

**WHERE ARE THE POLICE?  
SHOULD CALIFORNIA LAW ENFORCEMENT AGENCIES  
IMPLEMENT A PROGRAM TO HIRE INDEPENDENT CONTRACT  
POLICE OFFICERS WHO WORK ON A PER DIEM BASIS?**

by

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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.

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

## **WHERE ARE THE POLICE? SHOULD CALIFORNIA LAW ENFORCEMENT AGENCIES IMPLEMENT A PROGRAM TO HIRE INDEPENDENT CONTRACT POLICE OFFICERS WHO WORK ON A PER DIEM BASIS?**

She is startled awake by the sound of breaking glass and laid in bed in a frozen state. As she calmed herself by thinking it was only a dream, she hears a noise coming from downstairs. She jumps up, tiptoes to her bedroom door, closes and locks it. Back to the bedside, she grabs her phone, rushes into the bathroom and locks the door. She calls "911" and tells the operator someone has just broken into her house and she can hear them downstairs. The operator stays on the line with her waiting on officers to arrive. She waits and waits, and still no officer has arrived. Luckily, she had her cell phone next to her bed and had carried it into the bathroom. She calls her neighbor on the cell phone; he comes over and scares the intruder off. Eventually the 911 Operator tells her it's okay; the officers have arrived. Why did it take them so long?

Agencies throughout California are in a rare predicament, all faced with the same problems: a decreased hiring pool of eligible applicants; the overall changing opinion of public servants; and making their department more attractive than the next to prospective recruits. Is one of the solutions to some of these problems hiring officers on a per diem basis or from a hiring pool as is done in the medical profession? Rather than an exception, per diem work may become the norm in police recruitment; not just to fill the ranks, but to fulfill the basic mission of law enforcement.

### **Response Times and Vacancy Factors; the Bakersfield Experience**

There are many reasons why officer's response times are steadily increasing. The policing organizations of the future will be forced to endure chronic staffing shortages or find new and untested ways to resolve issues of retirement and resignation in their ranks.

Consider an example of the current reality of many California law enforcement agencies: The Bakersfield CA Police Department's sworn officers received the "3 @ 50" retirement package in 2003, allowing many veteran officers to leave the Department years before they might have planned. By the end of 2005, 34 of the 345 sworn compliment retired under this plan, with eight more leaving due to industrial retirements from job related injuries.<sup>1</sup> At the same time, the City enacted a hiring freeze due to budgetary constraints caused by the collapse of the "dot.com" sector of the stock market.

It wasn't until 2005 that the Department was allowed to begin testing for and hiring new officers. Even though they were able to hire twenty-eight officers, these recruits still had to complete the academy and field training program. This translates to about ten and a half months of training before they are able to

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<sup>1</sup> Figures provided by the Bakersfield Police Departments, Office of the Chief of Police (2007)

function as solo beat officers. Out of this cadre of recruits, twenty-one actually graduated; only sixteen are now working for the Department just one year later.

As can be seen in the following chart, the population of Bakersfield increased by approximately 27,664 people from 2004 to 2006. With attrition and the hiring freeze, this impacted the City Council's stated goal of having 1.3 police officers per every 1,000 citizens. From 2000 to 2006, sworn staff increased by only 45 authorized positions, lagging well behind a population increase of more than 65,000. To achieve the Council's goal, the Police Department would have to add forty-five new police officer positions this year alone, and then sustain accelerated rates of hiring for the foreseeable future.

### **Bakersfield Projected Population**

<b>Year</b>	<b>City of Bakersfield</b>	<b>Metropolitan Bakersfield*</b>
<b>2006</b>	<b>300,800</b>	<b>456,600</b>
<b>2007</b>	<b>311,600</b>	<b>467,800</b>
<b>2008</b>	<b>322,500</b>	<b>479,000</b>
<b>2009</b>	<b>333,400</b>	<b>490,200</b>
<b>2010</b>	<b>344,300</b>	<b>501,400</b>
<b>2011</b>	<b>355,200</b>	<b>512,600</b>
<b>2012</b>	<b>366,000</b>	<b>523,800</b>
<b>2013</b>	<b>376,900</b>	<b>535,000</b>
<b>2014</b>	<b>387,800</b>	<b>546,200</b>
<b>2015</b>	<b>398,700</b>	<b>557,400</b>

The increase in population coupled with a decrease of people choosing policing as a career, will force cities to face a serious crisis of how to offer public safety services in a changing society. The shortage of new recruits is attributed to a weakened economy, lucrative retirement packages, and an aging workforce.<sup>2</sup> The mass exodus of police officers of all ranks who have reached the age of fifty is forcing law enforcement agencies to fill managerial positions with younger officers who have limited supervisory experience. For example, Bakersfield promoted 34 officers to positions at or above the rank of sergeant from 2004 to 2006. This means about 68% of their supervisory personnel had less than two years experience at that rank. Filling the managerial and supervisory positions also caused a chain reaction leaving patrol officer positions vacant. This snapshot of the Bakersfield Police Department could be considered the norm for many California law enforcement agencies struggling with growing communities and deploying inadequately staffed patrol shifts to respond to a growing number of calls for service. Clearly, something needs to change. How, then, can we staff vacant positions to protect the community during a time of endless recruiting and retirement?

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<sup>2</sup> Reeves, S (2005, September). An Aging Workforce's Effects on U.S. Employers. Forbes [http://www.forbes.com/careers/2005/09/28/career-babyboomer-work-cx\\_sr\\_0929bizbasics.html](http://www.forbes.com/careers/2005/09/28/career-babyboomer-work-cx_sr_0929bizbasics.html) (last visited March 20, 2006)

## Staffing Alternatives in the 21<sup>ST</sup> Century

The California Occupational Projections Report indicates between 2002 and 2012, nearly 2.7 million new jobs will be created and almost 3.5 million separations will occur.<sup>3</sup> This will result in the need to fill 6.2 million jobs in the same 10 year period. According to the California Performance Review Report, the State Personnel Board says that 70,000 or 34 percent of the state's employees are eligible to retire in the next five years.<sup>4</sup> Other estimates say the "number could actually be as high as 49 percent, or as may as 100,000 state employees."<sup>5</sup> This same report indicates that state public safety employees had a separation rate equal to 33 percent in 2003 and 23 percent in 2004.<sup>6</sup> For the past six years, state public safety employees have had an average annual separation rate of 30 percent.<sup>7</sup> In 2004, 25 percent of the public safety employees were over the age of 50, which means many of them could be eligible to retire, depending on when they entered the system.<sup>8</sup>

The California Department of Labor's "Occupational Projections of Employment Report" related to law enforcement workers estimates how many new positions are anticipated to be added over the 10 year projection. The number of separations projected due to retirement or other reasons is also listed. These two numbers added together reflect the estimated number of positions that may need to be filled over the next 10 years.<sup>9</sup>

The following table reflects the 10 year projection for specific law enforcement employees in California from 2002 to 2012. In 2002 there were 125,100 law enforcement workers. That number is projected to grow to 162,800 by 2012, an increase of 37,700. However, during this same period it is projected there will be 30,300 separations. If correct, a total of about 68,000 people would have to be hired to meet public safety needs.<sup>10</sup> Police and Sheriff's patrol officers alone would account for 45,400 of the total number. Annualized, this would mean law enforcement agencies will need to hire 4,540 officers each year over the next 10 years. Collectively, if they hire five out of every 100 who apply, it would take an applicant pool of nearly 91,000 to hire 4,540.<sup>11</sup>

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<sup>3</sup> California Occupational Employment Projections 2002-2012, Occupations with the fastest growth, [www.calmis.cahwnet.gov/file/occproj/cal\\$fastest.pdf.htm](http://www.calmis.cahwnet.gov/file/occproj/cal$fastest.pdf.htm), (Last visited March 14, 2006)

<sup>4</sup> California Performance Review, S043 Creating a Workforce Plan for California State Employees <http://www.cpr.cagov/report/cprprt/issrec/stops/pm/so43.htm> (Last visited March 14, 2006)

<sup>5</sup> Ibid.

<sup>6</sup> Ibid,2.

<sup>7</sup> Ibid,3.

<sup>8</sup> California Performance Review, Good People, Good Government, <http://www.cpr.ca.gov/report/cprprt/preshg/good.htm> (Last visited March 20, 2006)

<sup>9</sup> California Occupational Projections, 2002-2012

<sup>10</sup> Peace Officer Standards and Training, Best Practices in Recruitment and Retention, <http://www.post.ca.gov/training/bestpractices/bestpractice-recruitment.asp> (Last visited June 24, 2006)

<sup>11</sup> Ibid.

**CALIFORNIA OCCUPATIONAL PROJECTIONS 2002-2012  
LAW ENFORCEMENT WORKERS**

Occupational Titles	Avg. Annual Employment		No. Change (Growth)	% Change	Separations	Total Positions to fill
	2002	2012				
Law Enforcement Worker Title	125,100	162,800	37,700	30.1%	30,300	68,000
Correctional Officers & Jailers	36,800	45,000	8,200	22.3%	7,600	15,800
Detectives & Criminal	9,300	12,100	2,800	30.1%	2,500	5,300
Parking Enf. Workers	1,800	2,200	400	22.2%	300	700
Police & Sheriff's Patrol Officers	75,500	101,400	25,900	34.3%	19,500	45,400
Transit & Railroad Police	1,100	1,400	300	27.3%	200	500

Although recruitment woes are not a new phenomenon, it has been recognized by law enforcement leaders as a significant issue that must be addressed in the very near future. So what is the city or county that finds itself losing police officers supposed to do? It is unlikely that a city or county will be able to increase police officer salaries enough to make buying a home a reasonable goal in many areas. Further, the cost of living in California is not going to drop appreciably. How, then, could we tap the potential of the existing workforce to fill hiring needs? There are some strategies to consider as one works to provide solutions to the problem

**Recycling our workforce to help address a staffing shortage**

California law enforcement agencies need to implement new hiring strategies to effectively staff their departments to ensure safety and effective service delivery. There are several sources readily available to assist law enforcement agencies in meeting staffing needs if certain legal measures are undertaken to address them. Three valuable resources could be tapped to address staffing shortages in California law enforcement agencies. Retirees, women who have left law enforcement to raise their families, and current law enforcement officers could be utilized to fill existing officer vacancies on a per diem basis.

Retirees are a valuable resource that could be brought back into law enforcement if pension payment restrictions were relaxed. The 3 @ 50 benefit has allowed many veteran officers to leave the work place at a much younger age. Many of these former officers, though, find themselves looking for alternate employment shortly after retirement. Many seek out employment to supplement

their pension income, while others find it necessary to overcome the feeling of wasting precious hours doing nothing of value. No matter the reasons, measures could be taken to lure experienced officers back to the work place. Even those on the payroll of neighboring agencies could be a valid resource for filling the ranks.

Seventy–six California agencies sent representatives to the 2005 P.O.S.T. Recruitment and Retention Symposium. These agencies had a combined total of more than 8,300 vacancies. Many use modified work schedules to offer employees a work week consisting of three twelve and one four hour day, or four ten hour days. Many of those officers use their time off for second jobs to supplement their income. Would it be possible to allow these officers to work as independent contractors at other law enforcement agencies? Could a local registry, like the health care industry, be developed where officers are employed on a per diem basis?

Law enforcement agencies have traditionally staffed their agencies with full time police officers, who receive full benefits, working a variety of shifts based on a forty hour work schedule or an eighty hour bi-weekly work schedule. Although hourly shift schedules have been flexed utilizing eight, ten and twelve hour shifts, agencies have been reluctant to allow employees to self schedule their work hours, due largely to the nature of the job. The health care industry, however, has been utilizing Nurse Registries successfully for many years to fill gaps caused by short and long term vacancies.

A nurse registry is a business that provides nurse and health care assistance to people who need the services of healthcare professionals. Nurses are normally contracted by the agency on a per diem basis and make themselves available for hire by hospitals and other providers of care for help during busy periods to cover staffing shortages.<sup>12</sup>

Much like law enforcement officers, nurses are required to complete a rigorous training program. Registered nurses generally receive their basic preparation through graduation with an Associate of Science in Nursing Degree programs which consists of two to three years of college level study with a strong emphasis on clinical knowledge and skills. Like law enforcement, the government regulates the profession of nursing to protect the public. Their scope of practice is defined by legislative and regulatory laws which are administered by a State Nursing Board. Nurses may be licensed in more than one state, either by examination or endorsement of a license issued by another state. In addition, the states which have adopted the Nurse Licensure Compact allow nurses licensed in one of the states to practice in all of them through mutual recognition licensure.<sup>13</sup> Is it time to create a “Police Licensure Compact” to do the same for law enforcement?

## **Changing the Face of the Law Enforcement Workplace**

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<sup>12</sup> Part-Time Work, Advancing Women Homepage <http://www.advancingwoen.com/wkparttime.htm> (Last visited March 2006)

<sup>13</sup> <http://www.wikipedia.org/wiki/nursingagency> (Last visited March 2006)

Paul Light, Vice President and Director of Government Studies at Brookings Institution, writes: “The federal government was designed for a workforce that has not existed for several decades. Built around 30-year careers with one-way in right after high school or college and one way-out at retirement, it is a place for employees who care more about long term security than short term achievement. Young Americans see dead end jobs ruled by seniority, not performance.” Light also pointed out the federal government is losing the talent war on two fronts. Its personnel system is slow in hiring, almost useless in firing, overly permissive in promoting, out of touch with performance and penurious in training. Government hierarchies are so thickened with needless layers that agencies cannot provide the kind of work that today’s labor market expects.”<sup>14</sup>

The creation of a police registry could address some of the trends related to the wants and needs of today’s workforce. The flexibility to self schedule, controlling when and where they work has been identified as a major factor in deciding if they continue employment within a specific field. This registry could include a bevy of experienced law enforcement officers. The police registry would be operated by a private firm that secures employment contracts with independent municipalities. The registry would ensure each registry officer is qualified to work in this capacity by conducting a background check to include employment records and POST certifications. The registry could also act as the conduit between POST and the registry officers by scheduling localized training and providing legislative up-dates.

The registry could maintain copies of all policy and procedure manuals from local municipalities, providing registry officers a copy upon employment. Officers who participate in the registry would submit a resume to their perspective employer to include POST certifications, training certificates, and a private insurance binder. The officer would also be asked to sign a waiver disclosing findings of all internal affairs complaints from previous employers. The registry officer would indicate the police functions he or she is qualified to work and days or hours they would be available. Highlights of registry approach may be:

- Registry officers could enter into contractual agreements with law enforcement agencies to provide their service for a specific period of time.
- These contracts could be very flexible, employing registry officers for period as short as one month or as long as one year.
- The employing agency will identify their specific needs as it relates to hours per week, days per week, duties and shift assignment.
- Registry officers would be compensated based on an hourly rate established by the employing agency.
- The registry officers would not collect benefits associated with full time employment.

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<sup>14</sup> Paul C. Light, *The New Public Service*. The Brookings Institute, c.2000, <http://www.brookings.edu/views/articles/light/20000101.htm> (Last visited March 12, 2006)

- Employment terms within the contract would allow the employing agency to terminate a registry officer for violating state or federal laws or violations of departmental policies and procedures.

The benefits of this type of program could be endless. It would give police leaders the ability to design and staff community programs that require diverse time commitments without having to pull officers away from depleted patrol divisions. It would also help fill gaps in service caused by temporary or mid-term vacancies in the sworn ranks.

### **Who would want to work from a registry?**

If most California law enforcement agencies are already offering great incentives and providing a quality place to work with good benefits, why are so many suffering vacancies as never before? Maybe there are not enough people interested in a career in law enforcement, or maybe law enforcement hasn't changed with the times. In "The Price of Motherhood", Anne Crittenden notes the significant difference between male and female employees.<sup>15</sup>

Because they have babies, many women desire a temporarily reduced, more flexible work schedule during their child raising years. Providing such scheduling would increase hiring costs for women employees, but the study reported the employer would ultimately benefit because the cost of retaining capable women is less than the price of losing them.<sup>16</sup>

Women in law enforcement are generally given very little flexibility once their child is born. Their options are usually to return to full duty at the end of their family leave entitlement, or retire. It comes as no secret that the responsibility for raising children in the United States is still disproportionately placed on the women. A study conducted by the Radcliffe Public Policy Center at Harvard University, revealed that a flexible work schedule was identified as important to 83 percent of the women surveyed.<sup>17</sup> A per diem police officer registry would allow women officers to stay employed by working a schedule that balances their ability to maintain a household and career.

### **Retired Employees Ready, Willing, and Able**

An informal survey was sent in March of 2007 to all retired officers from the Bakersfield Police Department asking them if they would return to work on a per diem basis. Twenty-five retirees responded to the questionnaire. All but one said he or she would return to work. The retiree's wanted to return to their former rank or be considered a "special agent," desiring work of about 20 -30 hours per week. Most requested to work non-patrol duties, such as training, planning and

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<sup>15</sup> Crittenden, Ann, "The Price of Motherhood: Why the most important job in the world is still the least valued," Owl Publishing Co. N.Y. 1998

<sup>16</sup> Ibid.

<sup>17</sup> "The New American Worker in the New American Economy," California Parks and Recreation Magazine, Winter 2001, p48

research, court complaint officer, range master, quarter master, property supervisor, internal affairs and cold case investigator. These findings are consistent with research conducted by Professor Barbara McIntosh from the University of Vermont. She says, "Employers in effect have waived their relationship with the very people they're going to need. We are facing a severe labor shortage. The logical segment is workers who have retired or are thinking about retiring". She cites a survey that reports 80 percent of retirees want to work. The catch is that they want to work part-time, and have flexibility.<sup>18</sup>

### **Resistance to change**

The requirements to become a police officer in the state of California are set out in the P.O.S.T. Administrative Manual. The Administrative Manual sets the minimum standards that must be met to maintain a police officer's status. Additionally, the P.O.S.T. Administrative Manual sets the requirements related to professional training standards, minimum hiring standards and the certification of professional development. If officers are able to meet and maintain P.O.S.T. mandated training requirements, it is essential that they work a full time position for only one agency?

Sharing officers is unheard of and the California Employees Retirement System (PERS) does not allow an officer to work for two PERS agencies at the same time. Nor can a retiree from a PERS agency return to work for a PERS agency in excess of 960 hours a year. Many State agencies have utilized retired part-time officers. Although they are a valuable resource, PERS and the California Government Code mandate these employees are only able to work 960 hours in a calendar year. Could changes be made to the PERS retirement system that would allow PERS agencies to staff 5 to10 percent of their sworn compliment with per diem officers regardless of hours worked?

Worker's compensation coverage for per diem employees may be another area to address if this concept were to become reality. Generally, workers compensation insurance is managed by city-contracted private vendors. Appropriate private insurance is established for the workforce; the company pays workers' compensation claims and also holds the City harmless for the actions of its employees. These same requirements could be used when hiring per diem police officers. It may be possible to require the per diem employee to maintain private insurance to cover themselves in the event of injury, in much the same way the purchase of private insurance by reserve police officers is now handled.

Certainly, there may be other, less critical, objections to creating a per diem workforce. As long as police agencies and their managers stay focused on the goals and outcomes of the future program, any issues can be resolved as a balance between the unacceptable status quo and the safety of the community.

### **Influence and innovation**

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<sup>18</sup> Grappling with the R Word, Lee Griffin, The View, [www.uvm.edu/theview/article.php?id=117](http://www.uvm.edu/theview/article.php?id=117) (Last visited March 5, 2007)

The only nationwide drive to establish common law enforcement goals and objectives is the Commission on Accreditation for Law Enforcement Agencies (CALEA). It was formed in 1979 by four major law enforcement executive membership associations: the International Association of Chiefs of Police, National Organization of Black Law Enforcement Executives, National Sheriff's Association, and Police Executive Research Forum.<sup>19</sup>

CALEA has not been popular with many California law enforcement agencies as it mandates rigorous standards with mandatory compliance that is time consuming and cost prohibitive. A collaborative effort mounted by these very agencies could have a tremendous impact to open dialog in that State with labor unions and large law enforcement organizations to enable pilot efforts of this concept. Those in California who might initially resist change, like the California Peace Officers Association, the Peace Officers Research Association of California, and Commission on Police Officers Standards and Training, must be a part of the collaborative to create this solution. Once informed, these organizations and others should readily see the advantages of the approach, as well as its efficacy in resolving chronic problems with staffing shortages across the State.

### **New Staffing Strategies Starting to Take Shape**

There are already programs to supplement the fulltime workforce that might be used as models for the per diem concept. For instance, innovative staffing options are now being explored at the Burbank Airport Authority Police Department. The Burbank Airport PD is offering a job share program for police officers. Two retired officers will combine to share one full time position as a sworn police officer. The officers work a 4/12 to facilitate two 12 hour shifts per officer. This schedule is flexible allowing swaps. Officers that average over 20 hours per week qualify for full benefits and overtime hours are available to those interested. Pay is determined by experience and POST certifications. Fifteen retired officers have applied and several female officers employed by neighboring agencies have indicated that they would be willing to quit at their agency's to work part time at the Airport.

The Burbank Airport PD is in a unique position to benefit from this pool of dedicated, experienced and tested veterans because the Airport PD is not a PERS member. Qualified officers will be able to collect 100% of their PERS retirement in addition to the Airport PD pay and benefits. Although this is not a police registry, some of the strategies employed by the Burbank Airport PD are similar in concept utilizing flexible scheduling and existing resources, retirees, to fill vacant positions with qualified employees.

The tremendous interest in this position by both retired and currently employed female officers should send a clear message to law enforcement leaders that a registry or similar staffing model is very desirable with a large segment of today's available workforce. It will only be a matter of time before law

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<sup>19</sup> The Standards, Commission on Accreditation for Law Enforcement Agencies, <http://www.calea.org/newweb/accreditation%20Info/standards.htm> (Last visited June 24, 2006)

enforcement agencies throughout California adopt similar programs to allow them to entice officers away from long time employers because they fail to provide for the officers personal needs.

### **Conclusion**

With approximately 8,000 law enforcement openings in California right now, law enforcement leaders realize it would take years to hire qualified applicants to fill the current openings. The shrinking availability of existing resources can no longer be ignored, requiring innovative non-traditional hiring practices to be explored. It will be a difficult task for many agencies to retain their traditional hiring practices and paramilitary mindset during these changing times with a changing workforce. To remain competitive in the quest for qualified applicants, law enforcement leaders will have to break away from the stoic mentality of "If it isn't broke don't fix it". Rather than talk in circles about lowering the standards required to become a police officer, creative recruitment solutions like job sharing, self scheduling and per diem police officers need to be explored to not only recruit qualified personnel, but retain them as well.