

Reducing Use of Force Complaints: Best Hiring Practices

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Reducing Use of Force Complaints: Best Hiring Practices

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## **Abstract**

### **Purpose**

The purpose of this study is to identify pre-employment characteristics of police applicants that are desirable for law enforcement agencies to find in order to hire the candidates least likely to have use-of-force issues and complaints filed against them throughout their careers.

This study examines numerous aspects of pre-employment evaluation including recruitment, compensation, background investigation, psychological evaluation, educational requirements, personality traits, volunteerism, and field training. For the purpose of this paper, the field training process is considered pre-employment because those officers are usually employed under a probationary status subjecting them to termination at any time.

### **Methods**

Information for this study comes from a review of secondary research studies, articles, and statistical data from government and non-government sources. Special focus is given to studies that highlight important aspects of the pre-employment process. Social learning theory and self-determination theory are used to ground recommendations.

### **Summary of Key Findings**

The review of literature pertaining to the use of force in law enforcement and hiring practices revealed that there are associations between decreased levels of force and use-of-force complaints and applicant characteristics. These characteristics include a bachelor's degree, high written test scores, high academy scores, successful scores on psychological/personality evaluations, strong work ethic, non-military background, and late 20s or older in age. It is

further suggested that not one characteristic is a “one size fits all,” but rather the combination of those traits and other factors such as the interview, background investigation, psychological/personality tests, academy and test scores, level of education, and work ethic that make the difference.

Other findings suggest the important role the organization plays during and after the hiring process in terms of socializing, training, and teaching the new officer can prove to be critical in establishing a culture of ethical behavior. Organizational and supervisor support along with proper field training and modern policies play an important role in reducing use-of-force complaints.

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## **Section I: Introduction**

### **Statement of the Problem**

Law enforcement agencies are currently “under the microscope.” Use of force incidents often expose agencies to liability and related litigation, and can have negative consequences for departments, such as a decreased level of community trust, a poorer reputation, and the inhibited ability to recruit new officers. Law enforcement agencies across the country are increasingly struggling to recruit law enforcement candidates and the ability to identify, hire, and train law enforcement officers remains a difficult task (Stickle, 2016; Wilson, 2012). Recruitment, selection, and training have become significant issues due in large part to changes in the philosophy and nature of policing, higher expectations by police constituencies, and because of continuing efforts at professionalism (White & Escobar, 2008).

The presumption of widespread force may be overstated, indicating police may already be making progress in reducing use-of-force complaints. Significant research exists connecting use of force to race and types of injuries involved (Kahn & Martin, 2016; Reingle Gonzalez, Jetelina, & Bishop, 2017). However, there is little research telling us to what extent force is being used properly and if alternatives to force are being used.

Law enforcement agencies spend a lot of money on hiring and developing their officers. There are many pre-employment screenings applicants must endure in order to be hired. Traditionally, law enforcement agencies have focused their efforts on finding problems with potential applicants to determine which ones not to hire. Not surprisingly, the focus has been on ruling out bad candidates, and not necessarily searching for good qualities in applicants to recruit and then hire.

## **Purpose of the Study**

The purpose of this study is to identify desirable pre-employment characteristics of police applicants for law enforcement agencies to find in order to hire the candidates least likely to have use-of-force issues and complaints filed against them throughout their careers.

This study examines numerous aspects of pre-employment evaluation including recruitment, compensation, background investigation, psychological evaluation, educational requirements, personality traits, volunteerism, and field training. For the purpose of this paper, the field training process is considered pre-employment because those officers are usually employed under a probationary status subjecting them to termination at any time.

## **Significance of the Study**

The results of this study will identify characteristics that are important for law enforcement managers to consider when making hiring decisions. In an age of increased scrutiny on police, lower number of police applicants and increased litigation against the police, police cannot afford to hire people who are going to improperly use force, or unnecessarily generate use-of-force complaints. Lower numbers of use-of-force complaints could lead to less litigation, less public scrutiny, increased morale, better resource management, better crime-solving capability, and better relationships between community members and the police.

## **Methods**

Information for this study comes from a review of secondary research studies, articles, and statistical data from government and non-government sources. Special focus is given to

studies that highlight important aspects of the pre-employment process. Social learning theory and self-determination theory are used to ground recommendations.

### **Limitations**

There is a vast amount of research available on the topic of police hiring, training, and use of force. However, the federal government and state governments across the country still do not have any formal data gathering or reporting processes for the use of force (Rosenfeld, 2015). Therefore, there is no baseline on how many use-of-force incidents happen each year, under what circumstances they occur, to what extent, or whether or not they were justified. Additionally, those measurements used in use-of-force data collection have likely changed over the years and vary across the county. The FBI is currently working with many law enforcement groups to develop a standardized data collection system, but as of current no such system is in place. Arrest-related deaths, however, are required to be reported. Arrest-related deaths do not encompass all use of force and may even not involve force. Even the FBI admits, individual agencies will not be required to report that information and individual agencies may have different definitions and views on use-of-force reporting (Federal Bureau of Investigation, 2017).

Every state has different minimum requirements for police hiring. For example, minimum education requirements range from a H.S. Diploma to an Associate Degree in Criminal Justice (Minnesota) (Hilal & Erickson, 2010). Despite the differing pre-employment requirements, individual agencies still have the discretion to use factors such as educational experience or previous job experience as factors considered when making hiring decisions. Because of the inconsistency in pre-employment standards, the conclusions found in research of

a particular agency may be inapplicable to another, perhaps one in a different state with different standards.

## **Section II: Literature Review**

The literature review summarizes research from numerous empirical studies, governmental reports, and other areas. Topics included in this section include legal authority for use of force, use-of-force complaints, motivations to enter law enforcement, and the hiring process beginning with recruitment and then leading to compensation, psychological / personality tests, polygraph examinations, education requirements, pre-employment background investigations, academy training, field training programs, and officer retention. It wraps up with research on agency liability.

### **Legal Authority**

The law provides for officers to use reasonable force when necessary. Each state has language in their statutes that authorize force. For example, Minnesota Statute § 609.06 (2017) and Wisconsin Statute § 939.45 (2017) allow police officers to use reasonable force upon a person in order to effect a lawful arrest, execution of legal processes, to protect life, or to enforce an order of the court. In addition to legal authority, most law enforcement agencies also have department policies guiding their officers in when use of force is allowed (National Institute of Justice [NIJ], 2009). These policies describe a flow chart-like series of force actions police officers may use against a subject if needed and as appropriate. This is often referred to as the use of force continuum. The NIJ (2009) provides an example of a use-of-force continuum with five levels of force. The first is officer presence which is described as the mere presence of a law enforcement officer. The second is verbalization which would include non-threatening

commands. The third level is empty-hand control which consists of soft and hard techniques such as grabbing an individual or punching or kicking an individual in order to restrain them. The fourth is less-lethal methods which would include the use of tools such as a baton, pepper spray, or conducted energy devices. And the final level of force is lethal force. This includes the use of a firearm to stop a person's actions to stop a threat.

### **Use-of-Force Complaints**

Use-of-force legislation not only includes when an officer is permitted to use force, but also policies on the investigation of citizen complaints alleging police misconduct (Minn. Stats. § 626.8452 and § 6700.2100; Wis. Stat. § 66.0511). Use-of-force complaints come in a couple different forms: sustained and not sustained. However, it could be argued that law enforcement agencies do not want a complaint regardless of the form and that the non-sustained complaints could possibly be avoided by using alternate forms of de-escalation or communication with the complainant/suspect. There are two indications of complaints: 1) a method to identify excessive use of force and identify problem officers and 2) they can be indicative of hard-working officers doing their jobs who are more willing to intervene in situations (Gül, Hekim, & Terkeşli, 2013; Henson, Reynolds, Klahm, & Frank, 2010). People are not always willing to complain when perhaps a complaint is justified, while others may complain when a complaint is not warranted (Gül et al., 2013).

Use-of-force complaints must be interpreted with caution. Law enforcement officers interact with some people on their worst days every day, day after day. Generally, when law enforcement officers are interacting with someone in a situation in which force may be an option, it is a stressful and tense circumstance in which the offender (or in the case of a use-of-force

complaint, the complainant/suspect) may be upset, emotionally distraught, or have ill feelings toward an officer attempting to take them into custody. Because of this factor, many complaints may be partially or completely false (Ariel, Farrar, & Sutherland, 2016; Gül et al., 2013; Hickman, 2006). Law enforcement officers must make split-second decisions based on the information that they know at the time and the immanency associated with the moment. Police have to make decisions without knowing in advance whether these decisions will strengthen or weaken people's trust in the police. Officers do not necessarily have all of the facts or background information about a situation or a person when they are making decisions (Björk, 2008).

In 2002 the Bureau of Justice Statistics (BJS) surveyed large state and local law enforcement agencies (with more than 100 officers) about their use of force, and the outcome of their use-of-force investigations (Hickman, 2006). While this survey is dated, it is one of only a few that provides any statistical information related to this topic at a national level.

The BJS 2002 survey included 5% of U.S. law enforcement agencies representing 59% of all law enforcement officers in the U.S. These agencies received a total of 26,556 use-of-force complaints. Of those complaints, only 8% were sustained - meaning there was sufficient evidence to warrant discipline (ranging from a verbal reprimand to termination) against the officer. Of the remaining 92% of complaints, 25% were based on false information, 34% did not have enough evidence to prove the allegation, 9% were withdrawn, and in 23% of the complaints it was determined that the officer's actions were legal and justified. These numbers were compared to a similar study in England and Wales during the same time period. In the U.S., there were 7.5 complaints per 100 full-time officers compared to 7.2 in England and Wales,

indicating that the public perception of U.S. law enforcement excessively using force may not be true when compared to other countries.

Prenzler, Porter, and Alpert (2013) reviewed seven case studies in which police departments had documented use-of-force problems as it related to shootings and violence. One of those case studies in particular involved the City of New York where the number of shots fired by police decreased by 86.3% from 1972 to 2010. In the departments review, they attribute this decline to policy changes that altered the way officers respond to, engage in, and assess the need for discharging firearms. Prenzler et al. (2012) further state that the “tightening” of policies were featured as a prominent factor in the reduction of force in all seven of the case studies. Granted, this study did not evaluate use-of-force complaints, nor did it evaluate its relevance to hiring new officers. This study does indicate that agency policy can have a profound impact on how officers act, and those same officers are the ones who will be training new officers.

### **Motivations to Enter Law Enforcement**

A police officer’s motivations to enter law enforcement and factors leading to those motivations, even before they enter law enforcement, can help predict job performance. Police officers are motivated to enter the law enforcement profession for a number of reasons. Some of those reasons include service, job security, power of a government position, desire to help the community, and a pension (Oberfield, 2014). The motivations behind the decision to work in law enforcement have been tied to job performance. The strongest predictor of a new officer’s motivations is their motivations prior to entering law enforcement, which is later susceptible to organizational influence (Oberfield, 2014).

Public service motivation (PSM) is described as the “predisposition to respond to motives grounded primarily or uniquely in public institutions and organizations” (Perry, 1996 as cited in Oberfield, 2014). The four key dimensions to PSM are attraction to policy making, commitment to public interest, self-sacrifice, and compassion (Oberfield, 2014). Officers have more positive public service motivation if they have a closer relationship with God, have parents who value public service, and achieve more education.

Oberfield (2014) found that education, training, and particular life events are associated with motivation. Those who are motivated by protecting the public interest are more likely to be whistleblowers, a trait more likely to keep police honest and policy-abiding, hopefully reducing use-of-force complaints. The most powerful predictors of public safety motivation are higher levels of education and professional membership (Moynihan & Pandey, 2007).

Gillet, Huart, Colombat, Fouquereau, and Brown (2013) studied perceived organizational support and police officer motivations. They found that people with strong self-determined motivation have stronger work motivation, which in turn is positively related to work engagement. Gillet et al. (2013) also concluded that work engagement is positively related to positive emotions, physical and mental health, and performance. Bakker, Schaufeli, Leiter, and Taris (2008) also determined that employees with high levels of energy and identification with their work seem to perform better. Sparrow (2015) defines one of the dimensions needed for a police officer to be considered performing their job well is the fair and efficient use of force.

Andersson Arntén, Algafoor, Nima, Schütz, Archer, and Garcia (2016) conducted similar research in that they studied the relationship of work climates to motivation. This Swedish study of 617 police officers used surveys to gauge their perceptions of management, training,

responsibilities, teamwork, and other perceptions to determine causes and effects of their motivations as it relates to a personality profile type. They found that in three of four of the profiles they surveyed (self-fulfilling, high affective, low affective, and self-destructive) that motivation is closely linked to the “ability to learn” and the ability to adapt to a changing environment – which many in the law enforcement arena would argue is something currently taking place.

### **The Hiring Process**

The hiring process in a law enforcement agency varies among agencies and states and can include different pre-employment screenings and in different orders (Orrick, 2016; White & Escobar, 2008). Generally, however, a hiring process will consist of the recruitment phase in which an agency can use a variety of means to recruit applicants. After recruiting applicants an agency will usually employ some combination of interviews, written tests, psychological / personality tests, a background investigation, and possible a physical fitness test or polygraph test. After being selected, a new police officer then attends a police academy and is then placed with an experienced officer – referred to commonly as a field training officer (FTO) – for a period of several weeks. During this phase the new officer learns, first hand, how to do police work. After the successful completion of field training, officers will usually be subjected to a probationary employment period for approximately one to two years. For example, Chicago police officers serve a 24 month probation and Milwaukee police officers serve a 16 month probation (City of Chicago, 2016; City of Milwaukee, 2013). During that time employees are subject to termination without cause.

### **Recruitment**

“Recruiting and retaining professionals compatible for law enforcement duty is quite possibly the most difficult task facing law enforcement today” (Beam, 2001 as cited in Bowman, Carlson, Colvin, & Green, 2006). Recruitment is a common issue that has continued to be a difficult task within in the field and many studies seeking to find answers about police recruitment have mirrored the same concerns (Henson et al., 2010; Hilal, Densley, & Jones, 2015; Orrick, 2008; Parsons, Kautt, & Coupe, 2011; Stickle, 2016; White & Escobar, 2008; Wilson, 2012; Wilson & Heinonen, 2011).

The supply of qualified people for law enforcement positions is decreasing partially due to recruitment becoming more difficult, for a number of reasons. Younger generations find the militaristic nature of police work less appealing, an increasing number of applicants are failing to meet hiring standards due to prior drug use, obesity, or poor credit, the danger involved, long hours, erratic shifts, and changes in police work toward a more analytical and digital nature (Jenson & Graves, 2013; Wilson & Henonen, 2011). It has been the presumption within the field that the selection of quality personnel leads to more effective crime fighting, positive community relations, and improvement in accountability.

Wilson, Dalton, Scheer, and Grammich (2010) summarized research on recruitment and retention and found there are ways for an agency to improve recruitment. One of those methods is the implementation of a recruitment unit tasked at evaluating the current recruitment strategies and diversifying them if appropriate. Second is the creation of an employee referral system. Wilson et al. (2010) found that employee referral systems can strongly influence people to apply for public service jobs. Seeking applicants from within the department to include civilian staff and reserve staff, if applicable, can help too. These employees would need to be trained, but the organization is at least already familiar with them and has some first-hand insight into their work

performance. Seeking out second-career applicants has proven to be successful as those applicants offer a diverse background and have a well-documented work history (Wilson et al., 2010). Second-career applicants, however, have already developed attitudes toward work, and although they come with perceived maturity, will need to be re-trained to fit the organization's needs. This can both invigorate and strain an organization.

The use of internet and social media platforms can increase an agency's ability to recruit police applicants (Wilson et al, 2010). In 2006 the Los Angeles Police Department's recruitment budget had been slashed, but that same year they also implemented an online strategy for recruitment using their department website and recruitment numbers actually increased. Using Internet to recruit can have varying effects, but agencies have been able to use it to present their organizations in order to influence applicants, dispel negative views, and showcase technological abilities (Wilson et al, 2010).

### **Compensation**

Law enforcement agencies are not well known for providing generous pay packages or financial rewards. However, some law enforcement agencies have resorted to offering financial incentives such as sign-on bonuses and higher starting salaries to lure the best and most experienced candidates (Castaneda & Ridgeway, 2010 as cited in Hilal et al., 2015).

The most frequently cited reason officers leave an agency is salary, although that reason may be just the reason given as a means to hold back the actual reasons such as disagreements with management, pending discipline, etc. (Orrick, 2008).

Research by Bowman et al. (2006) and Houston (2000) concludes that compensation via money is not all that is important to public employees when compared to private sector workers.

In fact, Bowman et al. (2006) and Houston (2000) found that many employees in the public sector place less importance on higher pay and more value on work that is important and provides a feeling of accomplishment, when compared to private sector workers. On the other hand, more senior police officers are more likely to desire higher wages (Parsons et al., 2011).

Wisconsin experienced what was perhaps the most dramatic ending to collective bargaining rights a state has ever endured. In 2011, Wisconsin Act 10 largely gutted Wisconsin's public sector employees' ability to collectively bargain giving the employer almost total control over wages, benefits, and work conditions (Malin, 2012). Similar legislation has been considered or enacted in several other jurisdictions across the country. On the other hand, Illinois, for example, has a law in effect called the Illinois Public Labor Relations Act (2017) granting all public employees collective bargaining rights. Frandsen (2016) studied the effects of collective bargaining on public sector workers and found that revocation of collective bargaining rights could result in poorer pay and benefits. It was also determined that collective bargaining rights increased wages by 6 to 8%, on average. The uncertain future of health care and pensions may also prove to be significant factors in law enforcement compensation (Jenson & Graves, 2013).

Some thought has been put into enacting pay-for-performance schemes in public sector organizations, including law enforcement. Houston (2000) found that pay-for-performance schemes are generally unsuccessful in public sector organizations and efforts at making public organizations more "private like" like this, usually are not successful. Many people entering public service work enter it out of a sense of duty or because they are interested in the work and/or that they find it challenging (Weibel, Rost, & Osterloh, 2010). Pay-for-performance schemes change public service employees' perspective on work to being extrinsically motivated

rather than intrinsically motivated, and because public sector employees do not enter their respective line of work to maximize income, but rather to do interesting work, they may be less motivated by pay-for-performance systems (Weibel et al., 2010).

As Bakker et al. (2008) found, those with higher identification with their work seem to perform better at their jobs. If pay-for-performance schemes will negatively affect work delivery, then it could in turn negatively affect work performance and subsequently could increase the number of use-of-force complaints generated.

### **Psychological / personality evaluation**

There is no question that law enforcement jobs are highly stressful at times and stress affects everybody differently. The way people respond to stress can range from keeping calm to losing control of their inhibitions. Occupational research, including research on law enforcement officers, has extended into psychological and personality evaluations. Chiorri, Garbarino, Bracco, and Magnavita (2015) state that stress occurs when an environmental demand exceeds the natural regulatory capacity of an organism, in particular, situations that include unpredictability and uncontrollability – situations which law enforcement officers frequently encounter. The unpredictable or uncontrollable officer could be the type of officer subjected to excessive use of force and subsequently use-of-force complaints. Pre-employment testing that offers some insight as to whether or not a person would be prone to such unpredictability and uncontrollability would certainly be an advantage to the municipality in terms of decreasing use-of-force complaints and possible litigation.

Forero, Gallardo-Pujol, Maydeu-Olivares, and Andres-Pueyo (2009) cite many studies that suggest job performance depends to a large extent on features that are not just knowledge or

skill-based, but individual characteristics that can be evaluated through the use of personality testing. Chiorri et al. (2015) conducted research on law enforcement officers and how stress affects them and their perceived workload as it relates to the Five Factor Model (FFM). The FFM of personality has become a widely accepted framework in personality psychology and assumes individual differences in adult personality characteristics can be organized in five factors. The five factors of the FFM are Extraversion, Agreeableness, Conscientiousness, Emotional Stability (Neuroticism), and Openness. Extraverts are most associated with high levels of energy and dynamism, more effective and active coping, acceptance of responsibility and a higher satisfaction with job performance. Extraverts would experience less fatigue and perceive tasks as less stressful and with less time pressure. Those falling into the Agreeableness category would be better in coping with interpersonal stressors and in gaining social support, which should reduce workload. Conscientious people should show more careful planning, more effective organizations, and more efficient time management. Conscientious people tend to create structure for themselves, facilitate positive experience in the work domain, and are ambitious and goal-oriented. Officers with high Emotional Stability (or the opposite, Neuroticism) will experience more positive emotions, less negative strain, and decreased perceptions of stress. More emotionally stable officers will experience less workload, less dissatisfaction of performance, less stress, less frustration, and less effort. Openness describes an officer who opens himself up to too many activities exposing them time constraints. This officer is open to new ideas, cultures, and other opinions and ideas (Chiorri et al., 2015).

Several FFM personality tests have been developed beginning in the 1980s. A huge body of evidence supports the FFM and related tests spanning across several law enforcement agencies from across the world (Chiorri et al., 2015). These tests are used to determine which of

the five factors a person most identifies with. An officer who does not display signs of Emotional Stability would show the signs of its opposite, Neuroticism. The neurotic officer is one who is anxious, depressed, emotionally unstable, worried, or insecure. According to Chiorri et al. (2015) this factor of the FFM has been proven in multiple empirical studies to have an effect on officer behavior, which of course can be tested for prior to employment in the form of a psychological and/or personality assessment.

In the study conducted by Chiorri et al. (2015) of 269 police officers from an Italian police department, they determined that officers testing high in Conscientiousness were more likely to be efficient and organized and therefore completed tasks in less time with less time pressure. Officers testing high in Extraversion did not show a significant effect on perceived workload or stress. Officers testing high in Agreeableness showed less frustration, but higher temporal demands and were not conducive to changing their attitudes.

Those who tested high for Neuroticism (or low for Emotional Stability) tend to respond poorly to environmental stress, perceive ordinary situations as threatening, and experience minor frustrations as hopelessly overwhelming (Chiorri et al., 2015). Neuroticism was also found to be positively correlated with frustration during tasks requiring vigilance. For over two decades, research has shown a direct correlation between emotional maturity and problem-solving capacity. Research has also shown that most people do not show this emotional stability until they reach their late twenties or older (Haberfeld, 2016).

Law enforcement is a job that has a higher-than-normal level of risk and exposes employees to a risk of violence, sometimes in very remote and dangerous areas. Law enforcement officers deal with people on their worst days, every day. This psychological stress

can affect an officer's behavior. Officers that show high levels of Neuroticism can contribute to the etiology of a number of negative life outcomes, and, specifically, to vengefulness. When considering the fact that law enforcement officers must make split-second decisions regarding life and death, officers with high levels of Neuroticism should be avoided in the hiring process and, if already employed, should seek professional help. It is much more acceptable to have law enforcement officers who do not show signs of Neuroticism, but rather Conscientiousness and/or Extraversion.

Nolan, Langhammer, and Salter (2016) conducted a study evaluating 419 working Americans from a variety of companies in an effort to gain a better understanding into the evaluation of personality as it relates to both person-job (PJ) fit and person-organization (PO) fit. The application of standardized personality inventories proved to be useful for evaluating PO fit, but, not surprisingly, significantly less useful when evaluating PJ fit.

PJ fit had better influence on job performance, involvement with work and physical health than PO fit. PO fit had better influence on prosocial behaviors and commitment to the goals within the organization. Leadership, mental health, and tenure – all traits highly desired in the law enforcement profession – were influenced by both PJ and PO fit to nearly the same extent. PO fit may be more important than PJ fit in a law enforcement agency. Law enforcement agencies need employees who trust each other, work well together, and who can efficiently work as a team. Each individual agency would have to weigh these factors as they apply to them. On the other hand, hiring somebody because they may fit in instead of performing may lead to problems as it relates to the law enforcement subculture (Nolan et al., 2016).

Forero et al. (2009) analyzed 2,010 police candidates enrolled in the Catalan Institute for Public Safety (Spain). The candidates completed a personality test called the 16 Personality Factor Questionnaire (16PF-5) and the Clinical Analysis Questionnaire (CAQ). Researchers then linked those results to the Law Enforcement Assessment and Development Report (LEADR) measurements. The LEADR measurements focus on personality patterns derived from these personality questionnaires. These tests are similar to MMPI and MMPI-2, which are commonly used in the United States. According to prior research, high scores on these tests have been linked to good predictive power for police officer performance using criteria such as evaluations from supervisors, commendations, tenure, and disciplinary sanctions. Forero et al. (2009) also found that actual job performance is influenced by psychological variables, but that these influences pass through training. This suggests that the previously-discovered link between high personality test scores to good academy performance is also linked to on-the-job performance.

Weiss, Vivian, Weiss, Davis, and Rostow (2013) conducted research on the widely used MMPI-2. They studied 4,348 individuals who had been given conditional offers of employment as law enforcement officers pending a psychological evaluation. These participants were from a variety of police departments across the southern U.S. All of the participants took the MMPI-2 and were surveyed again approximately 1.5 years post-employment.

The hypothesis by Weiss et al. (2012) that elevated L scale scores would be associated with significantly more job performance problems than would be found with scores in the lower ranges was supported. High L (Lie) scores signify individuals who are attempting to present themselves as “exceptionally virtuous” and who may be minimizing distress and psychopathology. Those who had L scores between 8 and 10 exhibited significantly more

performance problems than officers with lower scores. Specifically, they were more likely to receive citizen complaints regarding their behavior and were more likely to engage in problematic weapon use (Weiss et al., 2012). They also found that individuals with L scores of 8 or higher were more likely to be terminated for cause.

When commissioning tests such as the FFM or MMPI, Nolan et al. (2016) point out that it is imperative to keep selection assessments standardized and objective. Non-standardized assessment methods compromise the reliability and predictive validity of these systems and expose the hiring process to idiosyncratic beliefs and biases of decision makers. Depending on the assessment tool, it could also be illegal per equal employment opportunity or human resources rules (Forero et al., 2009). The Americans with Disabilities Act allows for the use of these psychopathology tests, but only after all other factors have been considered, making these tests the final step in a hiring process (Weiss et al., 2012). However, those candidates with obvious psychological or personality issues were likely eliminated by this time in the process. Chappell and Piquero (2004) also suggest the use of psychological evaluations such as the numerous personality profile tests available to assess antisocial behavioral tendencies and conscientiousness personality traits, both of which have been valid predictors of successful job performance.

### **Polygraph Examination**

A polygraph test is commonly referred to as a “lie detector test.” The polygraph test utilizes a machine that detects physiological changes that occur in the interviewee’s body as a trained practitioner asks them a series of yes-or-no questions usually consisting of some basic or “base line” questions such as, “Did you brush your teeth this morning?” and more directed

questions pertaining to criminal behavior or another targeted topic. According to Handler, Honts, Krapohl, Nelson, and Griffin (2009), polygraph tests are widely used across the United States as a pre-employment screening tool – particularly for U.S. Government law enforcement agencies.

Polygraph tests can be an integral part of the police officer hiring process offering the employer with information to consider when making a hiring decision (Handler et al., 2009). Handler et al. (2009) conducted a literature review assessing the use of polygraph tests as a pre-employment screening for police applicants. They found polygraph tests to be an inexpensive addition to the hiring process that has many advantages including the detection of possible deceitful behavior, past criminal conduct, and racist tendencies. Additionally, a polygraph test may deter potential applicants from even applying and, more importantly, the results can direct an agency to areas of an interviewee's background for further investigation. Polygraph examinations should not be a sole determining factor and should be used in combination with other pre-employment screening processes (Handler et al., 2009).

In a review of polygraph studies, Handler et al. (2009) found polygraph tests have a wide range of accuracy. In addition to the pass-fail result of a polygraph test there are also false positives and false negatives. A false positive is when an interviewee is identified as being deceitful, but in fact was not. In contrast, a false negative is when an interviewee is identified as being truthful, when they in fact lied. Handler et al. (2009) found that accuracy rates ranged from 65% to 85% with one study indicating a 66% false negative rate, meaning 66% of the test subjects who were programmed to lie passed the polygraph test.

Handler et al. (2009) emphasize that it would be wise for an agency to consult with their legal counsel prior to implementing a polygraph test to assure American with Disability Act regulations and other rules are followed. Because of the uncertain accuracy rates and the amount of liars who have passed polygraph tests, law enforcement agencies would be remiss to base a hiring decision solely, or largely, upon a polygraph test. Although research by Handler et al. (2009) does not address a correlation between the polygraph test and future use-of-force complaints, however, the polygraph test is yet another tool in the agency's tool belt to help screen-in or screen-out applicants.

### **Education requirements**

As early as 1931, the National Commission on Law Observance and Enforcement (the Wickersham Commission) highlighted the importance of a well-educated police force by calling for "educationally sound" officers. In 1967, the President's (President Lyndon B. Johnson) Commission on Law Enforcement and Administration of Justice voiced the belief that "the ultimate aim of all police departments should be that all personnel with general enforcement powers have baccalaureate degrees" (as cited in Paoline & Terrill, 2007; Schmallegger, 2009, p. 212). This commission began funding education and grant programs available to schools and students to help fund law enforcement education efforts.

Since these recommendations were brought forward 50 years ago little progress has been made on this front. Only approximately 1% of law enforcement agencies across the country require a four-year bachelor's degree (Park & Herndon, 2015). In most states, the state governs what level of education is required for entry-level officers. Specific jurisdictions can have additional requirements. Minnesota is the only state that requires a degree – an associate degree.

Many other states including Wisconsin require some college; however, a vast majority of states require only a high school diploma (Hilal, Densley, & Zhao, 2013).

In looking at the literature that supports higher education, Park and Herndon (2015) determined that educated officers produce better reports, receive fewer complaints, and produce a better overall work product. The completion of a bachelor's degree offers the officer a better opportunity for an individual to mature, offers a broader base of general knowledge, and enhances verbal communication skills (Park & Herndon, 2015). Better-educated officers also perform better in the academy, receive higher supervisor evaluations of job performance, have fewer disciplinary problems and accidents, are assaulted less often, use force less often, and miss fewer days of work than their less-educated co-workers (Aamodt, 2004).

College educated officers also have been found to have higher levels of citizen satisfaction ratings and fewer citizen complaints, are more likely to use "reasonable" force, less likely to fire their weapons, and less likely to receive complaints about inappropriate policing (Paoline & Terrill, 2007). College educated officers are not only more aware of social and cultural/ethnic problems in their community, but also have a greater acceptance of minorities, are more professional in their attitude and ethical in their behavior (Roberg & Bonn, 2004). They also attain fewer injuries and preventable accidents, use fewer sick days, and are viewed as less authoritarian (Paoline & Terrill, 2007). Paoline and Terrill (2007) also found that officers with a bachelor's degree were much less likely to use physical force than an officer with only a high school diploma. Interestingly, there was no difference in use of force between those officers with only a high school diploma and some college, indicating a bachelor's degree would be superior to some college or an associate degree. Furthermore, officers receiving the benefit of a bachelor's degree were significantly less likely to rely on physical forms of force in their daily

encounters with the public. Officers with more experience relied less on both verbal and physical force also. However, no evidence was found that there is added value in having both a bachelor's degree and experience.

In looking at educational focus, Christopher (2015) found that a social science based education facilitates exposure to knowledge of society and liberal values that cultivates interpersonal and communication skills in difficult and contested scenarios (use-of-force situations). Higher education promotes life-long learning and those exposed to higher education are less susceptible to the invasive and entrenched "cop culture" (Christopher, 2015).

Level of education can also be linked to use of force, as research shows that the use of force decreases when an officer's level of education increases (Aamodt, 2004; Paoline & Terrill, 2007; Park & Herndon, 2015). A bachelor's degree may offer a better appreciation and understanding of the dynamics involved when using force (Paoline & Terrill, 2007). Findings indicate that increased employment screening tests, higher education requirements and more training hours lowers departmental use-of-force complaints and promote better communication with the community (Stickle, 2016). In a study conducted by Rydberg and Terrill (2010) involving 2800 hours of police observation and interviews, it was revealed that 56% of the encounters (arrest and search incidents) involving officers with some college or a bachelor's degree resulted in the use of force, whereas 68% of those encounters resulted in the use of force involved officers with no college education, further demonstrating the importance of a bachelor's degree.

McElvain and Kposowa (2008) found similar results in that educated officers are less likely to use force. They theorize this may be due in part to higher aptitudes to manage or de-

escalate such circumstances so as to minimize the necessity for deadly force. McElvain and Kposowa (2008) gathered use-of-force data from the Riverside County Sheriff's Office (California) between 1990 and 2004. There were 186 officer involved shooting incidents during that time frame. Data were collected from 314 deputies in the study group and 334 in the control group. McElvain and Kposowa (2008) found that college-educated officers were 41% less likely to shoot than those without a college education. The only "down" side to having a bachelor's degree in law enforcement, as Stickle (2016) describes, is that educated officers are more likely than their lesser educated co-workers to get bored with their work and they can hold hostility toward their lesser educated supervisors.

Educational requirements have been challenged by both police associations (which are often referred to as unions) and the courts. In *Castro v. Beecher* (1972) six Black and two Spanish applicants for the Boston Police Department filed an action, in part, arguing that the high school diploma prerequisite for employment as a police officer was discriminatory. The U.S. Court of Appeals decided such a requirement is not discriminatory and cited research and the 1967 report of the President's Commission on Law Enforcement and Administration of Justice that education for police is a concern and is an attempt at further professionalizing the occupation (Roberg & Bonn, 2004). In *Arnold v. Ballard* (1975) several black applicants for the Akron (Ohio) Police Department and Akron Fire Department filed an action, in part, alleging the city discriminated against them because of their color and that the entrance requirements of a high school diploma and passing the written test were discriminatory. A U.S. District Court ruled that the test Akron used was not discriminatory because it was job-related and the high school diploma requirement was job-related and "indicate[s] a measure of accomplishment and ability which is essential for initial training and performance as a police officer." (Roberg &

Bonn, 2004). In *Davis v. City of Dallas* (1985) two black females who had been denied permanent status as police officers with the City of Dallas filed a class action lawsuit against the city making many claims, but one of which was that the education requirement of 45 college credits from an accredited college was not only discriminatory, but not job-related. The city of Dallas also referenced the 1967 report of the President's Commission on Law Enforcement and Administration of Justice and other sources arguing for education requirement in excess of a high school diploma. An expert witness in the case stated, "The extraordinary risk posed by an officer who is not adequate for the job is such that the City is justified in requiring applicants for positions on the police force to possess the professional maturity gained through education." The Court affirmed the lower court's decision in favor of the City (Roberg & Bonn, 2004).

Scholars and practitioners alike can agree that excessive use of force is unprofessional, and certainly unethical. If higher-educated officers are more aware of these social issues within their communities, act more professional and ethical, and generate fewer complaints, then officers with more education should produce fewer use-of-force complaints.

### **Background investigation**

One of the many pre-employment screenings that prospective officers go through is the background investigation. Prospective employees complete paperwork documenting their entire past to include past employment, former supervisors, references, education, criminal history, driving record, financial history, and former residences. In an effort to verify the applicant's credentials, the background investigator will then delve into an applicant's prior work history, personal history, verify education and training, determine the moral character of an applicant, and evaluate the applicant's financial history (Nevada POST, 2017). More importantly, they will

seek out positive and negative behaviors, because it is those behaviors that will likely be acted upon in the future. Henson et al. (2010) says law enforcement agencies should be screening for higher quality candidates rather than relying on more traditional methods of screening for negative attributes.

For example, Wilson (2012) found that about half of all 12<sup>th</sup> graders reported having smoked marijuana and that the obesity rate has more than double over the past three decades for those ages 12-19. Traditionally, those who admitted to using marijuana may have been automatically disqualified. According to this research, that would eliminate 50% of potential applicants for what could simply have been one poor decision. Jensen and Graves (2013) drives this point further. They found there is little empirical evidence to suggest that minor behavioral infractions in one's youth such as the illegal downloading of music or inappropriate social media use can successfully predict bad acts in the future.

Because law enforcement officers need to possess firearms during the course of their job, a background investigation must assure the potential officer can legally do so. Under federal code 18 U.S.C. § 922(g) (2017), no person may possess a firearm if they have been convicted of a felony, if they have been convicted of a misdemeanor crime pertaining to domestic abuse, or if the person is subject to a domestic violence protection order.

The results of the background investigation can reveal the integrity and truthfulness of the applicant, reveal their character, and provide managers with information to base a hiring decision on. Additionally, the discovery of previous use-of-force or use-of-force related complaints could lead to similar behavior in the future. On the other hand, and Henson et al.

(2010) determined, agencies should be seeking positive attributes, as past positive actions are indicative of future positive actions.

All agencies are required to determine the legal ability for an applicant to possess a firearm, therefore requiring them to conduct some level of a background investigation. For example, states such as Wisconsin and Nevada require law enforcement agencies to conduct background investigations on their prospective officers. Wisconsin Admin. Code LES 2.01(f) (2017) states that a law enforcement agency must conduct a background investigation, determine that a candidate is of good character, and keep a written report of that background investigation on file. The State of Nevada takes that one step further by not only requiring a background investigation be conducted, but that the background investigation include employment history, criminal history, driving history, financial history, educational history, military history, and the residential history of the applicant (Nevada POST, 2017). According to the Nevada POST (2017) all applicants must complete documentation revealing all of the previously-mentioned criteria and allow a background investigator to investigate them.

### **Academy training**

The police academy is where a new recruit or potential recruit goes to learn the many different facets of policing including training such topics related to firearms, driving, laws, ethics, diversity, and other important topics. The requirement to complete a police academy varies widely, not only across the states, but sometimes intrastate. Orrick (2008) contends that officers who do not receive sufficient training make more mistakes, lose cases, and feel less confident. Because the academy is a place of learning, one needs to be emotionally and socially mature enough to be able to benefit from the learning, indicating the age and maturity of an

officer hired and enrolled in a police academy may have an impact as to their performance in the academy and subsequently when they are out on patrol (Haberfield, 2016).

There is mixed support for the idea that successful academy scores and grades have any bearing on whether or not an officer will be successful. Henson et al. (2010) collected data from 1,050 sworn officers from a Midwestern law enforcement agency between 1996 and 2006. Their aim was to study the relationship between individual officer characteristics and quality officer performance using a variety of measures including demographics, education, experience, physical agility, complaints made, job success and others. They concluded there is mixed support for whether or not success in the academy equates to success as a police officer. Academy scores were significantly related to officers' evaluations during the first three years of their career and physical fitness attributes were not significantly related. The authors admitted successful policing is difficult to operationalize and could not define what "success" in policing is, and further state that it is difficult if not impossible to rate success due to the many variables involved. They did, however, decide that it is commonly accepted throughout the field that excessive use of force would be considered a sign of a bad officer and therefore graded as not successful.

Prior law enforcement experience, education and foreign language skills, did not have any effect on officer job performance (Henson et al., 2010). There were three variables that were related to complaints (all complaints to include use-of-force). Females received less complaints, and younger officers and those with military backgrounds received more complaints. Civil service scores were a good predictor of success in the academy and were significantly related to officers' second and third year evaluations, leading the study to conclude that one of the best

criteria to base a hiring decision on may be high civil service test scores (Henson et al., 2010). That is, however, if high evaluation scores equates to fewer complaints.

Other studies, such as work by Park and Herndon (2015) assert that older academy students tend to have decreased performance scores (due in part to physical fitness requirements), but produce more quality work compared to their younger counterparts. In a review of secondary data by Gül et al. (2013), it was determined that training may be a useful tool in reducing excessive use of force and that the number hours of ethics training students receive in the academy is linked to civilian injuries (including injuries from use of force) in the course of police duties.

Academy training must keep up with technological advances and incorporate state-of-the-art training equipment. Many “gaming” type of programs are now available for police training that offer virtual, realistic use-of-force scenario training (Davies, 2015). In today’s age, younger police applicants who fall into the cohort labeled “Millenials” associate better with technologically advanced applications (Gresham, 2016). Davies (2015) surveyed 372 police recruits who were exposed to this virtual, realistic and “video game like” training and found that virtual training helped build a personal reference point and a library of experience for times of crisis, thus stressing the importance of such training.

### **Field training**

Field training is one of the final steps of the hiring process. Typically, newly-hired police officers are on a probationary period for six months to two years, during which time they can be discharged from employment for virtually any reason and do not benefit from union representation. Field Training Officers (FTOs) are experienced officers chosen by the agency to

work with the trainees to help bridge the gap between academy training and real-life police work. This coordination of senior and junior officers may help teach the craft to less experienced peers in ways that training facilities cannot (Paoline & Terrill, 2007).

Field training began in 1969 when the San Jose Police Department (SJPD) hired a young recruit whose peers labeled him as unacceptable, yet he was allowed to continue to work (Getty, Worrall, & Morris, 2014). Less than one year later this officer killed a motorist and severely injured himself in a car crash. As a result, the SJPD created a field training program dubbed “The San Jose Model,” which is still widely used in the U.S. today.

Similarly, in 1983 in Dade County, Florida, a Grand Jury investigated an uptick in police shootings in the area. A report followed this Grand Jury investigation which reported an “incestuous cycle of young officers training other young officers” and suggested offering incentives to senior officers to be FTOs. This report also reported that “the strength and effectiveness of any police department is inextricably dependent upon the strength and effectiveness of its FTO program.”

The field training process takes place during the new officer’s first several weeks on the job. The new officer is paired with an FTO for on-the-job experience and training. On average, according to a nationwide survey, the number of field training hours a new officer receives is 426 (approximately 10.5 weeks) and usually consists of four phases (Phase I-IV) (Stickle, 2016). The San Jose Model and many other similar FTO models employ these four phases. Phase I, referred to as the “teaching phase,” consists of several weeks of the FTO doing most of the work allowing the trainee to observe and learn. In Phase II the trainee takes on more responsibility in the day-to-day work and is referred to as the “development phase,” allowing the trainee to

develop skills. Phase III is the “confidence building phase.” During Phase III, the trainee does most of the work with only minor corrections from the FTO. By the end of this phase, the trainee should be able to work as an efficient police officer with little corrective action needed. Phase IV is a “shadow phase” or an evaluation phase. The trainee does all the work and the FTO evaluates the trainee, often in civilian attire forcing the trainee to be the primary officer. Typically, each phase is handled by a different FTO and the same FTO does Phase I and Phase IV so that FTO can evaluate the changes throughout the phases.

Field training has changed over the years and the Police Training Officer (PTO) Model developed by the U.S. Department of Justice - Community Oriented Policing Services in 2001 in collaboration with the Police Executive Research Forum, and the Reno Police Department is quickly becoming the philosophy of progressive police agencies around the world (USDOJ, 2001). This was a grant-funded project in an effort to modernize police training and tailor it to adult learners and base the training on problem solving. The PTO model helps police change with the different generations in policing. Those employees, who are considered to be Millennials, crave a learning environment where they can participate in collaborative learning that challenges them, such as problem based scenarios that are utilized under the PTO model (McMahon & Pospisil, 2005). As Haberfield (2016) found, people need to be emotionally mature in order to benefit from learning. The PTO program specifically tailors new hires to their learning styles to best benefit from training. Orrick (2008) found that officers who receive better training perform better at their jobs and make fewer mistakes. The focus on learning could help enhance the learning and training and therefore lead to fewer mistakes and fewer use-of-force complaints.

Some research has focused on what influence the field trainer has on a new officer as it relates to their future use of force and complaints. Getty et al. (2014) analyzed data from all sworn officers hired by the Dallas (Texas) Police Department between June 2004 and June 2009. Their goal was to ascertain the correlation, if any, of post field training complaints of new hires to the FTOs they were assigned to and what, if any, role FTOs play in officer development and future complaints. They observed 218 Dallas police officers for 24 months after they completed field training and tracked their complaints and disciplinary actions against them. Each of the new officers was assigned to three FTOs for a period of seven weeks each. The number of complaints generated by the new officers in the 24 months after field training in comparison to their respective FTOs was analyzed and Getty et al. (2014) discovered that FTOs have a statistically significant effect on their trainees' allegations of misconduct, with 26.4% of the variation in complaints attributable to the FTOs. Therefore, Getty et al. (2014) concluded that "bad apple" and/or poorly trained FTOs may thus have a harmful influence on their trainees.

Lee and Vaughn (2010) found more highly trained officers are more able to control and resolve conflict with less force than their lesser trained peers. FTOs have quite the influence on trainees, and trainees often remember that for their entire careers. With such influence on a trainee, it is essential for new officers to be as well-trained as possible and by only the best FTOs. Much thought must be considered when selecting which officers will act in the capacity of an FTO. There are suggestions that police supervisors must maintain a greater degree of supervision of FTOs, however, there seems to be a gap in the literature on this specific aspect (Getty et al., 2014). If training is so important in reducing use-of-force complaints, then perhaps training the trainers would also be of importance, however, it appears there are few mandates on training. The State of California requires anybody who is going to be a field training officer

attend 40 hours of training to do so (California POST, 2017). States like Minnesota and Wisconsin have no required training in order to be an FTO; however, individual agencies may require some training.

### **Retention**

Turnover in police agencies and the motivations for officers to stay has a significant impact on the age cohort of an agency (Wilson & Heinonen, 2012). The age cohort is important because older officers are considerably less likely to be involved in a use-of-force situation and more likely to use alternatives to force; retaining seasoned and experienced officers is paramount to help reduce use-of-force complaints (McElvain & Kposowa, 2008). Additionally, these more experienced officers are frequently working with younger officers, showing them how they do the job (McElvain & Kposowa, 2008). McElvain and Kposowa (2008) found that older officers were considerably less likely to shoot and officers who had previously been involved in an officer-involved shooting were significantly more likely to shoot again. Officers who have experienced life-threatening encounters in the past, such as a previous officer-involved shooting, may tend to act quicker in a use-of-force incident because they may be more sensitive to the dangers involved having been through it at least once before.

Job satisfaction and work environment help shape an officer's desire to stay with an agency (Monk-Turner, O'Leary, & Sumter, 2010). Dissatisfaction with management is strongly related to turnover levels (Getty et al., 2014). Attrition is likely to increase not just in law enforcement, but in many other professions. With more baby-boomers retiring and changing generational expectations of careers, more people are likely to exit the law enforcement career than ever before (Wilson, 2012).

Getty et al. (2014) further state that the loss of corporate and operational policing wisdom and increased reliance on less experienced personnel results in increased risk of complaints and deteriorating public opinion of police performance. Retention impacts the hiring process. For example, consider in a “normal” year having 10 vacancies and have a hiring pool of 100, there would be 10 applicants for every vacancy. When the number of 10 increases to 15 or even 20 or higher and the applicant pool stays the same, the agency may have to “settle” on applicants that would not normally be hired. Brandl, Stroshine, and Frank (2001) found that younger officers received more complaints than older officers. If an agency is losing older officers, then, in theory, you would have an increased number of younger officers thus generating more complaints. They also found that the strongest relationships with complaints were the number of arrests. As the number of arrests increased, so did the number of complaints. This could be viewed a couple different ways. This could be the result of younger, newer, more “eager to work” officers are making more arrests than their older co-workers, older officers using alternatives to force, or it may have nothing to do with age or level of experience.

### **Agency Liability**

Law enforcement agencies and municipalities are legally responsible for hiring and training officers who will act properly and within the scope of law (Stickle, 2016). Not only is police use of force a hot topic among citizens and media, it is also an issue of considerable concern for municipal policymakers and law enforcement agencies (Lee & Vaughn, 2010). Excessive use of force concerns related to public disorder dates back to the 1960s and continues today. Excessive use of force is defined as force that is “unreasonable or unnecessary to accomplish a legal objective.” Excessive force, as defined, has plagued police administrations, causing community resistance, federal investigations, criminal prosecutions, and civil liability.

Excessive use of force opens municipalities, police agencies, police managers and supervisors, and officers to liability suits under Title 42 U.S. Code Section 1983. Title 42 U.S.C. 1983 says that any person under color of statute, ordinance, regulation or custom (which would include any police officer employed by a government entity) shall not deprive anybody of their rights, privileges or immunities as secured by the U.S. Constitution. Any person can file a Title 42 U.S.C. 1983 complaint through the U.S. District Court that holds jurisdiction of the location of the alleged civil rights violation. An attorney is not necessary and the cost to file a complaint is \$400, which can be waived if indigent (United States District Court, 2017) making claims easy and inexpensive to file, despite any level of legitimacy.

Many previous cases have been presented and decided in U.S. Courts related to police civil liability. Several key cases highlight police use of force and liability. Before *Tennessee v. Garner* (1985) it was considered legitimate for law enforcement officers to use deadly force upon any fleeing felon, regardless of the level of threat the felon imposed. This was a major case in the 34 states that had written statutes allowing police to use deadly force of felons fleeing them. In this case, the Court ruled that deadly force is only authorized when an “officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.”

*Graham v. Connor* (1989) established guidelines on non-deadly force. Prior to this decision, most federal courts used the Fourteenth Amendment’s substantive due process standard. The Court changed this standard in this case by judging the use of force under the Fourth Amendment’s ‘objective reasonableness’ standard, which still holds as precedent today.

*Monell v. New York City Department of Social Services* (1978) continues to be the landmark civil liability case. Under this decision, municipalities are liable for implementing policies or having customs or practices that violate a citizen's constitutional rights. Similarly, but more applicable to law enforcement agencies, *City of Canton v. Harris* (1989) states that municipalities are liable under Section 1983 when "failure to train amounts to deliberate indifference to the rights of persons with whom police come into contact." The Court said municipalities are deliberately indifferent to the inhabitant's constitutional rights when they do not train their officers regarding the appropriate use of force in the "obvious areas" of police work. The Court provided the example of firearms as an obvious area of police work, clarifying that officers must be trained in the constitutional limits of firearms.

Lee and Vaughn (2010) examined civil liability cases involving *Monell v. New York City Department of Social Services* and *City of Canton v. Harris* and their relationship to managerial disorganization and administrative breakdown. Lee and Vaughn (2010) reached the conclusion that the breakdown of division of labor, hierarchy of authority, command and control, and communication may contribute to excessive police deadly force. Throughout their analysis, many Title 42 U.S.C. 1983 cases were studied and they ranged from excessive force related to motor vehicle use by police officers to officers who failed firearm requalification shoots using deadly force. Other studies cited by Lee and Vaughn (2010) concluded that police policies have had the most powerful influence on controlling excessive force and that administrative policy developments have included improvements in officer selection.

According to the Bureau of Justice Statistics (2008) the number of civil rights complaints filed in District Courts has steadily decreased between 1998 and 2006. Unfortunately this is the

most recent data available on this and it can only be theorized that this has increased in recent years when considering the current climate in law enforcement.

## **Conclusion**

This literature review covered several points of interest in a police officer hiring process. There is not a widely used standardized process and processes vary not just across the country, but also amongst states and local communities. Because this is an ever-changing environment, more research, particularly modern research, is needed to help police managers determine which particular pre-employment screenings will help them hire the right people.

## **Section III: Theoretical Framework**

The theoretical framework includes two theories: social learning theory and self-determination theory. Social learning theory places emphasis on the social environment surrounding a person's learning processes such as the behaviors of others around them, while self-determination theory is centered around self-started activity versus forced activity.

### **Social Learning Theory**

Akers' social learning theory is an extension of Sutherland's differential association theory that attempts to explain acts that violate social norms (Chappell & Piquero, 2004). The theory posits that people learn their behaviors from the social activities that take place around them. The four variables that Akers identifies as factors affecting social behavior are: differential association, definitions, reinforcement, and modeling. The central variable in the theory is differential association, or the influence of those with whom one associates frequently.

People learn through their peers, positively or negatively, and those actions are reinforced either through rewards or punishments (Chappell & Piquero, 2004).

Although social learning theory was developed to identify criminal activity, it also applies to conforming behavior. The backbone of this theory is described as: The probability that persons will engage in criminal and deviant behavior is increased and the probability of their conforming to the norm is decreased when they differentially associate with others who commit criminal behavior and espouse definitions favorable to it, are relatively more exposed in-person or symbolically to salient criminal/deviant models, define it as desirable or justified in a situation discriminative for the behavior, and have received in the past and anticipate in the current or future situation relatively greater reward than punishment for the behavior (Tibbets & Hemmens, 2010).

### **Application of Social Learning Theory**

It is widely recognized within the research community and law enforcement community that a strong subculture exists in law enforcement (Simmons, 2014). Further, one of the most profound influences in a law enforcement organization is peer influence. This subculture may facilitate deviant behavior by transmitting the beliefs, values, definition, and “manners of expression” that depart from acceptable behavior. The subculture’s shared value system often helps rationalize, excuse, and justify deviant behavior (Chappell & Piquero, 2004). This “cop” subculture is powerful enough to reinforce deviant behavior and is passed on to every new generation of law enforcement officer (Maskaly & Donner, 2015). In addition to, and partially due to this phenomenon, deviant officers are more unlikely to be detected because of loose supervision and the fact that officers often work in isolation away from public observation.

Chappell and Piquero (2004) conducted surveys with 499 Philadelphia police officers analyzing peer associations and the aspects of social learning theory. They found that law enforcement agencies need to recognize the attitudes shaped by the subculture and enact training to help “override” these attitudes, especially considering that officer attitudes are strongly linked to officer behavior. Often, under this theory, new employees indoctrinated into the subculture will imitate other officers. Field training officers usually have the first and most directed impact on new employees, further evidencing the importance of quality FTOs, standards for FTOs, and careful selection and supervision of FTOs.

### **Self-determination Theory**

Self-determination theory is described as being particularly suitable for investigating the influence of motivation on engagement in the work domain. Self-determination theory distinguishes between self-determined motivation and controlled motivation. Self-determined motivation is engaging in an activity out of pleasure, as opposed to controlled motivation which would be engaging in an activity out of pressure or a demand. This theory posits that self-determined motivation will lead to the most desirable outcomes, while controlled motivation will lead to less desirable outcomes and amotivation (Gillet et al., 2013).

A review of research by Gillet et al. (2013) indicates that self-determined work motivation has consistently been associated with positive outcomes such as performance, organizational citizenship behavior, and satisfaction. As previously stated in this paper, positive performance is an element associated with fewer use-of-force complaints and the proper application of force. Research also indicates that a supportive work environment and organizational support are significantly linked to self-determined work motivation.

Gillet et al. (2013) surveyed 147 officers regarding their perceptions of motivation and engagement of training sessions. They found that it is the interest of law enforcement agencies to recruit people with strong self-determined motivation at the global level, as this predicts strong self-determined work motivation, which is, in turn, positively related to work engagement. Yet, it should also be recalled that work engagement is positively related to positive emotions, innovation and creativity, physical and mental health, and performance. All of those characteristics are characteristics law enforcement agencies should desire when looking for officers who will reduce their use-of-force complaints.

### **Application of Self-determination Theory**

Potential officers who show high levels of self-motivation are the officers who are going to display greater levels of work satisfaction and be better performers. Looking for these candidates in the pre-employment phase could prove to be challenging, however, not impossible. Candidates are usually subject to a pre-employment background investigation and psychological/personality profiles, not to mention face-to-face interviews and other tests.

Background investigators, interviewers, and other personnel involved in the hiring process are trained to look for qualities of self-motivation such as previous work history, statements from current/past co-workers, interview questions, and evaluation psychological/personality tests can help an agency find the people they need who will perform better and reduce use-of-force complaints.

In addition to some of the rudimentary pre-employment checks listed above, Gillet et al. (2013) discovered that perceived supervisor support and motivation at the management level higher up in the hierarchy of the organization positively influence self-determined motivation.

This support and motivation by supervisors and management can be displayed during the hiring process when these individuals are participating in the process and meeting with perspective officers. Additionally, this carries on throughout the probationary period and later on in the officer's tenure. Leaders within an organization must display motivation themselves to better get motivation from line personnel.

#### **Section IV: Summary, Recommendations, and Conclusion**

##### **Summary**

Gül et al. (2013, p. 289) described it well by stating, "One measure of the quality of the relationship between the police and the public is complaints against officers." This statement in turn poses the question of how to reduce those complaints if to increase the quality of the police community relationship. The obvious answer is hiring the right people in the forefront who are going to generate the fewest use-of-force complaints.

Research suggests that certain characteristics and achievements of an applicant can help a law enforcement agency hire officers who will generate fewer use-of-force complaints, which include:

- a bachelor's degree (Christopher, 2015; McElvain & Kposowa, 2008; Paoline & Terrill, 2007; Park & Herndon, 2015; Rydberg & Terrill, 2010);
- high written test score (Henson et al., 2010);
- high academy scores (Henson et al., 2010);

- successful scores on psychological/personality evaluations (Chirorri et al., 2014; Forero et al., 2009; Haberfield, 2016; Weiss et al., 2012);
- applicants with a strong work ethic (Andersson Arntén et al. (2016); Bakker et al., 2008; Gillet et al., 2013; Oberfield, 2014);
- non-military applicants (Henson et al., 2010);
- applicants in their late 20s or older in age (Haberfield, 2016; Henson et al. 2010).

Additionally, because training is critical and the more training one receives the less use-of-force they use, a person needs to be emotionally and socially mature enough to be able to benefit from training (Bradford, Quinton, Myhill, & Porter, 2014). Several studies and comments by police leaders have come to the conclusion that law enforcement hiring processes must be reformed to relate to success instead of the traditional methods of eliminating candidates due to faults (Henson et al., 2010).

Stickle (2016) suggests increased field training and pre-employment tests for personal attributes reveal a strong association with the reduction of use-of-force complaints. Additionally, police organizations have strong influences on their employees. Police policies have been proven to have a powerful influence on controlling excessive force. Those policies include policies on improved officer selection procedures (Lee & Vaughn, 2010).

It is recommended that law enforcement agencies seek to utilize the tools at their disposal to decrease future use-of-force complaints at the front end – that is, during the hiring process. As explained in social learning theory, people learn from the actions and activities surrounding them. The principles behind this theory should be used in the forefront when law enforcement

agencies are conducting pre-employment background checks and evaluating applicants. Law enforcement agencies can also control how their own agency acts and is perceived by potential applicants by setting the tone of a professional and ethical agency that will, in turn, be passed on to a new hire. Perhaps more importantly, is how the new hire is exposed to the agency's personnel during their field training and probationary period as they are very malleable at that time.

Traits derived from self-determination theory can also be sought during a hiring process, again during a background investigation (reference checks), and also during an interview or personality evaluation. Traits such as hard work ethic and motivations to enter law enforcement can help gauge future use-of-force complaints.

### **Implications for Management**

Law enforcement managers hold a lot of responsibility when it comes to the hiring process. They are subject to strict liability in terms of training officers, assuring they are supervised, and following all laws and policies throughout the process. In addition to this, they have to fight the strong law enforcement culture, which is often resistive to change (Bradford et al., 2014).

The recruitment and selection of new police officers is one way managers can bring change to this institutional culture (Simmons, 2014). In today's world managers must work with HR departments and city councils to be able to offer competitive salaries that meet or exceed the market average in order to attract (and retain) good employees who have the potential to find meaning and enjoyment in their work (Kuvaas & Dysvik, 2009; Orrick, 2008). Managers also have to find ways to be proactive in their recruitment to overcome their shortages by methods

such as job fairs or even recruiting non-traditional applicants such as adults who are working in a different field (White & Escobar, 2008).

McElvain and Kposowa (2008) say older officers were considerably less likely to engage in shootings than younger officers. More importantly, younger officers learn from senior officers, further suggesting managers need to do what they can to retain senior officers (assuming senior officers are modeling the right behavior). Much of the research suggest that employees perform better, are more willing to stay with an agency, and have greater job satisfaction when they are treated fairly by supervision, trust their supervisors, and have good relationships with co-workers and supervisors (Gillet et al., 2013).

McElvain and Kposowa (2008) found that unrestrained policies or an agency's culture and leadership are sure to encourage officers to shoot sooner than truly required given the level of resistance from the citizen. These tendencies could be mitigated by proper leadership and supervision (Brandl et al., 2001). Many times these officers subject to more complaints are less likely to be detected under loose supervision (Chappell & Piquero, 2004). Much of this responsibility falls on management to assure the proper policies are in place and that supervisors are doing their jobs.

## **Conclusion**

More research is needed on this topic. Of the research that exists, much of it is somewhat outdated because of the rapidly changing law enforcement climate. With the amount of pressure on law enforcement agencies to find good people while simultaneously dealing with the everyday and changing stresses in law enforcement, more data relating pre-employment

characteristics and use of force is needed. The federal government (like the FBI) needs to establish a standard method of tracking all use of force incidents in the country.

Law enforcement agencies need to be innovative in the way they do things – including hiring new officers. Some of the ways of the past no longer apply to present day policing. With a better understanding of how law enforcement agencies recruit, hire, train, and educate officers, incidents of force can be reduced (Stickle, 2016). Agencies with higher employment screening standards, higher levels of required education, and increased training hours are correlated with a reduction of use-of-force complaints (Stickle, 2016). An interviewee interviewed in a study by (Hilal et al., 2015) said it best, “We can make good cops of good people, but we can’t make good people out of good cops.”

## References

18 U.S.C. § 922(g) (2017)

Aamodt, M. G. (2004). *Research in law enforcement selection*. Boca Raton, FL: Brown Walker Press.

Andersson Arntén, A., Algafoor, N., Nima, A., Schütz, A., Archer, E., & Garcia, T. (2016). Police personnel affective profiles: Differences in perceptions of the work climate and motivation. *Journal of Police and Criminal Psychology*, *31*(1), 2-14.

Ariel, B., Farrar, W. A., & Sutherland, A. (2015). The effect of police body-worn cameras on use of force and citizens' complaints against the police: A randomized controlled trial. *Journal of Quantitative Criminology*, *31*(3), 509-535.

Bakker, A. B., Schaufeli, W. B., Leiter, M. P., & Taris, T. W. (2008). Work engagement: An emerging concept in occupational health psychology. *Work & Stress*, *22*(3), 187-200. doi:10.1080/02678370802393649

Bowman, M., Carlson, P., Colvin, R., & Green, G. (2006). The loss of talent: Why local and state law enforcement officers resign to become FBI agents and what agencies can do about it. *Public Personnel Management*, *35*(2), 121-136.

Bradford, B., Quinton, P., Myhill, A., & Porter, G. (2014). Why do 'the law' comply? Procedural justice, group identification and officer motivation in police organizations. *European Journal of Criminology*, *11*(1), 110-131.

Brandl, S. G., Strohshine, M. S., & Frank, J. (2001). Who are the complaint-prone officers?: An examination of the relationship between police officers' attributes, arrest activity, assignment, and citizens' complaints about excessive force. *Journal of Criminal Justice*, *29*(6), 521-529.

Bureau of Justice Statistics. (2008). *Civil rights complaints in U.S. district courts, 1990-2006*. Retrieved from: <https://www.bjs.gov/content/pub/pdf/crcusdc06.pdf>

California Commission on Police Officer Standards and Training (POST). (2017). Commission Procedure D-13, Field Training. Retrieved from: <https://www.post.ca.gov/commission->

procedure-d-13-field-training.aspx

Chappell, A.T., & Piquero, A.R. (2004). Applying social learning theory to police misconduct. *Deviant Behavior*, 25, 89-108.

Chiorri, C., Garbarino, S., Bracco, F., & Magnavita, N. (2015). Personality traits moderate the effect of workload sources on perceived workload in flying column police officers. *Frontiers in Psychology*, 6, 1835.

Christopher, S. (2015). The quantum leap: Police recruit training and the case for mandating higher education pre-entry schemes. *Policing: A Journal Of Policy & Practice*, 9(4), 388-404. doi:10.1093/police/pav021

City of Canton v. Harris, 489 U.S. 378 (1989).

City of Chicago. (2016). Entry level police officer frequently asked questions. Retrieved from: <https://www.cityofchicago.org/content/dam/city/depts/dhr/general/CPD-FAQs-FINAL-102915.pdf>

City of Milwaukee. (2013). *Agreement between City of Milwaukee and the Milwaukee Police Association, Local #21*. Retrieved from: [http://city.milwaukee.gov/ImageLibrary/User/jkamme/LaborContracts/Local\\_21\\_MPA\\_2013-2017.pdf](http://city.milwaukee.gov/ImageLibrary/User/jkamme/LaborContracts/Local_21_MPA_2013-2017.pdf)

Davies, A. (2015). The hidden advantage in shoot/don't shoot simulation exercises for police recruit training. *Salus Journal*, 3(1), 16-30.

Davis v. City of Dallas, 77 F.2d 205 (1985).

Federal Bureau of Investigation. (2017). *National Use-of-Force Data Collection*. Retrieved from: <https://ucr.fbi.gov/use-of-force>

Forero, C. G., Gallardo-Pujol, D., Maydeu-Olivares, A., & Andrés-Pueyo, A. (2009). A longitudinal model for predicting performance of police officers using personality and behavioral data. *Criminal Justice and Behavior*, 36(6), 591-606.

Frandsen, B. (2016). The effects of collective bargaining rights on public employee compensation. *ILR Review*, 69(1), 84-112.

- Getty, R. M., Worrall, J. L., & Morris, R. G. (2016). How far from the tree does the apple fall? Field training officers, their trainees, and allegations of misconduct. *Crime & Delinquency*, 62(6), 821-839.
- Gillet, N., Huart, I., Colombat, P., Fouquereau, E., & Brown, R. T. (2013). Perceived organizational support, motivation, and engagement among police officers. *Professional Psychology: Research and Practice*, 44(1), 46-55.
- Graham v. Connor, 490 U.S. 386 (1989).
- Gresham, J. (2016, May). *Rise of the millennial officer: multigenerational learning and field training programs*. Huntsville, TX: Bill Blackwood Law Enforcement Management Institute of Texas.
- Gül, Z., Hekim, H., & Terkeşli, R. (2013). Controlling police (excessive) force: The American case. *International Journal of Human Sciences*, 10(2), 285-303.
- Haberfeld, M. (2016). The triangle of recruitment, selection, and training in 21st century policing. In *The Politics of Policing: Between Force and Legitimacy* (pp. 295-313). Emerald Group Publishing Limited.
- Handler, M., Honts, C. R., Krapohl, D. J., Nelson, R., & Griffin, S. (2009). Integration of pre-employment polygraph screening into the police selection process. *Journal of Police and Criminal Psychology*, 24(2), 69-86.
- Henson, B., Reynolds, B. W., Klahm IV, C. F., & Frank, J. (2010). Do good recruits make good cops? Problems predicting and measuring academy and street-level success. *Police Quarterly*, 13(1), 5-26.
- Hickman, M.J. (2006). *Citizen complaints about police use of force* (BJS Report No. NCJ 210296). Retrieved from: <https://www.bjs.gov/content/pub/pdf/ccpuf.pdf>
- Hilal, S., Densley, J. A., & Jones, D. S. (2015). A signalling theory of law enforcement hiring. *Policing and Society*, 27(5), 508-524.
- Hilal, S., Densley, J., & Zhao, R. (2013). Cops in college: Police officers' perceptions on formal education. *Journal of Criminal Justice Education*, 24(4), 461-477.

- Hilal, S., & Erickson, T. (2010). The Minnesota police education requirement: A recent analysis. *FBI Law Enforcement Bulletin*, 79(6), 17-21.
- Houston, D. J. (2000). Public service motivation: A multivariate test. *Journal of Public Administration Research and Theory: J-PART*, 713-727.
- Illinois Public Labor Relations Act, 5 ILCS 315 (2017).
- Jensen, C., & Graves, M. (2013). Leading our most important resource: police personnel issues in the year 2020, Bureau of Justice Assistance, Law Enforcement Forecasting Group, Washington, DC. Retrieved from:  
<https://www.bjalefg.com/Documents/Public/LEFGPolicePersonnelIssuesin2020Final.pdf>
- Kahn, K.B., & Martin, K.D. (2016). Policing and race: Disparate treatment, perceptions, and policy responses. *Social Issues and Policy Review*, 10, 82-121.
- Kuvaas, B., & Dysvik, A. (2009). Perceived investment in employee development, intrinsic motivation and work performance. *Human resource management journal*, 19(3), 217-236.
- Lee, H., & Vaughn, M. S. (2010). Organizational factors that contribute to police deadly force liability. *Journal of Criminal Justice*, 38(2), 193-206.
- Malin, M. H. (2012). Life after Act 10?: Is there a future for collective representation of Wisconsin public employees? *Marquette Law Review*, 96, 2.
- Maskaly, J., & Donner, C. (2015). A theoretical integration of social learning theory with terror management theory: towards an explanation of police shootings of unarmed suspects. *American Journal of Criminal Justice*, 40(2), 205-224.
- McElvain, J. P., & Kposowa, A. J. (2008). Police officer characteristics and the likelihood of using deadly force. *Criminal Justice and Behavior*, 35(4), 505-521.
- McMahon, M., & Pospisil, R. (2005). Laptops for a digital lifestyle: millennial students and wireless mobile technologies. *Proceedings of the Australasian Society for Computers in Learning in Tertiary Education*, 17, 421-431.
- Minnesota Board of Police Officer Standards and Training. (2017). *Model policies and*

- learning objectives*. Retrieved from: <https://dps.mn.gov/entity/post/model-policies-learning-objectives/Documents/Allegations-of-Misconduct-Model-Policy.pdf>
- Minnesota Statute § 609.06 (2017). Retrieved from:  
<https://www.revisor.mn.gov/statutes/?id=609.06&year=2013#stat.609.06.1>
- Minnesota Statute § 6700.2100 (2017). Retrieved from:  
<https://www.revisor.mn.gov/rules/?id=6700.2100>
- Monell v. New York City Department of Social Services, 436 U.S. 658 (1978).
- Monk-Turner, E., O'Leary, D., & Sumter, M. (2010). Factors shaping police retention: Does Herzberg's Theory of Satisfaction hold? *The Police Journal: Theory, Practice and Principles*, 83(2), 164-180.
- Moynihan, D. P., & Pandey, S. K. (2007). The role of organizations in fostering public service motivation. *Public Administration Review*, 67(1), 40-53.
- National Institute of Justice. (2009). *The Use-of-Force Continuum*. Retrieved from:  
<https://www.nij.gov/topics/law-enforcement/officer-safety/use-of-force/Pages/continuum.aspx>
- Nevada POST. (2017). *Administration Manual*. Retrieved from:  
[http://post.nv.gov/uploadedFiles/postnvgov/content/General/POST\\_News/Nevada%20POST%20Administration%20Manual%202017-1.0.pdf](http://post.nv.gov/uploadedFiles/postnvgov/content/General/POST_News/Nevada%20POST%20Administration%20Manual%202017-1.0.pdf)
- Nolan, K., Langhammer, K., Salter, N., & Kaiser, Robert B. (2016). Evaluating fit in employee selection: Beliefs about how, when, and why. *Consulting Psychology Journal: Practice and Research*, 68(3), 222-251.
- Oberfield, Z. (2014). Motivation, change, and stability: Findings from an urban police department. *The American Review of Public Administration*, 44(2), 210-232.
- Orrick, D. (2008). *Recruitment, retention, and turnover in law enforcement: Best practices Guide*. Retrieved from International Association of Chiefs of Police website:  
<http://www.theiacp.org/portals/0/pdfs/BP-Recruitment.pdf>
- Paoline III, E. A., & Terrill, W. (2007). Police education, experience, and the use of force.

- Criminal Justice and Behavior*, 34(2), 179-196.
- Park, A., & Herndon, J. S. (2015). Police cadet attrition and training performance outcomes. *Polygraph*, 44(2).
- Parsons, A. R., Kautt, P., & Coupe, T. (2011). Effective policing: management influence and the commitment of senior police personnel. *Policing & Society*, 21(1), 1-26.  
doi:10.1080/10439463.2010.540661
- Prenzler, T., Porter, L., & Alpert, G.P. (2013). Reducing police use of force: Case studies and prospects. *Aggression and Violent Behavior*, 18(2), 343-356.
- Reingle Gonzalez, J.M., Jetelina, K.K., & Bishopp, S.A. (2017, August). Toward a constructive public health agenda on race and police use of force. *American Journal of Public Health*, (17)8, e22-e23.
- Roberg, R., & Bonn, S. (2004). Higher education and policing: where are we now? *Policing: An International Journal of Police Strategies & Management*, 27(4), 469-486.
- Rosenfeld, R. (2015). Ferguson and police use of deadly force. *Mo. L. Rev.*, 80, 1077.
- Rydberg, J., & Terrill, W. (2010). The effect of higher education on police behavior. *Police Quarterly*, 13(1), 92-120.
- Schmallegger, F. (2009). *Criminal justice today* (10<sup>th</sup> Ed.). Upper Saddle River, New Jersey: Pearson Prentice Hall.
- Simmons, K. C. (2014). Stakeholder participation in the selection and recruitment of police: Democracy in action. *Saint Louis University Public Law Review*, 32, 7-487.
- Sparrow, M. K. (2015). Measuring performance in a modern police organization. *Psychosociological Issues in Human Resource Management*, 3(2).
- Stickle, B. (2016). A national examination of the effect of education, training and pre-employment screening on law enforcement use of force. *Justice Policy Journal*, 13(1).
- Tennessee v. Garner, 471 U.S. 1 (1985).
- Tibbets, S.G., & Hemmens, C. (2010). *Criminological theory*. Thousand Oaks, California:

Sage Publications.

United States Department of Justice (USDOJ), Office of Community Oriented Policing Services. (2001). Retrieved from:

[http://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/FTO/pto%20manual.pdf](http://www.policeforum.org/assets/docs/Free_Online_Documents/FTO/pto%20manual.pdf)

United States District Court. (2017). About the court. Retrieved from:

<http://www.wiwd.uscourts.gov/about-court>

Weiss, P. A., Vivian, J. E., Weiss, W. U., Davis, R. D., & Rostow, C. D. (2013). The MMPI-2 L Scale, reporting uncommon virtue, and predicting police performance. *Psychological services, 10*(1), 123.

White, M. D., & Escobar, G. (2008). Making good cops in the twenty-first century: Emerging issues for the effective recruitment, selection and training of police in the United States and abroad. *International Review Of Law, Computers & Technology, 22*(1/2), 119-134. doi:10.1080/13600860801925045

Weibel, A., Rost, K., & Osterloh, M. (2009). Pay for performance in the public sector—Benefits and (hidden) costs. *Journal of Public Administration Research and Theory, 20*(2), 387-412.

Wilson, J. M. (2012). Articulating the dynamic police staffing challenge: an examination of supply and demand. *Policing: An International Journal of Police Strategies & Management, 35*(2), 327-355.

Wilson, J. M., Dalton, E., Scheer, C., & Grammich, C.A. (2010). *Police recruitment and retention for the new millennium: The state of knowledge*. RAND Corporation.

Wilson, J. M., & Heinonen, J. A. (2011). Advancing a police science: implications from a national survey of police staffing. *Police Quarterly, 14*(3), 277-297.

Wilson, J. M., & Heinonen, J. A. (2012). Police workforce structures: cohorts, the economy, and organizational performance. *Police Quarterly, 15*(3), 283-307.

Wisconsin Admin. Code LES 2.01(f) (2017). Retrieved from:

[https://docs.legis.wisconsin.gov/code/admin\\_code/les/2](https://docs.legis.wisconsin.gov/code/admin_code/les/2)

Wisconsin Statute § 939.45 (2017). Retrieved from:

<http://docs.legis.wisconsin.gov/statutes/statutes/939/III/45>