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Recruiting for Emotional-Social Intelligence: Enhancing Leadership, Performance, Community Trust, and Saving Lives

Municipal Police Agencies Dial 911 When it Comes to Investigating Cyber-Related Crimes in the Future?

Individual Contracts Won't Substitute for Leadership



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CONTENTS

- 6.** Recruiting for Emotional-Social Intelligence:
Enhancing Leadership, Performance,
Community Trust, and Saving Lives

Chief Eric R. Nunez, La Palma Police Department

- 14.** Municipal Police Agencies Dial 911 When it
Comes to Investigating Cyber-Related Crimes in
the Future?

Captain David Povero, Covina Police Department

- 20.** Individual Contracts Won't Substitute for
Leadership

Lieutenant Michael Boehrer, San Ramon Police Department

Recruiting for Emotional-Social Intelligence (ESI): Enhancing Leadership, Performance, Community Trust, and Saving Lives

By: Chief Eric R. Nunez, La Palma Police Department

Today, law enforcement faces greater fiscal restraints causing a workforce reduction in many agencies. The average time, effort and cost spent to recruit a sworn officer makes the selection process that much more critical. In California, the traditional recruitment and selection process assesses physical agility, reading and writing levels, basic psychological profiles, physical health and moral character per the California Commission on Peace Officer Standards and Training candidate qualification guidelines (POST, 2013).



In an article posted by NET Industries, Definition of Community Policing (2015), effective police officers and community policing programs were described in similar terms. The authors describe people and programs needing to be competent in the five cornerstones of Emotional Intelligence (EI) - self-awareness, self-regulation, internal motivation, empathy and social skills. The article states these are the keys to effective servant leadership and ethical, fair, and unbiased policing. There is currently no standardized testing in law enforcement of a candidate's Emotional-Social Intelligence. In contrast, the private sector has incorporated such testing for promotional and hiring practices for nearly a decade. The police profession, and their communities, expect officers to possess these strengths. They do not, however, test for them. As law enforcement struggles with community confidence, it is time to do just that. Before we can, though, we must first understand what EI is, and how we can assess those best suited for policing within that framework.

History of Emotional Intelligence

Author Daniel Goleman states in his book *Emotional Intelligence* that Dr. Wayne Payne coined the phrase "Emotional Intelligence" in his dissertation in 1985. Since that time, there have been countless studies, constructs, theories and tools developed to increase and measure the level of emotional intelligence of an individual, most framed in terms of measuring one's "Emotional Quotient," or EQ. In fact, Reuven Bar-On described studies of social intelligence dating back to the 1920's and credits Edward Thorndike as one of the first pioneers to study the field

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of social intelligence. Bar-On stated there are essentially three major conceptual models of EI (2006):

- (a) the Salovey-Mayer model, which defines this construct as the ability to perceive, understand, manage and use emotions to facilitate thinking, measured by an ability-based measure;
- (b) the Goleman model, which views this construct as a wide array of competencies and skills that drive managerial performance, measured by multi-rater assessment;
- (c) the Bar-On model, which describes a cross-section of interrelated emotional and social competencies, skills and facilitators that impact intelligent behavior, measured by self-report within a potentially expandable multi-modal approach including interview and multi-rater assessment

Each model is complementary. For law enforcement purposes, the Goleman model may fit best, since it emphasizes “Social Intelligence” as one of its five cornerstones. Goleman (1995) believes EI can matter even more than one’s conventional Intelligence Quotient, or IQ. Goleman’s assertion is based on the belief that the majority of goods and services are created and delivered by organizations comprised of emotional-based human beings. Their interactions create complex and ever-changing dynamics that require a level of understanding beyond the rules of logic to effectively communicate, motivate, and lead teams, groups, and organizations.

Although there are advantages of employing staff with strong emotional and social intelligence skills, law enforcement has lagged behind the private sector to seek applicants that demonstrate the skills. It may be the legacy and mindset of contemporary policing that holds those agencies back.

From Politics to Community Policing

Police departments in the United States are like any other service delivery organization. They are made of individuals with varying backgrounds, educations, and skill sets, yet they differ in one major way. Displaying emotions is not considered a strength (Hesser, 1999). Officers are trained to suppress their emotions during critical situations to manage crises. This training fosters and perpetuates the misunderstanding of authentic leadership and community policing in general (Blum, 2002). The illustration of heroic leadership can be found in literature, film and in sports where the leader is seen as “strong” but “silent.” The mindset of the police did not emerge in an accidental fashion. It is a product of the transition from the past to a setting where the police have expectations that past generations of cops could barely imagine.

Modern law enforcement transitioned from its early days in what is termed “the political era” of favoritism and low standards, through the “reform era” of the 1930’s into the 1970’s, into an era we are still experiencing; the “Community Policing” era. As a result of social unrest, the goals of the police changed. Rather than mere “crime fighting,” law enforcement worked to create partnerships with their

communities. This created four distinct changes to the mission of law enforcement.

The four elements of community policing are community-based crime prevention, police patrol emphasizes non-emergency services, increased accountability to the public, and decentralized command (History of Policing, 2011). Of these four elements, decentralizing command has been the most difficult to incorporate. Although it is an important issue, there has been little change in the requirements to become a police officer, or in the training to embrace a community policing model. When law enforcement culture is steeped in professionalism, this is the most difficult obstacle to overcome (Candidate Information, 2013).

Today, police work requires self-control and discipline, especially when handling emotional calls for service. As the profession has entered into the fortieth year of the Community Policing Era, the public has become accustomed to calling for non-criminal or non-emergency requests. Officers need interpersonal skills to handle these calls. This requires a solid understanding of human behavior, relationship dynamics, and communication skills to effectively listen and respond. To relate to people quickly and with the necessary depth and breadth, an officer needs to be reflective and in touch with his or her own emotions. According to one police psychologist, the higher an officer's EI, the greater potential they have for a successful resolution of any human interaction (Blum, 2002). Police culture, though, is one that emphasizes a suppression of emotions, thus creating a resistance to efforts to tap into similar concepts for change.

The Law Enforcement Culture

Police departments have traditionally fashioned themselves much like the military. They utilize a structured command and control model that requires strict adherence to the chain of command with little tolerance for the questioning of authority. As a result, the few individuals at the top make a majority of decisions. Change management is carried out with a simple posting of a memorandum. Although this type of leadership can be effective in some specialized cases, it can come at a significant cost that negatively impacts the health of the leader and the followers. This subsequently ingrains into the organizational culture (Whittle, 2004).

Change management does not necessarily generate group buy-in, as the group in most cases was not consulted prior to implementing change. The assumption is that the followers do not need to understand why the change is required - only that they possess the tools and training necessary to carry out the new orders. This lack of connection or empathy for what concerns or motivates the followers is directly related to the emotional quotient of the leader. It has little to do with the overall level of intellectual intelligence of the decision makers (Goleman, 2005). To move from the issues of today, law enforcement must adopt processes to find persons with high EI to enter the profession. Those same individuals, over time, will become its leaders.

Issues of Emotional Survival

Nurturing EI is not solely intended to improve service delivery from the police officer to the citizen, but also for the myriad of other benefits. It is believed

that people possessing high EQ's have better personal relationships outside of work, interact with their co-workers more productively, are less likely to engage in self-destructive behaviors and are a positive influence for those around them (Hartman, 2007).

Although there has been an increase in non-emergency, non-criminal calls for service, emergency calls are still commonplace. Serious vehicle accidents, assaults, rapes, murders and crimes with children as victims can create an emotional burden for the police. This is exacerbated in an organizational culture that does not nurture EI, or worse. Dr. Lawrence Blum (2002), a police psychologist, states that law enforcement culture disdains and informally sanctions officers for the display of emotions. As a result, officers exposed to violence at levels far beyond that experienced by any other profession can be devastated without the proper support.

It is not uncommon for these officers to eventually engage in behaviors that bring citizen complaints, administrative investigations, disciplinary hearings, terminations, lawsuits, incarcerations and even suicides (Gilmartin, 2002). Although a police-specific EI assessment for recruits does not exist, literature indicates benefits being realized in the private sector by ESI testing and training.

A Changing World

The private sector has been investigating ways to utilize EI since the mid 1990's to find more effective way to communicate and interact with one another and their customers. Specifically, employers were looking for more effective ways to raise the level of trust, creativity and productivity. This is especially important for the United States as they move from a country built on a manufacturing base to a global workforce invested in the service industry (Covey, 2006).

Relating to people all of over the world in terms of the organization's workforce and customer base is a skill that may not be taught in a computer networking class, but is more suited in a social networking course. Companies regularly enlist the services of consultants to assist with learning how to better handle the human condition that exists within their corporations. These private sector companies understand that everything moves, "at the speed of trust," as quoted by Stephen Covey (2006). It makes no sense for the law enforcement profession to be behind the curve. Six Sigma Blackbelt Daniela Monhua commented on high performing teams by stating, "High-functioning teams are not the result of coincidence. They achieve greater levels of participation and collaboration because their members trust one another, share a strong sense of team identity, and have confidence in their abilities and effectiveness. Such teams possess high levels of team emotional intelligence."

Private sector studies reveal high performance teams with a collective higher average EQ are more productive than teams with a collective higher average IQ. According to freelance business writer Judith Ross (2008), the reason for this is clear. In her Harvard Business review article, Ross notes that high-performing teams aren't the result of happy accident. Instead, they achieve superior levels of participation, cooperation, and collaboration because their members trust one another, share a strong sense of group identity, and have confidence in their

effectiveness as a team. She attributes the ways in which these teams work as being ones that possess high levels of group emotional intelligence (EI).

The synergy of high performing teams is the whole being greater than the sum of its parts by creating options that are not considered by teams with strictly higher IQ's (Caceda, Gilkey, and Kilts, 2010). Studies of close to 500 organizations worldwide indicate that people who score highest on EI measures rise to the top of corporations (Goleman, 1998). "Star" employees possess more interpersonal skills and confidence than "regular" employees who receive less-glowing performance reviews.

"Emotional intelligence matters twice as much as technical and analytic skill combined for star performances," Goleman (1998) writes. "And the higher people move up in the company, the more crucial emotional intelligence becomes."

The Importance of Hiring Emotionally Intelligent Officers

The most critical reason to seek recruits with appropriate EQ is to staff personnel that can manage their emotions to better interact with the communities they serve. Emotional-social intelligence testing and training may also reduce tenured police officers from engaging in self-destructive behaviors to include suicides.

Without a valid sample of research conducted on law enforcement officers it may be difficult to set standards for specific EQ requirements for recruitment. This should not prevent the testing, which could provide a base for an agency as a whole. Contributing author Steven Cooper, in the Forbes online magazine, referenced psychologist Dr. Carey Cherniss' paper citing a 19-point case for businesses to pay attention to emotional intelligence, using data from the research of others. Cooper's highlight of this paper offers a way to understand why businesses should care about an employee's EQ. Cooper cites one study that followed the hiring of sales agents for L'Oreal on the basis of certain emotional competencies. These agents outsold other salespeople by \$91,370 for a net revenue increase of \$2,558,360. He added that high EQ employees had 63% less turnover during the first year than those selected in the typical manner. In a separate study, a national insurance company found that sales agents who were weak in emotional competencies such as self-confidence, initiative, and empathy sold policies with an average premium of \$54,000. Comparatively, agents who scored high in emotional competencies sold policies worth an average of \$114,000 (Cooper, 2013). These types of results with regard to productivity, motivation, and job satisfaction are very clear and would be welcomed in the law enforcement profession. Testing emotional intelligence at the recruitment phase could secure similar results.

Selecting the EI Recruitment Test

There are a number of tests that measure EI, notably the 'Geneva Appraisal Questionnaire', which was produced by the Geneva Emotion Research Group, and the earlier 'Baron Emotional Quotient Inventory', which is marketed by Multihealth Systems (MHS) in Canada (Wake, 2006). Steven Cooper's article on Dr. Cherniss's findings cited one case for law enforcement as it related to the emotional intelligence testing to US Air Force recruiting personnel and their success. The following is excerpted from the 19 findings of Dr. Cherniss:

The US Air Force used the EQ-I to select recruiters (the Air Force's front-line HR personnel) and found that the most successful recruiters scored significantly higher in the emotional intelligence competencies of Assertiveness, Empathy, Happiness, and Emotional Self Awareness. The Air Force also found that by using emotional intelligence to select recruiters, they increased their ability to predict successful recruiters by nearly three-fold. The immediate gain was a saving of \$3 million annually. These gains resulted in the Government Accounting Office submitting a report to Congress, which led to a request that the Secretary of Defense order all branches of the armed forces to adopt this procedure in recruitment and selection. (The GAO report is titled, "Military Recruiting: The Department of Defense Could Improve Its Recruiter Selection and Incentive Systems," and it was submitted to Congress January 30, 1998. Richard Handley and Reuven Bar-On provided this information.)

Although there are many standardized psychometric tests to measure the EQ of an individual, the Thomas International Personal Profile Analysis, or PPA is becoming more common among private sector recruiters and employers as a means to understanding the applicant's personality traits. The PPA could be administered as part of the traditional psychological examinations to establish EI values and organizational standards (Gibbons, 2015).

Conclusion

Law enforcement works in a world requiring increasing transparency with a higher expectation of community engagement and accountability. Although each jurisdiction has its own culture and expectations, the fundamental skill that all officers should possess is the ability to effectively communicate and relate well with their coworkers and communities. Recruiting for officers that demonstrate the ability to meet the traditional requirements of law enforcement may not change. The focus on enhanced community and quality of life concerns, however, will require an enhanced skillset or aptitude not previously focused upon or measured.

The police should take a leadership role by implementing these various ESI testing instruments as part of the normal psychological testing process during the recruitment phase and provide industry standards based on current scientific research. This type of leadership can increase officer and agency performance, as well as increase the public's trust. In an age of increasing transparency and collaborative work with communities, officers with high EQ will not be a luxury, but a necessity.

References

- Bar-On, R. (2006). The Bar-On model of emotional-social intelligence (ESI). *Psicothema*, 18, suppl., 13-25
- Blum, L. (2002). Stoning the gate keepers. Society's relationship with law enforcement. Lantern Books, New York, NY.
- Caceda, R., Gilkey, R., and Kilts, C. (2010, September) When Emotional intelligence trumps IQ. *Harvard business review*, 17-18.
- Cohen, W. (2010). What you thought about heroic leadership is probably wrong.

- Retrieved August 23, 2014 from Integral Leadership Review
- volume X, number 5, October, 2010,
<http://www.archive-ilr.com/archives-2010/2010-10/1010ilrcohen.pdf>
- Commission on Peace Officer Standards and Training (January 2013). Candidate Information. Retrieved August 17, 2014 from the CA.Gov website,
<http://post.ca.gov/california-government-code-gc-requirements.aspx>
- Community Policing <http://law.jrank.org/pages/1648/Police-Community-Policing-Definition-community-policing.html>
- Cooper, S. (2013) Look for employees with high EQ over IQ. Retrieved July 31, 2015 from Forbes online magazine March, 2013, <http://www.forbes.com/sites/stevecooper/2013/03/18/look-for-employees-with-high-eq-over-iq/>
- Covey, S.R. (2006). *The speed of trust: The one thing that changes everything*. Free Press, New York, NY.
- Coyle, D. (2009). *The Talent Code*. Greatness isn't born, it's grown. Here is how. Bantam Books, New York, NY.
- Frost, P. and Robinson, S. (1999). The toxic handler: Organizational hero and the causality. Retrieved August 7, 2014 from the Harvard Business Review July 1999 issue, <http://hbr.org/1999/07/the-toxic-handler-organizational-hero-and-casualty/ar/1>
- Gibbons, A. (2015). How to use emotional intelligence in recruiting. Retrieved June 2, 2015 from Undercover Recruiter. <http://theundercoverrecruiter.com/how-to-use-emotional-intelligence-in-recruitment>
- Gilmartin, K. (2002) Emotional survival for law enforcement. A guide for officers and their family. E-S Press, Tucson, AZ.
- Goleman, D. (1995) Emotional intelligence. Bantam Dell a Division of Random House, Inc., New York, NY.
- Goleman, D. (1998) Working with emotional intelligence. Bantam Dell a Division of Random House, Inc., New York, NY.
- Hartman, T. (2007). *The people code. It's all about your innate motive*. Scribner, New York, NY.
- Hesser, L. (1999). Police chief desk reference. An organizational strategy guide for an effective police department. Retrieved August 23, 2014, http://www.olemiss.edu/ciss/Academics/Research/Police_Chiefs_Desk_Reference/pdf/4%20org%20strategy%20guide.pdf
- History of policing divided into three eras (2011). Retrieved August 19, 2014, www.grossmont.edu/lance.parr/intro4.htm
- Mayer, J.D., Salovey, P., and Caruso, D. (1998). Competing models of emotional intelligence. In R.J. Sternberg (Ed). *Handbook of human intelligence* (2nd ed.) Cambridge University Press, New York, NY.
- Monhau, D. (2013) High-performance teams: understanding team cohesiveness. Retrieved July 22, 2015, <http://www.isixsigma.com/implementation/teams/high-performance-teams-understanding-team-cohesiveness/>
- NET Industries (2015). *Police-Community Policing-Definition of Community Policing* Retrieved June 21, 2015, <http://law.jrank.org/pages/1648/Police-Community-Policing-Definition-of-Community-Policing.html>

- Community-Policing-Definition-community-policing.html
Officer Down Memorial Page (2013). Retrieved August 1 2014, <http://www.odmp.org/search/year?year=2012>
- Ross, J. (2008) Make your good team great. Retrieved July 31, 2015 from the Harvard Business Review. Management Update, <https://hbr.org/2008/02/make-your-good-team-great-1/>
- Wakeman, C. (2006) Emotional intelligence: testing, measuring, and analysis. Research in Education. Volume: 75, May 2006, Manchester University Press.
- Whittle, J. (2004). Identifying elements of customer satisfaction in the delivery of police service. Retrieved August 19, 2014 from International Chiefs of Police, http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=286&issue_id=52004
- Wiki quotes (2013). We were soldiers (Film, 2002), Colonel Hal Moore's character is quoted in the movie while addressing his troops prior to deployment to Viet Nam 1965. Retrieved August 28, 2014, http://en.wikiquote.org/wiki/We_Were_Soldiers

Municipal Police Agencies Dial 911 When it Comes to Investigating Cyber-Related Crimes in the Future?

By: Captain David Povero, Covina Police Department

Introduction

Several individuals sit at a sidewalk table at a coffeehouse drinking their cappuccino coffees and lattes. To the untrained eye, they are acquaintances, businessmen or travelers. Actually, in this transnational, digital world where information is readily available through every smartphone, there is a good possibility that the subjects are engaged in a potentially illegal transaction. What is more alarming is the possibility that their illegal activities could go undetected because of technology advancements that filter, scrub and cloak their actions. Cryptology erases them from the mainstream digital networks as if they do not exist. They utilize developing software on their smartphones that permit them to have all the latest technology that the average public user has, plus cryptology software that conceals them to operate in the digital world without detection. Their cellular telephone calls, text messaging, email, GPS locations, photographs are all filtered through a third party network that scrubs and filters the data so it is untraceable.



Criminals utilize the cyber-world and the encryption cryptology to increase their criminal networks, financial gains and victim pool. Whether it's gambling, extortion, sex trade, human trafficking, murder for hire, narcotics or theft and financial crimes, the criminal of today utilizes the smartphone and encryption technology like the remainder of the good citizens. To the passing observer, an individual sitting at a coffee house may be merely a coffee drinker fiddling with a smartphone. But there is a strong possibility that they may be engaged in some form of illegal activity on that smartphone. With the pace of technological change, law enforcement must ask how the cryptology of smartphones might transform the nature of criminal investigations in municipal policing today and in the very near future.

Background & History of Issue

With smartphone use growing exponentially, criminals are using them for nearly every aspect of a criminal act, and the historical data on smartphones is becoming more and more critical as evidence (Bruce 2014). A law enforcement investigator has maybe that one critical opportunity to locate, identify and track

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an individual, and grab cyber evidence before it is blocked by cryptology software that places the user off the digital grid.

Cryptology of information has been taking place for many years, but it has primarily been centered in government communication. As individual information sharing has gone digital via smartphones, it's recognized that personal information on these devices are being targeted by criminals, government agencies and private enterprises (Elbaz 2002). Members of society will take the necessary steps to protect their private information by integrating cryptology to protect their smartphones from hackers. The United States Supreme Court recently decided that today's smartphones are in fact microcomputers that also just happen to have the capacity to be used as a telephone. Because of this technology, a greater balancing of law enforcement and privacy interests is necessary.

The Court's ruling also set precedent that smart phones are distinct from other physical possessions that may be searched incident to arrest without a warrant because of the amount of personal data it can contain (Mayer 2014). Cryptology of these devices will not only have a positive impact, but it may negatively impact law enforcement in its ability to track the devices to detect criminal activity and solve criminal investigations.

Society has welcomed smartphones into many aspects of life. It is evident that as the technology advances, the public will become more reliant on these devices (Bourne 2014). Individuals are realizing that this technology also enables an intrusion into their privacy. Intrusions can take place in personal communication, interactions, storage of private information and more. Measures are available to prevent this by building a digital blockade. This blockade will thwart criminals, private enterprise and government agencies from hacking into smartphones.

Constraints & Opportunities

Research indicates that smartphones will be the most significant personal device of the future (Quickle 2013). Smartphones allow individuals to communicate with one another, complete financial transactions, participate in social media, store data and much, much more.

In turn, criminals have recognized that this increases potential criminal opportunities (Kharif 2012). Director Chris Pluhar of the FBI Regional Computer Forensics Laboratory in Orange County, California, reported that cyber-related crime has increased.

While smartphone technology does have some security safeguards, most of safeguards can be bypassed (Klariech 2014). Criminals have recognized that they can target many victims in a criminal scheme instead of just one victim. The victim pool increases and so does the potential for success (Quickle 2013). Cyber-criminals also realize that victims and local law enforcement are not always tech-savvy.

Government agencies recognize the public has gravitated toward the smartphone. At the national level, government personnel have a good understanding of existing and developing technology. They realize that cyber-crimes are increasing, emerging technology costs are expensive and municipal

law enforcement budgets are being reduced. Local law enforcement, though, is running behind the cyber-crime fighting curve.

Federal law enforcement utilizes top-of-the-line cryptography to encrypt their communication and emerging code breaking to decrypt communication. Law enforcement agencies have used technology to compromise the security features on mobile devices to monitor individuals. Author Kim Zetter revealed that in 2014, the FBI enlisted the assistance of Verizon Wireless to track, identify and pinpoint the location of a wanted ringleader of a \$4 million dollar tax fraud operation. FBI operatives altered the technology of the suspect's smartphone through Verizon Wireless to reprogram the smartphone so that it would recognize the FBI's technical equipment as a legitimate cell site. This redirected the suspect's phone so FBI operatives could pinpoint his location and apprehend. Accounts such as these reveal the depth of capabilities government entities have (with the aid of wireless carriers) to bypass security firewalls in smartphones in an effort to solve crimes (Zetter 2014).

Covert monitoring by the government has been revealed by whistleblowers, and the ensuing movement generated a demand for greater digital privacy for the public. In June 2015, Google and Facebook, with support from privacy advocacy groups, persuaded the California Senate to unanimously approve legislation prohibiting law enforcement from accessing private communications and location data stored on smartphones, tablets and other digital devices without a warrant. The proposed California Electronic Communications Privacy Act will require law enforcement to obtain a warrant based on probable cause before accessing a person's "digital information." Digital information is defined as personal messages, passwords, PINs, GPS data, photographs, medical-financial information, contacts and metadata. Robert Callahan, executive director of The Internet Association, a trade association representing leading global Internet companies, said "California's internet users expect their inbox to have the same kinds of safeguards that exist for their mailbox" (Kang 2015). His sentiments embody the spirit of California's legislation.

Research also reveals another privacy issue that has not generated as much attention as government monitoring. Private enterprises are embracing smartphone technology to develop digital marketing methods to initiate communication with privately-owned smartphones. This allows companies to "trap" the public's smartphone and its data through sales transactions and marketing campaigns (Gallagher 2013). This personal data collection is later sold to other businesses. Each instance of data sharing increases the opportunities for data breaches. Recent events exposed retailer data breaches that compromised smartphone data, all exacerbated by the collection of data that already occurred.

The U.S. Supreme Court ruled that smartphones contain more sensitive data than cellular phones of the past. Because of that premise, the data deserves strict privacy protection when it comes to the search and seizure of its contents by law enforcement (Mayer 2014). Whistleblowers such as Julian Assange of Wikileaks and Edward Snowden exposed the United States National Security Agency's

monitoring of the citizens of the world. Their revelations of NSA monitoring and the government's clandestine security measures pushed a restart button on the ideas of privacy, security and cryptology software development.

Smartphone manufacturers and software vendors are providing better encryption software. The new software with bio-security and PIN measures locks smartphones from unauthorized access. With such security applications such as IOS8 in place, even smartphone manufacturers like Apple cannot break through the measures to help law enforcement. What used to be a handful of cyber-related crimes that policing would need to address is now a different issue.

Eventually, decisions will be made on search and seizure issues relating to smartphone data, secured data on a third party server and even hidden or erased data. Inevitably, the police will be tasked to develop credible cases that have not infringed on the public's right of privacy. As the conflict between safety and privacy is waged in cyberspace, government agencies will continue to conduct surveillance on homeland security issues. At the same time, the police investigating criminal activity will be constrained by law and technology from engaging in similar means.

How will municipal police agencies investigate invisible crimes because of the untraceable forms of communication and evolving encryption? Law enforcement can invest in cutting edge technology, participate in ongoing training and involve themselves in regionalization efforts. They will need to create structured approaches to fight cyber-crime. If better tools and new capabilities are not developed, an entire element of the criminal world could remain undetected.

A Strategic Approach

How many times has it been said that teamwork is essential in problem-solving? With the anticipated rise in cyber-related crimes and the technological advances in cryptology, it is evident that municipal police departments need regionalize resources and increase of specialized task forces.

An average-size police department will be challenged dealing with the increase of cyber-related crimes and cutting edge technology. To adequately respond, police departments should regionalize their resources, join task forces and pool their resources in hopes of being funded by federal and state programs that could provide technology and training to handle cyber-crimes.

The Federal Bureau of Investigations has established Regional Computer Forensics Laboratories (RCFL); a full service forensics laboratory and training center. These labs examine digital evidence in support of criminal investigations. The RCFL combines the talents and experience of federal, state and local law enforcement agencies to seize, collect digital evidence at crime scenes, conduct impartial examination of evidence and testify when required. Currently there are 15 RCFLs across the nation. With cyber-crime increasing, law enforcement agencies should lobby for more resources and more participating agencies.

Like narcotic, gang and parole/probation task forces, municipal police departments will gravitate toward the conceptual specialized task forces to address cyber-crimes. These tasks forces allow participants to draw upon a structured team

that can address national-international cyber-crime, legislate better laws to fight these types of crimes and influence the court on legal issues relating to this type of crime and provide the technological expertise relating to data security issues.

To cope with the changes at the global industry levels, the following changes will be necessary at the organizational level:

- Pooling policing resources to fight cyber-related crimes
- Forming professional relationships with leading technology experts
 - Smartphone developers and carriers
 - Software developers
 - Private Forensic investigators
- Regionalize efforts by forming task forces
- Establishing joint power agreements
- Utilizing regionalization efforts to secure grant funding to support concept
- Receiving emerging, cutting edge training in cryptology/encryption

There are, though, some unanswered questions about how police might approach cyber-crime. Amongst the most critical are:

1. Can law enforcement put aside territorial concerns to fight cyber-crimes?
2. How will the police integrate industry experts into cyber-crime fighting while maintaining the integrity and confidentiality of criminal investigations?
3. Will private companies join law enforcement in an effort to fight cyber-crimes?
At the moment, emphasis is on privacy rights and smartphone manufacturing is answering the public's demand for better security. Newly developed software security features even prevent the manufacturer from disabling security measures for law enforcement purposes.
4. Can we be assured that a regional approach will equip small agencies to investigate cyber-crimes in a worldwide situation?

The smart phone is the number one personal device in the world. As technology in smartphones has evolved, and society has increased its usage of smart phone applications, cyber-related crime has risen (Quickle). Criminal access to smartphone data has facilitated cyber-crimes that include fraud, privacy invasion and sensitive communication theft. These events give credence that stronger software encryption is necessary to protect the public from hackers.

Sophisticated encryption software demands training for law enforcement to better apply investigative methods to solve crimes. We can hope that our current investigative approach can deal with the rise in cyber-related crimes, but the research shows that cyber-crimes are not restricted by geography. A regionalized approach increases our ability to deal with a worldwide issue.

Conclusion

In cities across America, violent crime has been declining while fraud, identity-theft and organized crime continue to grow. Many criminals have

transitioned from payphones and pagers to smartphones, convenient disposable cell phones and digital networks. Government agencies had pursued their investigative leads through easy access to a suspect's cell phone activity, but judicial officials, including the United Supreme Court ruled that law enforcement could no longer peruse through an individual's cell phone without a search warrant.

Privacy that comes by the way of cryptology encryption software is on the public's radar, and the demand for it is rising. The focus and goal for municipal policing is to not hesitate or procrastinate, but instead shift resources and efforts toward cyber-related crime fighting. Leaders must accept that crime fighting concerns in their communities will no longer be contained by jurisdictional boundaries. The cyber-world is transnational, and crime will follow in that direction. Cryptology software continues to develop with the public's demand for greater privacy. Municipal agencies must pursue regionalizing their efforts, expand their network and form partnerships with tech companies to keep pace with the legal statutes and investigative efforts to address crime in a cyber-society.

References

- Bourne, Will. "The Revolution Will Not Be Monetized." Inc. Magazine, July-August 2014. www.inc.com/magazine/201407ceo-of-wickr-leads-social-media-resistance-movement.htm.
- Bruce, Tom. "Tech Talk." California Police Chiefs Association Tech Newsletter, September 2014.
- Elbaz, Limor. "Advanced embedded security." Discretix Technologies, October 2002. Using Public Key Cryptology in Mobile Phones.
- Gallagher, Dennis. "The NSA, 'Smart' Phones, Tiles and the Silent Rise of the Global Police State." Sky Valley Chronicle, July 2014.
- Kang, Peter. "Calif. Senate Advances Digital Privacy Protection Bill." Law360, June 2015. www.law360.com/articles/663811/calif-senate-advances-digital-privacy-protection-bill.
- Kharif, Olga. "Mobile Payments: A New Frontier for Criminals." Business Week. com, 5 October 2012. www.businessweek.com/articles/2012-10-04/mobile-payments-a-new-frontier-for-criminals?campaign%5Fid=ebsco.
- Klarreich, Erica. "Cryptography Breakthrough Could Make Software Unhackable." Quanta Magazine, 3 February 2014. www.archive.wired.com/wiredscience/2014/02/cryptology-breakthrough/all/.
- Mayer, Martin. "U.S. Supreme Court Rules Police Need Warrant to Search Smartphones." California Police Chiefs Association – Client Alert, 25 June 2014.
- Quickle, Joseph. "Beware Mobile Fraud." Bank Technology News, February 2013.
- Zetter, Kim. "Secrets of FBI Smartphone Surveillance Tool Revealed in Court Fight." Wired Magazine, 9 February 2013.
- Zetter, Kim. "Researchers Find and Decode the Spy Tools Governments use to Hijack Phones." Wired Magazine, June 2014. www.wired.com/2014/06/remote-control-system-phone-surveillance.

Individual Contracts Won't Substitute for Leadership

By: Lieutenant Michael Boehrer, San Ramon Police Department

Every police agency in the United States is tasked with the same difficult chore of finding and hiring quality employees. That same agency is also tasked with retaining their employees. How employees are found, retained, and compensated can be a challenge for many organizations. Most every rank and file law enforcement officer in the United States is compensated under a group contract or a collective bargaining agreement.

If law enforcement agencies offered individualized employment contracts to officers, would that solve our problems? One could look to the New York Yankees or the Boston Red Sox for examples of “big pay for big play”. Could we recruit and hire the best? Conversely, could we pay marginal police officers less money or “cut” nonperformers from our ranks? Some may think this concept would be the answer to the age-old problem of staffing and performance. Pay the best contracts, get the best employees, and the rest should be easy. No union disputes, no complaining about wages, no “ROAD” warrior (retired on active duty) employees, and no recruiting problems. Unfortunately, the problem is more complex than simply signing a roster full of all-stars to individual contracts. As attractive as it might sound, individual contracts will not solve law enforcements recruitment, retention, and compensation problems – leadership will.



Recruiting Millennials

Recruiting problems have plagued some law enforcement organizations for generations. According to Taylor (2006), a national survey and follow-up of 1,000 law enforcement agencies found that 10% of all agencies had 90% of the recruiting problems. The report looked into various items to include salary and benefits. So, if 10% of the agencies have 90% of the problems one might ask why. Why are some agencies successful in recruiting and some aren't? It cannot be just about the money; is it something bigger?

With the chronic difficulty some agencies have recruiting the next generation of law enforcement officers, some think that higher starting wages, individual contracts, or economic incentives would lead to a greater success to

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meet recruiting goals. In fact, it does not. In a 2006 study conducted by the RAND Corporation, researchers found that law enforcement agencies with higher starting wages and salaries did not fair any better in meeting their recruiting goals than those of lesser pay and benefits (RAND 2010).

As the “Millennials” become the dominant generation in the profession, police leadership must adapt to meet their needs and demands. While individual contracts may allow for a few of these millennial generation employees to benefit, as a whole, this probably won’t work for the agency or them. The millennial generation doesn’t need contracts or managers, they need leaders.

As George Bradt (2014) wrote, “they cannot be managed the way other generations have been managed. They must be inspired and enabled through BRAVE leadership”. Bradt advocates a BRAVE leadership framework, comprised of Behaviors, Relationships, Attitudes, Values, and the Environment. So, is salary and compensation the fix all for recruiting and retaining employees? In years past, many police officers cited salary issues as their number one reason for leaving a law enforcement agency. In truth, some do not want to burn bridges, so they cite salary concerns as their reason for leaving when poor leadership was the actual underlying issue (Orrick 2008). Maybe in past generations it was about salary; now it’s about the big picture of leadership.

Recruiting & Retaining the Best Police Officers for the Future

Does the solution to recruiting and retaining employees begin with the very concept of who and what types of people agencies are recruiting? How do we find great employees and how do we keep them? Some agencies have looked to colleges to fill their ranks, some have looked to the military, while others have gone after officers in other policing agencies. Regardless of where the future employee comes from, the issue of how to hire and retain them will always come into play.

Alan Hall (2010) wrote of seven key categories one should consider to find the best employees, which are: Competent, Capable, Compatible, Commitment, Character, Culture, and Compensation. Several of Halls’ key points seem to be a frequent theme in the recruiting and retention conversations. Good leadership leads to a healthy organizational culture. Healthy organizations are not having difficulty finding good employees. The employees find them.

Shelly Langan (2001) with the California State Personnel Board wrote of the challenges of recruiting and retaining sharp employees more than a decade ago. She wrote that employees were no longer just interested in salaries and traditional benefits; they have other factors they value such as finding ways to balance work and home life. Employees want to be part of a healthy organization. According to Fordyce (1971), there are various characteristics of healthy organizations to include but not limited to: goals that are widely shared by the members, personal needs and relationships are valued by and matter to the leadership, members are free to voice concerns, and that problems will be addressed. In very real ways, good leadership creates healthy organizations.

Individual Employment Contracts vs. Unionized Labor

The concept of individualized employment contracts in the labor market is not a new idea. Many private companies utilize a form of individualized employment contracts for various classifications within a company. Some companies and organizations have unionized labor. Currently 11.1% of the entire United States workforce falls into the category of unionized labor, with 35.7% of all public sector employees belonging to an employee union (Union 2014). Do either of these two methods of employment compensation solve the recruitment and retention issues that directly affect law enforcement? No, they merely provide two different means to offer compensation.

Are individual contracts the panacea to a police organization's problems? While a few individuals may benefit short term from a great "contract", over time the individual and the organization will suffer. In a study conducted by three researchers from Columbia, Harvard, and the National Bureau of Economic Research (Ichniowski 1989), they found that public sector bargaining laws have significant positive effects for union and nonunion employees alike. Their research also found that the most highly compensated employees were that of public sector union members, with unrepresented "contract" employees faring the worst. Not only do employees fare better with collective bargaining but, agencies are not tasked with the administrative burden of managing each individual employment contract. Failure to manage in accordance with the terms of each individual contract, could result in litigation for each and every violation. Following a single MOU can be difficult, let alone several dozen or several thousand.

A Solution: Market Your Healthy Organization – We Have Great Leadership

The marketing of an organization, the culture of the organization, and the ability to make employees feel engaged in the organization are important factors in recruiting and retaining good employees. Having a good salary and benefit package helps, but as we have learned, it's not everything. Is it the methodology in which that agency compensates its officers? Is it union versus nonunion? No, it again goes back to the unnamed element that so many agencies are seeking, leadership.

The new generation of employees is more focused on quality of life issues, lifestyle, global outlook, and have less flexibility to administrative requirements. In a 2002 Arkansas Tech University Journal of Business Administration article, Cole, Smith and Lucas, wrote that Gen X and Millennials have completely different working values than that of the baby boomers (Cole, 2002). These employees will need leadership that is not only aware of the agency's mission and purpose but, leaders that are cognizant of how to best lead Millennials.

The idea of individual employment contracts may strike fear in to the hearts of police unions and bring praise from police managers. Police managers can daydream of signing super star cops to their agencies, just like the Boston Red Sox or the New York Yankees fill their roster every year with super star players. Union leaders would cry foul as their underperforming officers have their wages cut and ultimately released for failure to perform. While this may seem like a

panacea for solving law enforcements recruiting and retention issues, it's not. Regardless of the format in which compensation rates are derived, the employee and the organization will falter without strong leadership. If you start using the BRAVE Model of Leadership suggested by Bradt, your organization will experience a recognized transformation to millennial recruits that will be culturally inclusive, offer greater flexibility and have a healthy respect for personal quality of life issues.

Conclusion

Financial incentives may reward some employees and punish others, salary controls are not a substitute for leadership. Studies and research have shown that employees want a good working environment. Good organizations are built and lead by leaders. Leadership is needed to create a healthy culture in which employees will thrive. Happy employees show up to work because they believe in the organization, not because they have an MOU or a contract. Individual contracts are not a substitute for leadership and accountability.

The absence of leadership cannot be overcome with individualized contracts; money can't solve everything. Organizations and employees are lead to success by leaders. Great employees and organizations are created through leadership; they are not created by contracts. The law enforcement profession should start focusing more on leading and leadership and stop fretting about contracts, individual or collective.

References

- Bradt, G. (2014, May 27). Trying to Manage Millennials? Give Up and Lead Them Instead. Retrieved July 4, 2015, from <http://www.forbes.com/sites/georgebradt/2014/05/27/trying-to-manage-millennials-give-up-and-lead-them-instead/>
- Cole, G., Smith, R., & Lucas, L. (2002). The Debut of Generation Y in the American Workforce. *Journal of Business Administration Online*, 1(2).
- Fordyce, J. (1971). *Managing with People: A Handbook of Organization Development Methods* (pp. 11-14). Reading, MA: Addison-Wesley.
- Hall, A. (2010, June 19). Retrieved July 15, 2015.
- Ichniowski, C., Freeman, R., & Lauer, H. (1989). Collective Bargaining Laws, Threat Effects, and the Determination of Police Compensation. *Journal of Labor Economics*, 191-191.
- Langan, S. (2001). Finding the Needle in the Haystack: The Challenge of Recruiting and Retaining Sharp Employees. *Public Personnel Management*, 29(4), 461-463.
- Orrick, D. (2008). Recruitment, Retention, and Turnover in Law Enforcement. Retrieved July 28, 2015.
- Taylor, B., Kubu, B., Fridell, L., Rees, C., Jordan, T., & Cheney, J. (2006). Cop Crunch: Identifying Strategies for Dealing with the Recruiting and Hiring Crisis in Law Enforcement. NCJRS, (213800). Retrieved August 13, 2014, from <https://www.ncjrs.gov/pdffiles1/nij/grants/213800.pdf>

- Union Members 2014. (2015, January 23). Retrieved July 2, 2015, from <http://www.bls.gov/news.release/pdf/union2.pdf>
- Wilson, J., Rostker, B., & Fan, C. (2010). Recruiting and Retaining America's Finest. Retrieved August 14, 2014, from http://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG960.pdf

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