

**Civilianization
Taking it Two Steps Further**

by

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The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

The views and conclusions expressed in the Command College Futures Project and journal article are those of the author, and are not necessarily those of the CA Commission on Peace Officer Standards and Training (POST).

Civilianization Taking it Two Steps Further

In a 2009 speech addressing the nation, President Obama warned "... [I]f you delay acting on an economy of this severity, then you potentially create a negative spiral that becomes much more difficult for us to get out of" (Kornblut, Fletcher A01). The implication of President Obama's warning does not only apply to the actions of federal lawmakers, but also to state and local government officials. Local law enforcement organizations are feeling the full brunt of current economic hardships. As devastating as it has been, this global recession has presented a unique opportunity for police administrators across the nation to frontier the next generation of law enforcement organizations.

The services provided by local law enforcement have grown from strictly crime reporting and apprehension of criminals to a variety of tasks and duties. The challenge in this time of fiscal duress is to determine what services will be maintained, and to what extent services will be pared or eliminated. While recognizing that police organizations must maintain sufficient sworn staffing to effectively police and respond to acts of civil disobedience, there is more progress to be made in the area of civilianizing key roles and functions.

Many policing organizations have modified staffing to replace sworn personnel with civilian (non-sworn personnel) to fill a number of support positions. Certainly, there is ample room to consider continuing this trend by civilianizing management roles to capture advantages of cost effectiveness and job efficiencies. The "next step" though, may not be just to modify the type of employee performing certain tasks, but to outsource that task to a private agency better suited to the work.

Law enforcement traditionally relegates civilian positions to support tasks such as records, dispatch, forensics and similar duties. Now is the time to think of ways we can achieve

our goals within the fiscal constraints of the new economy. Rather than hiring, training and waiting until an expertise emerges in our sworn ranks for more complex tasks, we should offload that work to professionals better suited to do the work. This can prove not only cost effective, but operationally beneficial. The future law enforcement organization will succeed by civilianizing key roles and functions, and also by outsourcing both general investigative work and the technologically-advanced crimes on our horizon.

Where We Have Been and Where We Stand

There has been little change in police academy curricula over the years, and very little training related to proliferating technological crimes. In contrast, crime and the technology used to combat crime continue to expand at a rapid pace. Administrators must ask themselves if their personnel are sufficiently trained to handle crimes involving the Internet, financial crimes, and identity theft. Is there opportunity in private industry that could offer more expertise to investigate these types of technologically advanced crimes?

At its inception, the role of law enforcement consisted of a workforce with basic skills, technology, and resources. Twentieth century municipal law enforcement has seen the creation of bureaus, divisions, sections and specialized units, but continues to produce police officers that are generalists, while trends in the labor force and work indicates “Specialization continues to spread throughout industry and the professions” (Cetron and Davies, 2008, p. 41). This would indicate that the law enforcement profession is not keeping pace with other industries.

The Civilian Transition

In 1950, the proportion of civilian employees in law enforcement was 7.5 percent, nearly doubling to 13.9 percent by 1970 (United States Department of Justice [U.S. DOJ], 1951, 1971). From 1971 to 1990, the percentage of non-sworn police personnel nearly doubled again,

reaching 26.7 percent (U.S. DOJ, 1991). In 2006, statistics showed this trend has slowed, with a rise to only 30.8 percent civilian workforce in police agencies (U.S. DOJ, 2007). Law enforcement agencies have civilianized specific positions within their organizations, such as dispatcher, records clerk, evidence specialist, and community service officer (Forst, 2000). Although civilian numbers have increased in the police workforce since the '50's, the trend has not grown as quickly or as in as many areas to reach its full potential.

The cost savings associated with hiring, training, salary and benefit packages of civilian personnel in comparison to sworn police officers is only one, but often the most obvious, advantage to civilianizing. Other advantages could include improved efficiency and effectiveness, especially when one thinks of replacing traditional sworn managers in duties such as human resources, staff services, technology management and other arenas where a continuity of leadership and content expertise is critical.

For instance, a trained civilian human resources professional will assume the position with a requisite interest in the duties and responsibilities of that position as well as the specific knowledge and training needed for the assignment, thus eliminating the transitional downtime associated with non-trained sworn managers. They will have an interest and satisfaction with the type of work since the occupation is a specialized profession they have trained for and have personally selected. They will also not be rotated through the assignment, which will establish stability within the organization as it relates to this position, and there will be less opportunity for mistakes during transitional learning periods.

In an article originally published in the FBI Bulletin by Emoryville, Ca Police Chief, Joseph Colletti, he identifies that civilian managers are selected for their assignment based on their specific qualifications, and that they "...bring a fresh perspective," and "The public might

afford them a certain credibility due to their civilian background and experience” (Colletti).

Permanent managers have the opportunity to establish long standing relationships and partnerships with other city personnel staff, in addition to state and federal representatives that they are responsive to as a condition of the assignment.

Lastly, the annual cost of a sworn lieutenant in Southern California could reach \$150,000 in salary and another \$71,000 in benefits as opposed to a civilian manager at 127,000 in salary and 27,000 in benefits. There is a discernable cost difference based on salary, retirement system contributions, and remaining benefits. This equates to an approximate thirty percent cost differential. As compelling as cost benefits and outcomes might be, though, related trends in alternate work programs have also not kept pace with the growth of police organizations.

Outsourcing

The outsourcing of police functions has seen little if any progress in policing history. Currently, it is common for police agencies to contract alarm billing, parking citation issuance, and red light camera programs to private industry. In the example of red light camera operation, the Federal Highway Administration and National Highway Safety Administration have provided written guidelines for cities developing red light camera programs, and indicate:

A State or local agency may take on full responsibility for system operations and citation processing functions or elect to outsource these functions to a private contractor. Where a private contractor is responsible for installation and operation of the red light camera equipment, the State or local agency should establish the necessary procedures so that the agency has complete oversight and day-to-day supervision of the program (FHA, NHSA 14).

Santa Ana, CA, the ninth largest city in the state, has implemented a red light camera system and opted to contract installation, maintenance and billing services with Redflex. According to the Police Commander in charge of the program, the program netted \$832,000 in 2008. He indicated

the city would not have been able to fulfill the technical requirements of this program without expending millions of dollars, and Redflex is a nationally recognized company with the necessary legal and technical experience. The Santa Ana Police Department has withstood legal challenges, seen a reduction in collisions, and considers the outsourcing of this program a great success.

In another example, the Frisco, Texas Police Department recently conducted an analysis to identify possible benefits to outsource the billing of false alarms. The study concluded they could reduce false alarm response, decrease internal cost, and increase revenue by outsourcing to PMAM Copsource. This private company offers no initial start up cost, and performs all functions of the alarm administration process, including the collection of fees, education, tracking, and citizen interaction. There has been little to no negative consequences attributed to these examples of outsourcing, which would indicate this trend should continue.

Although these functions just mentioned have proven successful, there has been little to no outsourcing of criminal investigations. Agencies still rely on a few police officers they send to specialized training to investigate technologically advanced crimes, or they outsource to county, state or federal law enforcement with extensive backlogs. As with civilianization of key roles in police organizations, outsourcing certain investigative functions to private industry could be expanded to increase cost savings and efficiency.

The Benefits of Outsourcing

Outsourcing specific types of criminal investigations to professionals in private industry could also prove more efficient and effective. The law enforcement profession continues to produce police officers that are generalists, but the crimes investigated by law enforcement are becoming increasingly technical. Police organizations are now responsible to investigate

Internet crimes, identity theft, elaborate financial crimes, and to recover forensic evidence from computers and other electronics. While some agencies are fortunate enough to have a few individuals they have sent to specialized training, others are forced to use the services of county, state, or federal labs with extensive backlogs, or assign the cases to detectives with little to no specialized training.

In lieu of retaining a sworn detective position(s) for the sole purpose of investigating technological crimes, there is a growing private industry to accommodate this need. There are a number of companies that offer financial investigations, forensic accounting investigations, computer forensic services, certified court recognized experts, expert witness testimony, and chain of custody documentation. A few of these are:

- Datatriage Technologies
- Data Chasers Incorporated
- SETEC Investigations
- Daylight Forensic and Advisory
- Kroll Fraud Solutions
- Martin Investigative Services (Former Federal Agents)

This is a growing industry that has recognized a need and opportunity that will undoubtedly continue to expand. This growth and continued need will foster competitive pricing and services that will make them a logical choice for law enforcement.

To demonstrate this benefit, utilizing an Orange County, Ca police agency as an example, a detective can be paid an annual salary of approximately \$156,000 including benefits to investigate a variety of computer crimes such as child pornography, identity theft, and credit card fraud. This equates to an hourly rate of \$75.00, and does not include training, equipment cost, or

potential workers' compensation claims and subsequent benefits. The services of a professional company such as Data Chasers can charge approximately \$330 per hour or \$1,500 per day. If two cases were received and investigated per month by a police agency, which equated to an average of sixteen hours of billable investigative time per case, a private company would cost \$72,000 a year. There would most likely be a minimal amount of additional billable hours for court preparation and testimony. Assuming there would be at least an additional \$20,000 in annual court cost, this would still equate to an approximate forty-one percent decrease in cost.

This also has the potential of creating a new sector in private business that markets services to law enforcement agencies. This would create new and specialized companies that conduct private investigations as a service for law enforcement. This could create an entirely new professional field that would require training and/or equivalent experience. New vocational and college programs would also be developed to accommodate this growing field. Individuals interested in law enforcement or criminal investigative careers would have more choices and opportunities to pursue a career of more specified interest.

Considerations and Challenges

The concept of changing a long held practice, such as replacing sworn law enforcement positions and functions with that of qualified civilian personnel and companies, will undoubtedly have its challenges. Most prevalent of these challenges is changing an existing culture to welcome and accept this strategy. Quoting a police union president's response to his governor's support of civilianizing certain law enforcement positions:

When the Governor speaks of civilianization, he talks about removing Troopers from duties similar to receptionists and front desk greeters. We couldn't agree more. Yet, many of the positions identified by this administration are highly technical in nature, such as ballistics examiners, latent print examiners and document experts. Removing Troopers from these

positions and replacing them with newly-trained civilians would eliminate a combined 199 years of experience. Not only would our department's ability to do effective criminal work suffer, but district attorneys, who rely on the expert testimony and reputation of a sworn Trooper, would be forced to deal with lesser experienced civilians (Edwards 2005).

One of the biggest challenges and considerations to outsourcing is the continued existence of a non-accepting attitude of civilian personnel performing jobs previously performed by sworn personnel. This exists not only in the rank and file, but with some senior administrators.

Impediments related to outsourcing certain roles and functions are important to realize when considering and preparing for implementation. Early attempts at civilianizing were met with failure as described in a 1975 report by the U.S. Department of Justice - Employing Civilians for Police Work. The most notable reason for failure was resentment by sworn personnel having to take direction from civilian personnel, lack of managerial support, and the lack of appropriate training. According to Frazier, "success is predicated upon an organizational philosophy which will not only accept and support the decision, but more importantly, a culture willing to relinquish managerial oversight of these positions to a non-sworn supervisory chain of command" (2003, p. 12). This cultural acceptance is the most importance aspect in looking to the future of policing. This type of cultural change has to be established by the top leader in the organization.

Significant resistance can also surface from union leadership as this could potentially impact membership numbers and assignment availability for their membership. In all likelihood, unions will express concerns that outsourcing will weaken their sworn membership and bargaining power. Boston's experience attempting to outsource traffic control at construction sites in 1995 illustrates this point.

Traffic control in construction areas was a traditional police function. Boston Police Union officials, and even local law enforcement leaders such Lynn, Massachusetts Police Chief John W. Suslak, argued that "Putting a flagman out on the street is not the same as having a trained and fully equipped police officer out there," and "All of those detail posts are additional eyes and ears for the department" (Buote). These comments were quoted in a Boston Globe article that also reported outsourcing this function could save taxpayers millions of dollars each year.

The function of traffic control at construction sites is a function performed by civilian personnel in many states such as California by Caltrans. In anticipation of such resistance, a careful review of the current MOU should be conducted prior to outsourcing functions once performed by sworn personnel. Law enforcement management must also ensure the change is legal and will not violate a contractual agreement. Extensive communication and dialogue with unions must also take place to identify the benefits and address concerns. As with any negotiation some concessions may be required.

The future of law enforcement should require the acceptance and acknowledgement of highly trained and skilled civilian personnel. Local governments and elected officials may in fact mandate such structural changes to combat decreased funding. In spite of this, even minor traditional police functions such as traffic control can ignite controversy. With a growing private industry, and subsequent increased formal educational opportunities, civilian specialists and private companies will, if not already, be better qualified to address technologically advanced criminal investigations and evidence collection. Can our adherence to traditional ways stand in the way of better ways to deliver necessary safety services? Only time will tell.

Conclusion

With the existing economic recession, and no foreseeable relief in the immediate future, law enforcement administrators will have no choice but to analyze their organization's job functions and restructure. Police administrations must find ways to keep up with the growth in technology as well as with the growth in technological crimes. Within this negative economic situation lies an opportunity to create a more efficient and potentially effective means of conducting business and providing law enforcement services.

As a profession, law enforcement will not be able to ignore the proliferation of private industry created to service the needs of police investigations. In addition, with the creation of new formal degree programs and vocational training in the area of computer forensics and investigation of cyber crimes, contracted specialists will possess a higher degree of expertise to identify and investigate these types of crimes, as well as retrieve and capture the forensic evidence.

There is no argument that police departments must maintain adequate sworn personnel to respond to emergency incidents, prevent and deter crime, as well as conduct criminal investigations, but there is certainly room to outsource investigative functions as a viable alternative to traditional staffing models without threatening public safety.

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