

Representative Bureaucracy Among Law Enforcement Agencies:  
An Analysis of Police Hiring Processes

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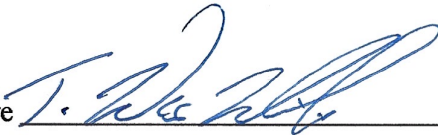
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## ABSTRACT

Public distrust and a reduction in police legitimacy have eroded the public's perception of police officers, thus creating a sparse applicant pool. Representative bureaucracy theory posits that a public organization should reflect the community the organization serves. Traditionally, the steps a police agency takes to select an applicant for hire can be many, often including difficult obstacles which are used to predict the applicant's competency and success in law enforcement as a career. These steps test the applicant's mental and physical ability but can also involve an in-depth investigation into the applicant's past behaviors and interviews with current police personnel. Each of these steps can vary among police agencies and have various benchmarks and minimum standards that an applicant must achieve before moving on to the next step, which is to ultimately attain employment at the agency. The varied nature of these tests is believed to be rife with subjectivity and highly susceptible to bias. Therefore, an agency may be unfairly eliminating applicants who could perform satisfactorily as an officer (false negative) or could select an applicant who cannot succeed as an officer but only got hired by passing the tests (false positive). This research sought to determine if the steps in a typical hiring process, including written examinations, physical agility examinations, background investigations, and applicant interviews, are contributing to the agency's hiring of minorities to satisfy the requirements of representative bureaucracy. Through interviewing members of police departments in the southern United States about the hiring process the agency utilizes, these processes were analyzed against standards designed to reduce bias and be effective measures for selecting qualified applicants as police officers.

## TABLE OF CONTENTS

Chapter I. INTRODUCTION.....	1
Problem Statement.....	7
Purpose and Research Questions.....	10
Chapter II. REVIEW OF LITERATURE.....	12
Theory of Representative Bureaucracy.....	12
Organizational Factors Influencing Representation.....	16
Demographic Representation in Law Enforcement Agencies.....	20
Study Hypothesis.....	23
Chapter III. METHODOLOGY.....	26
Chapter IV. RESULTS AND ANALYSIS.....	35
Studied Agency Demographics.....	35
Overview of Application Processes.....	39
Written Entrance Examination.....	45
Background Investigation.....	50
Physical Agility Examination.....	62
Applicant Interview.....	67
Chapter VI. CONCLUSIONS.....	74
REFERENCES.....	85
APPENDIX A: Agency Interview Instrument.....	97
APPENDIX B: Letter of Cooperation-Agency Head.....	102
APPENDIX C: IRB Approval Document.....	104

## LIST OF TABLES

Table 1: Demographic Categories: Census Levels Compared to Source.....	36
Table 2: Demographic Category Under-Representation.....	37
Table 3: PAE Stations & On-duty Likelihood by Agency Use.....	63

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## DEDICATION

This work is dedicated to my beautiful wife, Barrett, without whom I could not have completed this project. Your unwavering support and encouragement during the long hours and missed family time meant everything to me.

Chapter I

INTRODUCTION

In today's American society, law enforcement is plagued by multiple issues. The most discussed issue is a lack of trust by the public, especially as it relates to excessive force by officers to people of color. A close second is the disproportionate racial demographics in police agencies. In addition, the economic and political trends of recent years have led to what experts have called the "Great Resignation." All these issues and more have taken their toll on the number of individuals interested in entering the career of law enforcement or on how to entice those already in the career to remain. The police-public events of Ferguson, MO, Minneapolis, MN, and Atlanta, GA, among others, have fueled decades-long debate about racial tension between police and the community. Lee et al. (2019), in a study about the confidence a medium-sized city had in its police, discussed the fact that racial minorities generally had more distrust compared to Whites. MacLean (2021) highlighted several studies that illustrated a distinct trust gap between Whites and Blacks regarding police contacts and whether the contact was one of equality or fairness. The 2020 deaths of George Floyd in Minneapolis, MN, Breonna Taylor in Louisville, KY, and Ahmaud Arbery in Brunswick, GA have further tarnished the trust in the police by minorities, and led to many calls for police reform (Lampe, 2020) or for municipalities to defund their police agencies (McGee, 2021).

The most discussed facet of this debate is the need for police agencies to reflect the demographics of the communities they serve. Wang et al. (2019) studied the perception of police injustice in Los Angeles and found that minority police presence

decreased perceived injustice among Black and Latinx residents. At the time of the 2014 social upheaval surrounding the death of Michael Brown, Ferguson, Missouri, had a population of twenty-one thousand. Of those residents, sixty-seven percent were Black, and twenty-nine percent were White. Yet the demographics of the police department did not reflect this community, since the department had only four Black officers in an agency of 54 total police officers (Sobol, 2015). The demographic makeup of the Ferguson Police Department is not unlike many agencies across the country. Law enforcement agencies are beginning to recognize this deficiency and are taking steps to improve the demographic makeup of the agency. As public safety agencies move further into the 21<sup>st</sup> century, the legitimacy of these agencies, especially police agencies, have been threatened by a lack of trust by the community they serve. The loss of trust by some members of communities have lead to an increased number of police interactions that resulted in negative consequences for both the suspect and the agency. The need for public safety agencies to reflect the demographic makeup of the community is more critical than ever, yet municipalities, counties, and state law enforcement agencies face significant complications in recruiting a suitable pool of qualified candidates. The adage, “we can’t hire them if they don’t apply” has become the lexicon of frustrated public safety agencies, without considering the reasons that few are applying for public safety careers. While a diverse police agency is no guarantee of an agency that adheres to the principles of fairness and equity, it is nonetheless critical for a number of reasons.

A key reason that a diverse police force is critical to and for the community is that economic and social characteristics of cities within the United States, combined with an increase of violence, have created a negative perception of police; they are perceived as

oppressors of minority populations and therefore not due respect. The cycle repeats, creating more perception of threats from those populations, which can inevitably escalate into aggressive contacts. Secondly, when there is dissonance between the police and members of the minority community, with no role models or mentors for children to inspire them to be police officers, the attractiveness of becoming part of the law enforcement culture is decreased. The third reason is negative connotations of law enforcement also can have a peer pressure effect, as a Black or Latinx person may be viewed as traitorous to their social group should they aspire to serve in a law enforcement capacity (Maciag, 2015).

The negative opinion of law enforcement nationwide may affect the ability of agencies to recruit applicants for the career. In January of 2021, a survey was conducted of college students in western Arkansas to ask if they had ever considered a career as a police officer. The students were from the region of western Arkansas and eastern Oklahoma. The majority were between 18-25 but respondents ranged from 18 to over 40 years. Overwhelmingly, 88.97% of survey respondents stated they were not interested in the career of police officer. The top reasons given were a negative perception of the police, the danger of the career, and the career's low salary. Interestingly, 68% of survey respondents were female. The lack of interest in police work coincided with a marked reduction of applications received for the past decade (Milam, 2021). This statistic is noteworthy in that the relevance of female attitudes toward the career of police officer could partially explain the inability of agencies to hire females into the role.

Yet a study of a large municipal police agency in Texas, among others, found that there was no reduction in police applicants, contrary to the agency's reports of a decline

in applications after the events in Ferguson, Missouri. Despite this fact, the minimal change in applications reflected a positive perception of police efficacy or legitimacy and had no effect on police applications, at least for some police agencies. However, the researchers in this study noted the positive perception of police may have come from the applicants who were applying to the position rather than the general public, who were more likely to have a declining overall confidence in police (Rhodes & Tyler, 2021).

Salary had a great influence on the desirability of police work to potential applicants (Giblin & Galli, 2017). Aside from the negative perception of police officers by some in society, salary was arguably just as relevant to attracting police candidates. The inability of agencies to hire any candidate, much less demographically diverse candidates, was affected by the salary levels municipalities pay for police officers. A number of issues arose when examining raising entry-level salaries to attract candidates, including collective bargaining, structured pay scales that could be disruptive to raising entry-level salaries, and pay equity among all departments of a municipality (Giblin & Galli, 2017). These issues and the resultant inability to address already increasing police vacancies with salary augmentations have contributed to efforts to improve diversity within the agency.

Yet, recruiting is only one aspect of the goal of putting trained officers on the street. The best efforts at recruiting exceptional candidates can be hindered by the removal of those applicants during the application process. In an era in which police officers are a rare commodity, agencies should examine all processes to ensure successful hiring of police candidates, notwithstanding representative bureaucracy, which seeks to improve decision making in public organizations through a demographic makeup of

members that match that of the public in which they serve. Moving beyond status quo in police agencies in terms of procedures and policies has proven to be woefully nonexistent particularly with application processes. The Police Executive Research Forum (PERF, 2021) has encouraged its member agencies to review policies for implicit biases or traditional approaches to hiring to better face the hiring challenges, especially about diversity (Gibbs, 2019). Additionally, as a result of the COVID-19 pandemic, the ability of police agencies to hire qualified applicants became increasingly exacerbated by what business experts called the “Great Resignation,” after approximately 4.3 million workers resigned from their jobs in late summer of 2021. Pandemic quarantines, emphasis on personal well-being, and shifting perspectives on what matters to workers created a situation where companies’ values no longer aligned with those of the workers’, leaving them in desperate need of employees (Sheedy, 2022). This mass exodus of employees from companies also affected law enforcement agencies with a 18% increase in resignations and a 45% increase in retirements in the 2020-2021 period compared to the previous period of 2019-2020 (PERF, 2021). This increase in departures compounded the negative perceptions of police work and low salaries, leaving police agencies significantly understaffed. Police agencies need to hire staff; that need parallels the need to hire diverse staff. Therefore, this analysis of hiring processes is exceptionally relevant as agencies can no longer afford to utilize hiring practices that are discriminatory to minorities and turn away good candidates based on outdated principles or traditions.

Both the agency and members of the community scrutinize methods in the application and hiring process when questions are asked about the demographics of the agency. Most public safety agencies, police and fire, use standardized methods to select

qualified applicants for service in the agency. These methods are rooted in decades of hiring ideology which elaborates what traits police and fire employees should have for them to succeed in the career. These steps typically include a physical agility examination, a written examination, a comprehensive background investigation, a drug screen, and interviews by one or more review boards. If an applicant passed each then they were deemed worthy of hiring by the agency (Annell, et al., 2015). Maciag (2015) argued one of the factors working against police hiring was the perception of the community that the police were an oppressive force. This perception has had a profound effect on the recruitment of people of color and was the one of the many variables police executives proclaimed was a contributor to the lack of diversity in police agencies. Yet Maciag contended that hiring practices were more to blame than poor recruiting. Some police agencies have been sued for discriminatory hiring practices, including police tests that were biased against Blacks.

Further still are those agencies that have not put a priority on hiring of people of color (Maciag, 2015). The status quo within the organizational culture is often attributed to agencies' unwillingness to prioritize recruiting and hiring people of color. With the changing face of the applicant pool for law enforcement, challenging the status quo of organizational culture should be the priority.

Law enforcement officials have argued that diversity cannot be attained until underrepresented groups apply for the job in larger numbers. Yet to properly determine the extent of the hiring dilemma in law enforcement, researchers must look at all aspects of the profession. However, there is scant research on the processes of police hiring. What is known is that a lack of information and standardization of procedures among the

multitude of law enforcement agencies has lead to quality applicants being overlooked or even disqualified.

### PROBLEM STATEMENT

While there is significant research regarding the recruitment of individuals into law enforcement agencies, few researchers have conducted studies to see if those who did apply received fair treatment. The hiring process for law enforcement agencies was often an elimination process, using several tests of an applicant's eligibility for hire. While hiring steps varied among agencies, typically they included a physical agility examination, a written examination, a background investigation, and any number of interviews, either by agency administrators, civilian oversight committees, or a combination of the two. These processes raise numerous issues, including subjectivity of interview procedures, the lack of standardization, unclear or outdated rejection criteria for background investigations, physical requirements that were not applicable to police work and therefore biased against applicants, and biased written examinations. Each of these issues have merit on the surface, but as there is no standardization among the stages, the introduction of bias often lead to the rejection of otherwise successful applicants (Diffley, 2020; Hunt, 2007).

Furthermore, some administrators might view hiring processes to be satisfactory and reliable but fail to consider the changing face of the applicant pool or the willingness of individuals to work under less-than-favorable job requirements. These administrators might not have learned the lessons workers are sending, via their "Great Resignation" during the pandemic. Larger police agencies may have dedicated personnel overseeing the hiring processes, but those staff members often do not have formal human resource

training, which could lead to errors in administering the examinations. Smaller agencies that do not have the resources available to assign to the process of hiring applicants may not have the luxury of time to interview applicants or thoroughly investigate them, needing to hire people to build up the force.

These smaller agencies must then resort to hiring officers who have received certification by other means. While this strategy saves the hiring agency time and effort, the practice also introduces the possibility of hiring officers who have been terminated or resigned under circumstances of wrongdoing. As a result, the person doing the improper police behavior is shifted from one agency to another. When the improper police behavior continued or was discovered, the community experienced a further erosion of public trust and police legitimacy. Exacerbating the issue was agencies' inability or unwillingness to catalogue the applicants' data, such as demographics and reasons for hiring or rejecting. Without agencies collecting this type of information, finding a correlation between hiring processes of police agencies and the lack of adequate representation among law enforcement agencies ~~is~~ will continue to be difficult at best. Thus, a qualitative study of the hiring processes could be highly beneficial because it could to discover ways to reduce subjectivity and promote equity among all police agencies and applicants.

Another factor in hiring police officers is identifying officers who potentially ~~are~~ could be unfit to serve. The Commission on Accreditation for Law Enforcement Agencies (CALEA) provides some guidance for law enforcement agencies regarding the use of a decertification index. This index would be a factor in hiring a law enforcement officer whose employment had been terminated for reasons leading to a decertification of

their officer status and therefore should not be hired in another jurisdiction. Normally the decertification occurs at a state level, and the inclusion of the officer being decertified on a national database managed by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) is strictly voluntary. And while the certification index allows agencies within the state to know if an officer has been decertified, agencies from other states may not have this type of information (National Decertification Index, 2018).

Some states, such as Hawaii, New York, New Jersey, Rhode Island, Massachusetts, and California do not have the authority to decertify officers, while other states can only do so only after the officer has been convicted of a crime. Still other states can decertify through the court system, which will allow a judge to order an officer to be stripped of his or her right to hold public office (National Decertification Index, 2018). There exists a National Decertification Index that, as of 2016, contains approximately twenty-one thousand names of officers who have been decertified as a police officer. The database is provided by the International Association of Directors of Law Enforcement Standards and Training (National Decertification Index, 2018) and is currently used by 43 states, according to the website. Yet the use of this website has not been made a mandatory requirement; thus, some officers who should have been disqualified have been employed; they slipped through the administrative cracks.

The idea of creating a database of police applicants has already been suggested, but only with regard to identifying those who do not need to be police officers, namely those who have been terminated or resigned under certain circumstances. In Wisconsin, the names of those officers who resigned amid an internal investigation, quit rather than

being terminated, or were terminated for cause are entered into a database tracked by the State's Peace Officer Standards and Training Bureau (Anderson, 2017). The issue in Wisconsin is the same issue that is experienced nationwide. Smaller, less financially stable agencies cannot afford to be overly selective with police officers. Although these officers may have been terminated, they still could be certified and therefore able to be hired. This illustrates the importance of decertification of these officers and how information systems could be utilized in this fashion (Anderson, 2017).

### PURPOSE AND RESEARCH QUESTIONS

This research provides a comprehensive look at the multiple hiring processes utilized by police agencies. In a period when many are calling for police agencies to have a more diverse workforce, one must first understand why agencies are not diverse. Law enforcement agencies cannot attempt to achieve diversity unless they are able to understand the issues and problems that contribute to their lack of diversity. Most police agencies are quick to report crime statistics and employee statistics to the U. S. Bureau of Justice Statistics or the FBI Uniform Crime Reporting system, but until studies are conducted on the makeup of police officer applicants, policy makers cannot know for sure if the problem lies with recruiting and testing of applicants, rather than after they are hired. There are data available to research the demographic makeup of currently employed police officers, but there is little regarding those who have applied but been rejected for some reason. This has tremendous consequences as there may be issues within the hiring process itself that might lead to a lack of diversity. This information also could be beneficial to police agencies as the data obtained with information systems could be shared nationwide in order to identify those who cannot or should not be a

police officer, because of a confluence of characteristics. This research seeks to highlight issues within the system that are contributing to this lack of information, as well as study the methods that police agencies use to maintain records regarding applicants. Strengths of the processes and inherent weaknesses will be identified and suggestions for change can be discussed. The purpose of the research is to provide insight into hiring processes to determine the efficacy of the processes to increase community trust and police legitimacy. The following research questions have been developed for this study:

Research Question #1: Are studied agencies demographically representative of the community in which they serve?

Research Question #2: Are the hiring processes of law enforcement agencies effective in ensuring unqualified applicants are rejected?

Research Question #3: Are the hiring processes of law enforcement agencies ineffective or discriminatory toward applicants, thus unfairly eliminating otherwise qualified applicants?

Research Question #4: What safeguards are in place for these processes to create an atmosphere of equity and inclusion among all applicants?

Research Question #5: Would standardized, unbiased hiring processes improve representation concurrent with that of the community served?

## CHAPTER II

### LITERATURE REVIEW

#### THEORY OF REPRESENTATIVE BUREAUCRACY

This study is grounded in the theory of representative bureaucracy and social equity theory, as both have applicability to the need for equity in hiring for law enforcement agencies. Elias (2013) argued that promoting diversity in public organizations is fundamental, in as much as a workforce that is demographically equal to that of the community it serves is “intrinsically good” (Elias, 2013, p. 332). Additionally, the theory of representative bureaucracy is complementary to the principles of social equity. As Kingsley (1944) stated, representative bureaucracy was essential in democracy and has its foundations in social contract theory. Kingsley was among the first to explore representative bureaucracy and its importance to public administration. He stated, “The degree to which all democratic institutions are representative is a matter of prime significance. No group can safely be entrusted with power who do not themselves mirror the dominant forces in society; for they will then act in an irresponsible manner or will be liable to corruption” (pp. 282-283). Representation also can increase accountability in government actions (Ricucci & Van Ryzin, 2017). Long (1952) emphasized the need for representative bureaucracy in public administration, speaking specifically to the US President and the members of Congress. Recognizing the inherent power that rests within this body, Long (1952, p. 813) wrote that those in elected positions must reflect those in the society so as not to alienate their constituents, explaining, “given the seemingly inevitable growth in the power of bureaucracy through administrative discretion and administrative law, it is of critical importance that the bureaucracy be both representative and democratic in composition and ethos.” Mosher (1968) also demonstrated the

importance of representative bureaucracy in terms of legislative decision making, claiming that decisions made were inherently a function of capabilities and values of the legislator, which thus depended on the legislator's backgrounds, training, education, and current association. Mosher further expanded on this foundation, dividing representative bureaucracy into passive and active types. Passive bureaucracy was when a government mirrored that of the public's demographic makeup to facilitate active bureaucracy. Active bureaucracy occurred when a government was made up of all classes and nationalities of in the community and thus strove to create policies that were beneficial to those sections of the community. Mosher's most widely utilized measure of representative bureaucracy was the percentage of women and minority ethnicities in a government as compared to that of citizens within the government's authority. Another measure of representative bureaucracy was the number of women and other underrepresented groups in high-level positions within that government. Passive representations were when a governmental agency has the same demographical makeup as that of the general population. Studies (Edel, 2018; Kennedy, et al., 2017; Mosher, 1968) have shown that passive representation can be a determinant of whether a government is enfranchising diverse groups as well as strides being made toward diversifying the workforce. A study about the public's perception of agency effectiveness toward victims of domestic violence found that agencies with a high number of females involved with the investigation and prosecution of domestic violence crimes could lead to an increased perception of effectiveness (Ricucci et al., 2014). Multiple research studies have shown that as female and other underrepresented groups are increased in law enforcement agencies it is contributory to higher levels of the recruitment of female and or people of color

recruitment; however, that is not the focus of this research rather it is at the entry level and points beyond submitting applications.

Mosher (1968) posited that passive representation in government agencies was paramount to effective democracy as a function of fairness and equality. While the ability of law enforcement agencies to hire a diverse cadre of professional officers is preferred, the issue of diversity was ancillary to the processes themselves. Social equity in the application and hiring processes should reinforce the need for diversity in an agency, thus, improving that agency's capability to effectively accomplish its mission through enhanced public trust and cooperation (Ricucci & Van Ryzin, 2017).

There is a body of research that has demonstrated that people of color were stopped or arrested at a greater amount than whites by law enforcement, thereby increasing their likelihood of having a criminal record, especially regarding lower misdemeanors (Holmes & Smith, 2008; Sobol, 2015; Lee, et al. 2019). This has proven to be a significant issue when it comes to applicants of color passing criminal background checks for employment; having a record often negatively reflected on minority applicants and their suitability for a law enforcement career. Discriminatory hiring practices are prohibited in governmental practice by the Civil Rights Act of 1972 which maintains notions of social equity will aid in the attainment of representative bureaucracy. Warner et al. (1989) further postulated that social equity was a significant value in hiring practices in public administration and the value level was dependent on social, economic, and political climates surrounding the hiring decisions. Some authors have argued that passive representation transmits this value of equity through the ideals of equal opportunity to employment, and that should have a positive effect on the legitimacy of

public bureaucracies (Meier & Nicholson-Crotty, 2006). Social equity, as first explored by John Rawls, revolved around the concept of fairness within political, or public, affairs. The principles of fairness highlighted by social equity theory include the fact that every individual has an equal right to basic liberties and that any inequality must relate to only two conditions. Those conditions were that all positions within an organization should be anchored to the concept of equal opportunities for all persons interested and that this attachment needed to be maintained to assist the least advantaged in our society (Garrett, 2005). Social equity is connected with the concept of representative bureaucracy in that representative bureaucracy promotes the concept of equity, especially in regard to hiring decisions. Essentially passive representation is a construct of social equity and, when an organization emphasizes the value of social equity through its hiring decisions, the organization is will be better able to achieve active representation (Edel, 2018).

Elias (2013) explained that policies have a higher probability of positive outcomes when active representation was present in the organization. This was accomplished, in part, because of the organization's ability to be reflective of the community. This reflectivity therefore should be encouraged in organizations and was the very definition of active representation. However, the inability of a standard definition of diversity has increasingly led to those who hire ignoring attributes of an applicant that could benefit the organization. For instance, one employee may potentially belong to numerous diversity categories. A male employee could also be gay, straight, or transgender, adhere to a certain religion, or possess an unseen disability. Ultimately diversity is defined by the perceptions of those who have demographic power. If they seek out applicants who check several types of diversity, that can reduce the power of

active representation. Diversity should therefore be determined by an emphasis on individuals, who bring with them differing backgrounds and individual perspectives. Individuals can then contribute to the diversity or representation of the public organization, in that members with similar racial or gender demographics can possess diversity in skills, ability, or organizational knowledge. Therein lies one possible issue, that the weight on any skill, ability, or knowledge can have a disparate effect on underrepresented groups. Should an organization focus on skills, members of an underrepresented group could not be as necessary to promote diversity (Elias, 2013).

#### ORGANIZATIONAL FACTORS INFLUENCING REPRESENTATION

Diversity in public safety agencies (among other public agencies) can also be influenced by the elected leaders in the community. The researchers noted a direct correlation between the amount of minority representation in police and fire agencies and the city leaders' race, whether elected or appointed. This fact was significant in that city leaders, either elected themselves or appointed by elected leaders, could select individuals to lead various city departments, such as the police or fire department. This influence on the hiring of leaders of city departments has been shown to impact the demographic makeup of the department. For example, a Black city leader was more apt to have a police department whose demographic makeup was more reflective of the Black population in the city (Kennedy et al., 2017).

Some believe too little is being done to promote diversity in public safety as well as other professions. Former Clinton Assistant Secretary for Civil Rights and University of Texas Law Professor Norma Cantu, participating in a panel to discuss ethical consideration for affirmative action, described that hiring practices should reflect the time

period in which they operated, and she denounced hiring practices as being outdated, which reduced the policy of affirmative action. Cantu described affirmative action as a continuum, and agencies should constantly be striving toward erasing discrimination from hiring practices: “Think of it as a continuum, where you don’t even consider race, you just advertise...that you can be a firefighter or a police officer. Because before affirmative action those slots were passed from father to son, never mind daughters and nieces” (Hinojosa et al., 2016, p. 91). The Equal Employment Opportunity law and Affirmative Action policy requirements call for public safety agencies to openly seek people of color for employment and promotion in order to supplement the applicant pool. In some municipalities, the requirement to meet demographical criteria is mandated by federal consent decrees (Allen, 2003). In fact, research has shown that court-ordered adherence to affirmative action mandates have done more to increase diversity in municipal public safety agencies than doing so of their own volition, but the racial increase was greater than the increase by gender (Miller & Segal, 2012). Historically, implementing these types of mandates have been difficult for some public safety agencies, particularly within the executive level of the agency or municipality, due in part to the belief of agency leadership that do not agree a problem exists. It was no surprise that white male police officers were more resistant to the implementation of affirmative action policies, yet the perceptions of those officers were not negative toward members of another class, rather what concerned these officers was their assumption that they would be skipped over for promotions or employment at other agencies (Allen, 2003). A study of city managers, fire and police chiefs in the southern United States also suggested that city managers were more apt to use affirmative action if their personality embraced its

implementation, such as female city managers who were more supportive of hiring of female workers, or when a politically conservative city manager would most likely oppose such mandates (Slack, 1987).

The typical amount of time for an applicant to be hired as a police officer was dependent on the size of the agency and ranges from almost seven weeks to approximately eleven weeks for the initial applicant screening process (Koper, et al., 2002). Sometimes the application process was altered for those who were previously certified in another agency. Additionally, some of the applicants may be those who initially failed the screening process, or who failed to complete the training post-hire, such as basic academy and field training. The applicant's ability to perform the core duties of the job through a test of physical agility was most often accompanied by a written test of varying content in order to determine the suitability for common tasks associated with law enforcement (Koper, et al, 2002).

The next step in the process involved a lengthy background investigation into the applicant's life, followed by interviews by internal police supervisors, peers, and or external interview boards such as civil service commissions. It is during this step that applicants were scrutinized rigorously. The police agency examined the applicant through life skills, previous employment, criminal history, personal and professional reference interviews, neighbor interviews, and other tasks. The results were thought to paint a picture of the personality and integrity of the applicant to determine the level of employment desirability. Most agencies had a specific set of policies regarding the standards the applicant must possess; often, these policies were mandated by state law.

Yet the policies may have fallen into the status quo, becoming outdated to the changing social and political climate (Kringen, 2016).

This portion of the application process tended to be highly subjective in nature and was lacking in standardization. In fact, very little research has been done on this aspect of police hiring and training, as illustrated by a 2002 study in which the surveys only measured the success rate of officer training, stated that 93% of all officers hired made it through training (Koper et al., 2002). Interestingly this study also argued that a lack of qualified applicants was the primary reason for job vacancies in police agencies and this was contributed to economic reasons as well as high numbers of baby boomers reaching retirement age (Koper et al., 2002). In hindsight, this created the question of whether these reasons also accounted for the lack of diversity in 2018 among police agencies. If the study suggested the demand was greater than the supply of qualified applicants, how were agencies so non-diverse? Were only white males applying for police jobs, or were people of color not being considered “qualified”? A study (Koper et al., 2002) on the perceptions of police officers in agencies reducing their workforce showed that the factors leading to the decline of qualified applicants were primarily related to the availability of funding. The ability to have competitive wages among police agencies was a driving factor in recruiting qualified officers for law enforcement agencies (Koper et al., 2002).

Understandably, there has been a generational shift in the pool of applicants (Rhodes & Tyler, 2021). Millennials and Generation Z now make up the main pool of police applicants and they have differing needs to be met to apply for police jobs. These applicants were attracted by recruiting strategies that emphasize time off, salary, and

benefits, replacing the generations that can be described as living to work. The changing times and applicant pool further illustrate the need for standards for what is a “qualified” officer. Applicants around the minimum hiring age of 21 have a 41% greater likelihood of a prior criminal arrest, with minority groups exhibiting a likelihood of arrest closer to 60%. The relaxation of the stigma surrounding drug usage, namely marijuana, is correlated to this (Smith, 2016).

#### DEMOGRAPHIC REPRESENTATION IN LAW ENFORCEMENT AGENCIES

Representative bureaucracy is shown to be more effective with front-line public employees than mid-level or administrative employees (Ding et al., 2021; Choi et al., 2018). Likely this is because front-line workers associate more with the community, focusing on their identities, thus potentially building a greater amount of like-mindedness and trust (Ding et al., 2021; Choi et al., 2018). This effectiveness among front-line workers was reinforced in law enforcement through a marked decrease in racial profiling. Passive representation in the context of law enforcement did lead to active representation in that a culture of inclusion for minorities at the agency level would result in the ability of that organization to successfully become advocates for the community in which they serve (Hong, 2017) and increased legitimacy of the police department (Edel, 2018). Ding et al. (2021) explained that representative bureaucracy at its most basic level demonstrated that at an organizational level, the composition of the agency in question should reflect what he calls the “client,” the organization serves or, in the case of police agencies, the public within the specific jurisdictional boundary. By promoting demographic representation in an organization, democratic values could be better realized through the collective culture of the community. The inclusion of representativeness

within an organization centralizes the emphasis on the quality of public service in contrast to the cost-effective monetary model of private businesses or profit margins. However, this degree of bureaucratic representativeness focuses more on a government, through the ideology that representativeness is a core aspect of democratic governments. When related to police agencies, this type of thinking adheres more to the administrative functions of policy making and budgetary oversight rather than front line employee hiring. Yet within police organizations, administrative functions eventually fall to front-line employees who could be promoted through the system (Ding, et al., 2021). While an argument could be made that similar modes of problems occur during promotional testing that allow for minority underrepresentation in police officer opportunities, the focus of this research is on the hiring of front-line police officers. Research by Kennedy et al. (2017) indicated that racial disproportionality was evenly distributed across the United States, with no region exhibiting more disproportional police demographics. However, the Midwestern US appeared to have the lowest level of disproportionality, if only slightly. The researchers attributed this result to the relatively low population of persons of color in the Midwestern counties studied. Accordingly, Whites were shown to be overrepresented in policing nation-wide with Black and Latinx the most underrepresented, more so than Asians. One other interesting statistic was that the disproportionality of persons of color in American police agencies was lowest in 1993, and then began steadily increasing, but not at a sufficient rate (Kennedy et al., 2017). Perhaps the negative stigma and distrust of the police, which increased after the 1992 Los Angeles riots, led to a short burst of egalitarian hiring. More recently, highly publicized incidents of police killing Black people, such as occurred in Ferguson, MO, Louisville,

KY, and Minneapolis, MN, have re-energized calls for passive representation in police agencies in the United States (Headley, et al., 2021). Kringen (2016) further explained that 75% of the 755 cities studied had a higher number of white officers than the white demographic percentage of the city and Black officers were less represented in smaller, suburban cities rather than in cities with higher populations. In over half of the cities studied, the percentage of white officers to those of other races was up to five times greater than the white resident percentage (Kringen, 2016).

The US Bureau of Statistics is the main repository of law enforcement personnel data. The information for the database is derived from the Census of State and Local Law Enforcement Agencies (CSLLEA) which is conducted every four years (Banks, et al., 2016). Like much of the employment data surrounding law enforcement, the data focus on officers who have already been hired, including demographic and salary information. That data failed to provide information surrounding the same type of information regarding police applicants, as these data would be instrumental in discovering discrepancies or discriminatory hiring practices. For instance, should the amount of minority applicants exceed the number hired, research could be conducted into why this occurred.

A lack of diversity in American police departments can be attributed to years of negative police encounters with minority races, particularly those in mid to lower income sections of a municipality (Headley, et al., 2021). Police seemed to have focused their attention and behaviors on a part of the city which has suffered economic and social distress—locations where persons of color were more likely to live. Modern media portrayed these neighborhoods, and the people of color who resided in them as criminals.

The depiction of urban unrest, sensationalism and documentation of lower income neighborhoods, and constant news coverage of high-profile police incidents exacerbates implicit bias in American society by associating people of color with criminality. Demonstrated at first with the 1992 riots in Los Angeles, which stemmed from the verdict of a police brutality case. Followed by the 2014 unrest in Ferguson, Missouri, after a grand jury decided not to indict a white police officer in the killing of a black male. Most recently culminating with the 2020 death of George Floyd in the custody of Minneapolis, MN police officers. Research has showed that police officers have a higher incidence of arrest and were more aggressive in areas of increased poverty levels and elevated crime (Holmes & Smith, 2008). Economic factors and discrimination have caused the inhabitants of these areas to be a residents who are more disproportionately minority. This has led to an inherent distrust of the police and therefore a negative attitude towards entering policing as a career, which greatly contributed to the diversity problem in public safety agencies (Kennedy et al., 2017). When cities have a higher proportion of white officers in their police departments, they were clearly more likely to encounter minority residents of the city; these interactions could lead to the inherent distrust of the police.

### STUDY HYPOTHESES

A review of the relevant literature (Brodin, 2018; Donohue, 2021; Gustafson, 2013) highlighted issues that contributed to the lack of diversity among law enforcement agencies. Law enforcement has had great difficulty in recent years recruiting, hiring, and retaining quality applicants. Compounding this difficulty is the need for police agencies to maintain diverse staffing to match that of the community. Prior research has

demonstrated the need for a police agency to match the demographic makeup of the community to foster police trust and legitimacy (Gustafson, 2013; Kennedy, et al., 2017). Highly scrutinized encounters between law enforcement and the public have illustrated the community's distrust with the police and one of the arguments has been the lack of diversity (Gustafson, 2013). Police executives argued they could not hire those who did not apply, but tensions between the police and the public certainly contributed to the lack of applicants. The assumption is that, despite efforts to recruit, hire, and retain diversified police applicants, there has been little to no verification into whether hiring practices and requirements are truly equitable and unbiased (Slack, 1987).

- Hypothesis 1: Police agencies in the southern United States are not representative of the demographic makeup of the community they serve.

The expectation of this hypothesis and the answer to the first research question is that sampled agencies are not demographically representative of the community.

- Hypothesis 2: Law enforcement hiring practices and or procedures are biased or discriminatory, thus contributing to the dearth of diversity among agencies in the southern United States.

The test of this hypothesis involves a comprehensive look into the recruiting and hiring practices of the studied police agencies. This will indicate whether the generally accepted practices and requirements are indeed contributing to the issue of diversity or if they are successful in selecting quality applicants regardless of demographics, thus answering the remaining research questions. This researcher believes, based on relevant literature (Gibbs, 2019; Hong, 2017; Jones, 2021; Kringen & Kringen, 2014; Lonsway, 2003; Morison, 2017; Rhodes & Tyler, 2021), that there are indeed deficiencies in the type and

structure of police hiring processes that contribute to the issue of diversity. The intention of the research is to identify and determine the efficacy of those practices and determine if they are detrimental or beneficial to the issue under study.

### CHAPTER III METHODOLOGY

This study was a grounded theory project. There exists no data to answer the research questions, thus data were collected through observation and interviews. The researcher in this study has significant experience with the hiring practices of law enforcement agencies. The fact that the researcher worked in law enforcement was thought to have aided in the ease with which the researcher was allowed to gather data from law enforcement agencies, yet this might not necessarily have been the case. This study consisted of structured interviews of members of the sampled agencies to gain insight into hiring procedures. After the interviews were conducted, the researcher examined the data to determine patterns in the results. The data were then compared to relevant scholarship related to the research questions in order to develop theories in support of or disproving the research hypotheses. The analysis of the data gathered by the interviews will follow a description of the results.

An email was sent the Chief Law Enforcement Officer (Chief of Police or Sheriff) of selected police agencies to request authorization to interview staff about hiring practices (Appendix B). The email sent to each Chief LEO explained the purpose of the study and gave a copy of the informed consent. If no response was obtained within approximately two weeks, a follow up email was sent to the Chief LEO with the same information. Additionally, if no responses were received, messages were sent via LinkedIn requesting assistance. Finally, telephone calls were placed to recruiting and hiring staff at selected agencies to solicit CEO authorization to participate in the study. Any unsuccessful attempt to recruit the agency resulted in removal from the study. The permission letter requested the name and assignment of the individual to be interviewed

and contact information to set up the interview. The interview consisted of an opening request for a baseline explanation of the hiring process by the agency being studied. Questioning was dependent on the phases and steps the agency requires for applicants to be hired. The interview was concluded with questions regarding agency size, demographics, and the agencies' capability to track rejected applicants (Appendix A). This last information was asked to be sent via email to better facilitate analysis of the data. Approval to participate was forwarded for IRB approval (Appendix C).

The sampling for the study was purposive in nature by selecting cities for study of and to determine the demographics of the police agencies as compared to the demographics of the city they serve. The agencies were solely municipal agencies rather than county, state, or federal agencies; the only exception was cities that did not have a municipal structure of police protection, rather the county sheriff was responsible for the provision of public safety. Significant differences in hiring processes occurred between police agencies and were largely dependent on the size of the agency and or city. For this study, demographic data and hiring processes from medium to large agencies were studied. Agencies which were selected for study needed to have a city population of over 60,000 residents and be located in nine states in the southern United States; Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Tennessee. The 2020 U.S. Census population estimates were used to find selected cities. Finally, data regarding the demographics of the selected cities was also located using U.S. Census data tables. Using this information, city residents' demographics were divided into these seven categories: American Indian or Alaskan Native, Asian, Hispanic or Latinx or Spanish Origin of any race, Native Hawaiian or Other Pacific Islander,

Black, White, and two or more races. Since law enforcement is a historically male dominated career , the category of females was also included as a minority demographic for purposes of this study. The eight demographic categories were measured as a percentage of total population of the city.

The researcher collected data regarding the size of an agency as well as its demographical data to facilitate comparison of agency responses, or for agencies not responding, utilizing national-level reporting organizations. The Department of Justice, Bureau of Justice Statistics Law Enforcement Management and Administrative Statistics (LEMAS) database was used to gather additional data. This database provided insight into training and educational requirements as well as demographic data for police agencies nationwide. Data gathered from this database included the total number of full- and part-time sworn officers, which were then broken down into demographic variables such as gender and race. Data were examined from the US Bureau of Justice Statistics' 2016 Law Enforcement Agency Roster to compare reported agency demographics to city demographics. Further, during the structured interview the agency's representative was asked to provide demographic data, either during the interview or via email (preferred). This data proved to be the most accurate and up-to-date information for the demographics of the agency. These data were tabulated and placed into the seven categories by percentage of total sworn officer levels of the agency. The researcher then compared these percentages to the demographic percentages for the city. To determine if the selected agency is unrepresentative of the demographic makeup of the community, a negative variance of over five percent (5%) in any demographic category must exist, which will show under-representation of a minority demographic.

Hypothesis One was considered supported if the number of agencies sampled, which were shown to be unrepresentative of the community, were equal to or greater than sixty percent of the total studied agencies.

The core data to study the second hypothesis required gathering information from the agencies through interviews, either by phone, web meetings or in person. Once approved for participation (Appendix C), Chiefs of Police and Sheriffs were contacted and asked to provide contact information for individuals who could grant access to these data. They could be either sworn officers assigned to recruiting/hiring or the human resources department of the municipality. The researcher asked for records and interviews with recruiting personnel to gain insight into the agency's hiring processes. Once interviews and data collection was completed, the researcher began to analyze the data, focusing in particular on the hiring and applicant protocols of each agency. The researcher specifically looked for patterns of practices which might negatively affect the hiring of minority applicants. Interviews with agency recruiting staff or human resources staff from the selected agencies determined the specific process in place for hiring of applicants. The researcher also requested relevant state laws, city ordinances, and agency policy for study. Permission for the agency's representative to participate in the interview was given by the Chief of Police or Sheriff. The interview instrument (Appendix A) included questions related to the structure of the agency's hiring process, including who was responsible for the hiring of applicants, what steps they utilized to determine the worthiness of the applicant, if any outside oversight was utilized or mandated, and whether those responsible have any specialized human resources training to assist them.

Each interview was conducted in a manner that facilitated recording of the interview, either by audio recording over telephone or video recording of web meeting. Once the interview was completed, a transcript was created, and the audio file was destroyed. Interviews began with an opening question which ask the interviewee to give an overview of the agency's hiring process. (The full interview protocol can be found in Appendix A.) This was an attempt to determine the number and types of selection process steps the agency utilizes from the following: a written examination, a physical agility test, a background investigation, a criminal history check, reference interviews, neighbor interviews, an employment history check, a credit check, a traffic citation history, questioning about drug usage, an agency supervisor's review of the applicant's background, an agency supervisor interview or one conducted by future colleagues, an external civilian board interview, an interview with the chief of police, a psychological exam, a polygraph or voice stress analysis, and a toxicology screen. This research interview continued by the researcher asking questions aimed at gathering data focused on four primary areas of law enforcement hiring: the physical agility portion, the written entry exam, the background investigation, and the applicant interview.

The utilization of a physical agility phase of the hiring process is routinely utilized by police agencies to determine the capability of applicants to perform physical tasks involved with police work (Allen et al., 2013; Cordner & Cordner, 2011; Donohue, 2021). Prior research has shown that physical agility examinations can be unrelated to the types of physical activity normally experienced by an officer (Jones, 2021). Research, as well as case law, supported the contention that some physical agility examinations are discriminatory to females (Rawski & Workman-Stark, 2018; Shusko et al., 2017;

Schulze, 2012; Berkman v City of New York, 1983). The researcher, during the interview, inquired as to the specifics of the agency's use of the physical agility examination to determine the requirements and time limits involved in any such physical examination. The results were compared to prior research and literature (Rawski & Workman-Stark, 2018; Shusko et al., 2017; Schulze, 2012) to determine the relevancy of the tasks to daily police work and equity among males and females. The researcher then made inferences regarding the effectiveness of this portion of the application process.

The next phase of the interview was to gather specific data about the entry examination, if it was utilized by the agency. Questions asked attempted to determine the type of examination used, minimum scores needed, skills tested by the exam, and whether the exam was created by the agency, the municipality, or purchased from a third-party vendor. Questions sought to determine the extent to which the agency ensured the absence of bias in the examination. Research has shown that some exams can be biased toward minority demographics and many third-party exam vendors have safeguards in place to prevent challenges to the existence of bias (Perlmutter, 2012; Riccucci & Riccardelli, 2015).

Next, the interviewer gathered information regarding the background investigation phase of the application process. Most law enforcement agencies are mandated by state or local law to conduct background investigations on potential police applicants. The grounds for rejection were typically identified by either state law or agency policy, and served as a guideline for whether the applicant proceeded to the next phase in the hiring process. Research (Diffley, 2020; Wingate & Bourdage, 2019) has shown that this phase was the single most subjective element in the application process.

The probability of people of color to have a criminal record was significantly higher, thus negatively affecting eligibility for hire (Donohue, 2021; Edel, 2018; Gupta & Yang, 2016; Gustafson, 2013). Furthermore, agencies might have been slow to respond to changing societal perspectives regarding lower-level crimes, such as drug use, marijuana offenses, and misdemeanor thefts. The interview questions sought to gather data regarding the process for the background investigation, including standardization of background elements checked and elimination criteria. Data were also collected to determine who conducts the investigation, whether it was done by agency staff, such as, a detective assigned as one of the other duties as assigned or a dedicated unit or whether it was sent outside of the agency. Finally, the researcher asked about the amount of time an applicant was approved or rejected as a result of the the background investigation. Research (Diffley, 2020; Hickox & Roehling, 2013; Huffcutt & Roth, 1998; Kringen & Kringen, 2014) has shown that intentional or unconscious bias could be a factor in the decision during the background phase and could shape the hiring decision. Since the number of persons making the decision, the position of the person making the decision, or other reasons could contribute to the amount of bias (Diffley, 2020; Levashina et al., 2014), questions about these processes were also asked.

The interviewer next gathered data about the existence of procedures involving applicant interviews. The questions attempted to determine the amount of participation the agency had in hiring of the new officers, if the agency was the sole determinant of hiring the officer, if the city administration or government-wide human resources were the sole deciders of hiring, or if there was a combination of the two. The questioning attempted to determine the number of applicants the agency processed within a year, and

how many hiring processes the agency produced in one year. The survey questioning also sought to gauge whether the agency had developed set of hiring procedures or if the department simply interviewed applicants with a limited background check. Agency representatives were asked if the interview was conducted by one person (e.g. Chief of Police), a board consisting of police officers and how it is constituted, an external board (e.g. Civil Service Commission or other civilian board) and its makeup, or a combination of these options. The researcher also queried the agency representative about training, standardization of interview questions, and scoring/eligibility requirements of the applicant. Data were then compared qualitatively to relevant literature (Diffley, 2020; Levashina et al., 2014; Wingate & Bourdage, 2019) to determine the existence of discriminatory issues.

The last section of the interview sought official documentation of the agency's hiring processes in the form of policies, directives, or orders, accessible to applicants, as well as relevant State laws governing the requirements of law enforcement hiring. The interviewer concluded with questions seeking to determine the agency's makeup and structure, the number of sworn officers in the agency, and demographics of the officers employed by the agency. The researcher included a question as to the current number of officers on the force to get an understanding of the current number of vacancies at the department, which might indicate the need for and potential issues with hiring qualified applicants. Finally, the interviewer attempted to ascertain the demographics of the applicants to the agency and percent of the applicants who are hired.

The data gathered from the interview and policy review were designed to measure the following outcomes:

- 1) Are the hiring practices effective in correctly rejecting unqualified applicants?
- 2) Do agencies have safeguards in place to ensure equity in hiring, thus promoting an atmosphere of inclusion among applicants?
- 3) Are hiring procedures and requirements standardized, with the goal of being unbiased in selecting applicants for hire and thereby contributing to the level of representative bureaucracy commensurate with that of the community served?

As with the first hypothesis, the percentage of agencies that were shown to have inequitable hiring practices had to be equal to or higher than sixty percent (60%) of the total sampled agencies to consider Hypothesis Two was accepted.

## CHAPTER IV

### RESULTS AND ANALYSIS

Despite the substantial number of agencies fitting this study's parameters and extensive efforts by the researcher to recruit agency participation, only eleven police agencies gave authorization to participate in the study. Participation could only be obtained by eleven police agencies from Arkansas, Florida, Georgia, Oklahoma, and South Carolina. Despite these limitations, the agencies provided adequate information about their hiring process to develop inferences regarding demographically equitable hiring practices. However, some agencies made it difficult to receive follow up information once the interviews were complete. Nevertheless, in instances where there were missing data, the information was gathered either by the agency website, if available, or by nationally recognized databases such as the Bureau of Justice Statistic's LEMAS report, even though 2016 was the most recent year with available data from this source (US Department of Justice, 2020).

#### STUDIED AGENCIES' DEMOGRAPHICS

Each participating agency was asked to provide its demographic data outside of the interview for ease of reporting. This method proved to be somewhat cumbersome as agencies' reported data were inconsistent and varied from between agencies. Most notably, demographic data reported by agencies included White, Black, and Latinx officer counts, yet many of the other studied racial categories were aggregated into

“other” by several of the agencies, making it more difficult to compare with the communities’ demographics (see Table 1). The necessity of data to follow a standardized

**TABLE 1: Demographic Categories: Census Levels Compared to Source (N=11)**

	Amer. Ind.	Asian	Latin	Pacific Island	Black	White	Two or More	Female
<b>Agency 1-Census %</b>	0.20%	5.20%	28.20%	0.00%	22.90%	40.50%	7.90%	52.30%
LEMAS 2016 Percentage	0.00%	0.00%	13.00%	0.50%	10.50%	76.00%	0.00%	16.00%
Variance	-0.20%	-5.20%	-15.20%	0.50%	-12.40%	35.50%	-7.90%	-36.30%
Agency Reported Percentage N/R	n/r	n/r	n/r	n/r	n/r	n/r	n/r	n/r
<b>Agency 2-Census %</b>	1.40%	7.20%	12.20%	0.00%	19.60%	58.40%	4.00%	51.80%
LEMAS 2016 Percentage	0.00%	1.55%	5.43%	0.00%	13.18%	79.84%	0.00%	6.20%
Variance	-1.40%	-5.65%	-6.77%	0.00%	-6.42%	21.44%	-4.00%	-45.60%
Agency Reported Percentage N/R	n/r	n/r	n/r	n/r	n/r	n/r	n/r	n/r
<b>Agency 3-Census %</b>	0.40%	2.50%	10.90%	0.10%	10.90%	74.40%	2.30%	51.90%
LEMAS 2016 Percentage	1.57%	0.79%	11.81%	3.15%	14.96%	69.29%	4.71%	29.13%
Variance	1.17%	-1.71%	0.91%	3.05%	4.06%	-5.11%	2.41%	-22.77%
Agency Reported Percentage	0.87%	0.44%	6.55%	1.75%	9.61%	79.91%	2.62%	16.16%
Variance	0.47%	-2.06%	-4.35%	1.65%	-1.29%	5.51%	0.32%	-35.74%
<b>Agency 4-Census %</b>	0.40%	2.00%	16.30%	0.10%	19.40%	59.90%	4.00%	51.80%
LEMAS 2016 Percentage	0.85%	1.27%	6.36%	0.00%	11.86%	74.58%	0.00%	12.29%
Variance	0.45%	-0.73%	-9.94%	-0.10%	-7.54%	14.68%	-4.00%	-39.51%
Agency Reported Percentage	0.00%	n/r	17.34%	n/r	12.10%	66.13%	n/r	14.92%
Variance	-0.40%	-	1.04%	-	-7.30%	6.23%	-	-36.88%
<b>Agency 5-Census %</b>	0.30%	1.40%	3.40%	0.00%	34.70%	57.90%	2.40%	52.20%
LEMAS 2016 Percentage	1.22%	1.83%	1.83%	0.00%	9.15%	85.98%	0.00%	4.88%
Variance	0.92%	0.43%	-1.57%	0.00%	-25.55%	28.08%	-2.40%	-47.32%
Agency Reported Percentage	0.60%	1.20%	1.20%	0.00%	10.78%	86.23%	0.00%	8.98%
Variance	0.30%	-0.20%	-2.20%	0.00%	-23.92%	28.33%	-2.40%	-43.22%
<b>Agency 6-Census %</b>	1.20%	6.10%	19.60%	0.00%	8.80%	59.10%	7.30%	50.70%
LEMAS 2016 Percentage	12.24%	1.36%	4.08%	0.00%	1.36%	80.95%	0.00%	6.12%
Variance	11.04%	-4.74%	-15.52%	0.00%	-7.44%	21.85%	-7.30%	-44.58%
Agency Reported Percentage	6.62%	1.99%	8.61%	0.66%	4.64%	76.16%	1.32%	12.58%
Variance	5.42%	-4.11%	-10.99%	0.66%	-4.16%	17.06%	-5.98%	-38.12%
<b>Agency 7-Census %</b>	0.80%	2.70%	38.30%	7.90%	3.20%	44.00%	7.70%	48.70%
LEMAS 2016 Percentage	1.42%	0.71%	10.64%	1.42%	0.71%	84.40%	0.71%	6.38%
Variance	0.62%	-1.99%	-27.66%	-6.48%	-2.49%	40.40%	-6.99%	-42.32%
Agency Reported Percentage	1.46%	1.46%	12.41%	1.46%	2.19%	81.02%	n/r	9.49%
Variance	0.66%	-1.24%	-25.89%	-6.44%	-1.01%	37.02%	-	-39.21%
<b>Agency 8-Census %</b>	0.20%	2.90%	5.60%	0.40%	24.30%	64.50%	2.70%	52.50%
LEMAS 2016 Percentage	0.53%	0.53%	3.21%	0.00%	12.83%	82.35%	0.00%	11.76%
Variance	0.33%	-2.37%	-2.39%	-0.40%	-11.47%	17.85%	-2.70%	-40.74%
Agency Reported Percentage	0.49%	0.98%	3.92%	0.00%	6.86%	87.75%	n/r	14.71%
Variance	0.29%	-1.92%	-1.68%	-0.40%	-17.44%	23.25%	-	-37.79%
<b>Agency 9-Census %</b>	0.20%	2.70%	5.80%	0.10%	54.40%	35.30%	2.90%	52.10%
LEMAS 2016 Percentage	0.00%	1.80%	4.90%	0.00%	30.07%	59.87%	0.00%	16.34%
Variance	-0.20%	-0.90%	-0.90%	-0.10%	-24.33%	24.57%	-2.90%	-35.76%
Agency Reported Percentage	n/r	1.03%	7.22%	n/r	8.25%	82.47%	n/r	7.22%
Variance	-	-1.67%	1.42%	-	-46.15%	47.17%	-	-44.88%
<b>Agency 10-Census %</b>	4.10%	2.70%	10.90%	0.00%	5.00%	70.70%	8.70%	52.50%
LEMAS 2016 Percentage	n/r	n/r	n/r	n/r	n/r	n/r	n/r	n/r
Agency Reported Percentage	n/r	1.03%	7.22%	n/r	8.25%	82.47%	n/r	7.22%
Variance	-	-1.67%	-3.68%	-	3.25%	11.77%	-	-45.28%
<b>Agency 11-Census %</b>	5.00%	4.00%	9.30%	0.10%	4.80%	69.90%	8.90%	51.00%
LEMAS 2016 Percentage	1.47%	0.74%	0.74%	0.00%	2.94%	90.44%	0.00%	8.82%
Variance	-3.53%	-3.26%	-8.56%	-0.10%	-1.86%	20.54%	-8.90%	-42.18%
Agency Reported Percentage	12.33%	0.68%	2.05%	n/r	4.79%	79.45%	0.68%	13.70%
Variance	7.33%	-3.32%	-7.25%	-	-0.01%	9.55%	-8.22%	-37.30%

definition of parameters allows for a more efficient and effective means of analysis, yet this was not the case with this sample. Each agency was compared to the 2016 LEMAS data and, if submitted, the reported demographic makeup from the agency. These results were then compared to the demographic makeup of the city, based on 2020 U. S. Census data. An analysis was conducted only when a variance occurred of percentages which were more than five percent under the city demographic percentage. The data showed all

agencies studied were under-represented on at least one demographic pursuant to minority representation. Females were the most under-represented demographic in each agency studied (see Table 2), either by agency’s data or by LEMAS (US Department of Justice, 2020). The next highest under-represented category was Blacks (44% or 70%, respectively), followed by Latinx (33% or 60%, respectively). While this more than proves the first hypothesis, the limitation of sample size may have affected the amount of under-representation. A larger sample size may have shown a greater amount of under-representation in the Black and Latinx demographics, thus strengthening the analysis of hypothesis one. This was particularly true of agency-reported demographics, with two of

**TABLE 2: Demographic Category Under-Representation (N=11)**

<i>Agency Data-Under-representation*</i>	<i>Number</i>	<i>Percentage</i>
American Indian	0	0%
Asian	0	0%
Latin	3	33%
Pacific Islander	1	11%
Black	4	44%
Two or More	2	22%
Female	9	100%
<i>LEMAS2016 Data-Underrepresentation**</i>	<i>Number</i>	<i>Percentage</i>
American Indian	0	0%
Asian	2	20%
Latin	6	60%
Pacific Islander	1	10%
Black	7	70%
Two or More	4	40%
Female	10	100%
<i>Agencies &gt;1 underrepresented</i>	<i>Number</i>	<i>Percentage</i>
Agency Data*	9	100%
LEMAS 2016 Data**	10	100%

*\* Two agencies not reporting*  
*\*\* One agency not reporting*

the eleven agencies not reporting. While the LEMAS (US Department of Justice, 2020) data showed the agencies were indeed under-represented in the Black and Latinx demographics, the missing agency-reported data could very well also show under-representation thus strengthening the positive hypothesis result. Finally, the data also showed under-representation in most demographic

categories from each agency, yet the amount did not satisfy the metric for under-representation as defined in this study.

This result mirrored findings of much scholarship on the subject (Cordner & Cordner, 2011; Donohue, 2021). The level of women in policing has held steady nationwide at approximately 12% since 2007 (Cordner & Cordner, 2011), however, as

illustrated in a look at community demographics, the number of officers should be closer to half (Cordner & Cordner, 2011; Donohue, 2021). Programs, such as the 30x30 Initiative, have begun that emphasized the importance of the inclusion of women in police work; the Initiative urges agencies to commit to 30% female demographic by the year 2030. Despite this effort, law enforcement continued to be more common a career path for males rather than females (Cordner & Cordner, 2011).

Women were significantly less likely to be involved in use of force complaints as police officers, they were the subject of fewer external citizen complaints, and their presence in the streets has been shown to improve community relations (Clickinbeard et al., 2021). It was found that when the percentage of women in the force increased, the number of sexual harassment claims shrank (Clickinbeard et al., 2021). Females and racial minority officers nationwide make up 27% of the total police force, an improvement since the mid-1980s level of just 15%, but this number is significantly reduced at smaller-sized agencies (Donohue, 2021). An investigation by the Chicago Office of Inspector General revealed Black police applicants comprised 37% of the initial applicant pool, however only 18% of those applicants were admitted to the police academy. Further the office discovered that females submitted 34% of applications for employment but only 27% of those were admitted to the academy (Chicago OIG, 2021). Additionally, agencies which participated in accreditation programs, such as the Commission on Accreditation of Law Enforcement Agencies (CALEA), employed a higher percentage of minorities, particularly women, than non-accredited agencies. The reason is that these agencies are held to a higher standard by virtue of their adherence to stricter policy standards (Donohue, 2021). Wilson and Wilson (2014) emphasized that

Black females were more likely to report discrimination than Black males. Gibbs (2019) concluded applicants who did not see officers of the same demographic were less likely to apply. According to Gibbs, the greatest challenges for women in law enforcement were found to be the physical nature of the job, being taken seriously, and workplace discrimination. Black officers also reported a greater likelihood of challenges, both cultural and organizational, simply because of their race (Clickinbeard et al., 2021). An issue remains prevalent in law enforcement agencies in which minority recruitment has not succeeded in increasing police agency demographics. This can be attributed to several reasons, including inclusion within the police agency. Tokenism is one such reason that can lead to strained relationships with minority officers within an agency. Another is a negative attitude towards police in minority communities, particularly black communities. This leads to police officers being less desirable than other careers. Further, research has shown that a lack of transparency in the hiring processes and the dissemination of information surrounding the hiring process could contribute to the underrepresentation of black officers within an agency. Thus, less minorities complete an application for a police officer job and even fewer make it through the process successfully (Wilson & Wilson, 2014).

#### APPLICATION PROCESSES OVERVIEW

Federal and state laws, which form the basis of what constituted minimum requirement for applicants to become police officers, must be first discussed before the results of this study can examine if agencies' processes may or may not be discriminatory in support of the second hypothesis. Additionally, an overview of the application processes utilized by the participating agencies must follow. State statutory law gives agencies a baseline on which to determine the eligibility of an applicant. Some states

even went so far as to encourage agencies to enact higher standards than what is required in state law. While the studied agencies have a wide variation of total processes and requirements for each, each must follow state law.

Any employing agency must adhere to the Equal Employment Opportunity Commission's regulations that have prohibited hiring practices that discriminate against a job applicant based on the applicant's race, religion, sex (to include gender identification, sexual preference, or pregnancy), national origin, age (if the applicant is over 40 years old), disability or genetic information (EEOC, 1992). Additionally, federal law was the first to set out requirements that narrowly focused on law enforcement officers, specifically 18 US Code § 922 (2022), which articulated the restrictions surrounding the ability of a person to own a gun, thus specifically apropos with law enforcement. By virtue of this code, those with felony convictions, or who have had misdemeanor domestic violence convictions, been dishonorably discharged from the US military, been adjudicated as mentally defective, or does not hold US citizenship, cannot own or possess a firearm. Therefore, those individuals would be ineligible for employment as a law enforcement officer. The code also does not allow for individuals to own or possess a firearm who are under the age of 18 years or anyone who is an unlawful user of or addicted to any controlled substance.

However, accurately defining "addiction" or "unlawful user" within terms of employment at a police agency can introduce subjectivity into the eligibility criteria for police service. Nevertheless all the participating agencies had procedures in place for this possibility. Addiction is considered a diagnosable mental disorder defined as "a process whereby a behavior, that can function both to produce pleasure and to provide escape

from internal discomfort, is employed in a pattern characterized by (1) recurrent failure to control the behavior (powerlessness) and (2) continuation of the behavior despite significant negative consequences (unmanageability)” (Goodman, 1990, p. 1403). While the Americans with Disabilities Act (1990) does not allow for discrimination based on medical disorders, the studied agencies used some type of psychological examination to determine fitness for employment, but this examination was used upon the conveyance of a conditional offer of employment. The importance of a conditional offer was to mitigate employment issues that could prevent the applicant from employment and be an inefficient use of time on the part of the hiring staff. Interestingly, agencies differed on what steps were conducted prior to or after a conditional offer was granted. For instance one agency may perform the background investigation prior to the conditional offer while another agency waits until after the conditional officer is conveyed before beginning the background investigation. This variance placed the need for a conditional offer of employment in question. However, the Americans with Disabilities Act required that a psychological examination for employment fitness be administered only after the conditional offer has been conveyed (Americans With Disabilities Act, 1990). The remainder of the minimum requirements varied according to state laws; however, some similar themes were recurring. Every state statute describing the minimum requirements of law enforcement officers included the federal minimum standards listed previously.

State laws aside, for successful overall police hiring processes, agencies strove for reductions in the instances of false positives (FP) and false negatives (FN) of applicants. A false positive related to hiring a candidate might be someone who did not succeed in the career, often failing the academy, being terminated during probationary period, or

otherwise failing to satisfactorily perform the duties of a police officer. A false negative was the opposite, in that the processes rejected an applicant who would have succeeded in performing the duties of a police officer. Traditionally, an agency has a multi-tiered process designed primarily to eliminate applicants, and each of the studied agencies possessed such processes. The issue is these procedures are rooted in the status quo or “the way we've always done it.” The hiring procedures in place at an agency were meant to eliminate those with qualities not favorable for law enforcement, however the elimination process had a tendency to induce many false negatives (Giblin & Galli, 2017; Wright, et al., 2011). State laws dictated what qualities were required for LEOs to possess as well as those qualities which were forbidden, yet agencies further restricted applicants with benchmarks or attributes that automatically eliminated some candidates (Matthies et al., 2012). Despite this, there are no standardized guidelines for agencies to utilize (Gupta & Yang, 2016). The agencies participating in this study rarely possessed knowledge on how or why the processes were in place. Only those agencies who recently underwent changes to the process had knowledge of the specific reason for each process. Generally, those interviewed were well-versed in the benchmarks required for eliminating a candidate, and those processes were either included in departmental policy or dictated by traditional processes.

The inherent non-standardization of these processes contributed to the incidence of false positives and false negatives, which could perpetuate further discrimination with the candidates’ attempts at police employment at another agency. An applicant who was rejected by one agency could be eliminated from another agency based solely on the first rejection. During the background investigation phase, applicants were typically asked to

divulge whether they have applied to another law enforcement agency. The background investigator then would reach out to the other agency for any information that the first agency gathered about the applicant. Should the information be obtained, it often would be used in the overall determination of qualification for employment at the second agency. Without standardization, the attribute resulting in the applicant's removal from the first agency was likely to negatively impact the applicant's ranking at the second agency (Edel, 2018). This could become especially relevant with officers who may have left employment from another agency for negative reasons, yet some states, including those in this study, have laws in place to reduce the likelihood of this occurrence (Doherty, 2017). Without knowledge of the first agency's procedures, the decision makers from the second agency might make an assumption that may be incorrect. They might be basing their decision on a number of factors without completely understanding how they could be negatively influencing the applicant's chances. These factors could include non-standardization of requirements, or a failure to change hiring standards to reflect societal or cultural changes, thus increasing the likelihood of rejection of the candidate. Within the discussion of representative bureaucracy, the likelihood of candidate rejection has been shown to harm a larger amount of minority candidates due to the relatively low number of applications received. The reduced application submissions are compounded by out of date or even discriminatory hiring practices (Wilson & Wilson, 2014).

The processes themselves are widely varied between all studied agencies. No two agencies were exactly alike, rather there were similar processes occurring at differing intervals throughout the processes. For example, one agency may conduct the

background investigation exceedingly early in the application process while others waited until the very end of the process, just before hiring. The specific order in which the processes were conducted is based on the specific agency needs and ability. Most interviewees could not state precisely how the processes were developed, the reasoning behind the order, or the purpose behind the processual order. Like many things at police agencies, how many interviewees expressed that the status quo or “the way we've always done it” dominated their logic. Nevertheless, each agency utilized similar processes of a background investigation, physical agility examination, written examination, and applicant interviews, though in varying order.

The order each agency conducted hiring processes did not appear to be conducive to the unequal elimination or acceptance of any applicant, thus the order of these processes is not contributory to the secondary hypothesis. There were other processes each of the agencies conducted, such as a psychological examination, a fingerprint submission, or a physical conducted by a medical professional to determine whether the applicant is physically and emotionally able to be a law enforcement officer. As these processes were typically conducted outside the purview of the employing agency and were subject to standards or procedures not controlled by the employee agency, they will not be analyzed in this research.

The participating agencies did not have a set number of application processes they conducted. Typically, the agencies held application processes when the need existed, not necessarily when vacancies of sworn officers exist. Due to the length of time required to train officers, agencies often announced application processes in anticipation of vacancies. Due to the dearth of available applicants for the position of police officer,

agencies are being forced to have multiple application processes per year to either keep up with officer resignations or because of the sparse numbers of applicants. Of the participating agencies, either there were more than two application processes conducted in the past two years or the processes were on-going.

#### WRITTEN ENTRANCE EXAMINATION

Law enforcement agencies have long used the written examination to assess the capabilities of candidates for initial employment or promotion (Ricucci & Riccardelli, 2015; Brodin, 2018). These examinations measure a variety of objective skill sets such as memory recall, arithmetic calculations, reading comprehension, grammar, and written communication (Hunt, 2007). Some also measure subjective qualities of integrity and personality. All studied agencies utilized an outside source for the development of the examination and that source provided the testing materials. These agency either utilized a test from the state law enforcement standards organization or a company specializing in law enforcement entrance examination. These examinations were split evenly between studied agencies on whether the results are used to determine eligibility for employment at the agency. States such as Georgia, Alabama, or Florida require the examination as matter of being certified as an officer, thus the agency need not utilize an examination at initial hiring. The exception was in Alabama where an agency utilized a written examination for employment along with the state mandated examination for certification. Agency representatives did not know the background of development for the state examination, nor had any information about the administration of the test on the state level. The remainder of the studied agencies utilized a written examination as a required step in the overall hiring process, often utilizing the score to rank the eligible candidates.

These tests are from companies such as CPS-HR, Stanard & Associates, or Industrial Organizational Solutions. Each of these companies provide robust documentation of validity, reliability, and the mitigation of bias in the development of questions. Some companies will help defend the agency should it face litigation about bias in the examination. Several of the studied agencies stated that the applicant was required to assume the costs of the written examination. Of those studied agencies, a few had programs to assist an applicant with the cost of the examination if needed, however most agencies did not offer this benefit. The few cost-assistance programs occurred both when the agency or the state required the examination.

Of the studied agencies, most had a pre-determined passing score of at least 70%. Some agencies did not have a pass or fail benchmark and used the score solely for ranking eligible candidates. One agency increased the passing score because the examination was not eliminating any candidate from the process. Appropriately, the agency collaborated with the testing company to ensure the change would not negatively impact demographic biases. It would seem that seeking ways to eliminate more applicants was somewhat counterproductive.

Written examinations have substantial potential for the unequitable removal of minority applicants from police hiring processes (Brodin, 2018; Gupta & Yang, 2016; Linos & Riesch, 2020). Written examinations were utilized to determine an applicant's proclivity toward academic success in terms of grammar, communication ability, mathematics, or related skills. However, research (Donohue, 2021; Brodin, 2018; Kringen & Kringen, 2014) has shown these types of skill assessments have gravitated toward those with education levels that not usually seen among minority applicants. A

study of barriers to Black applicants applying for police officer careers found that the written examination proved to be a significant barrier (Kringen & Kringen, 2014). Black applicants' previous experiences with taking examinations and deficiencies in the education received by the applicant contributed to their increased stress and apprehension about the test and many of the Black applicants simply did not show up for the examination (Kringen & Kringen, 2014). Perlmutter (2012) argued these educational gaps within differing minority groups were significant enough to warrant removal of the assessments altogether, at least until significant improvement has been made by the education systems in place today. The role education plays in minority groups can indicate assessment performance, but not how the applicant will perform as a police officer. Further, Donohue (2021) demonstrated that Black applicants were more likely to self-withdraw from the examination than those passing the examination due to concerns about taking the written examination. The courts have been historically lenient towards challenges to the written examination for public safety employers despite evidence of disparate impact to minority candidates, though some have pointed out the exams are not job-related (Brodin, 2018). Other case law reflected the disparate impact written intelligence exams have on minority applicants. In one of many cases, *U. S. v Baltimore County* (2021), the court found that examinations given to police applicants between 2009 and 2016 showed White applicants passed the entrance examination at a significantly higher rate than Black applicants. The case demonstrated that twenty-three Black police applicants would have been hired at the agency had it not been for the written examination. Perhaps the most critical review of written examinations in law enforcement came from Brodin (2018) in his comprehensive rebuke of the use of written

examinations. He contended that written examinations were significantly biased against minorities despite law enforcement's insistence on the need for them. The inability of written examinations to measure qualities desirable to police officers, such as the ability to establish rapport with citizens of differing cultures or backgrounds, through multiple choice selections was the most disadvantageous for minority applicants. Incidents encountered by police officers typically involve multiple solutions utilizing multiple available resources and rarely is an algorithmic cause/effect response needed. Thus, the ability to memorize study material and select one answer from memory is atypical of the officer's actual duties. In fact, the 1<sup>st</sup> Circuit Court of Appeals in *Lopez v Lawrence* (2016) identified that the study material and correct answers on the written exam were not the correct answers in practice and upheld the defendant's complaint. These findings support the inability of the written examination to measure desirable qualities of a potential applicant; rather the examination elicits finite scores onto a candidate for ranking purposes. As with the case of the studied agencies, a higher rank was advantageous for being hired at the agency. However, the ability to perform well on these written examinations was slanted toward the affluent and those from dominant groups who were more familiar with the multiple-choice format of written examination. The structure of the written examination therefore created bias against those from economically disadvantaged schools and neighborhoods (Brodin, 2018).

While some law enforcement agencies believe that written communication, and to some extent mathematical analysis, are important skills for an officer to possess, these arguments fail to recognize the social intelligence aspect needed for successful policing, including verbal communication, empathy, diplomacy, or other soft skills that are in high

value from members of the community. Written examinations were found to be more indicative of police academy success rather than success performing realistically expected tasks involved in daily police work (Hughes, 2003).

Despite the negative research regarding written entrance examination, police agencies continue their use, as witnessed by the agencies participating in the current study. These eleven agencies rarely utilized the written examination to determine the applicant's aptitude for police work through specifically measured attributes. Rather the examinations were simply used as a method of ranking applicants. If this is the sole use, it begs the question of the need for the written examination if the score is the only applicable result of the examination to determine eligibility for hire. Here highlights the issue surrounding the eliminatory nature of police application tests. As previously discussed, one studied agency increased the passing benchmark score in order to eliminate more applicants from the process. Police agencies appear to be reliant on these written examinations to provide justifiable elimination criteria and may be inadvertently eliminating quality police applicants. Policy makers should find ways in which these written assessments are accurately measuring attributes conducive to ethical, equitable police work rather than simply a cutoff with which to remove applicants. In a hiring culture of selection over elimination, highly sought-after individual qualities and academic superiority, can be weighed against the totality of the applicant's suitability for hire. Written examinations as commonly used by police agencies can harm minority applicants (Kringen & Kringen, 2014; Perlmutter, 2012), yet they continue to be one of the hallmarks of police hiring practices. The continued use of such written examinations has shown to contribute to a lack of representative bureaucracy.

## BACKGROUND INVESTIGATION

Police agencies gather background information about an applicant from numerous sources such as previous employers, neighbors, friends, criminal history, college and high school transcripts, residential history, military records, public social media profiles, criminal and traffic records, court records, and information the applicant chose to disclose. Almost all police agencies provide each applicant with an opportunity to make a thorough admission of the applicant's background history. The background investigator then takes this information and expands upon it, searching through public and private records to glean additional information about the candidate. The information gathered by the investigator will either confirm what the applicant provided, or sometimes might uncover things left out by the applicant. The investigator's job is then to discern whether the omission was inadvertent or intentional, thus negatively affecting the perception of honesty of the applicant and thus being disqualifying. Most agencies utilized their own officers to conduct the investigation while some contracted this task to outside individuals. At least two agencies in this study utilized a software program to aid in the compilation of the investigative information, while others gathered the information and compiled it into a comprehensive report.

Each studied agency had standards which applied to each applicant regarding their background information. Federal law and State law provided unequivocal guidance for standards of potential police officers. Namely, the United States Code regarding the sale and possession of firearms provides the primary standard for police officers. Each officer must be able to possess a firearm, either agency-issued or personally purchased, to

fulfill requirements of a police academy and the ability to be employed as a police officer. Most notably the individual cannot be a convicted felon, be convicted of a crime of domestic violence, be an "unlawful user or addicted to any controlled substance," or be an illegal alien (Gun Control Act, 18 U.S.C. 922, 2022). After these federal requirements are met, the individual states may make more restrictive conditions for police employment. The emphasis on the statutory requirement regarding controlled substance is of particular interest in that it does not define "unlawful" or "addicted" specifically. For instance, an admission of drug usage can imply possession, which is violation of law, but the individual may not have been charged. Further, an individual can use a drug for a long time, but whether the person is addicted to that drug is subjective and based on several factors. The state laws which govern the policy agencies involved in this study also were not definitive when it came to drug usage, with only one state mandating a toxicological sample be taken from the applicant to ensure the person does not have the presence of amphetamines, cannabis, cocaine, phencyclidine, opiates, barbiturates, or benzodiazepines.

All states studied had some reference to federal law, yet each had specific reference to conditions that would prevent an applicant from becoming a police officer. All but one of the studied states required a background investigation be conducted, yet only two states mentioned in their statute that it recommended agencies take a more restrictive stance on the minimum standards expressed in the law. Age was included in each studied state law and ranged from a minimum of 18 to 21 years of age before an individual could be certified as a police officer. All states required a valid driver's license and a minimum of a high school diploma or GED certificate to be eligible for

certification. However, one state mandated this requirement be coupled with a basic abilities test or an associate degree. Two states mandated an applicant be employed by a law enforcement agency prior to attending a basic academy, while the others allowed for academy attendance prior to employment, sometimes at the applicant's expense, such as a college course for certification. Three states mention misdemeanor convictions as exclusionary for employment; however, each one varied as to the requirements. These requirements ranged from convictions for false statements to what the statute refers to a pattern of disregard for law. Another State statute explains a misdemeanor conviction in and of itself does not disqualify an applicant, yet convictions involving force, violence, moral turpitude, perjury, or false statements must also accompany psychological testing, the results of which may be a factor in the decision to disqualify the applicant.

There were several requirements mentioned only in individual instances of state statutes. One state requires no negative traffic history for the past five years. That includes no violations of suspended license for driving under the influence of alcohol or drugs, reckless homicide, involuntary manslaughter, or leaving the scene of an accident. Another state included language that any currently certified or applicant for certification cannot provide untrue or misleading information to the state law enforcement standards commission. Another state disqualified any individual who must register as a sex offender. Yet another state required a credit check be completed. Finally, a different state mandated any person currently undergoing treatment for a mental illness, condition, or disorder was ineligible for employment. The statute defines this as a person who has been diagnosed by a licensed physician, psychologist, or licensed mental health professional as being afflicted with a substantial disorder of thought, mood, perception, psychological

orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist (Oklahoma Council on Law Enforcement Education and Training Act, 1994/2013). This requirement was unique and may negatively affect applicants, as more than half of Americans will be diagnosed with a mental illness or disorder at some point in their lives (CDC, 2021) and 8.1% of American adults 20 years of age or older experienced depression in each two-week period (Brody, et al., 2018). Further, in a 2020 survey of 434 current police officers, 12% had a lifetime mental health diagnosis and over one-quarter reported symptoms of mental illness, and 17% reported seeking mental health care services in the past year (Jetelina et al., 2020).

The greatest amount of variance occurred on the individual agency level. While there are some similar themes, some agencies studied have standards unlike any of the other agencies. Some are extremely specific and detailed, some follow only state law, and yet others are incredibly subjective. Throughout the agency responses, themes were developed regarding certain elements of an applicant's background that must be considered a disqualifying instance, removing the applicant from consideration. The first theme involved the applicant's criminal history. Some agencies outlined exactly what convictions found in the applicant's criminal history would eliminate an applicant. Such convictions included misdemeanor convictions of sexual offenses, violent crimes, theft, and juvenile convictions (some do not consider juvenile convictions). Yet almost half of the agencies were vague in their discourse, stating that "certain convictions" would eliminate an applicant without specifically defining what those were. At least one agency listed "any" misdemeanor as cause for elimination. Over half of the studies agencies

listed dishonesty as a disqualifying circumstance, either by outright lying on either the application or questionnaire or misdemeanor convictions for perjury or false statements. Many described omitting information on the application/questionnaire or giving misleading or false information as grounds for rejection. One agency described evasive statements about the application as grounds for elimination from the process.

Drug usage or convictions for drug-related crimes were the next most often discussed grounds for elimination. Admitted marijuana use from 1 year to 5 years ago was grounds for elimination in most of the studied agencies. Some went into greater detail, giving specific examples of marijuana discretions that would be determined (by someone other than the background investigator) as to whether the instance rose to the level of disqualification. Many agencies specified criteria for the test of whether the marijuana use was enough to eliminate the applicant and included things such as time elapsed from the incident, age at time of incident, frequency of use, nature of the substance used, conduct surrounding the use, or the quantity of the substance used. Controlled substance usage as a disqualifying circumstance also varied among agencies. Most gave a time frame in which the use would be considered disqualifying. Most notably several listed ten years as the threshold for disqualification for controlled substance usage. None of the agencies could list the genesis for this threshold, nor could they explain the purpose behind it. When the researcher asked, What would be the difference in an applicant who had used a controlled substance 9 years and 10 months ago compared to 10 years and 6 months ago? no agency interviewed could explain the reasoning for this threshold.

Over half of the studied agencies included some measure of traffic violation history as a disqualifying factor, however the specific violations were not consistent across the agencies. While some spelled out the types of violations which were disqualifying and the timeframe in which they had to occur, others simply stated any violation within a specific timeframe was enough to eliminate the applicant from consideration. Three agencies gave poor employment history as a disqualifying event, yet only one defined what specifically constituted the infraction, stating termination from a previous job or a pattern of disciplinary measures taken at previous jobs would be factors involved in the elimination of the applicant. Two agencies included a negative credit check of the applicant in the criteria for elimination. Another agency listed a social media check that revealed posts portraying the applicant in actions that would not be conducive to the traits of a law enforcement officer, while another simply listed adverse life history as a factor for disqualification. Only one agency mentioned the presence of a visible tattoo as grounds for rejection of the application.

Finally, every agency had some mention of “moral turpitude” as criterion for rejection of an applicant. Yet none detailed specifically what this meant. The term was also included in many state laws about the qualifications to be a police officer. This criterion had the greatest amount of subjectiveness in relation to the background of a potential candidate. One agency defined this as “a composite of characteristics, when reliably documented and taken in combination, produce a pattern judged clearly to be inappropriate for law enforcement duties.” This includes an incredibly wide range of behavioral possibilities in which the person responsible for deciding on if the applicant rises to this level of disqualification makes a decision that can (and likely is) different

from another candidate with similar issues. This requirement could be fraught with bias on the part of the decision maker, either intentionally or unconsciously. Simply put, this requirement can be utilized unintentionally or intentionally as justification to remove an applicant as there is no standard or benchmark with which to judge the actions or traits of the applicant. This almost allows a decision maker to decide “I’m not sure why this person shouldn’t be a police officer, I just know they can’t” thus removing an applicant unfairly. The interviews with agency representatives revealed some aspect of this ambiguity. One agency called the investigation multifaceted and relied on the investigator to determine the direction of the investigation. Yet another agency spoke candidly about the background investigation and stated some applicants just did not have what it takes to be a law enforcement officer but left that determination to somebody else within the agency.

Each agency studied allowed differing procedures on which staffmember within the agency ultimately made the decision on whether an applicant moved forward in the process or was eliminated due to the criteria set forth for an applicant’s background. Some agencies allowed the line-level recruiting officer, sometimes the same person conducting the background, to make the decision. Sometimes the investigator could bring forward an investigation to the mid-level supervisor of the agency to determine whether the applicant moved forward. Most often the agency passed the completed investigation off to executive-level management of the agency to make the determination, either multiple members of command staff or solely with the Chief of Police. At least one agency took the time to have a review from two separate command supervisors who made the decision independently of the other. If the two disagreed, the applicant moved

forward to the next step in the process. In most instances, the agencies' investigation submission comes with a recommendation on whether the applicant should proceed or not.

The results of the studied agencies' background investigation phase were not surprising, in that every agency performed some sort of background investigation, either as a matter of state requirements or local policy. All utilized information gathered by an investigator about an applicant was used to make a determination on the eligibility of an applicant for employment at the agency. Each agency had criteria which would eliminate an applicant based on the applicant's criminal history, employment history, traffic history, and drug usage. Some agencies utilized credit information as another factor to consider. This type of look into the decision-making and character of an applicant was completely justified considering the high degree of discretion an officer possesses and the need for those of high integrity. However, scholarship on the topic (Kringen & Kringen, 2014; Donohue, 2021; Matthies et al., 2012) shows many of the procedures utilized by the studied agencies has had a disparate impact on minority groups, particularly Black Americans. These findings support the second hypothesis.

In terms of the reasons for disqualification in the background investigation phase, Black applicants were found to be more likely for removal due to financial history, employment history, or criminal history (Donohue, 2021). An applicant with a negative credit history, such as bankruptcies, repossessions, loan defaults, or foreclosures is often removed from consideration as a perceived inability to satisfy all debts. Furthermore, such activity was thought to be a high-risk factor for an officer because the officer might be dishonest in their daily tasks in order to satisfy debts. Employment issues such as

tardiness, excessive absenteeism, and poor working relationships were also factors for disqualification (Kringen & Kringen, 2014). The economic shortfalls within minority communities contributed to issues for minority applicants. The use of credit scores was shown to negatively effect minority applicants in these communities disproportionately, as those within these lower-income communities were more likely to have a lower credit-score (Gupta & Yang, 2016). The likelihood that minorities had a lower credit score affected their ability to obtain loans; Blacks have, on average, higher delinquency rates, even before the 2008 recession, according to a congressional report (Matthies et al. 2012). The levels of increased crime within Black communities, coupled with a concentration of police within these communities, lead to an increased likelihood of citizen/police interaction, both positive and negative (Gupta & Yang, 2016). These contacts were often documented and noticed during a background investigation. A high number of police encounters by an applicant would certainly have had a negative effect on any decision maker, thus significantly reducing the likelihood of selection by police hiring staff (Kringen & Kringen, 2014; Matthies et al., 2012). The Chicago Office of Inspector General (2021) also noted that the background investigation phase had disproportionate impact on Black male candidates relative to the other applicants. Despite this, utilizing criminal history as a determinant of suitability has been found justifiable against claims of discrimination (Hickox & Roehling, 2013). The issue then becomes whether the decision made to disqualify one candidate is based on the same reasoning as the decision made for another. This subjectivity is where bias is most likely and will have a negative effect on hiring of minority police applicants (Hickox & Roehling, 2013).

For the applicants who admitted to or for whom drug usage was uncovered, these factors weighed very heavily into the determination of suitability for employment as a police officer. Studied agencies all had some threshold of what constituted removal from consideration for reasons of drug usage, but the thresholds varied greatly between the agencies. The drug usage factors included marijuana and related variants into one group, hard drugs such as cocaine, methamphetamine, heroin, and similar substances into another group, and improper use of pharmaceutical drugs such as those opiates used in pain management, anti-depressants, or anti-anxiety medication. While determinants for disqualification were primarily the same for the latter two groups, the former remained the most fluid. Changing attitudes toward marijuana and the social use of other drugs were a factor when looking at this criterion as a factor for determination of employment suitability. Morison (2017) writing for the Police Executive Research Forum, highlighted a 2015 poll that illustrated that over half of all Americans believed marijuana should be legal compared to just over a third a decade earlier. While every agency in America has strict prohibitions against marijuana use during employment, the background phase of the application process typically looks at recent use and the frequency of use. The varied and non-standardized marijuana use thresholds among agencies are exemplified some agencies' attempts to recognize this shift in attitudes. Agencies must be cautious about marijuana use as a criterion, as it risks eliminating quality applicants (Morison, 2017). The drug usage disqualification factor also had an effect on minority applicants since drug complaints and police encounters have proven to be higher among minority youth (Matthies et al, 2012). Black Americans have been stopped or arrested for drug related offenses more than White Americans, and Latinx Americans were statistically lower than

Black Americans but still higher than White Americans (Dunlap, et al., 2021; Hickox & Roehling, 2013). Despite this, employers have been shown to hire Whites with drug usage history more often than Black or Latinx applicants, based on perceptions of risk. These personnel decisions only exacerbated the issue of disparate determinations of employment suitability for minorities (Dunlap, et al., 2021; Hickox & Roehling, 2013).

Gathering information about a police applicant has become increasingly difficult in the litigious world of defamation lawsuits against employers who might sharing too much information. Even though nearly all applicants for police jobs are required to sign a release of information waiver, employers remained hesitant or outright refused to divulge any information to a background investigator beyond confirmation of employment dates (Peebles, 2011). Nevertheless, this practice leaves little for the background investigator to uncover about a potential applicant in terms of prior employment history, requiring the investigator to search for information using alternative resources. So social media history and other internet searches have become a more common tool to uncover information about a police applicant. However, like the remainder of the police application processes, this criterion remained non-standardized and varied among agencies.

In terms of the normal elimination process utilized by police agencies, Internet searches could also uncover highly subjective information about an applicant, such as pictures or comments posted on social media, potentially contributing to false negative elimination of minorities due to implicit bias. Further, problems exist with using Internet information as a basis for disqualification of an applicant. Specifically, there is no proof the applicant was the person making the disturbing post or that the named individual on the social media page was the same person as the applicant. Finally, subject matter on an

applicant's social media page(s) could allow the law enforcement staff member to collect protected information about the applicant, such as religion, disability, or gender identity. An applicant could potentially argue discrimination if the information was used for elimination or non-selection from consideration of police employment was predicated upon information found on their social media pages (Morgan & Davis, 2013).

As with the other hiring processes which were studied, the background investigation was rooted in tradition and status quo, and was often an easy method to disqualify an applicant without knowing the full picture of the applicant's background beyond a criminal history report. However, to be truly transparent and understanding of faults and mistakes made by an applicant, administrators must be objective with utilizing background information and its likely bias on minority applicants. This is accomplished by examining the overall information about an applicant as a whole rather than eliminating the applicant after a small amount of specific information is discovered out of context. A recent study found that 75% of interviewed background investigators utilized intuition when evaluating an applicant's background, thus injecting a large degree of bias into the process (Snowden & Fuss, 2000). The background investigation and disqualifiers implemented by agencies did not reveal certain characteristics of an applicant such as fairness, compassion, cultural or social intelligence—traits that highly sought after for police officers. Rather, administrators look for those who can be trusted. Uncertainty of future job performance forced administrators to seek out clues which they believed would lower the risk of hiring applicants with low integrity (Hilal et al., 2017) Interestingly, a study of rates of termination based on background investigation found no such correlation (Brennan, et al. 2009). However, this practice carried significant risk of implicit bias,

since there is an increased likelihood of minority applicants having some type of contact or history with police, more so than with White applicants (Wang et al., 2019; Sobol, 2015; Rhodes & Tyler, 2021).

### PHYSICAL AGILITY EXAMINATION

The physical agility portion of the studied agencies' hiring process was the most varied and unique to the agency. This lack of consistency is commensurate with physical agility examinations throughout the country (Morison, 2017). Most studied agencies utilized a Physical Agility Examination (PAE) developed by their respective state law enforcement standards entity. Two agencies which were studied utilized a PAE they developed based on research and validation techniques; two other agencies utilized a PAE developed by either The Cooper Institute or Law Enforcement Physical Agility Testing Company; and one agency created a hybrid examination using criteria from the agency and the state. One agency did not require the completion of a PAE because such an examination was a requirement to enter the academy, however another studied agency in that same state did require a PAE for employment at the agency in addition to the state-mandated examination. All but two of the studied agencies' PAEs were scored on a pass or fail basis, with one agency not utilizing a PAE and the other agency using the score, aggregated with the written examination score, for ranking eligible candidates.

The PAE for each participating agency had similar combinations of running (either sustained distance, distance between obstacles, or sprinting), obstacle courses, dummy drag, and dry firing of a weapon; however, the distance, weight, or time benchmark varied greatly among each agency (See table 3). Some agencies' time limits were for the complete course while others were for each station. Four agencies required

sit-ups (ranging from a minimum of 1 to 27 in one minute) or push-ups (ranging from 1 to 22 in one minute). Only one agency required a type of exercise called a “burpee” which required the applicant to begin standing, drop to a push-up position, touch the ground, and jump up to the original standing position. Five agencies required a low crawl and negotiating stairs.

Furthermore, some tasks or requirements were unique to the individual agency. One agency alone required a vertical jump requirement. Two agencies included retrieving items from a vehicle trunk and placing them on a duty belt. One agency required the applicant reach for items

**TABLE #3: PAE Stations & On-duty Likelihood by Agency Use**

PAE Objective	Category	Likely Encountered	Agency Use
		On-duty	#
Dummy Drag	Upper Body	Y	8
Obstacle, Over 3-4 ft. wall	Agility	N	7
Obstacle, Under/Low Crawl	Agility	N	6
Run, other distance-B/T Obstacles	Running	Y	5
Obstacle, Over 1.5-2 ft. wall	Agility	N	5
Obstacle, Stairs	Lower Body	Y	5
Run, other distance-Sustained	Running	N	4
Dry Fire	Other	Y	4
Push Ups	Upper Body	N	4
Sit Ups	Upper Body	N	4
1.5 Mile Run	Running	N	3
Jump, Distance	Lower Body	Y	3
Serpentine cones	Agility	N	3
Obstacle, Window	Agility	Y	3
Obstacle, Over 5-6 ft. wall	Agility	N	2
Vehicle Push	Lower Body	Y	2
Balance Beam	Agility	N	1
Baton Strike	Upper Body	Y	1
Burpee	Agility	N	1
Reach	Upper Body	N	1
Retrieve Object from Vehicle	Other	Y	1
Jump, Vertical	Lower Body	N	1
Push/Pull Object 180°	Upper Body	N	1
<i>*N=11</i>			

on their duty belt and yet another required negotiating a 15-foot balance beam. If the candidate was required to jump or climb over an obstacle, the height ranged from 1.5 feet multiple times to four, five, or six feet one time. Three agencies required the applicant to go through a window and a five or six-foot ditch to jump over. Finally, one agency required the applicant to push and pull an 80-pound weight, hanging by a rope, 180°, repeating the behavior six times. While similarities existed between the PAE at each agency, none of the agencies in this study had the exact same PAE. In fact, the only

common attribute of each of the studied agencies' PAE was that they did not differentiate between the passing benchmark time/score between males and females.

The results of the analysis of the studied agencies' physical agility examinations revealed none separately scored men and women. Yet all studied agencies had significantly fewer female officers than expected. The analysis of scholarship on this topic (Rawski & Workman-Stark, 2018; Schulze, 2012; Lonsway, 2003) revealed the certainty of this correlation and determined that the physical agility examination was the most discriminatory toward females of all police application processes. The PAE absolutely contributed to a lack of diversity within police agencies. The Chicago Office of Inspector General, in a 2021 analysis of the Chicago PD hiring processes, found the physical agility portion of the police application process had the highest amount of attrition for female applicants. This finding included a high number of no-shows for the examination as well as a greater rate of failure in women rather than men (Chicago OIG, 2021). A survey of police chiefs revealed that finding females who could pass the physical agility portion was the most common challenge to hiring of females (Cordner & Cordner, 2011). The historically masculine nature of police work remains a tremendous barrier to the inclusion of women in police careers, despite attempts at changing this culture. A 2003 study of police hiring processes found that over 90% of state police agencies utilized the physical agility examination as part of the hiring processes (Lonsway, 2003) which supports the findings of this study. These fitness aptitude tests are intended to reveal an applicant's ability to perform the physical aspects of the job, but many studies have shown this to be false; the majority of police tasks are not physical in nature (Clinkinbeard et al., 2021). Such criteria could be unfair to women due to

physiological differences between the two sexes (Donohue, 2021; Gupta & Yang, 2016). Schulze (2012) explained that physicality was a miniscule and the least important skill in police competencies, citing several studies illustrating inactivity was more realistic of modern police work. Schulze (2012) maintained that physical agility examinations as a prerequisite to employment were arbitrary in design and measured skills unrelated to police work. In fact, research has demonstrated the health and fitness of current police officers were generally low compared to the rest of the public (Bissett, et al., 2012). Further, the assertion that physical agility measurement was needed to ensure an officer could restrain a suspect was countered by the fact that studies have shown that de-escalation to the point of not needing force, is better realized with a female officer (Jones, 2021). De-escalation is a skill that is increasingly mandated in today's law enforcement training.

The unequal effect on gender with physical agility examinations is described as a "masculine contest culture" (Rawski & Workman-Stark 2018, p.608). They argued that the employee's ability to fit into the law enforcement "brotherhood" was critical for officers. Ultimately the "masculine contest culture" required that officers espoused the willingness, indeed the need to defend and backup one another in dangerous occurrences. The types of physical tasks most often reported to occur daily for police officers were those involving pushing, pulling or dragging, and lifting or carrying (Rawski & Workman-Stark, 2018). Females also have reported pulling/dragging more often than men to occur regularly (Bissett, et al., 2012). Common sense dictates these types of activities should be utilized in the application process to discern if the applicant could perform them. Yet all too often the physical examination scores were tests of strength and

repetition, utilizing a finite scoring benchmark such as number of sit-ups for ranking despite the activity being rarely executed on the job daily (Lonsway, 2003; Shusko et al., 2017). In fact, the majority of the time spent by a police officer during the day involved sitting, standing, and walking. Strenuous physical activity rarely occurs (Bissett, et al., 2012).

The universality of the scoring of physical agility tests was justified for equity in assessing all applicants independent of gender. However, most of the aspects of the task included elements involving upper body strength, as found in the studied agencies use of pushups, dummy drag/carry, or in as described earlier, push or pull a weighted rope up 180°. The universality of the scoring, while providing a basis for ranking a candidates inevitably resulted in females being lower ranked on eligibility lists, if their score did not eliminate them entirely (Corder, 2011). The commonly utilized Police Officers' Physical Abilities Test (POPAT) utilized the same manner of assessment, including the simulation of taking a resistant suspect into custody. But the test was found to be invalid, as the levels of such performance are not indicative of successful job performance (Lonsway, 2003). Furthermore, the challenge to this PAE was that it was based on well-established stereotypes or assumptions about the necessity of the job task (Lonsway, 2003). Corder (2011) further supported this ideology; showing that police administrators typically deemed such tested tasks to be a bona fide occupational qualification, thus the necessitating their use. However, if their claim was valid, it would make sense to require officers to maintain this level of fitness throughout their career, a requirement very rarely seen in police agencies. Many law enforcement agencies also argued that the PAE was intended to ensure an applicant's ability to use physical force to

restrain a combative or larger suspect than the officer. Lonsway (2003) posited that police administrators would be making a fundamental mistake if they were to adhere to the myth that police work necessitated great physical prowess. However, the non-standardization of PAE tasks among the studied agencies, despite the relatively similar physical tasks an officer must perform daily, should cast doubt on the validity of the test as an unbiased measurement of the candidate's abilities. Each studied agency touted their PAE tasks as accurate assessment of normal police work. Very few, however, had specific instances in which the PAE tasks were like daily police tasks, with some spokesperson admitting they had never performed sit-ups or push-ups as a matter of daily patrol work. Only activities such as dragging a weighted dummy simulating a person, running short distances, dry firing a weapon with both hands, and pushing a vehicle a distance can be indicative of an applicant's ability to perform the physical tasks of a police officer (Schulze, 2012). Thus, the physical agility examinations were more a display of physical prowess, with the most successful applicants moving on to the next step in the admissions process, rather than testing the ability of the applicant to perform basic physical tasks related to the performance of police work.

#### APPLICANT INTERVIEW

All agencies which participated in this research utilized an applicant interview, either as a requirement of the agency or state law. There was great variability in this step in the application process. Differences were noted in the number and type of interviews, the placement of the interview within the process, development and utilization of questions asked during the interview, the makeup and number of members on the panel, and the utilization of civilian oversight, either by human resources or a separate civil

service commission. Of the agencies studied, very few had any outside non-law enforcement oversight into the process. Two agencies had oversight from a civil service commission consisting of members appointed by the city government, with one of those agencies requiring an interview with the civil service commission along with an officer panel interview. The commission's involvement in the interview portion, however, was minimal, at best. The rest of the agencies had no civilian oversight other than involvement with the city's human resources department. Most agencies have one interview as part of their process, separate from any fact-finding interview conducted as part of the background investigation. Some agencies utilized two or more interviews.

Each agency had an interview panel consisting of varied composition of ranks, from line-level officers to mid and senior command staff, with a varied number of members. Some agencies included a representative from human resources to be on the panel, but most panels consisted of supervisors of differing ranks and assignments. The makeup and number of these interview boards were either set by policy, assigned by the chief executive (Chief or Sheriff), or were at the sole discretion of the hiring and recruiting staff. Whether the chief executive was involved also varied agency. The chief executive interviewed an applicant before the background investigation in one agency, interviewed with the panel in another, had a separate interview alone with applicants in five studied agencies, and was not involved at all with the interviewing of applicants in six studied agencies. However, the final decision to hire an applicant rested solely with the chief executive, typically through the presentation of applicants who successfully survived elimination from the application process.

Every studied agency utilized a set list of interview questions; some chose different questions from a bigger pool of questions for every new application period. The development of the questions used by each studied agency were just as diverse as the other elements of each agency's protocols. Only one studied agency utilized an outside company. This company developed the questions and insisted the interview panel read the questions verbatim. The questions were created by the hiring staff of that agency. The answers were written by each applicant and mailed back to the company for scoring. This method was the most involved of any studied agency. The other agencies had either predetermined questions developed and vetted by the agency or by human resource staff and were the same for each process or were created just before the interview by the panel members and were different for each process. Despite this, all the agencies who developed their own questions made sure the same questions were asked of all the applicants. Question development differed greatly among the studied agencies that did not utilize an outside company. Questions were created to measure a specific trait or competency in which a score was given, based on the applicant's response. Yet some others had no scoring matrix at all and utilized questions solely to get an idea of the applicant's personality and attitude. And while some agencies required the questions to be read verbatim with no opportunity to ask any other questions, other agencies allowed for follow-up questioning that was not predetermined before the interview or was unique to that applicant.

Scoring or determining if the applicant passed or failed the interview was idiosyncratic to the agency. Many received no scores and instead relied on the interviewers to choose which applicants moved forward, which were not selected, or

simply to gain insight into the applicant's personality or demeanor. This method was utilized by five of the studied agencies. Two agencies utilized a scoring matrix but there was no benchmark to pass the interview, rather the score was used to rank applicants for selection. This score was either determined through consensus of a numbered score or utilizing a 1-10 scoring range with five being the benchmark and each panel member chose a number above or below five, dependent on how the member felt the applicant answered the question. Four agencies utilized a benchmarked score to determine if the applicant moved on to the next step in the process. How these agencies arrived at the score included adding each panel member's scores from one to five on five questions (however the number of panel members could vary as well as the number of questions used), scores from 1-10 on 12 questions, or aggregating the written and interview scores and placing them in percentile groups. Each of the agencies studied took some time to train the interview panel members on proper conduct for the interview before they participated, including what questions to avoid if the agency allowed unscripted follow-up questions. However with few exceptions, agencies did not have a standard rubric or guide in which to measure the applicant's responses to interview questions. The way each panel member judged the applicant's question responses was purely subjective, with some admitting that panel members might score applicants differently based on the members' own perception of the applicant. Only one agency had purely objective evaluation of an applicant's responses due to the external scoring procedure of the company utilized for administration of the interview.

The interview of the applicant was one of the application processes with the highest likelihood of subjectivity and bias (Diffley, 2020). There was little

standardization of process, questioning, or scoring in the studied agencies, which could contribute to the inclusion of bias. Interviews involved a judgement on the part of the interviewer on whether the interviewee has answered a question correctly. Despite best efforts to objectify the questions asked, ultimately the result was dependent on the interviewee's likeability. Judgements made on appearance, body language, or other non-verbal cues were exceptionally subject to the bias of likeability, as were assessments made about the interviewee's ability to handle stress or how prepared for the interview the applicant was (Diffley, 2020). Implicit bias includes stereotypes not realized by a rater on a conscious level, but which can guide a potentially negative opinion of an interviewee, affecting the applicant's ability to succeed in this phase of the application process. This bias was not something that can be controlled and was present in every person (Chamberlain, 2016; Morison, 2017). An illustration of the types of bias that could be present during an interview is that of heavy non-English accents of the interviewee. Deprez-Sims & Morris (2013) demonstrated that accents were a substantial element of discrimination seen in employment interviews. Diffley (2020) showed that in a male-centric career such as law enforcement, gender bias was significant despite stated efforts to measure productivity after the newly-hired officer has completed training. Additionally, some research has shown the background investigation results being included prior to the interview had a tendency to increase negative biases against candidates should information found in the background be negative (Wingate & Bourdage, 2019).

Another issue of note was the the dress of an applicant, and it was discussed among all agencies. By and large all but one agency remarked on how the applicant

dressed for the interview and a standard they measured. If an applicant arrived for the interview in anything other than a business suit, the applicant was scored or evaluated negatively. The thinking behind this decision was that the appearance of the candidate was a way to evaluate the level of desire the applicant had to be hired by the agency. The typical thought being “you dress for the job you want.” This has historically been the case for many law enforcement agencies and likely the interviewers have all lived up the same standard, since they are currently employed (Hilal et al., 2017). Many younger people do not conform to that older social norm about what to wear to interviews. The question thus is how much the person’s dress during the interview accurately reflects the candidate’s ability to perform the job satisfactorily. Only one agency considered the dress of the applicant differently compared to the others. This agency, while keeping the manner of dress as a factor evaluated in the interview, was less restrictive than the others interviewed. The agency representative who was interviewed for this research felt the applicant’s dress should be considered, but only in such a manner that the candidate made some effort to dress as professional as they can. The interviewee offered that most of the applicants in the age bracket being recruited in the career of police work may not be able to afford a suit and did not possess one. Thus, this type of standard during the police interview certainly could be biased against non-affluent applicants, often including minorities, and should be modified to reduce such bias (Diffley, 2020; Hilal et al., 2017). This can be done through a modification of the amount of weight the applicant’s appearance has on the overall interview results or developing a rubric for consideration that allowed for the applicant to be dressed professionally without being in a business suit. The rubric must clearly state what is acceptable and what

is not acceptable, considering the applicant pool from which the agencies are drawing. Agencies could also consider how applicable this standard actually is to the job itself, given that most, if not all, police agencies require the officer to wear a standard uniform.

Although the studied agencies had some structure to the interviews, the variability of that structure could play an important factor in the ability of the agency to avoid bias in interviewing candidates (Levashina et al., 2014). The interaction between the rater and interviewee influenced the decision-making process, still including likeability into whether the applicant succeeds (Florea et al., 2019). Yet, unstructured interviews are still significantly more likely than structured interviews to involve increasing amounts of bias, thus exhibiting the need for highly structured interviews to mitigate such biases (Huffcutt & Roth, 1998). Nevertheless, structure cannot be the sole mitigator of bias within an interview. The questions asked of the candidate have the potential of being biased. Focusing on only the abilities of potential employees can create large variances among demographic groups therefore questions should reduce these differences by using questions include about the candidates' interpersonal skills, honesty, decision-making, and motivation (Huffcutt & Roth 1998). Research showed that to reduce bias in interview situations, elements of the interview have to be varied in nature and include assessments of the applicant without the human element of likeability (Annell et al., 2015; Diffley, 2020). Methods of interview that ask candidates how they would perform on differing police scenarios have resulted in a reduction of bias if there are specific objectives clearly outlined beforehand that can effectively reward positive answer by the applicant (Morison, 2017).

CHAPTER VI

CONCLUSIONS

Police agencies are like any other business in that quality employees, who perform the work diligently and as assigned, are a necessary part of doing business. Each organization must determine ways to select those employees who will be the best fit for the organization. Every police agency participating in this study has its own unique way in which to fill vacancies within its agency. As this research has shown, while each agency is unique in their application processes, the vast variability and lack of standardization perpetuated a dilemma within the agency that was likely counterproductive to the ideals of representative bureaucracy. The first hypothesis, that agencies are unreflective demographically of the community in opposition to the principles of passive representation, was supported, with at least one underrepresented demographic category appearing at each participating agency. This finding thus answers the first research question. However, data regarding the demographics of any specific agency was shown to be lacking in scope and quantity. The method of determining demographics on a nationwide level—the Bureau of Justice Statistics—only reports demographics every few years. With the fluidity of employment at police agencies in the past two years, analyzing data would require a yearly reporting of agency demographics.

Compounding this statistical problem is the varying methods of obtaining and maintaining demographic data among local agencies. Both the U. S. Census and the LEMAS data break demographics into the eight previously stated categories, yet the fact the studied agencies did not match the demographic measurement of the nationally recognized units of measure was a cause for critique. Many of the agencies interviewed

combined racial categories into one category defined as “other.” This watered down any analysis of demographics within the agency and cannot provide an accurate picture of those demographics. The non-standardized documentation and reporting of some agencies’ demographic makeup lead to further questioning regarding these agencies’ intent with aggregating racial categories and why only certain categories were reported publicly despite being reported to LEMAS. Without standardization of the demographic variables used in reporting in law enforcement personnel, it is impossible for scholarship about representation in law enforcement cannot be conducted well. Although research demonstrated a lack of racial diversity among police agencies (Gibbs, 2019), the variability and inconsistency of reported data may be aggravating circumstances to efforts to change the culture within the profession.

The intent of this study was not to criticize any singular agency, but rather to highlight ongoing personnel issues within the field of law enforcement to induce conversations about organizational and cultural change. Almost every agency representative interviewed for this study inquired how their agency compared with other agencies in the study. Each were told the intent of the study was not to compare one agency to another, rather to uncover possible deficiencies across the profession. This mindset undoubtedly illustrated a fundamental desire that exists for all police agencies to constantly improve through the sharing of ideas on different methods of police administration. This yearning for organizational improvement indeed is the intent of this study, to provide evidence of the need and benefit to hire diverse applicants, the lack of diversity among police agencies, and to determine if traditional methods of hiring were contributing to the need for diversity. Thus, the second hypothesis, that hiring processes

were biased and discriminatory, contributing to the lack of minority representation, was also supported. However, the findings of this research are not meant to suggest this is intentional at any participating agency. A negative response to any of the measured outcomes for a sampled agency implied that it might have hiring practices that were contributing to inequitable rejection of minority applicants, thus contributing to a lack of diversity in that agency. No organization intends to be discriminatory in hiring practices. But without an understanding of the purpose behind the personnel processes used and any potential disparate impact they might have on candidates, bias and discrimination can and does still occur despite best efforts to the contrary (Wilson & Wilson, 2014). Rather, the research has shown that traditional hiring processes employed by the studied agencies were born of a need to utilize multiple tiers of processes and qualifications to hire only those who are predicted to satisfactorily perform the job tasks of a police officer. Therefore, the third research question was answered—processes were indeed discriminatory, eliminating qualified applicants unfairly. Additionally, the answer to the second research question is also confirmed—agencies have processes in place to ensure unqualified applicants were rejected, but this is the root of the issue at hand as illustrated by this study; the application processes are designed overwhelmingly for the elimination of unqualified applicants. This concerted effort to remove unqualified applicants is born of fear of litigation and risk of hiring an individual that is likely to perform the task unsatisfactorily, thus reducing legitimacy and trust in the agency. Police agencies then perform these elimination tactics too well, so much so they are certainly eliminating what they believe are unqualified candidates at the expense of removing qualified candidates

unfairly, often minority candidates as research have shown (Clinkinbeard et al., 2021; Cordner & Cordner, 2011; Donohue, 2021).

State laws on the minimum requirements for employment of a police officer leave little room for change, as doing so would involve significant effort and legislative support. However, the statutory requirements, both state and federal, are such that the only requirements involve age, felony convictions, citizenship, and domestic violence related prohibitions. The local agency policies and procedures found in this study are indeed more restrictive than the statutory requirements. In some circumstances local policies harmed minority applicants. The use of a written entrance examination was used at most of the studied agencies. Those who did not, relied on a state-mandated abilities examination as a requisite to certification as an officer. The research indicated multiple critiques of this method, highlighting the disparate impact on minority applicants (Brodin, 2018; Kringen & Kringen, 2014; Perlmutter, 2012; Gupta & Yang, 2016). Differences among the familiarity of the candidates with taking this type of examination based on economic status and educational inequities show negative outcomes for minority applicants on written examinations. This study determined that the written examination predominantly used served as a tool for ranking candidates who achieved a passing score and rarely measured applicable attributes of the candidate for success as a police officer, thus supporting the evidence of unequally removing minority candidates.

The vast differences on the physical agility requirements among the studied agencies confirmed the unstandardized nature of such application elements, with overwhelming evidence of discrimination toward female applicants (Cordner & Cordner, 2011; Donohue, 2021; Morison, 2017). The physical portions of the application processes

also relied on a benchmark for success that did not consider the physiological differences between genders. Further, the type of physical measurements used as a foundation for employment had little to do with actual physical realities of police work, relying instead on quantitative benchmarks of an applicant's performance on tasks unrelated to police work. These often were biased against female success.

The background investigation is a necessity for every police agency to determine the whether candidates have a history acceptable for police work. Every participating agency conducted some form of background investigation. The findings show the inflexibility of an agency to allow the hire of an individual who had an incident in their past that "checked a box" for ineligibility. While this is a straightforward way for agencies to eliminate a potentially high-risk employee, the research shows the ineligibility factors of the investigation negatively affect minority applicants (Hickox & Roehling, 2013; Matthies et al., 2012). The background investigation of potential applicants also did not appear to evolve based on current societal trends within the generational differences between potential candidates and current police administrators. The view on drug usage, particularly of marijuana, is an example of changing opinions that could affect the eligibility of applicants for the position (Morison, 2017). Additionally, the litigious risk to previous employers for divulging information about a former employee has presented a challenge for candidate investigators. In particular, this is a growing problem with candidates who are seeking to transfer from another law enforcement agency. Thus, the potential for a police officer hire to fail to adhere to professional standards of honesty, equal treatment, and de-escalation of force contributes to the inflexibility of the background investigation. This has a great likelihood of

disparate impact on minority applicants, according to relevant research (Matthies et al., 2012; Chicago OIS, 2021; Doherty, 2017).

Finally, the applicant interview portion also exhibited a high degree of non-standardization across the agencies which were studied. While some agencies had structured, pre-developed, and organized processes for the interview, other agencies did not. These agencies utilized questions that differed between application processes and sometimes between applicants. Some agencies included the background information about the applicant as part of the interview, allowing interviewers to review the information gathering about the applicant, while others opted to start the background investigation upon completion of the interview. As the research showed (Diffley, 2020), unstructured applicant interviews contributed significantly toward the disqualification of minority candidates, mainly due to implicit biases of the interviewer. Implicit bias was also present within structured interviews, however the amount was mitigated by pre-planning and training of the rater (Levashina et al., 2014).

The reliance on finite benchmarks as a method of removing applicants from consideration was proven to negatively affect a police agency's ability to improve diversity and hire qualified candidates. While any hiring process is a decision which attempts to predict the success of an applicant in the role of a police officer, the data used as a foundation for the prediction was rife with bias, often towards minority applicants (Donohue, 2021; Gupta & Yang, 2016; Matthies et al., 2012). Administrators in police agencies must move beyond the culture of elimination and look toward one of qualified selection. In the case of written exams, how is the success of two separate applicants determined by a written score? How does a one-point difference between a 69% and a

passing score of 70% ensure the passing applicant will be successful or the failing applicant was unqualified? The one agency which was studied that increased the passing score of the written examination with the stated intent to eliminate more applicants showed how cut off scores could become used for purposes other than applicant success. The agency's previous written examination benchmark was not failing enough applicants therefore, they increased the passing score. This example illustrates the mindset of an elimination process over a selection process that should be changed. In the context of the Great Resignation and the need for diversity, why would an agency seek out ways to better remove candidates? In the case of background investigations, how does one mistake made early in life negate any opportunity for that individual to pursue a career in law enforcement? What does a one-time use of a controlled substance ten years ago necessarily predict that an applicant would be a bad police officer? Especially if that same individual re-applies in one year's time, making the applicant eligible since the instance would now be outside of the ten-year benchmark? Requiring candidates to achieve specific benchmarks allows for the simple removal of an applicant from consideration without considering the totality of the applicant's traits, personality, ambition, or skills that could benefit an agency. The scholarship discussed in previous chapters shows the disparate impact this practice has on minorities (Gupta & Yang, 2016; Hilal et al., 2017).

Little scholarship exists on solving the issue of passive representation within police agencies, but there have been many studies which have identified the problem (Edel, 2018; Meier & Nicholson-Crotty, 2006; Hong, 2017). At least two of the participating agencies were actively looking at the processes within the agency to

improve not only diversity but hiring overall in response to the inordinate number of officers leaving the profession and a lack of applicants to fill those vacancies. As discussed, the lack of applicants can be attributed to the negative perceptions of the police by minority communities, lower salaries for police officers, and the inherent danger of police work (Milam, 2021). The decrease in applicants exacerbated the already significant need for agencies to improve diversity in support of passive representation. This would include requiring police agencies to re-evaluate hiring processes to reduce the vacancy gap while upholding the need for diversity, all while maintaining exacting standards for admission to the profession (Morison, 2017).

Eliminating the hiring processes to find qualified applicants is not the answer. Even though the research (Ricucci & Riccardelli, 2015) shows the process to be discriminatory to minority applicants, there must be processes in place with which to judge an applicant's likelihood for success as a police officer, regardless of race, age, or gender. Rather than removing the written examination, police administrators should analyze what the examination measures and how those measurements predict the success of a police officer. Instead of a test of memorization of selected textbooks or study material, perhaps the written examination can be replaced with assessments of desirable police attributes such as decision-making, analytical skills, use of multiple resources to address a problem, empathy, and communication skills, all of which are better determinants of qualities sought out by police agencies and all which could improve trust within the community. Likewise, administrators should evaluate which physical demands of the job are experienced most often and develop assessments of an applicant's ability to meet those demands, not by strict scoring benchmarks but by evaluation of the

applicant's ability. Background investigations should not use an elimination mindset, seeking out a single instance of transgression or poor decision of an individual and preventing that individual from being hired indefinitely. Rather agencies should espouse a selection mindset, taking the entirety of the applicant's background into consideration while remaining flexible when confronted with past mistakes that do not constitute a pattern of behavior. Future scholarship on this topic should include the implementation of changes to hiring process and measure success longitudinally.

The limitation to this study is the smaller sample size of agencies within the southern United States. This limitation is thought to derive from an increased need to hire officers considering the Great Resignation and negative attitudes toward police careers that have greatly diminished applicants, leading to increasing competitiveness between police agencies to recruit and hire officers to fill those vacancies, leading to administrators who are hesitant to reveal processes that could contribute to candidates seeking employment at neighboring agencies. Another limitation to an increased participation rate for this study could be a hesitation of agencies to openly discuss demographic factors in their processes, especially in a document which will be archived. Furthermore, another cause for the low participation of agencies in this study was the risk of litigation surrounding challenges to the hiring procedures as discriminatory. Should the processes in place be admitted as biased or discriminatory, the agency could face liability and be required to pay compensatory damages. Nevertheless, these causes are completely speculative, but great care was given to ensure the anonymity of the agencies participating in this study. However, despite these limitations, the methods used in this study could continue to be utilized to analyze hiring methods of police agencies

nationwide. Future research could explore the differences between the hiring processes of larger agencies compared to mid-size and smaller agencies, since prior scholarship has shown representation being less of an issue with larger agencies (Kringen, 2016).

To be more effective with increasing diversity, administrators must look to change traditional methods involved in each phase of the hiring process (Edel, 2018; Gibbs, 2019; Kringen & Kringen, 2014). Agencies are often reliant on outdated systems of applicant processing, not realizing that they are turning away quality applicants. These methods are rooted in a foundation of seeking applicants who will not abuse the power the police have in the public sphere. However, there are multiple instances of the abuse of police power which can be used to prove these processes are not adequately removing individuals who abuse the power given to them. Truly, no application process, whether in police, other public service, or even private organizations is completely foolproof in determining if an applicant is suitable to perform the job or can excel at the job. However, when multiple areas of academia highlight the need for representative bureaucracy in public organizations, especially law enforcement, and these agencies are not successfully achieving diversity, there must be a change in their culture and internal processes. High profile incidents of police excessively using force on citizens or other negative incidents have shown there is failure of some type within the administration of police agencies. They need to move beyond traditions, some of which are not explainable beyond “tradition.” The resistance to changing these traditions can be attributed to a fear of minimization of standards leading to further incidents or even litigation. However one can argue that these issues could be being perpetuated by enforcing current standards, thus any type of effort, positive or negative, will be an attempt at changing the culture of

the profession. Ultimately, this is the goal of this study; to contribute to the field of law enforcement administration in efforts to improve community trust in the police while seeking ways to improve methods of hiring diverse, qualified officers to the field.

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Appendix A

Agency Interview Document

Section I-Overall Sworn Hiring Process-General Information

1. Please describe your agency's sworn officer hiring process from application submission to hire date.
2. What are the minimum requirements to be a police officer at your agency?
3. Does your agency's hiring process have civilian oversight? Such as Civil Service Board or similar? Please describe.
4. How long does a typical hiring process take, from announcement of position opening to hire date?
5. How many hiring processes does your agency conduct annually?
6. Is the number of annual hiring processes set by policy/rule or by hiring need?
7. Who is responsible for your hiring process?
  - a. Dedicated recruiting and hiring unit? If yes, describe.
  - b. Dedicated recruiter (single officer)?
  - c. City/Municipality Human Resources Department?
  - d. Other, please describe.
8. What steps are included in your agency's hiring process? (Indicate all utilized)
  - a. Written Examination
  - b. Physical Agility Examination
  - c. Background Investigation
  - d. Criminal Record Check
  - e. Personal Reference Check
  - f. Neighbor Reference Check
  - g. Professional Reference Check
  - h. Employment History Verification
  - i. State Law Enforcement Record Check, if current/previous officer
  - j. Military Records Check
  - k. Education Records Check
  - l. Investigator Interview/Integrity Interview
  - m. Police Review Board Interview
  - n. Civilian Board Interview
  - o. Police Chief Interview
  - p. Command Staff Interview
  - q. Drug Toxicology Screen
  - r. Medical Fitness Physical
  - s. Polygraph/Voice Stress Analysis
  - t. Conditional Offer of Employment
  - u. Other, please list
9. Are applicants ranked for hire? If so, how are applicants scored?

10. Are applicants placed on a hiring list? If so, how long is the list certified?
11. How are eligible applicants selected for hire?

Section II: Written Examination (if utilized)

1. How is your examination developed? For example, testing company or internally? If outside company, which one?
2. Describe the examination.
3. What qualities are measured by the examination?
4. How is the examination scored?
5. Does your examination have protocols designed to minimize bias? If so, what are they and how are they utilized?
6. How is the examination administered? Online or in person?
7. How is the exam proctored?
8. What is a passing score for the examination?
9. Are there protocols for disputing scores? If so, what are they?

Section III: Physical Agility Examination (if utilized)

1. Please describe the physical agility examination (PAE).
2. How was your PAE developed?
3. Are your PAE tasks relevant to daily patrol work?
4. What is each component of the PAE?
5. In what stage of the hiring process is the PAE conducted?
6. How are the applicants scored?
7. Are there different scores for male and female?
8. How does an applicant pass or fail the PAE?
9. How does the PAE factor into the overall application process?

Section IV: Background Investigation

1. Please describe your applicant background investigation process.

2. Does your agency have certain aspects of the applicant's background that will automatically reject a candidate?
3. If yes, are those listed in policy/rule/SOP? If no, who makes the decision?
4. Does your background investigation include a criminal history check?
5. Does your background have an interview or questionnaire in which the applicant discloses things about their background?
6. If yes, what types of questions are asked?
7. Are there factors, either found by criminal history or applicant admission, that would automatically disqualify the applicant? If yes, are they listed in policy/rule/SOP? (If they're found in policy, please provide a copy)
8. Who conducts the background investigation?
9. How is the background investigation evaluated? Who makes decision on pass/fail?
10. How is the background investigation factor into the overall application process?

#### Section V: Applicant Interview

1. What types of applicant interviews are conducted at your agency? (Internal, civilian, or combination)
2. What applicant qualities are measured during the interview? (Education, experience, job skills, etc?)
3. Are there pre-determined questions for each interview?
4. Are the interviewers trained prior to the interview on how to evaluate the applicant?
5. Are the interviewers given instructions on questions to avoid?
6. How are the interviews evaluated? (Scored or subjectively rated)
7. How does the interview factor into the overall application process?

#### Section VI: Agency Information

1. How many officers are allowed/budgeted at your agency?
2. How many officer vacancies does your agency have currently?
3. How long since your agency was fully staffed?
4. Does your agency have a probationary period? If so, how long?

5. For the last two years:
  - a. How many hiring processes did your agency conduct?
  - b. How many applications were submitted?
  - c. How many applicants were successfully hired?
  - d. How many resigned/terminated during academy?
  - e. How many resigned/terminated within one year of hire?
  - f. How many resigned/terminated within two years of hire?
6. What is the demographic makeup of your agency?
7. Is it possible for me to obtain applicant data for the past two years at your agency? Hired and rejected applicants' demographic data? (no identifying information)
8. Do you make applicant data (hired & rejected) available for public review?

Appendix B

Letter of Cooperation

Agency Head/CEO,

Hello! My name is Wes Milam and I am a doctoral student studying public administration at Valdosta State University. I am also a Captain with the Fort Smith, Arkansas, Police Department assigned to the Support Services Division. I am conducting research on the need for police agencies to hire officers that match the demographic makeup of the community served. The focus of my research involves the specific steps police agencies use to select uniformed police officers for employment. I am writing you today to request your authorization to participate in my research study that will involve simply the interview your agency's recruiting/hiring coordinator about your process for selecting sworn officers for employment.

This is completely voluntary for you to participate. This qualitative study seeks to determine what, if any, effect particular processes or steps in the application process have on police employment, especially the effect on the hiring of minority applicants. The purpose of this study is not to single out any municipality, nor will it give any critique of your hiring practices. The study simply seeks to find out how police agencies select applicants to be officers with their agency. There will be questions pertaining to the demographic makeup of the applicant pool, especially whether your agency retains those records. The name of the municipality, your agency, or the person interviewed will not be used in the presentation of findings. Your identity will remain anonymous in all aspects of the research paper. I have provided my contact information should you have any questions after this interview is completed.

This study is being conducted in conjunction with a doctoral degree program from Valdosta State University. VSU requires all participants of the study to complete an Informed Consent waiver before participating in the study. There are no physical or psychological risks associated with the completion of this survey. After the Informed Consent waiver is read, I will ask your designee a series of questions regarding the employment practices of your agency and the demographics of police applicants from the past two years, if available. This interview will be recorded either by audio or video, depending on the nature of the interview (phone, online meeting, or in person).

I am respectfully requesting your authorization to speak with your recruiting or hiring staff for my research. If you do authorize your agency's participation, please reply to this email stating your authorization to participate and giving me the name and contact information of the person(s) you would like for me to speak to. I will then set up a time with that person to meet via telephone or web video meeting. Likewise, if you do not agree, please reply that you do not grant authorization.

I thank you very much for your time and willingness to participate.

Wes Milam  
Valdosta State University

Appendix C

Institutional Review Board (IRB) Protocol Exemption Report



**Institutional Review Board (IRB)  
for the Protection of Human Research Participants**

**PROTOCOL EXEMPTION REPORT**

**Protocol Number:** 04204-2021

**Responsible Researchers:** Thomas Milam

**Supervising Faculty:** Butch Beach, DPA

**Project Title:** *Representative Bureaucracy Among Law Enforcement Agencies: An Analysis of Police Hiring Processes.*

**INSTITUTIONAL REVIEW BOARD DETERMINATION:**

This research protocol is **exempt** from Institutional Review Board (IRB) oversight under 45 CFR 46.101(b) of the federal regulations **category 2**. If the nature of the research changes such that exemption criteria no longer apply, please consult with the IRB Administrator ([irb@valdosta.edu](mailto:irb@valdosta.edu)) before continuing your research study.

**ADDITIONAL COMMENTS:**

- *You research has been authorized to begin at the location(s) listed below:*
  - *Broken Arrow (OK) Police Department – Captain Deidre Hughes (04.28.2022), Dothan Police Department – Sgt Susie Peters (02.17.2022), Flagler County Sheriff's Office – David K. Williams, Lakeland Police Department – Hans Lehman & Michael Lewis (09.30.2021), Fort Smith (AR) Police Department (10.01.2022), Greenville (SC) Police Department (11.11.2021), Moore (OK) Police Department – Terrance Coleman & Carlos Robinson (04.27.2022), Sandy Springs Police Department – Tiffanye Davis (02.02.2022), Savannah Police Dept. – Sgt. Sherrell Brown (02.22.2022), SC Police Department (11.11.2021), Springdale Police Department (10.01.2021), Coral Springs Police Department (10.05.2021), & Volusia Sheriff's Office (10.06.2021).*
- *Upon completion of the research study collected data must be securely maintained (locked file cabinet, password protected computer, etc.) and accessible only by the researcher for a minimum of 3 years. At the end of the required time, collected data must be permanently destroyed. In order to maintain confidentiality, pseudonym lists must be kept in a separate and secure file from participant names.*
- *Exempt protocol guidelines permit the recording of interviews provided the recording is made for the purpose of creating an accurate transcript. Upon creation of the transcript, the recorded interview session must be deleted immediately from all devices. Exempt guidelines prohibit the collection, storage, and/or sharing of recordings.*
- *As part of the informed consent process, interview recordings must include the researcher's reading of the consent statement, confirming participant's understanding, and establishing willingness to take part in the interview. Participants must be offered a copy of the research statement.*

*If this box is checked, please submit any documents you revise to the IRB Administrator at [irb@valdosta.edu](mailto:irb@valdosta.edu) to ensure an updated record of your exemption.*

*Elizabeth W. Olphie*

*09.30.2021*

Elizabeth W. Olphie, IRB Administrator

Date

*Thank you for submitting an IRB application.*

*Please direct questions to [irb@valdosta.edu](mailto:irb@valdosta.edu) or 229-259-5045.*

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