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## **UNDERSTANDING THE LEGAL ASPECT OF LAW ENFORCEMENT HIRING AND RETENTION**

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### **Abstract**

Law enforcement agencies struggle to hire officers. Law enforcement agencies are compelled to hold applicants to higher standards. Often, due to the danger that may occur, some applicants feel the pay is not worth the risk. Other applicants cannot complete the series of test such as physical agility, psychological, background checks and their criminal history. Even after an officer is hired, they are held to certain standards they must maintain to remain employed. In the State of Georgia, the Peace Officer Standard Training keeps a record of each officer in Georgia that provides the citizens with qualified, professional, trained, ethical and competent peace officers in law enforcement. Any violations could result in the officer certification being suspended or revoked and will show if a person has been fired or quit voluntarily. Hiring and Retention of law enforcement officers will need to be addressed. Police officers or Deputy Sheriffs are needed to maintain order, investigate crimes whether misdemeanors or felonies and crimes against children or the elderly. If agencies cannot retain officer's criminals would not have consequences for their actions and society would revert to the days of outlaws and common law citizens. Not being able to hire and retain officers can have an impact externally and internally. If officers are not hired or retain the following could cause long term problems such as; officer burnout due to the overtime, case overloads for investigators or detectives, new recruits using the agency as a steppingstone until another job is found.

**Keywords:** Psychological Exam; Organizational Effectiveness; Internal and External Stakeholders.

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### **1. Introduction**

Police officers and their agencies are being publicly scrutinized for recent acts involving Use of Force, and Civil Rights violations causing applicants to shy away from law enforcement. Often applicants feel the pressures, demanding hours and expectations are not worth the pay. The problem of hiring and retaining has not been resolved. There have been recent reports released by the United States Department of Justice Equal Employment and Opportunity Commission that

suggest that police departments across the nation should disregard minor criminal offenses of candidates and revise the controversial psychological exam and lower the bar for written and physical exam. (White, 2016). There has even been suggestion of allowing non-citizens to work with green cards or Alien registration cards. Others feel the standards should remain the same even suggesting the officer must hold at least a Bachelor's Degree.

It is suggested that a higher educated officer could make better decisions and write better detailed reports.

The difficulties of hiring and retaining officers could be for many reasons: how law enforcement is being portrayed in the media, pay and benefits, hours, and job requirements just to name a few reasons. When law enforcement is impacted by the inability to hire qualified candidates and retain officers, stakeholders in law enforcement are affected externally and internally. Stakeholders in the criminal justice system are those affected by the criminal justice system. This can include internal and external stakeholders. Internal stakeholders can be considered the criminal justice system and law enforcement itself while external stakeholders are those the criminal justice system serves and in some way, affects.

There are a couple of solutions to the problem of hiring and retaining officers: News media which is an external stakeholder could show more positive news stories regarding law enforcement. This could possibly allow the public to see all officers are not corrupt. Law enforcement commanders which are internal stakeholders could have exit interview with those officers who are leaving the agency, which could identify problems within the agency. If the problem is a persistent one, fix it to help with retention. If the problem is the hiring process is a setback, reexamine the process without lowering the standard for the agency. For example: if the agency does not allow a person who has a bankruptcy to be hired within 5 years of bankruptcy, have the candidate complete credit counseling through Employee Assistance Program before hiring.

## **2. Background**

There are many ways to motivate for buy in for hiring and retention of officers. Internal: Board of Commissioners can offer incentives for new hires that remain at the agency for a certain period. To retain the officers: offer incentives for higher education, certifications, and tenure. Commanders should ensure the right Supervisors are in position to include having a diverse workforce. Surveys can be given to the agency, making them anonymous and identify legitimate problems. Agencies may look for a successful agency that can retain employees and apply it to their department. During exit interviews, the officers begin to explain how they need more ongoing training, and the new hires complain of being thrown into the job with no training. The department implements field officer training, and allow seasoned officers to go to outside training so they will not complacent.

Social media and news media has contributed to the problems of hiring and retention of police officers and other entity of law enforcement. The impact of these two has created a huge impact on law enforcement. Due to the recent images of officers using force on citizens, justified or unjustified, and the possibility of civil rights violations has caused law enforcement to be under heavy scrutiny. This has left law enforcement agency across the United States struggling to hire

officers. Another use of technology is the cell phone. Officers are being recorded, while attempting traffic stops, and any other encounter with citizens. The recording does not necessarily have to be the offender or the passenger who is recording. It could be a bystander. Any violations of agency policy the officer may have committed while on scene could result in the officer being placed under an investigation, suspended or fired. These images are shown through news and social media on an everyday basis causing deterrence in applicants. In addition, the media displays the danger that law enforcement may encounter daily such as ambushes, officers injured in the line of duty.

One way to implement technology positively is to use more positive images. News media is necessity and reporters must report the bad images, but good images must be shown as well. Agencies working with the media are one way to get fair coverage. For example; if an officer is involved in a shooting, and the suspect has a replica of a gun, the agency could possibly allow the media close enough (without contaminating the scene), and to show how the weapon could be confused for the real thing. Stories like these can give the agency a better chance of fair coverage. (Cole, 2015).

### **3. Results and Finding**

The research includes the reasons law enforcement is having difficulty with hiring and retention which includes: media portrayal of officers, pay and benefits, and job requirements. The research includes how law enforcement dates back as early as 900 A.D. and the how it developed through the years to include being titled “Kin Police” to the first city in the United States to having a paid full time police agency.

Each data source reveals the problem with hiring and retention is a nationwide problem not just local agencies. All agencies face the same obstacles. The applicants face the difficulties of being unable to complete a series of test such as: physical agility, polygraphs, background checks, drug history and criminal history. Due to this problem, there has been discussion of possibly lowering the standards of applicants. This would include: hiring of misdemeanants, lowering the bar for written and physical exams.

Budgets for law enforcement agencies are controlled by the Board of Commissioners, City Council, or the City Manager. This includes pay raises, allotted spending and the hiring of county employees. One of the first steps to hiring and retaining officers for the agency is to have an effective budget presentation. For retaining, it should include: pay and incentive programs. Often times the officer feels as though there is no incentive for continuing in law enforcement with all that comes with the job: sometimes low pay, not enough training, unappreciated, and for each call of service which could pose a harmful risk. With this, the officer may become complacent. The proposal should have incentives for obtaining certifications such as Supervisory, Managerial, and Field Training Officer. Included also should be the incentive for Higher Education such as Associate, Bachelor and Master’s Degree. Also, detailed should be a pay incentive for every 2 to 3 years’ service with the agency.

#### 4. Conclusion

To retain officers, some agencies are looking to lower applicant standards with hopes of attracting more new recruits. Although some requirements may be able to be lowered such as physical agility, and college compass test, other series of determining factors such as psychological and background checks should remain. In 1993, The New Orleans Police Department hired an applicant by the name of Antoinette Frank. The psychologist who administers the test to Frank advised that she should not be hired under any circumstances due to what was considered a personality disorder. NOPD ignored this warning and hired Frank, who was later tried and convicted of murdering her partner at a local restaurant. Her accomplish was a local street hustler that Frank became involved with while working as an officer.

Organizational Effectiveness can be defined as identifying the criteria and weighing the various outcomes. It can be measured by the outcome of whether the officers are being retained or increase in applicants. For example, an agency believes they have found a way to retain employees such as pay increases, incentives and take home cars, but seasoned officers continue to leave which also includes new hires. The organization is not effective in their efforts. The implementations would have to be assessed and new avenues would have to be examined.

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