Misconduct Among Previously Experienced Officers: Issues in the Recruitment and Hiring of “Gypsy Cops”

John Middleton-Hope
MISCONDUCT AMONG PREVIOUSLY EXPERIENCED OFFICERS: ISSUE S IN THE RECRUITMENT AND HIRING OF “GYPSY COPS”

JOHN MIDDLETON-HOPE*

I. INTRODUCTION

Observing a growing trend toward the hiring of previously experienced police officers, the author embarked on a course of research regarding the impact this trend was having on the quality of the police work provided by one particular major Canadian police service (“the Service”). Analysis of data from a management system designed to monitor police officer conduct determined that previously experienced officers (PEO) who underwent accelerated training were involved in a disproportionate number of public complaints. While the causes for this elevated rate of complaints are multifactorial and not fully understood, the consequences of hiring police officers with problematic behaviors are clear—a significant negative impact on the Service’s efficiency and reputation, as well as on the public it serves.

While there still remains much to be done with respect to exploring the variables that influence PEO and the outcomes that are possible for agencies that rely on experienced police officers to make up vacancies in their ranks, what has become clear is the importance to the Service and other agencies of closely examining the practice of hiring experienced police officers, the length of training they receive, and where they are deployed. These particular factors have been shown to contribute to a high number of complaints against PEO. The breadth of experience PEO bring to the Service has been very beneficial on one hand; yet, on the other hand, some of these officers have exhibited high profile problematic behavior that takes a toll on the organization through stress, investigative costs, and lawsuits.

In one particular case the conduct of an officer who was fired after being charged with three work-related assaults resulted in both substantial legal bills to the police union and a substantial monetary award against the Service. These expenses were in addition to the cost of equipping and training this

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An officer who came forward to report the activities of this officer was on stress-related leave for nearly a year after the incident and did not fully recover for more than two years. The cost to this whistle-blower, his team, and the reputation of the Service, is far greater than the estimated $200,000 it cost to deal with the cited officer's misconduct.

As another example, of the officers who entered the Service’s second recruit class composed entirely of PEO, eight of twenty resigned within twelve months of being hired, essentially making their recruiting, training, and equipping a total loss. The costs described by these two examples must be carefully weighed against the potential benefits to the organization of hiring experienced police officers.

As further perspective, however, it should be said that only a very small percentage of citizen complaints made against officers become formal investigations, and, of those, an even smaller percentage is sustained. An even smaller number result in discipline recorded on the officer’s file in excess of one year. While, on the whole, serious police misconduct is not anywhere near crisis proportion, it is important to note that a certain subset of officers, PEO in this case, may contribute disproportionately to the problem.

The significance of this research is that it addresses a gap in current literature on the subject of hiring previously experienced police officers and the potential implications of problematic officers. The phenomenon of so called “gypsy cops” has not been studied to any significant extent. The research in this examination was focused on the relationship between gypsy cops (as an independent variable), accelerated training programs (as an intervening variable) and misconduct (as a dependent variable) as a way of explaining the higher number of complaints generated by these officers. The specific purpose of this research was to determine if the hypothesis could be proven that previously experienced police officers hired between October 1997, and September 1999, by a particular, large, urban police service were involved in a greater number of complaints against their conduct and, if so, why? What are the potential contributing variables, and what are the implications? It is hoped that the results of this study will have an impact on some of the methods currently used to attract new personnel and the training practices for these recruits.

II. BACKGROUND

A. Recruiting and Training Practices

The current police recruiting market is highly competitive; a market in which the stakes for the recruitment and retention of qualified applicants is
reaching the peak of a 25-year cycle. Not only is there competition among police services, but also private and other government employers are competing for dwindling human resources to replace their aging work force. The replacements are coming from a new generation of officers who tend to be more mobile, more willing to relocate for new job opportunities, and whose loyalty to an organization has been seen to be motivated by new factors that are only now beginning to be acknowledged. Gaining understanding of these factors has the potential to enhance recruitment and retention of professional candidates that embrace positive organizational values.

As a partial response to this competitive environment, police services have increased the recruitment of experienced candidates from other agencies. PEO are defined as officers having received a recognized formal, comprehensive training program, and, generally, additional experience on the street. These previously experienced officers (PEO), or “gypsy cops,” are characterized by their movement between police agencies. Although primarily an American phenomenon, this practice has also generally been accepted in Canadian policing circles as a strategy to hire experience to replace a graying workforce. While they often bring enormous strengths, they also bring behaviors and cultural identities that are different from the hiring police service and that have resulted in a disproportionately higher number of public complaints against their conduct as compared with inexperienced recruits.

There is little in the literature on the subject of gypsy cops; there is literally no research that assesses PEO conduct. Related research into developing predictive capabilities in police corruption is well published, however. Also related, some agencies are relying on psychological profiling to determine an officer’s predisposition to violent behavior at the recruitment and selection process. Yet, some of the preeminent sources of law enforcement information, Department of Justice (Canada), Department of Justice (U.S.), Federal Bureau of Investigation, Police Foundation, Police Executive Research Forum, National Institute of Justice, Canadian Association of Chiefs of Police (C.A.C.P.) and the International Association of Chiefs of Police (I.A.C.P.) have no information on PEO conduct.

The hiring of experienced police officers is not a new practice. Many police agencies have historically hired previously experienced police officers (PEO) as a strategy to replace experience on the street. Until recently PEO were selected and trained alongside inexperienced officers. Generally in the

1. The cycle is directly related to the typical length of service for an officer; most officers do not serve past about twenty-five years. A boom in hiring in the late 1970s and early 1980s has led to increased numbers of officers leaving the force in recent years after having served approximately twenty-five years.

2. See John Middleton-Hope, supra note *.
past, if someone with previous experience wanted to join the Service, they were placed into an integrated setting along with new recruits. This was done, in part, to assimilate their skills into the Service’s culture.

During a normal recruitment and training cycle, the Service spends nineteen of twenty-six weeks focusing on instruction in powers of arrest, report writing, traffic, domestic conflict, ethics, problem-solving, and criminal investigative techniques. This not only provides the new member with the basic skills required to perform the tasks of a police officer, it also allows them to assimilate into the agencies’ culture.

Like many agencies in the late 1990s, the Service was beginning to face a significant need for experienced personnel. As a result of a hiring boom in the late 1970s and early 1980s, attrition rates in the late 1990s began to increase as officers were finishing twenty-plus year careers. Not only is attrition impacting the Service’s need for new recruits, a trend that is expected to continue through 2006, but also authorized strength is increasing as the population of the city continues to increase. The combination of the vacancies created by these phenomena, with the relative inexperience of the force resulting from recent hiring, has had a significant impact on the Service’s ability to appropriately police a city of one million people spread out over more than 600 square kilometers.

Commencing late in 1997, the Service recruited and hired two classes of previously experienced officers and accelerated their training. Officers were selected from a number of police agencies across Canada, and the “very best” of this group were culled to be part of this process. All officers hired by the Service underwent the same selection process as inexperienced applicants. This includes police applicant testing, PARE (physical fitness testing), life saving, driving skills, medical, eye, psychological, and polygraph testing, along with background and reference checks, interviewing, and Board of Officers selection. The first class, Group A, underwent a 7-week training program, while the second class, Group B, underwent a 10-week training program before placement on the street. Both programs focused on “hard skills” training to ensure the officers achieved appropriate competency ratings for subject control techniques, driver training, pepper spray deployment training, and both handgun and shot gun proficiency. A further component was spent on provincial statute training and a criminal code refresher. Ethical decision-making was not part of their curriculum, nor was the reinforcement of organizational values. Accelerated training had never been done before. The expectation was that trained officers would be put out on the street faster and more cost effectively than if the full training program was done. An added benefit to the accelerated training was a relatively rapid response to a shortage of personnel. Previous years of service were presumed to provide the PEO with the ability to “hit the ground running.” In part this might be true.
Although there is no direct evidence, there are strong practical implications that suggest PEO are less willing to succumb to intimidation and are more self-assured in their dealings with the public and crisis situations.

Other police agencies in Canada are poised to replicate this approach, and are enhancing recruitment with offers of posting location preference and salary and benefits that are highly competitive. The long-term impacts on the policing community of greater reliance on and modified training for PEO may have a significant impact on policing. This hiring approach raises several questions that deal with recruiting, training, and the potential outcomes of employing gypsy cops, including:

1. Are police agencies open and forthright with each other about the conduct of their officers if they are recruited by another agency?
2. Have the high standards of recruitment been maintained?
3. What are the variables that may contribute to performance issues?
4. What are the liabilities that reduction of length and content of training may produce, and are the risks of misconduct outweighed by the benefits achieved through more expedient training programs?
5. Are all police agencies able to compete for the same caliber of candidates, or is this competition setting up a tiered system of policing?

Additional research on this issue and a comprehensive assessment of current practices with respect to hiring experienced police officers should be undertaken. It is crucial, if for no other reason than to avoid potential liability. For all officers who exhibit elevated levels of misconduct, prevention and intervention at an early stage is essential. As this study points out, PEO as a group are particularly susceptible to misconduct. It is important to focus new strategies on the earliest stages of employment in order to ensure that the welfare of the members and the integrity of the Service is retained.

B. The Early Warning System

Generally, within a police service, the professional standards section (PSS), also known as internal affairs, is responsible for managing the intake of complaints regarding both the conduct of sworn officers and, more broadly, police service policy and procedures. Members of the PSS deal directly with complainants, assign matters for alternative dispute resolution, and investigate improper and criminal conduct of sworn officers. PSS members also draft documentation for formal disciplinary hearings and senior executive review. Their mandate is to provide for the resolution of complaints. In several provinces, the PSS investigates firearms discharges, serious injury, death, or attempted suicides that occur during in-custody detention, and complaints alleging racial discrimination, while in other Provinces there are oversight bodies that are dually responsible for these functions.

While the PPS tends to perform a primarily reactive function, the PSS of
the police service discussed in this case study (“the Service”) acted proactively. The Service’s PPS developed an early warning system (“EWS”) designed to identify, monitor, track, and address the behavior of personnel identified as “high risk” before their misconduct became a pattern. The system developed by the Service’s PPS does more than simply identify difficult employees and provide sanctions; it provides a holistic approach to discipline as a corrective measure rather than as a punitive one. In addition to monitoring officers, the program identifies trends related to training, misconduct, and Service policy that may lead to the Service being held liable for the inappropriate actions of those officers involved in misconduct.

Regarding individual officer conduct, the EWS identifies those officers who repeatedly contribute to a high volume of complaints pertaining to their behaviors. All complaints against an officer are reviewed and commonalities among the complaints are identified. A personal risk assessment (PRA), designed to incorporate individual learning strategies, is developed and provided to the officer’s commander. The commander is requested to provide written feedback related to discussions with the officer and articulate a course of action to correct the behavior. Six-month updates, combined with probationary reports, provide a more balanced overview of performance.

In a broader perspective, the EWS also profiles classes of recruits. Complaints are analyzed to identify problems and formulate recommendations that are applied to resolve broad-based problematic behaviors. Common themes are identified and tracked in an effort to predict at what point officers become involved in misconduct, and what issues are most prevalent.

After its initial deployment, the EWS expanded beyond citizen complaints to examine other symptoms of inappropriate behavior: use of force reports, victimization of assault, high-speed pursuits, and other indicators that manifested problematic behavior. This system has been implemented and maintained for two reasons: first, by interceding relatively early in an officer’s career, performance issues may be addressed before they become ingrained behavior; and second, to assist both the recruiting and training sections with candidate selection and the development of training programs intended to encourage officers to appropriately amend their performance. It should be noted that this approach to modifying behavior is voluntary and remedial. It is not disciplinary in nature. There is satisfactory legislation in place should that course of action be necessary.

As a primary approach to learning, the PRA process has been seen to be highly effective. In one case, an officer received twenty-two complaints against his conduct in twenty-four months. An analysis of the conduct, primarily from the complainant’s perspective, revealed that the officer, who demonstrated a strong commitment to traffic enforcement, had a habit of handing traffic citations back to motorists with the parting comment: “Have a
nice day.” This salutation tended to irritate motorists rather than make them feel as if they were being treated fairly, which was the officer’s intended effect. In addition, prior to implementation of the EWS, many of the complaints had never been brought to the attention of the officer by his supervisors, and so he claimed that, had he been aware of the magnitude of the problem, he would have chosen to modify his behavior on his own. He agreed to take a recommended customer service course.

One year later the officer’s conduct was re-evaluated as a follow-up to the initial remedial suggestions. It was determined the officer had not received any complaints in the following twelve months. Although this officer was not a PEO, the anecdote demonstrates the value of the early warning program in the management of problem behavior.

Preliminary data from the EWS identified a number of PEO who were involved in a disproportionate number of complaint allegations when compared to recruits without previous experience. The preliminary analysis determined that, on average, PEO recruit classes undergoing accelerated training experienced a greater number of complaints against their conduct compared to classes of inexperienced officers completing full training.

C. Data Collection and Research Design

Data collected for this research came from source documents that identified frequency of complaints, type of complaints, prior agency, and area of deployment. These source documents were designed by the researcher as part of the development of the EWS in 2000, a project wholly independent from this study.

Complaints were routinely entered into a database. At the conclusion of an investigated complaint, a disposition was added to resolve the file. When an officer reached six complaints in a twelve-month time span, an assessment of the complaints was made to identify commonalities and a learning strategy was developed to address problematic conduct before it became entrenched behavior.

To test the hypothesis regarding complaints against PEO, four groups of officers were created. Group A contained the officers of the first accelerated-training PEO recruit class. Group B contained the officers of the second accelerated-training PEO recruit class. Group C, the embedded group, contained nine PEO who had completed the full twenty-six week training, along with inexperienced officers. Group D was significantly larger in number and contained only inexperienced officers from several recruit classes, who, of course, had all received the full twenty-six week training.
III. FINDINGS

During the early implementation of the EWS, a group of officers were identified as being responsible for a greater average number of complaints than other officers. All members of the group were identified as working within the same police district, District 1, and as being PEO. Examination of the data revealed that the officers belonged to all three of the research groups that included PEO: the two accelerated-training recruit classes and the embedded class. Although they were not the only officers with a large number of complaints, they were accruing sufficient complaints to come to the attention of the EWS.

By using multiple regression techniques, a determination was made that there was both statistical significance and practical significance (not strictly statistically sound) to the combination of factors: PEO, accelerated training, and deployment to District 1 (the urban core or downtown). Officers who fell within this category were more likely to engage in behaviors that resulted in complaints against their conduct. Of equal importance is the practical significance that officers otherwise sharing these characteristics, but deployed to District 5, are only slightly less likely to be the subject of investigation. There is a marked difference in the number of complaints between District 1 (and to a lesser extent District 5) and Districts 2, 3, 4, 6 and 7. Officers sent to the latter districts were much less likely to be the subject of complaints, irrespective of the length of training they underwent or the agency from which they came, or even whether they were PEO.

As an additional factor, the data revealed that the agency in which PEO gained experience had implications for their behavior. Officers gaining experience in the national and provincial services were practically (not statistically) more likely to engage in conduct resulting in complaints if they were deployed to District 1.

IV. POTENTIAL EXPLANATIONS AND FUTURE STUDY DIRECTIONS

By conducting an ongoing evaluative process, additional variables were identified that are believed to contribute to inappropriate conduct and will provide important information for future analysis. Both statistical and practical probability provide evidence that officers going to District 1 receive a greater number of complaints. It is safe then to assume that there is a greater probability of receiving complaints against an officer’s conduct if he or she is deployed from training directly to the downtown district. As an example of a potentially relevant additional factor, from the researcher’s practical experience, demographics in the downtown core are known to be significantly different than the other districts.

While this research does not take into consideration the social
demographics of the district to which officers are deployed, this possibly is a relevant factor. District 1, the downtown district, is home to inner-city, low-rent tenements and upscale condo units, and boasts some of the most austere office towers in North America. It has a high concentration of liquor establishments that attract scores of young suburban dwellers during the evenings and on weekends. Also, it is home to a large number of transients who take advantage of the hospitality of the city through the numerous social agencies available to them.

District 5, also high in complaints, is home to a large homogenous ethnic community. This group generally has a good command of the English language, has very strong community values, and is well represented politically. They are more likely to complain about police behavior if the actions are either inappropriate or are perceived to place a member of the community at a disadvantage. This community is well aware of its influence and is prepared to exercise its influence when the need arises.

District 4 has a very high immigrant population that is known to be significantly underreported in a census. This population comes primarily from countries where police brutality is frequent and reporting of inappropriate conduct may have dire consequences. These factors may lead to underreporting of police misconduct, too. The remaining suburban districts, Districts 2, 3, 6, and 7, all have unique characteristics that make them distinct but they are not dissimilar in terms of demographics.

Explanations for the higher level of complaints in District 1 could be related to characteristics of the inhabitants of the district or the activities that take place there. It may be suggested that a better-educated population, or people that come from communities that encourage voicing opinions about public institutions, are more inclined to complain about the actions of police officers. It may also be suggested that the higher complaint level is due to high levels of alcohol consumption that contribute to conflict between young people and the police. In any case, the downtown cores of many cities across the continent are unique and the type of policing that is conducted may be viewed as warranting a critical review of officers’ conduct.

No examination was conducted that would account for variances in direct supervision or in district command, variables that may also contribute to the high rate of complaints and that may be related to the type of policing conducted in a district. These variables may very well have an impact on the demeanor of officers assigned to District 1. A mind set, possibly even held by supervisors, that this district requires more frequent applications of force may be partly responsible for the statistically higher rate of complaints.

Additional factors that may influence complaints include both structural aspects of the service and characteristics of individual officers. The structure of the command of the district, including commanders, supervisors, and field
training officers or teams, may have an influence on the conduct of police officers. As well, prior conduct or complaint history and the content of training in previous agencies may also contribute to the way in which officers behave.

All of these variations plausibly impact the complaint record of officers but were not taken into consideration in this initial study. These factors should be evaluated in subsequent analyses to determine whether additional variables contribute to or reduce the number of complaints among officers, particularly PEO.

V. RECOMMENDATIONS

Police agencies will continue to hire PEO by virtue of a historical embrace of this process as a legitimate rite of passage and out of a necessity to fill positions that are becoming increasingly more difficult to fill. By acknowledging that this practice will continue and, in fact, will likely become more commonplace, there are several strategies that the Service and police agencies in general may consider. Rather than a recipe for rectifying conduct, these strategies are prescriptive in nature and largely predicated on practical knowledge and observations about the Service.

There must be a greater emphasis put on front end recruiting rather than on training academies and field training officers, supervisors, and peers to identify and work to change problematic behaviors. The recruiting strategies in place work well to include applicants in a process that culminates in hiring large numbers of police officers. As this pool of applicants diminishes, it will become even more important to retain the integrity of recruiting standards and to focus on those standards that are critical to predicting success.

Greater emphasis is required in assessing the psychological profiles of problematic officers. These efforts will assist in providing predictive capabilities of psychological testing and screening for ethics and integrity. An examination of the profiles of problematic officers will aid in determining predictive indicators that may result in rejecting applicants who exhibit behaviors that are more likely to result in problems later in an officer’s career.

Recruitment standards and personnel must be reflective of an organization that truly understands the current generation of applicants and is not swayed by the perception that bigger or more is better. Standards ought not be diminished. It is important to avoid the temptation to hire numbers with the belief that natural selection will weed out poor candidates while the Service will have had some warm bodies to fill organizational obligations in the interim. True, not everyone hired will be a future chief of police, but the expectation that the Service may get a few years out of an individual perpetuates the idea that retention is somehow less important than recruitment. A comprehensive ongoing review of expectations will ensure the standards are
relevant and appropriate for the job new officers are expected to perform.

It is equally important that the recruiting staff be reflective of the heterogeneous makeup of the community and that they represent some of the best and brightest officers in the organization. Their skills in selecting applicants will determine the future quality of the organization.

Full and open disclosure by organizations is critical in isolating and rejecting poor applicants. While it is true that some applicants simply do better in a different organization and problematic behavior may be no more likely to occur when an officer is granted a second chance, the instances of this are few and far between. To further the professionalization of policing, it is important to develop not only a mechanism that opens up dialogue around the conduct of itinerant officers, but also documents that conduct and makes that information readily available to other agencies. The process of certifying and decertifying officers, coupled with a national database, will provide the catalyst to achieve this initiative. Organizations like the Canadian and International Associations of Chiefs of Police and the Commission on Accreditation for Law Enforcement Agencies (CALEA), that certify the standards of police agencies, may wish to take the lead by developing and adopting standards of practice for police officers that are reflective of community aspirations around the conduct of their police services.

This is an opportunity to identify, monitor, and track the conduct of police officers and develop an open and equitable process that encourages movement for skill development or opportunity rather than avoidance of further implications of inappropriate conduct. Protocols around access to personnel records, waivers signed by applicants for that purpose, and indemnification for agencies that report reasons for termination would reduce the likelihood of officers fleeing from the consequences of their actions and reduce the tendency of some organizations to simply get rid of poor performers.

In many jurisdictions, standardized selection and training are not yet a reality. This is even more acutely felt by smaller agencies and Aboriginal police services that must rely on previously experienced police officers because the cost and frequency of training is prohibitive. By creating a national database, we allow access to a pool of potential applicants with a history that can be verified. From an officer’s perspective, this approach may allow for marketing his or her skills to a wider group of prospective employers that may not be restricted to entry level positions and also offer enhanced career opportunities.

VI. CONCLUSION

By developing programs like the early warning system, organizations will have a clearer picture of the conduct of its police officers. As a tool to correct and learn from behavior, members are encouraged to participate in modifying
conduct and furthering the professionalization of policing. This program is not a draconian method for police services to control their membership. On the contrary, it takes the position that many facets of behavior may be addressed to reduce the negative impacts of poor behavior on key stakeholders.

Changing demographics and an evolving job market are having an enormous impact on police departments forced to contend with increased demands, increasingly accountable resources, and stiff competition for a generation of applicants vastly different from those previously hired in law enforcement. Rather than being an exception to the rule, gypsy cops are becoming the norm of a highly mobile generation. An apparent lack of commitment and loyalty to organizations and a desire to achieve individual successes in a relatively short period will fuel the changes that senior managers will be forced to contend with.

Without the appropriate safeguards in place, including a commitment from senior managers to select only the best available applicants, police departments may snatch up experience at the expense of integrity. Caution and critical analysis, combined with open and honest communication between agencies, will help avoid the deterioration of the ethical standards that the police profession has spent more than twenty years developing.

A central repository of data on police officer conduct will also assist police departments with selecting appropriate candidates. No matter how desperate some departments get for experienced officers, if they are aware of historical conduct, at least they will be able to make a more informed decision as to whether or not an individual should be engaged.

As a strategy to enhance recruitment, selection, and retention of qualified officers, police services may re-evaluate the content of training programs, possibly incorporating and reinforcing the appropriate organizational values that are a part of the police culture. Invariably, police officers are hired in large part due to the values with which they were raised. These are compatible with community values and reinforce a police officer’s role and responsibility within that structure. By demonstrating a commitment to establishing and maintaining a values-based organization, police services are better positioned to effect sustainable cultural change that will nourish the police organizations of the future. Values that officers brought to the organization must be reinforced and applied as the guiding principles of commitment to the profession of policing.

There are many reasons that officers leave one agency in favor of another. In some cases it is because of career opportunities, advancement, or pay, while in other cases it may be to avoid discipline or possible termination. As senior police administrators, it will become increasingly important to maintain the integrity of the agency through vigilance and open communication with each other to ensure that the best possible candidates are allowed to migrate
between agencies while obviously problematic behavior is discouraged. Resisting the temptation to replenish numbers or failing to disclose concerns in favor of holding these officers accountable for their actions will be a challenge to many agencies in the future. If agencies are mindful of the prospect that gypsy cops bring baggage that is often better left behind, then the suggestion that these officers can be highly functioning in a new organization will have merit.