

HOW WILL EMPLOYMENT CONTRACTS AFFECT MEDIUM
SIZE URBAN AGENCY MUNICIPAL POLICE CHIEF RECRUITMENT BY 2008?

Article

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Looking out towards the horizon, many law enforcement professionals are finding themselves concerned about the future leadership of their organizations. A number of police chiefs have retired, or plan on retiring in the next few years. A number of the second and third in command (i.e. deputy chiefs, commanders, captains) are also retiring. In part, these retirements are due to a change in the California Public Employees' Retirement System benefits. As a result, a large number of police chief positions need to be filled, by a shrinking field of willing and capable applicants. Unfortunately, these retirements and subsequent vacancies will continue into the foreseeable future. While, admittedly, it is doubtful an agency would be faced with the prospect of not having a single applicant for a police chief vacancy, it is entirely possible to find an agency in the position of not having a sufficient number of qualified candidates to choose from. In fact, this is already occurring, for a number of reasons. The challenge will be to fill these positions with well-qualified leaders, who are ready to bring their organizations and the profession into the future.

Who will be stepping up to fill the shoes of the departing police chiefs? Of those who are ready to do so, how many are willing? If they are not willing, how can they be encouraged to make the decision to step forward?

An interview with an assistant police chief in Seattle, published in the New York Times provides a good illustration of the problem.

'I would absolutely not take a job as a police chief,' said John Diaz, an assistant police chief in Seattle, who at 44 already has a good national reputation and is sought after by recruiters for a chief's post. 'The politics

of being police chief have become so insane no one wants the job,' said Mr. Diaz, who is particularly attractive to recruiters because he is Hispanic. 'I work an 11-hour day, but our chief is here before me every day and doesn't leave until I'm gone, and all he gets is attacked in the media all the time.'¹

The article continues,

The hardest part of the problem to quantify is the number of highly qualified senior police executives who are passing up offers to become police chiefs, and as a result, the number of cities that are having to settle for their second or third choice. Among cities that have had difficulty recently are Denver, Ann Arbor, Mich., Riverside, Calif., and Prescott Valley, Ariz., some recruiters and chiefs said.

'We are down about 35 percent in the number of qualified candidates when we do chief searches now,' said Jerry Oldani, president of the Oldani Group, a search firm in Bellevue, Wash.

'Up until five years ago, people broke their necks to be big city chiefs,' Mr. Oldani said. 'But now there are a lot of senior police officials who just don't want to be chief.'²

Chuck Wexler, executive director of the Police Executive Research Forum (PERF), offered insight about several reasons why this mindset has been so prevalent. "Pay for police chiefs is relatively low – from \$70,000 to \$150,000 – so low that some officers or sergeants, with overtime, earn more than their bosses."³ Moreover, "the expectation for chiefs are higher than ever, because of the new belief that chiefs can do something about reducing crime."⁴ Wexler summarizes

¹ Fox Butterfield, *City Police Work Losing Its Appeal and Its Veterans*, The New York Times on the Web, 30 July 2001.

² Ibid.

³ Fox Butterfield, *City Police Work Losing Its Appeal and Its Veterans*, The New York Times on the Web, 30 July 2001.

⁴ Ibid.

that “[w]hen people add up all these costs, it often isn’t worth it to take a chief’s job.”⁵

Gary Brown, a principal with Avery Associates, echoes this sentiment. “The question is: Are fewer candidates today willing to vie for the position of police chief? The answer is a resounding ‘yes.’ Not all that many years ago, numerous people at all levels of law enforcement were interested in being promoted to the top position.”⁶ Brown adds,

People often become content in the No. 2 or 3 position in the organization. I typically hear reasons like this: ‘Why should I leave the comfort of my department where I’m getting paid nearly as much as the police chief for an ‘at will’ position as a chief in another city? I can go home and have fewer worries than the chief. After all, I still have a lot of autonomy. If I become chief, I just increase my potential for headaches and a heart attack and heighten the risk of losing my job.’⁷

Another reason why Brown believes candidates avoid promoting to the top rank is the “chief’s role is much more difficult than it once was and not as much fun. It does appear at times that there are fewer rewards today for serving in the top position.”⁸

⁵ Ibid.

⁶ Gary Brown, *What You Should Know About Recruiting Police Chiefs*, Western Cities, October 2002 (on-line).

⁷ Ibid.

⁸ Gary Brown, *What You Should Know About Recruiting Police Chiefs*, Western Cities, October 2002 (on-line).

Leadership Development

Less than 18 months ago, the California Police Chiefs' Association sent a survey to all 369 (as indicated on the survey) California municipal police chiefs. There were 208 responses to this survey. The chiefs were asked what the main issues were facing policing in the next five years. Surprisingly, only 32 respondents (or 15.3%) in the survey mentioned leadership succession as one of the top priorities.⁹

This is troublesome because, as discussed in depth below, there is an exodus of police leadership from the law enforcement profession. This trend will continue into the future, and there is a great likelihood it will get worse. Gary Brown agrees, “[a]nother concern is that police chiefs have not adequately prepared people to succeed them.”¹⁰

Steve Staveley, a retired Chief of Police and Director of Law Enforcement for the California Department of Justice candidly points out that in his experience “... most police organizations today have good leaders at many levels – although that is about to change with the advent of “3% at 50” and simple advancing age of those who joined our agencies in the 60s and 70s.”¹¹

Staveley is not alone in his concern. Gary Brown makes a number of “predictions for the future” that are based upon his experience both as a police chief and an executive recruiter,

⁹ California Police Chiefs' Association, “California Police Chiefs Demographic Survey”, Chief Steve Krull, Oakdale Police Department, July 2001.

¹⁰ Ibid.

... [M]ore inexperienced police managers will assume the position of police chief. Increasingly retirement benefits will result not only in the early retirement of police chiefs, but a significant brain trust loss as well. Those same retirement benefits will entice many of the No. 2 and 3 staff officers, those most likely to succeed the police chief, into retiring at the same time. As such, you may see police chiefs who are currently no more than a first-line supervisor or mid-manager. They will have to learn their executive roles 'in the saddle.' Some may not succeed because they won't be able to make the adjustment.¹²

These comments and concerns do not reflect confidence in the future leaders of the law enforcement profession.

California Public Employees Retirement System

"3% at 50" Retirement Plan

As a result of the passage of California Senate Bill 400, on January 1, 2000, CalPERS made the "3% at 50" retirement system available to public agencies. Prior to the implementation, the majority of municipal law enforcement agencies were on the "2% at 50" retirement system.

The new 3% at 50 plan spread rapidly across the state. As of April 2003, of the 336 organizations CalPERS recognizes as municipal law enforcement agencies, 161 of them have the 3% at 50 formula. The remaining either have the 2% at 50 formula, or another CalPERS option.¹³

¹¹ Steve Staveley, *Leadership*, a handout presented at the California Association of Chiefs' of Police annual meeting, February 2003, Oakland, California.

¹² Gary Brown, *What You Should Know About Recruiting Police Chiefs*, Western Cities, October 2002 (on-line).

¹³ David Hall, Public Information Officer, California Public Employees' Retirement System, interview by the author, 14 April 2003.

The 3% at 50 plan works as follows. For each year of service, the employee earns 3% of his or her final compensation per year of service.¹⁴ Final compensation is the “average monthly pay rate for the last consecutive 36 months of employment (or 12 months if [the] employer has contracted with CalPERS to provide one-year final compensation).”¹⁵ There are only a handful of California municipal law enforcement agencies that use the last consecutive 36 months of employment. Almost every agency contracts for the 12-month final compensation plan.¹⁶ CalPERS will use either the last 36- or 12-month consecutive period to compute the final compensation, or another 36- or 12-month consecutive period if another period other than the last period before retirement is higher.¹⁷ An example in which the last consecutive period might not be the highest is the situation where a sworn officer laterals from a larger, higher paid department, to a smaller, lesser-paid department as he or she nears retirement.

Currently, the percentage of pay upon retirement cannot exceed 90% of the final compensation.¹⁸ To be eligible for a service retirement under the CalPERS system, a public employee must be at least age 50 and have five years of service.¹⁹

¹⁴California Public Safety Employees’ Retirement System, *Local Safety 3% at 50*, 5.

¹⁵ *Ibid.*, 6.

¹⁶ Hall interview.

¹⁷ *Ibid.*

¹⁸ California Public Safety Employees’ Retirement System, 5.

¹⁹ *Ibid.*, 4.

Thus, under the current 3% at 50 retirement system, a public employee with thirty years of service will have attained the maximum benefit allowable (thirty years of service multiplied by 3% per year equals 90% of the final compensation.) As a result, a thirty-year veteran will not increase his or her retirement benefits by continuing employment. Looking at this another way, if this same thirty-year veteran retired, he or she would earn 90% of the final salary. By continuing to work, he or she is earning 100% of their salary. As such, this veteran is working for ten cents on the dollar (100% current salary minus 90% retirement salary earning equals 10%). This does not leave much incentive to remain working once the maximum 30-year milestone is reached.

At what age can an employee reach the maximum allowable benefit? Under California law, a peace officer must be 18 years old.²⁰ Consequently, a thirty-year veteran can be 48 years old and have achieved the maximum benefit.

On January 29, 2003, Senator Dunn introduced California Senate Bill 100. This bill will raise the maximum cap from 90% to 100% of final compensation, by adding California Government Code section 21391. According to a CalPERS actuarial study, this proposal will not cost any additional money.²¹

This Senate Bill is not free of controversy. An editorial in the Orange County Register takes the position that in such troubled economic times, “[e]ven

²⁰ California Government Code §1031(b).

²¹ David Hall, Public Information Officer, California Public Employees’ Retirement System, interview by the author, 14 April 2003.

if SB 100 were a good idea, couldn't it wait? The Legislature should shelve SB 100 permanently, or at least wait for better times."²²

Retirement Rate

According to CalPERS, during Fiscal Year 1998/1999, 750 local public safety members retired. This figure includes both sworn police and fire personnel. In Fiscal Year 1999/2000, 748 local public safety members retired. This is almost the exact same number of retirements as the year prior. Halfway through the 1999/2000 fiscal year, the 3% at 50 formula went into effect (January 1, 2000). This changed the otherwise consistently level rate of retirements.

In Fiscal Year 2000/2001 (post-3% at 50) the number of local public safety members retiring rose 19% to 922. The number jumped an additional 33% in Fiscal Year 2001/2002 to 1374.²³

According to CalPERS, the rate of retirements is predicted to soar even more dramatically in the next several years. There are two main reasons why this will occur.²⁴

First, in the late 1990s, the economy was doing well. As a result, local public safety members were experiencing relatively high salary increases as part of their Memorandums of Understanding. So, many members continued working to obtain the higher contractual salary increases in order to raise their final

²² Orange County Register Editorial, *Pension Plan Excessive*, The Orange County Register on-line, 24 March 2003.

²³ Hall interview.

compensation figures for the purposes of the retirement benefit calculations explained above.²⁵ The second reason is that during the same time period, many members were waiting for the maximum retirement percentage caps to rise, which it did quickly from 75% to 80%, and again to 90%.²⁶ The same delay could again occur if the 100% cap were to progress through the legislature.

The impact of the 3% at 50 system is being felt by local agencies. Gary Brown observes that the “[t]he ‘3%@50’ retirement plan is being adopted for public safety agencies throughout [California]. This has and will continue to result in additional early retirements for police (and fire) administrators.”²⁷

Brown further believes that

... [M]ore police chief candidates will come from out of state or metropolitan police departments that have a separate retirement system. People who have retired from command positions in other states will fill the void of inadequate numbers of qualified individuals within [California]. This enables the out-of-state retirees to ‘double dip,’ to offset the increased housing costs in [California]. Likewise, we will see California police chiefs retiring early and assuming similar positions in other states.²⁸

To be fair, it is important to point out that the 3% at 50 formula did not cause the problem of retirements. These same individuals would still have retired; it would probably just have been a few years earlier. In essence, the 3%

²⁴ Hall interview.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

at 50 formula delayed the issue of retirements a few years, and kept a significant brain trust within the organizations.

California Police Chief Attrition

There are 336 municipal police chiefs in California.²⁹ California has averaged just over a 10% turnover rate in police chiefs during the past three years.³⁰ According to the California Police Chiefs' Association, it is estimated that the attrition rate will "remain at around 10%, or 35 to 40 chiefs per year. 3% @ 50 generated a significant turn over in the past three years and will probably continue to do so for the next couple [of years]."³¹ With the attrition rate remaining constant for the past three years, and projected to remain steady, in five years (2008) it can be expected that half (50%) of the current police chiefs in California will no longer be serving their organizations as the agency head. This equates to 175 to 200 new police chiefs in California by 2008.

A demographic survey completed in 2001 by the California Police Chiefs' Association found that of the 208 responses by municipal police chiefs, the median age was 50. This means that in 2001, half the sitting police chiefs were already eligible to retire. This is a precarious position to be in, as a worst-case scenario is that law enforcement loses 50% of its executive leadership at one

²⁹ Considerable detailed agency information is available on-line at the California Commission on Peace Officer Standards and Training (P.O.S.T.) web site: www.post.ca.gov/employdata/firstpage.htm.

³⁰ Craig Steckler, Chief of Police, Fremont, California, California Police Chiefs' Association, interview by the author (e-mail), 18 March 2003.

³¹ Steckler interview.

time. This brings us full circle. Will there be enough qualified and willing applicants to fill these vacancies?

California Police Chief Demographic Survey

A demographic survey of California police chiefs was completed in 2001.³² There were 208 responses. Thirty-two percent of the responding police chiefs had employment contracts (63 total), while 68% did not (139 total). Eighty-six percent of the responding police chiefs were considered at-will employees (173 total), while only 14% were not at-will (29 total).

Other interesting data from the survey paints a picture of the face of California police chiefs in 2001:

- 77.4% (159) were in their first chief's job.
- The median age for a chief was 50, with the range being 21 to 61+.
- The median age first appointed chief was 43.5, with a range of 28 to 58 years old.³³
- The median time on as a police chief was 5.5 years, with a range of 1 to 27 years.
- The median number of years in police work at the time of appointment to the first chief's job was 20.5 years. The range was 4 to 37 years.

³² California Police Chiefs' Association, *California Police Chiefs' Demographic Survey*. 339 surveys were distributed. 209 were returned. Not every question was answered on every survey.

³³ The actual age first appointed was 21, however this chief was dropped by the author of the survey as it skewed the data.

- The median total time in policing was 27.5 years, with a range of zero to 46 years.
- 4% of chiefs possessed a high school diploma as their highest level of education. Ten percent possessed an Associates degree, 36% possessed a Baccalaureate degree, 46% possessed a Masters degree, and 4% possessed a Doctorate degree.
- 37% of the chiefs had attended the Federal Bureau of Investigation National Academy. Thirty-four percent attended the California Commission on Peace Officer Standards and Training (P.O.S.T.) Command College. Five percent attended the Police Executive Research Forum Senior Management Institute for Police (PERF/SMIP) training, and 3% attended the California P.O.S.T. Supervisory Leadership Institute. Twenty percent attended other, non-specified training.
- 45% of the chiefs were promoted from within their own agency. Fifty-five percent were promoted from an outside organization.
- 95% of the chiefs were promoted from California agencies. Five percent (9 chiefs) relocated to California for their chief positions.

National Police Chief Survey

The Police Executive Research Forum (P.E.R.F.) completed a similar demographic survey on a national level in 1997.³⁴ This survey was distributed to 518 city and county police chiefs and other non-elected law enforcement agency directors policing jurisdictions in the United States. All had a population of 50,000 or more residents. 358 responses were received. This survey covered topics such as the selection process, benefits, agency data, and individual data.

Of the respondents, 27% (95) had employment contracts. Seventy-three percent (262) did not have employment contracts (1 did not answer the question). There is no distinction between “at-will” and “for-cause” employment.³⁵ It is important to note that the results of this survey may be skewed slightly looking at the rest of the nation without California. This occurs because California chiefs made up the highest percentage of respondents to the survey. California chief responses were nearly double the next state respondents.

Each respondent was asked how many years they planned on remaining at their current chief’s job. Three percent said less than one year, 39% said one to five years (1997 to 2002), and 27% said between six and ten years (2003 to 2007).³⁶ This would equate to about a 69% national turnover rate during the ten-year period of 1997 to 2007. Unfortunately, “... longevity remains an

³⁴ William E. Kirchhoff, Charlotte Lansinger, James Burack, *Command Performance, Career Guide for Police Executives*, (Washington, D.C.: Police Executive Research Forum, 1999), 205-224.

³⁵ *Ibid*, 211.

achievement of a relatively small number of executives.”³⁷ Compounding the problem, experts believe the average tenure of a police chief will decrease further in the future.³⁸

There appears to be a difference between agencies in the East and agencies in the West. In the experience of the International Association of Chiefs of Police (I.A.C.P.), a majority of east coast agencies have offered employment contracts as part of the hiring package.³⁹ In instances where the hiring agency has not offered an employment contract as part of the basic employment offer, the I.A.C.P. has found most agencies are receptive to the idea when it is presented to the employing agency.⁴⁰ Interestingly, some states such as New Jersey⁴¹ and Maryland⁴² provide due process to police chiefs, either through a Peace Officers’ Bill of Rights or other legislation.

In terms of recruitment and retention, the International Association of Chiefs of Police has not experienced difficulty in finding quality applicants for

³⁶ Kirchhoff, Lansinger, Burack, 221.

³⁷ Sheldon Greenburg, Ph.D., *On the Dotted Line: Police Executive Contracts*, (Washington, D.C.: Police Executive Research Forum, 1992), 3.

³⁸ William Kirchhoff, *Selecting a Police Chief: A Handbook for Local Government* (Washington D.C.: International City Management Association and Police Executive Research Forum, 1999), 141.

³⁹ Kim J. Kohlhepp, Manger, Center for Testing Services and Executive Search, International Association of Chiefs of Police, interview by author, Alexandria, VA, 11 February 2003.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Greenburg, *On the Dotted Line: Police Executive Contracts*, 13.

their police chief positions. However, the I.A.C.P. has noticed a decline in the quantity of applicants for police chief jobs.⁴³

Employment Contracts

As the studies by the California Police Chiefs' Association, the Police Executive Research Forum, and the California Public Employees' Retirement System have revealed, there have been a number of police chiefs and other senior leaders retiring from their organizations over a short period of time. This rate is predicted to continue into the future. As a result, younger, and in many cases, unqualified individuals are left to fill the police chief vacancies. Consequently, there needs to be a way to entice qualified individuals to fill the vacancies created. While the demands of the police chief job will not change much in the future, some of the periphery concerns can be modified by the use of employment contracts.

A contract is defined as an "agreement between two or more persons which creates an obligation to do or not to do a particular thing."⁴⁴ It creates a "legal relationship consisting of the rights and duties of the contracting parties; a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and also the right to seek a remedy for the breach of those duties."⁴⁵ An employment contract is "an agreement or contract

⁴³ Greenburg, 13.

⁴⁴ Henry Campbell Black, *Black's Law Dictionary, Sixth Edition* (Minnesota: West Publishing Company, 1990), 322.

⁴⁵ Black, 322.

between employer and employee in which the terms and conditions of one's employment are provided."⁴⁶

Support for Use of Contracts

A report by the International City Management Association argues "an employment contract is essential because effective local government management requires changes, innovations, and risk taking if public needs and interests are to be served."⁴⁷ The International City Management Association and the Police Executive Research Forum both believe that the police chief should have an employment agreement similar to a city manager, and for the same reasons.⁴⁸ "The political arena in which the contemporary police chief works is a tumultuous place."⁴⁹ There are so many influences on the police chief. These include, but certainly are not limited to, city managers and city councils, and other influential parties such as the news media, police unions, media, school officials, and homeowners associations. Half accuse the chief of moving too fast, the other of moving too slow. "Satisfactorily addressing all the agendas of all the local stakeholders can make the long-term survival of a police chief

⁴⁶ Ibid., 525.

⁴⁷ International City Management Association, *Guidelines for Local Government Managers: Employment Agreements for Managers*.

⁴⁸ William Kirchhoff, *Selecting a Police Chief: A Handbook for Local Government* (Washington, D.C.: International City Management Association and Police Executive Research Forum, 1999), 141.

⁴⁹ Ibid.

almost impossible.”⁵⁰ Additionally, “[t]here is plenty of evidence that the sacking of police chiefs, which became part of the political routine of the 1990s, will continue in the new millennium. The advent of community-based policing will contribute to this, as more players get to participate in the ‘evaluation’ of the police chief. ... The average tenure of a chief – three to six years – will shrink as more and more people of influence get involved in the subjective evaluation of the chief’s performance.”⁵¹

As stated earlier, the Police Executive Research Forum National Police Chief Survey found that about 75% of the nation’s police chiefs do not have an employment contract, yet most of these chiefs perform “effectively or even surpass expectations. But the argument that these executives could do a much better job if the conditions of their employment were spelled out in a legally binding ‘performance’ employment contract is compelling.”⁵² Additional reasons for the support of the International City Management Association and Police Executive Research Forum in this arena is that “quality police chiefs ... are in short supply. ... The local government manager needs to use the employment contract ... to hire the best and then retain that person over the years.”⁵³ Furthermore, both organizations support the use of a legally binding employment contract because it benefits both the police chief and the employer.⁵⁴ While

⁵⁰ Kirchoff, *Selecting a Police Chief*, 141-142.

⁵¹ *Ibid.*, 142.

⁵² *Ibid.*

⁵³ *Ibid.*, 143.

⁵⁴ *Ibid.*

some at first blush may believe that employment contracts only benefit the employee, every resource, book, article, reference and interview consulted by the author made it clear that an employment contract benefits both the employer and employee. This explains why city management organizations, executive search firms, executive labor organizations, and police chief applicants embrace the concept.

There are disadvantages to employment contracts. One very significant disadvantage occurs when the contract is not used for a legitimate and ethical purpose. Consider some of the issues surrounding the City of South Gate (CA). Over the past year or so, the City of South Gate has been besieged with alleged political corruption. This led to a number of resignations, terminations, criminal charges being filed against a city treasurer, and successful recall elections against the majority of the city council members.

Just a few months before being removed from office, “political leaders in South Gate approved \$2.8 million in severance packages for more than a dozen administrators, promising them 18 months’ salary if they were fired and one year’s pay if they quit.”⁵⁵ The byline to an article in the Los Angeles Times reads, “South Gate’s leaders face a dilemma as contracts signed by since-ousted officials promise nearly unheard of benefits if hires quit or are fired.”⁵⁶

⁵⁵ Richard Marosi, *Severance Pay Deals Problematic*, The Los Angeles Times on-line, latimes.com, 31 March 2003.

⁵⁶ Ibid.

In South Gate, five officials, including the city manager and treasurer have been placed on administrative leave while the city investigates allegations of misconduct. The treasurer has been arrested for weapons violations and making terrorist threats towards other city officials. Should they be terminated, each will receive severance pay of approximately \$200,000.

According to an interview given to the Los Angeles Times, the president of the city managers' department of the League of California Cities, said that "[t]he South Gate provisions are very unique and used more extensively than I've heard of before."⁵⁷ Furthermore, "[e]xperts in municipal affairs say such separation agreements are almost unheard of. City managers can be given severance packages, but such agreements are rarely given to department heads or managers. Giving checks to people who quit is also extremely rare."⁵⁸

The lesson learned here is not that employment contracts are inherently evil, but that when unethical people with unethical motives craft such contracts for themselves, troubles are almost certain to crop up. In order to avoid such problems, the parties must seek the advice of competent and qualified legal counsel.

Generational Impact

There may be a reason why prospective police chiefs are asking for employment contracts on a more frequent basis. While the reason does not

⁵⁷ Ray Silver, Huntington Beach (CA) City Administrator, interview by Richard Marosi, Los Angeles Times, in *Severance Pay Deals Problematic*, 31 March 2003.

⁵⁸ Marosi, *Severance Pay Deals Problematic*.

appear in literature related to police chief recruitment and employment contracts, it shows up in the research of generational sociologists. In addition, the generational component is also a reason why the use of contracts will be much more important in the future as a tool to recruit and retain police chiefs.

It is generally accepted that the Baby Boomer population includes those individuals born between approximately 1943 and 1960 (some authors place the time frame between 1946 and 1964). The Generation X population includes those individuals born between 1960 and 1980 (some authors place the time frame between 1965 and 1977). This means that, depending on the year one chooses for the beginning of Generation X, the first of the Generation X workforce is now in their early to mid-forties.

As discussed in the California Police Chiefs' Association survey, the median age for a police chief to be appointed in California (as of 1991) is 43.5 years old.⁵⁹ On a national level, in 1997, 13.7% of the police chiefs were between the ages of 41 and 45. Thirty-six and nine-tenths percent of the police chiefs were between 46 and 50 years old.⁶⁰ When the median ages of the police chiefs is compared to ages of the generational groups, the data indicates that Generation X has begun to fill the police chief ranks and will continue to do so well into the future.

⁵⁹ California Police Chiefs' Association, "California Police Chiefs Demographic Survey", Chief Steve Krull, Oakdale Police Department, July 2001.

⁶⁰ Kirchhoff, Lansinger, Burack, *Command Performance, Career Guide for Police Executives*, 219.

There is a considerable difference in the way that the Generation X employee views the world and the way a Baby Boomer views the world. Whereas the Baby Boomers' outlook is optimistic, the Generation Xer is skeptical. The Boomer work ethic is driven, and the Generation Xer is balanced. The Baby Boomer has a love/hate relationship with authority, while the Generation Xer is unimpressed by authority. The Baby Boomer generation sees leadership by consensus, the Generation Xer views leadership based upon competence. Importantly, where the Baby Boomer sees the world of professional relationships in terms of personal gratification, the Generation Xer is reluctant to commit.⁶¹ Where and how did this reluctance to commit develop?

Gen X's collective psyche was to be shaped by a survivor mentality and can be summed up by the question, 'Just tell me, is this going to be on the test?' ... The question really means, 'What does this have to do with my survival?' They sensed early that no one was going to hand hold them, so they must take care of themselves."⁶²

This self-reliance is due, in part, to two main reasons. First, the Generation Xer were the most attention-deprived, neglected group of kids in a long time. Parents were absent without leave for two reasons. First, nearly half of their parents' marriages ended in divorce. ... Second, this was the first generation of kids within the bounds of the two-income family. ... This one-two punch created a new sociological trend: latchkey kids. They became accustomed to being alone, yet feelings of abandonment shaped their psyches.⁶³

This early development and sense of self spills over into the work ethic of the generation.

⁶¹ Ron Zemke, Claire Raines, Bob Filipczak, *Generations at Work* (New York: American Management Association Publications, 2000), 155.

⁶² *Ibid.*, 94.

⁶³ *Ibid.*, 98.

... Generation X learned that work is no guarantee of survival, that corporations can throw you out of your job without warning, logic, or even an apology, and that entry-level work is often mindless, dull, and exhausting.

They're not likely to change their perception. Just as a child's early years determine his or her personality, early work experiences permanently shape workers' attitudes about corporate culture.⁶⁴

This is illuminating, as it begins to shed light on one possible reason the use of employment contracts has been growing, and its use is predicted to continue to grow into the future. The understanding of this factor plays a key role in understanding relationships with police chiefs and/or prospective police chiefs. This is especially true in the situation where a city manager and/or city council made up from the Baby Boomer or Veteran generations must recruit, select, retain and supervise a Generation X police chief.

As the profession travels into the future, there will be a significant attrition of police chiefs and other police leaders. Organizations have been finding themselves in a position where finding quality candidates to fill the police chief rank is easier said than done. In some cases, organizations are forced to settle on their second or third choice for a police chief.

These factors have occurred for a number of reasons. The increased benefits provided by the California Public Employees' Retirement System has led to an increase in the number of retirements. The reluctance of qualified employees to step up to the police chief rank for personal reasons has left a void where once people scrambled to become a police chief. The movement of the Generation X employee into the ranks of senior police leadership has created an

environment that is considerably different than it was just ten years ago, when the vast majority of police leaders were Baby Boomers.

One cannot expect that the police chief job would become less stressful and/or less political in the future. On the contrary, the state of California is facing a serious budget crisis. The state of California has proposed measures of balancing the state budget on the backs of municipal government that, if passed, will have some of the most devastating impacts municipal police agencies have ever experienced.⁶⁵ These come in the form of possible reductions in the COPS grant program, reduction of booking fee subventions, elimination of allocations for technology acquisitions,⁶⁶ and elimination of the vehicle license fee set-off.

These are serious issues facing California law enforcement, and they require serious leadership. A need exists to draw the most qualified candidates into the police chief ranks in order to confront and resolve these serious issues while moving the organization forward into the future. The use of employment contracts may be one way to accomplish this goal.

⁶⁴ Zemke, Raines, Filipczak, 111.

⁶⁵ California Police Chiefs' Association, Bob McDonnell, *The State Budget and Public Safety*, a letter to all members of the California Legislature, 29 May 2002.

⁶⁶ Ibid.

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