COLLEGE EDUCATIONAL REQUIREMENTS AND THE IMPACT ON THE RECRUITMENT OF MINORITY OFFICERS

JOURNAL ARTICLE

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PEACE OFFICER STANDARDS AND TRAINING
SACRAMENTO, CALIFORNIA

MAY 1998

25-0523

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

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

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

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Law enforcement has long sought to be recognized as a profession and education is arguably the cornerstone of professionalism. Many in law enforcement are quick to praise the rising educational level we enjoy in police work. The average education of police officers has steadily risen over the past decade. On average, that level is now about equal to sophomore status in college. But perhaps some perspective is in order. Most police recruits receive around four hundred hours of basic academy training; some will receive up to eight hundred hours of basic training. In one basic police academy, recruits receive just over thirteen hundred hours of academy training. In comparison, attorneys receive more than nine thousand hours of instruction, doctors receive more than eleven thousand hours, embalmers receive more than five thousand hours of training and barbers with more than four thousand hours of training prior to employment (Edwards 1993). Clearly in the area of formal education, law enforcement has distance to go.

The lack of formal education and vocational training is one of the primary blocks to law enforcement evolving from a vocation into a true profession. Baker (1995) provided a definition of a profession that included most of the elements commonly accepted as necessary for a field of endeavor to be a profession. A major component is the need for advanced education and arguably the most important. It is from education that most of the other elements of professionalism flow. This a new idea. It was expressed by the Wickersham Commission in 1931. Again in the 1960's it came to the forefront when The President's Commission on Civil Rights and Law Enforcement, the President's Commission on Law Enforcement and the Administration of Justice, and the President's Commission on the Causes and Prevention of Violence, spoke to the need for higher education among law enforcement officers (Brown 1974).

Several law enforcement executives recognized the need for better educated officers and instituted local requirements for college education as a job requirement for new hires. By 1958 the San Jose Police Department required two years of college for new officers and the Oakland Police Department followed in 1960 (Moore, 1972). In 1964, Multnomah County, Oregon was the

first local law enforcement agency in the nation to require a four-year degree (Law Enforcement News November 1997). In January 1998, the Tulsa Police Department, which has required 108 semester units since 1981, requires new officers to have a four-year degree, as will the Portland Police Department (Law Enforcement News November 1997). The Chicago Police Department has revamped its job requirements by requiring applicants to be twenty-three years old and possess a college degree (Law Enforcement News November 1997).

Minnesota led the way at the state level by requiring at least two years of higher education for all law enforcement applicants. Minnesota required that before an applicant may be hired they must possess a state license. To obtain that license, an applicant must satisfy an academic and clinical (skills) requirement and pass the state licensing examination. The cost of this training must be borne by the applicant not the agency. During the life of the three-year license, the license holder must complete forty-eight hours of academic and/or an agency sponsored continuing education program. (Law Enforcement News November 1997)

Overall, law enforcement still lags behind other professions in educational requirements. As 1998 begins, no state or national requirements exist. A 1990 Law Enforcement Management and Administration Statistics Study revealed that although 96 percent of all police departments had educational requirements, 98 percent of that number required only a high school equivalency. Only 6 percent of all police departments required more than a high school diploma and less than one-half of 1 percent required a four-year degree. In the past eight years not much has changed.

This reluctance to impose a higher education requirement is driven by several reasons. Many police executives from smaller departments worry that college requirements, even modest ones, will make it impossible to compete with larger police departments for personnel (Carter, Sapp, and Stephens 1988).

Another reason for this resistance appears to be the inability of anyone to be able to quantify or qualify the value of higher education for police officers. Thus far, no one has been able to prove to everyone's satisfaction the benefits of increased educational levels for police officers (Bell 1979). Many law enforcement executives fear that potentially good police officers will be dropped from consideration because they do not have higher education. However, that is a very narrow view of the issue (Carter, Sapp, and Stephens 1988).

The latest worry is that by requiring higher education, agencies might be guilty of discrimination against women and minorities. Many believe educational policies toward minorities by the educational system has long been found wanting and that condition continues to exist today (Altbach and Lomotey 1991). Research reveals that much of the educational gains made by minorities in the past has been lost in recent years. Beginning in the 1960's, minorities began gaining ground, but this growth peaked in 1985 when the largest numbers of minorities were in the higher education system. However, since 1985 the number of minorities, with the exception of Asian students, in higher education has been dropping. (Altbach and Lomotey 1991)

Excluding Asians, there are a number of reasons for the general decline in minorities in higher education. Many critics are quick to blame what seems to be a reversal in the acceptance of affirmative action programs designed to move minorities into higher education. Altbach and Lomotey (1991) believe that for the first time in several years, subtle racism has become more acceptable. Without question, the alteration or elimination of affirmative action programs will effect the number of minority college applicants, but largely the impact will be at the most select and sought after schools, not second and third tier colleges and universities and certainly not at two-year colleges (Browne-Miller 1966).

The problem begins long before minorities or women attempt to enter college. By age eight or nine, black students are twice as likely as white students to be two grades behind in

school. By age sixteen, black students are three times as likely to be two grades or more behind white students. By 1995, one-half million of the high school students enrolled in 1994 had dropped out of school by October 1995. Hispanic students are the most likely to leave, with a 37 percent dropout rate. Black students are next most likely with a 15 percent dropout rate, followed by whites with a 10 percent dropout rate. The gap between whites and blacks has been slowly closing and continues to do so (National Center for Education Statistics 1995).

The evidence seems clear, although it varies with different groups, that most minorities are to some degree disproportionately disadvantaged with regard to higher education. How much they are impacted varies with the group, the individual, and their personal history. Without a doubt, a requirement for higher education for entry level officers is a discriminatory requirement. That is, it allows departments to make fine distinctions between applicants ethnicity regardless of their race or ethnicity.

Since it has been shown that having an educational requirement may disproportionally impact a race or ethnic group–that is, it discriminates–does that mean that we in law enforcement should abandon the quest for professionalism through higher education? Not at all. Certainly there are law enforcement agencies that have higher education requirements and are currently elevating their educational requirements for new officers and officers seeking promotion. However, higher education requirements cannot be imposed by executive fiat. Policing takes place in an economic and political context and is often governed by individual perceptions of the parties involved. Accusations of bias, prejudice and unequal treatment emerge from the perceptions of these relationships (Lumb 1995).

Although many law enforcement executives worry that a higher educational requirement might violate of Title VII of the 1964 Civil Rights Act and the Equal Employment Opportunities Commission (EEOC) guidelines, this is not necessarily true. The law recognizes that employers

must have ways to select the best employees for hire. The federal government and the courts have taken great pains to ensure that testing and job requirements are job-related. If they are not, they may be discriminatory. Title VII of the 1964 Civil Rights Act allows for the use of ability and aptitude tests for employment decisions if there is no intent to discriminate (Pynes 1994). The EEOC Guidelines on Employee Selection Procedures hold the fundamental principle that if employer practices and procedures have an adverse impact on the hiring and promotion of members of minority groups, they are considered illegal under Title VII (Felkenes and Unsinger 1992). In 1971 the EEOC, the Civil service Commission, the Department of Labor and the Department of Justice adopted the Uniform Guide on Employment Selection Procedures. The Uniform Guidelines held that if the passing rate for any group was less than 80 percent of the passing rate for the highest passing group, a disparate impact is demonstrated (Pynes 1994).

For law enforcement, the big test for educational requirements came in 1979 when Davis v. City of Dallas was heard in the Federal Court for the Northern District of Texas. An important assertion in the case was that college education requirements constituted discriminatory selection in police hiring. To the court, the test was if college education constituted a business necessity. If the requirement for college education could not be shown to be related to job performance, then it was deemed illegal.

In Davis v. City of Dallas, the department acknowledged that black applicants were statistically significantly disparately impacted by the educational requirement. However, the police department contended that the issue was one of professionalism (Carter, Sapp, and Stephens 1988). The Fifth Circuit Court agreed. The Court noted that police officers hold a position that is unique with respect to public risk and responsibility.

The Davis decision did not do away with the need to validate job related requirements for law enforcement that were in place under the Griggs v. Duke Power Company court decision and

the EEOC's guidelines. It only changed two requirements for law enforcement. It allowed the validation process to be accomplished through qualitative or content means. It also acknowledged that because of public risk and responsibility factors, the burden is lighter for law enforcement in establishing job-relatedness of the educational requirement for police officers.

Law enforcement must evolve into a true profession because society is changing too dramatically for it to remain as a vocation with a hook and book mentality. The first step toward that goal is to raise the educational standards of its members. It must be remembered that educational requirements are viewed as discriminatory, as are all job or professional requirements. Requirements should be designed to ensure the best qualified persons are accepted into the job or profession. Most important is that these discriminatory qualifications be legitimately related to the job and in no way designed, intentionally or not, to exclude anyone because of race, gender, or ethnicity.

As law enforcement executives attempt to upgrade the educational requirements for their agencies they must first prepare to face challenges from several directions. A common axiom is that people resist change. It is probably more correct to state that people resist change if they cannot see how it is in their best interest to change. The visionary leader must be able to share the vision with others and convince them it is in their best interest to change from the status quo.

Chief executives must realize that the impact of upgrading educational requirements will be far reaching and affect more than the officers. It will at a minimum affect the community at large. As a practical matter, chief executives who decide to raise educational standards should know that they will be not be able to do so without arriving at some type of consensus with internal and external stakeholders. It is conceivable that internal agreements will have to be reached with labor organizations and the agencies' governing body such as a mayor and city council. Externally, there are also community groups to consider. Many community groups and

political activists have political agendas that include increasing the statistical percentage of various minorities, ethnic groups, genders or sexual preferences. A chief executive and command staff must be able to convince these groups that an increased educational requirement would not adversely impact a specific group but instead would benefit everyone in the long run. The need for consensus building would be eliminated if a statewide educational upgrade is legislated, but the implications could be much broader.

If a modest increase in educational requirements to sixty semester units — two years of college or an AA degree — is mandated by the state, it would have less of an impact on any agency since there are a large number of community colleges throughout the state which can meet educational needs of potential applicants. However, a requirement for a four-year degree could severely negatively impact small departments. Small departments might not be able to compete with salary and benefits offered by larger agencies. It might be very difficult to attract college graduates to law enforcement jobs that offer little opportunity for advancement. Small departments that could not meet a state educational mandate might be forced to disband in favor of a contract law enforcement arrangement or be absorbed by the county sheriff's department. Leadership of the local agency and the sheriff's department would be faced with new problems indirectly related to increased educational requirements.

However, for larger departments and those in urban areas, law enforcement leaders as well as local elected officials could compete on a more even footing. If higher education became a state-mandated requirement, there would be no need to offer educational incentives to encourage officers to increase their educations.

Assuming the decision to increase educational requirements is made on a local basis, leadership must decided to what level. Raising the requirement from a high school diploma to a college degree is probably too large an initial step. It makes far greater sense to establish a time

line where both the educational requirements for entry level and promotion will increase incrementally. This first step takes vision and a long term commitment by members of the organization. In this day of transient chief executives it is probable that the person that started such a project will have moved on before it is finished. Therefore it is imperative that supervision and command staff become vested in the program.

Before the requirement for higher education is put into place, an agency must develop an educational policy (Carter and Sapp 1992). The policy must be carefully thought out to minimize any adverse effect on minority applicants. Law enforcement agencies are bound by EEOC guidelines. Agencies must comply with EEOC guidelines to the extent that the courts have modified the burden of compliance for law enforcement agencies. The development of an educational policy allows an agency to do a great deal of self reflection. An agency must give thought to community needs and the available human resources. The failure to develop an educational policy places the agency at risk for a legal challenge.

It does not matter what the specifics of the educational policy are, but the policy must define college education as a bona fide occupational qualification. The bona fide occupational qualification will allow agencies to meet the balancing test between the qualitative and quantitative validation of the educational requirement.

Once an educational requirement is in place the challenge remains to attract qualified applicants, and minimize the impact of the requirement on women and minorities which will remain especially challenging. With an admittedly smaller pool of qualified candidates to draw from recruiting must be aggressive and innovative. When planing recruitment strategies chief executives must keep several things in mind. Court decisions as well as California's Proposition 209 have severely narrowed the venues in which race/gender-consciousness can survive a constitutional challenge. Proposition 209 bans the use of race or gender as a condition of

employment much as Title VII did in 1964, before federal court decisions altered the language and intent of the legislation. Besides Proposition 209 in California, recent federal court decisions require that race/gender-conscious programs be narrowly tailored. Before a program can be adopted, it must survive several tests (Cohn 1996)

a. Were race-neutral alternatives considered before adopting race-conscious measures?

b. Was the adopted race-conscious measure flexible and of limited duration?

c. Were any numerical goals related to the appropriate labor market?

d. Were the race-conscious measures a burden to third parties?

When forming a recruiting team, agency executives must identify how they are attempting to diversify their agencies. Although many are encompassed by the term minority, minority groups are not interchangeable. Each has have different needs and concerns. Recruiters representing specific groups may be needed. The Tucson Police Department found that recruitment of Black and Hispanic officers increased dramatically when they appointed recruiters of the racial or ethnic group they were seeking (Grant, Miline, and White 1975).

Before recruiting begins, there should be an action plan which defines goals and objects, time lines for recruiting efforts, budgets, and recruiting accountability. (Schuster 1995) Additionally, the local political climate and community economic conditions must be factored into any planning.

Planners must identify what has been missing from previous recruiting efforts. An agency may form a partnership in various academic programs with a local college to help minority students decide on law enforcement as a viable career path. Above all, recruiters must be inventive. They must look where they have not looked before to broaden the applicant pool. Because of military reduction in force, all military bases will have personnel offices charged with

the legal responsibility to assist departing service personnel with transitioning into civilian life. The police recruiters, or a coalition of recruiters from smaller agencies, can arrange the first interviews with the soon-to-be civilians. By going to the source recruiters will have access to highly educated minority personnel. Other equally innovative options must be identified and explored.

Finally, a thorough search for educationally qualified women and minorities takes a committed effort which takes time. It has been estimated that it takes one to one-and-a-half months longer to find educationally qualified women and minorities than it does comparably qualified male White candidates. It will not be enough for recruiters to place ads in minority newspapers and radio stations. While that should be done, it is not enough and is being done by every other police department that is seeking a larger share of a limited labor pool.

For law enforcement the times are not changing, they have changed. Daily there is new legislation or court decisions that remove yet another bit of law enforcement's discretion and the ability to shape its own destiny. Doubtless this is because law enforcement has refused to listen to what those on the outside have been saying. This refusal to learn has led to numerous lost lawsuits and consent decrees that mandate conditions for law enforcement agencies that are often impossible to meet. If law enforcement begins to listen to outside guidance on the matter of education for our prospective officers and recruiting is approached with the right goals women and minorities will be rightfully in the law enforcement community.

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