improved technology, will most greatly facilitate the accomplishment of the objectives or our country's system for administering justice."28

APPENDICES

FUTURES WHEEL



APPENDIX A

FORECASTING PANEL PARTICIPANTS

Lieutenant, Office of Research and Planning, California Highway Patrol (policy development)

Psychologist, Fairfield Unified School District (legal considerations)

Commander, Selection Standards and Examinations Section, California Highway Patrol (test administration/job-relatedness)

Lieutenant, Operations Commander, Rocklin Police Department (community considerations)

Commander, Office of Employee Relations, California Highway Patrol (collective bargaining issues)

Assistant Chief, Operations, Sacramento County Fire Department (political considerations)

Departmental Psychologist, California Highway Patrol (instrument validity/development)

TRENDS (rank ordered)

- 1. Public scrutiny of police decisions/actions.
- 2. Ensuring suitability standards are job-related.
- 3. Availability of suitable recruits.
- 4. Job stressors/level of stress retirements.
- 5. Periodic reassessment of psychological fitness.
- 6. Level of event-driven mandates.
- 7. Availability of advanced technology.
- 8. Changing public attitudes toward law enforcement.
- 9. Screening vs. selection and the ability to apply results.
- 10. Racial/cultural tensions.
- 11. Cost of testing.
- 12. Aging of the baby boomer population.
- 13. Legislation regarding fitness-for-duty examinations.
- 14. Political/union power bases.
- 15. Affirmative action hiring pressures.
- 16. Level of available mental health services.
- 17. Technological breakthroughs.
- 18. Personality alteration (surgery or medication).
- 19. Test bias.
- 20. Level of personal observation.
- 21. Statewide standards (tests, policies and evaluators).
- 22. Level of appeals.
- 23. Geographical job-matching.
- 24. Differences in departmental needs.

EVENTS

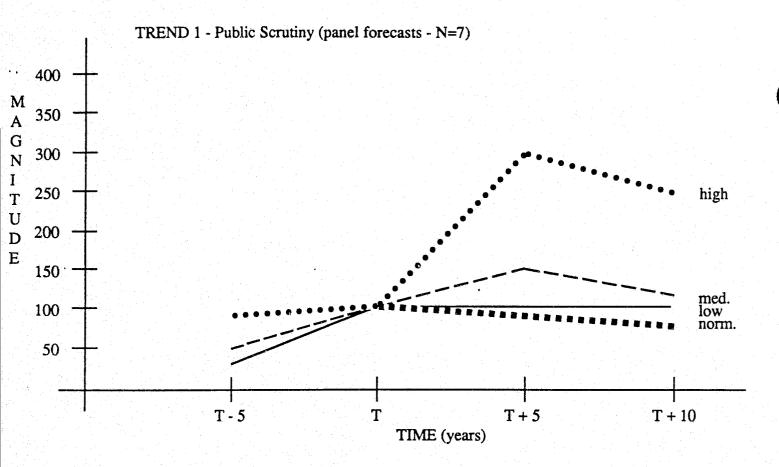
(rank ordered)

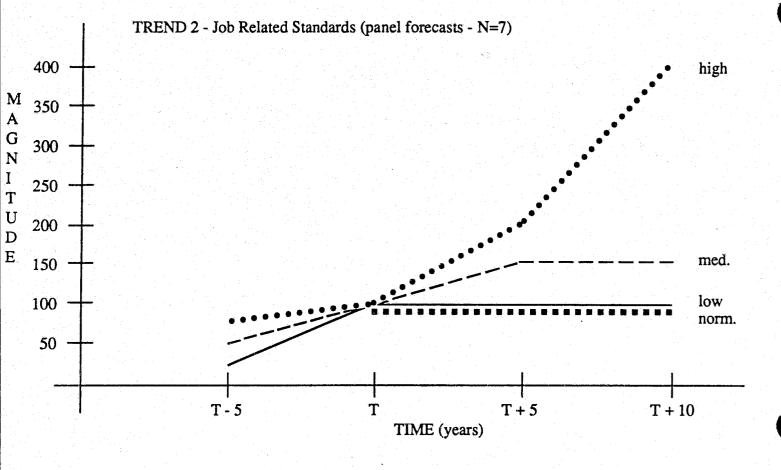
- 1. Development of police-specific, scientifically reliable and validated test.
- 2. Psychologically screened officer involved in adverse event.
- 3. Legislation mandating periodic/random testing.
- 4. Reduction in funding.
- 5. Development of an interactive psychological test.
- 6. Incident-driven fitness evaluations.
- 7. Universal implementation of police-specific testing.
- 8. Court rules testing is unconstitutional.
- 9. DNA testing instituted to determine tendancies.
- 10. Significant scientific finding regarding validity of tests.
- 11. Test results ruled discoverable.
- 12. On-the-job monitoring by trained experts.
- 13. Mandate to have psychologists on all departments.

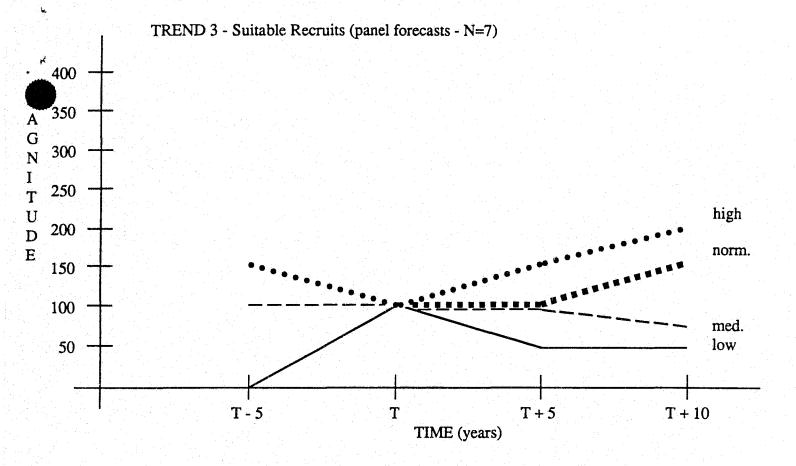
| | CANDIDATE TRENDS in RANK ORDER # | | FOR PURPOSES OF TOP-LEVEL STRATEGIC PLANNING HOW VALUABLE WOULD IT BE TO HAVE A REALLY GOOD LONG-RANGE FORECAST OF THE TREND? • | | | | | | |
|----|--|---|---|---|--------------------|---|--|--|--|
| # | | | Priceless Very Helpful Helpful | | Not Ver Helpful | | | | |
| 1 | Public scrutiny of police decisions/ | 5 | 1 | 1 | | | | | |
| 2 | Ensuring suitabilistandards are job related | 2 | 1 | 4 | | | | | |
| 3 | Availability of suitable recruits | 5 | 2 | | | | | | |
| 4 | Job stressors/ level of stress retirements | 1 | 3 | 1 | 2 | | | | |
| 5 | Periodic reassess- ment of psycho- logical fitness | 4 | 2 | 1 | | | | | |
| 6 | Level of event- driven mandates | 3 | 3 | | 1 | | | | |
| 7 | Availability of advanced technology | 3 | 2 | 1 | 1 | | | | |
| 8 | Changing public attitudes toward law enforcement | 3 | 2 | 2 | | | | | |
| 9 | Screen vs. selection and abil- ity to apply results | 3 | 2 | 1 | 1 | | | | |
| 10 | Racial/cultural tensions | 1 | 1 | 2 | 3 | | | | |
| 11 | Cost of testing | 3 | 1 | 1 | 1 | 1 | | | |
| 12 | Aging of the baby boomer population | 1 | 2 | 1 | 2 | 1 | | | |

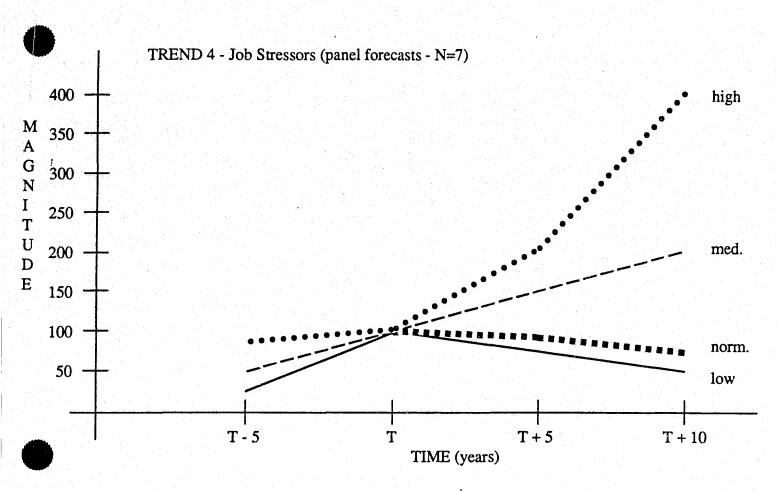
^{*} Panel total for each estimate category.

N = 7

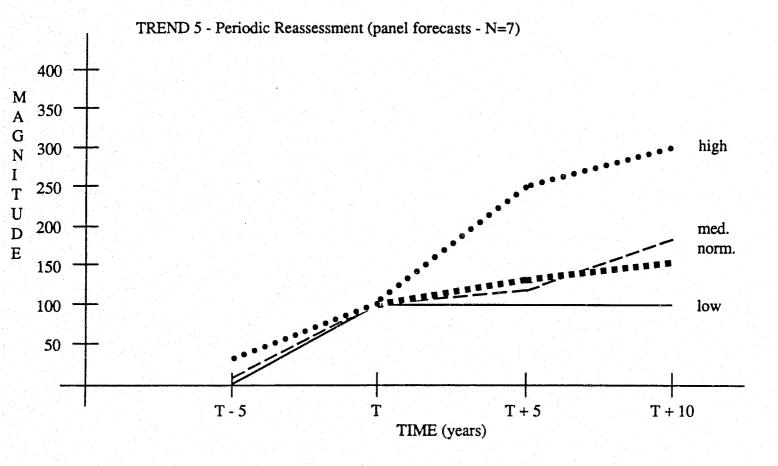


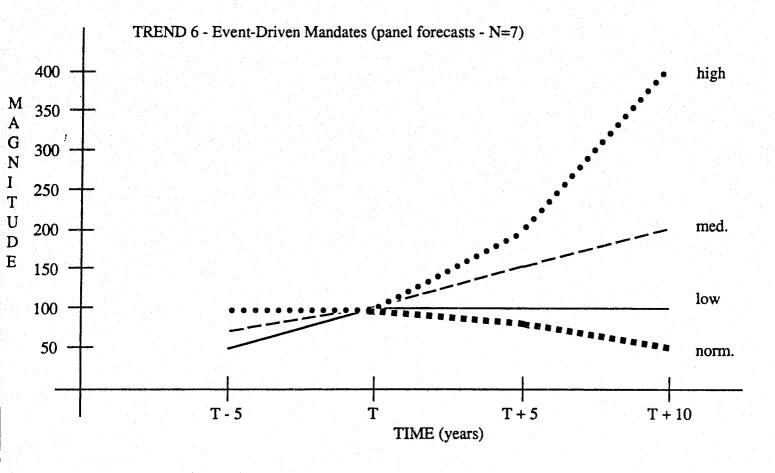




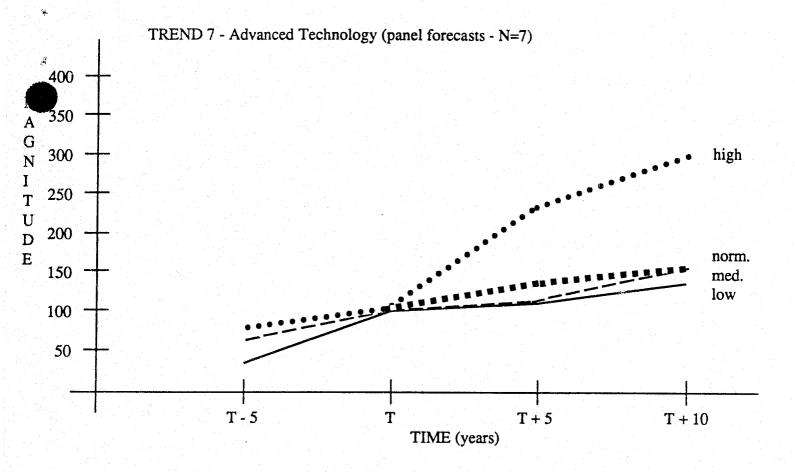


APPENDIX F-2





APPENDIX F-3

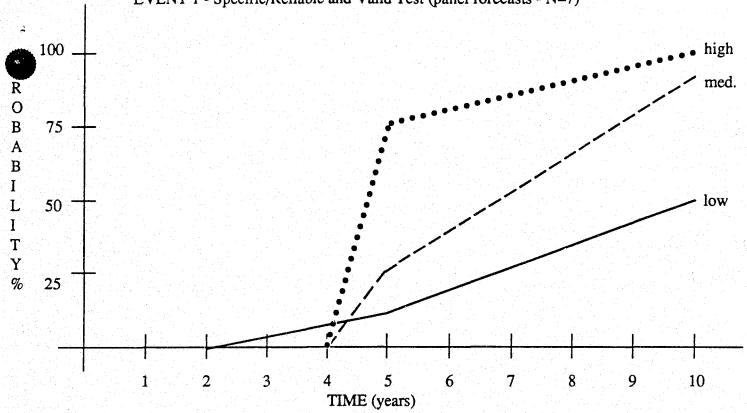


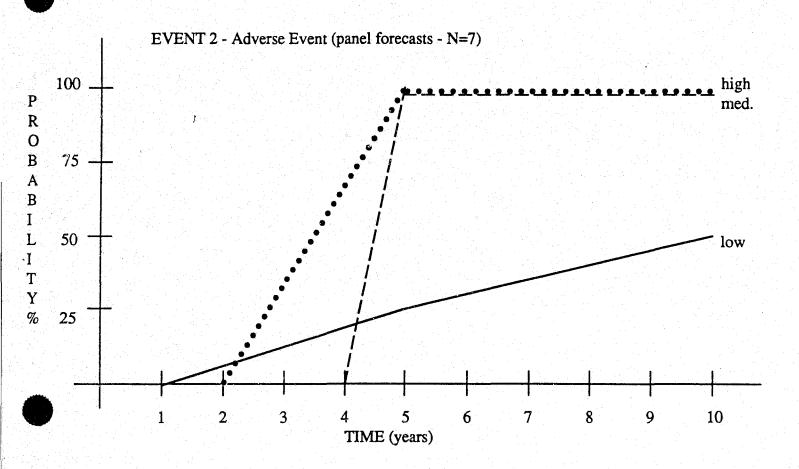
Event Evaluation

PANEL RANGES

| | | YEARS UNTIL | PROBABILITY | | IMPACT ON THE ISSUE AREA IFTHE EVENT OCCURRED | |
|---------|-------------------------------------|---|-------------------------------------|------------------------------------|--|--------------------------|
| Event # | EVENT STATEMENT | PROBABIL- ITY FIRST EXCEEDS ZERQ | Five Years From Now (0-100 %) | Ten Years From Now ((1-100%) | POSITIVE (0-10 scale) | NEGATIVE (0-10 scale) |
| 1 | Police Specific/Reliable Test | 2-4 | 10-75 | 50-100 | 7-10 | 0-6 |
| 2 | Officer Involved in Adverse Event | 1-4 | 25-100 | 50-100 | 0-10 | 1-10 |
| 3 | Legislation Mandates Annual Testing | 2-9 | 10-100 | 30-100 | 0-10 | 2-10 |
| 4 | Reduction in Funding | 1-4 | 80-100 | 90-100 | 0-2 | 8-10 |
| 5 | Interactive Psychological Test | 1-4 | 20-100 | 50-100 | 4-10 | 0-4 |
| 6 | Incident-Driven Fitness Evaluations | 1-3 | 40-100 | 60-100 | 6-10 | 0-5 |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

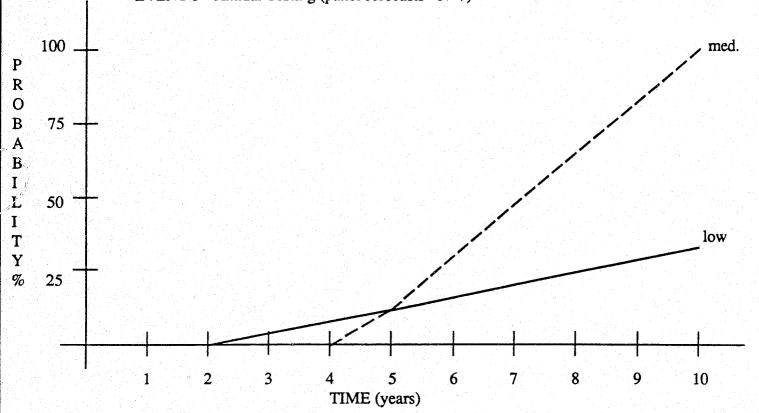
EVENT 1 - Specific/Reliable and Valid Test (panel forecasts - N=7)

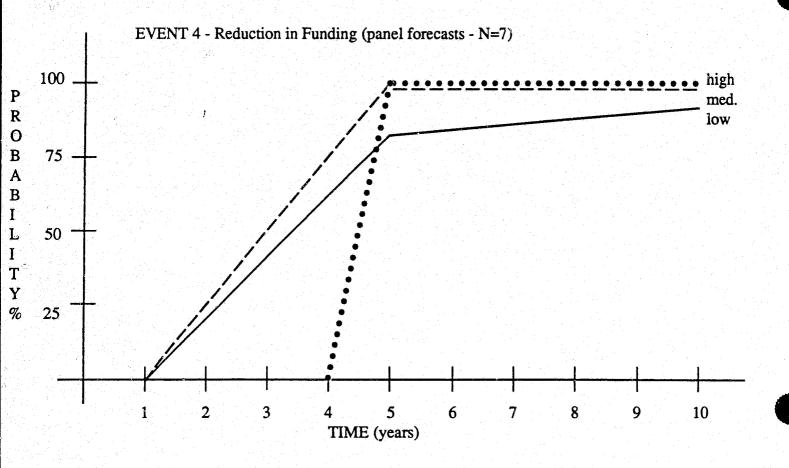




APPENDIX H-1

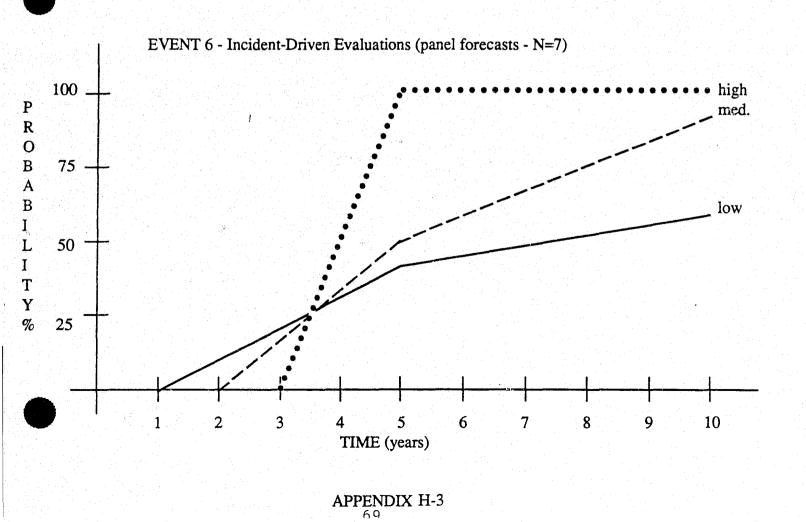
EVENT 3 - Annual Testing (panel forecasts - N=7)





EVENT 5 - Interactive Test (panel forecasts - N=7) high med. 100 R O 75 -В A В low 50 L I T Y % 25 1 2 3 5 6 8 9 10 7

TIME (years)



ALTERNATIVE STRATEGIES

- 1. The CHP reemphasizes the importance of the <u>existing</u> selection techniques and supports this renewed emphasis with redirection of existing resources.
- 2. The CHP works closely with the State Personnel Board to develop general job-related psychological standards which can be determined with current assessment instruments.
- 3. The Department establishes a Psychological Suitability Assessment Unit comprised of a psychologist, attorney, labor relations expert and staff to explore <u>new</u> techniques for determining psychological suitability. This would include working with the scientific community to evaluate new technologies and medical information.
- 4. The CHP works with other agencies through existing forums such as the California Peace Officers' Association or the International Association of Chiefs of Police to evaluate existing techniques and to explore alternatives.
- 5. The Department tracks all officers who have been psychologically screened to determine how future actions of the officers relate to the test results. The purpose would be to narrow the band of acceptable responses to general-population instruments such as the MMPI.
- 6. The Department sponsors legislation to mandate a periodic reevaluation of incumbent officers and/or evaluation after predetermined events such as shootings and acts of excessive force.
- 7. During contract negotiations, the CHP attempts to negotiate an incumbent testing program.
- 8. The Department hires a consultant to assess the need to make any changes and what changes should be made if necessary.
- 9. The CHP contacts POST to discuss the mission and asks POST to serve as a statewide coordinator to achieve the mission not only for the CHP but for all of law enforcement.
- 10. The CHP abandons pencil and paper instruments currently used in psychological screening and employs interactive processes such as role playing and video scenarios in their place.
- 11. Anticipating resistance from a variety of stakeholders, the Department offers psychological suitability assessment on a voluntary basis to any incumbent officer through the Occupational Health Services program. The results would be available to the Department and may also assist the officer in personal matters.

- 12. The CHP establishes a five-year psychological probation in which any aberrant behavior would be cause for dismissal.
- 13. The Departmental psychologist becomes actively involved in ride-alongs with incumbent officers evidencing patterns of citizens' complaints, excessive force etc. The observations could serve as the basis for a fitness for duty examination.
- 14. The Department video tapes all enforcement contacts for random viewing by Departmental psychologist or evaluation after any complaint of misconduct.
- 15. The Department offers a monthly pay differential to any officer who passes a random evaluation administered annually.
- 16. The CHP chairs a committee of community leaders to evaluate the current process and to make recommendations for modifications. These same leaders would help to develop a statement of expectations and standards for peace officer behavior and be actively involved in the selection of officers.
- 17. The Department develops an issue memorandum for the Governor outlining the deficiencies with the current process and requesting his assistance in reforming it.
- 18. The CHP requests a formal Attorney General's opinion on the feasibility of administering periodic testing of incumbents.
- 19. The CHP works with other major California law enforcement agencies to create a substantial research fund to entice the private sector into researching the issue and developing a reliable means of determining psychological suitability.
- 20. The Department has <u>all</u> background investigations thoroughly reviewed by a psychologist for any actions or patterns of behavior which are psychologically significant.
- 21. The CHP tests incumbent officers who manifest desirable characteristics to develop job-related standards. The officers' identities would be confidential and no action would be taken if a problem was detected.
- 22. Recognizing that the union will strongly oppose any impact on incumbent officers, the Department develops a two tier program where incumbents are protected. New employees hired after the program change will be subject to dismissal while incumbent officers who fail to maintain the standard will be offered rehabilitation or medical retirement.
- 23. The CHP enhances its training program by placing greater emphasis on acceptable conduct with increased penalties for misconduct. The management team would have a greater accountability for the conduct of their subordinates.

ALTERNATIVE STRATEGIES RANKING

| | | | | | <u>total</u> | ranking |
|-----|---|----------|----------|---|--------------|----------|
| 1. | 4 | 2 | 2 | 2 | 10 | 13 |
| 2. | 6 | 3 | 3 | 2 | 14 |) 1 |
| 3. | 4 | 4 | 6 | 6 | 20 | 3 |
| 4. | 5 | 6 | 5 | 4 | 20 | 3 |
| 5. | 4 | 6 | 5 | 6 | 21 | 2 |
| 6. | 4 | 3 | 6 | 6 | 19 | 4 |
| 7. | 5 | 3 | 5 | 3 | 16 | 7 |
| 8. | 5 | 3 | 3 | 2 | 13 | 10 |
| 9. | 6 | 4 | 3 | 4 | 17 | 6 |
| 10. | 5 | 5 | 5 | 6 | 21 | 2 |
| 11. | 4 | 3 | 2 | 3 | 12 | 11 |
| 12. | 3 | 2 | 4 | 6 | 15 | 8 |
| 13. | 3 | 3 | 4 | 4 | 14 | 9 |
| 14. | 3 | 2 | 3 | 5 | 13 | 10 |
| 15. | 1 | 2 | 2 | 3 | 8 | 14 |
| 16. | 4 | 2 | 5 | 6 | 17 | 6 |
| 17. | 2 | 5 | 2 | 2 | 11 | 12 |
| 18. | 6 | 6 | 4 | 3 | 19 | 4 |
| 19. | 3 | 3 | 4 | 5 | 15 | 8 |
| 20. | 5 | 5 | 4 | 4 | 18 | 5 |
| 21. | 6 | 4 | 5 | 6 | 21 | 2 |
| 22. | 6 | 5 | 5 | 6 | 22 | 1 |
| 23. | 5 | 4 | 2 | 5 | 16 | 7 |

| ACTORS ACTIONS | СНР | PROJECT MGR. | САНР | DPA | СРА | ACLU | COMM. ADV. |
|---|-----|-----------------|------|-----|-----|----------|---------------|
| Obtain Funding | R | S | S | Α | Ι | S | ${f I}$ |
| Develop and Cost Two-tier Program | Α | S | R | Α | I | I | I |
| Explore/Develop Test Instrument(s) | Α | S | S | Α | R | S | I |
| Research Legal Issues | S | S | S | S | | R | I |
| Research community Attitudes/Expectations | I | S | I | | Ι | S | R |
| Formulate Policy | Α | R | A | A | 1 | I | I |
| Information Exchange | S | R | S | S | S | S | S |
| Monitor Progress and Provide Updates | S | R | I | I | I | I | I |
| Ensure Job-relatedness | Α | S | S | R | A | Ι | I |

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ENDNOTES

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