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Running head: IMPROVING FUTURE OHIO POLICE OFFICERS

CREATING THE BEST: A TWO-PRONG POLICY APPROACH TO IMPROVE  
THE QUALITY OF FUTURE CERTIFIED OHIO PEACE OFFICERS

by

Amy English

A Research Project Presented in Partial Fulfillment  
of the Requirements for the Degree  
Masters of Criminology

REGIS UNIVERSITY

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## Abstract

Creating the Best: A Two-Prong Policy Approach to Improve the Quality of Future  
Certified Ohio Peace Officers

This qualitative client applied study explained and explored a two-fold approach that could be used to implement policy changes that will aid small Ohio police departments in commissioning intellectually developed and psychologically suited individuals for employment in law enforcement. Several issues needed to be addressed in order to accomplish these policy changes. Criminological theories were correlated to deviant behaviors of criminally charged Ohio police officers. Past legislated police reform acts were addressed. Past studies of police officer higher education were analyzed. Finally, the implementation factors for psychological evaluations as a police academy pre-enrollment requirement were identified. This study, based on Grounded Theory, utilized a constant comparative method of past research into the benefits of higher education and the use of psychological evaluations. Content analysis of past research processed through open, axial, and selective coding of literal text revealed a gap in existing higher education literature and provided for a valid and reliable narrative analysis conclusion. The data revealed that an associate of applied science degree in criminal justice/police science combined with psychological evaluations were effective police academy pre-screening enrollment tools. This approach would aid small Ohio police departments in selecting not only state certified but qualified police officers.

*Keywords:* Criminology, Ohio, Police, Quality, Improvement, Education, Psychology

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## **Chapter One – Creating the Best: A Two-Prong Policy Approach to Improve the Quality of Future Certified Ohio Peace Officers**

USA Today published a four part exposé entitled “Tarnished Brass” in April, 2019, regarding nationwide unethical, unlawful, and illegal police conduct (Pilcher, Hegarty, Litke & Nichols, 2019). The headlines of the four articles in the exposé read, “Fired for a felony, again for perjury. Meet the new police chief” (Pilcher et al., 2019); “We found 85,000 cops who’ve been investigated for misconduct. Now you can read their records” (Kelly & Nichols, 2019); “Search the list of more than 30,000 police officers banned in 44 states” (Kelly & Nichols, 2019); and, “Hundreds of police officers have been labeled liars. Some still help send people to prison” (Reilly & Nichols, 2019). The USA Today network in collaboration with the Invisible Institute produced a database for the exposé that detailed a state by state list of police officers who had been decertified (Pilcher et al., 2019).

Ohio had 392 decertified officers in the database for crimes such as felony tampering with evidence, robbery, aggravated drug trafficking, money laundering, forgery, and misuse of the Ohio Law Enforcement Gateway, known as OHLEG (Pilcher et al., 2019). Those specifically cited crimes occurred within five different small agencies all located in one rural Ohio county that had an estimated population of 36,000 people in 2017 (US Census, 2017).

Ohio has decertified, on average, 27 police officers per year since 2011 (OAG, 2018, OPOTC Annual Reports, 2011-2018). That number did not include police officers who had resigned from law enforcement agencies in lieu of termination or resigned in lieu of facing criminal charges. Officers who left agencies on criminally questionable reasons, never decertified, had every potential of being rehired or re-commissioned at another unsuspecting police department.

Actions such as these have perpetuated a negative perception of American law enforcement. It must be asked if Ohio is certifying the best possible candidates to be police officers for its many small towns and villages. What filters are in place that ensure competent individuals become police officers? What can be done to improve the quality of future certified Ohio police officers?

### **Statement of the Problem**

Small police departments in Ohio lack the resources to complete appropriate pre-employment screening of certified police officers. The absence of adequate pre-employment screening can lead to individuals who are ill-suited for work in law enforcement becoming employed at agencies that are ill-equipped to filter out those individuals.

Those who do not possess the intellectual development or the psychological suitability required for a successful career in law enforcement, unknowingly, are put on the streets of the small towns and villages in Ohio. These individuals, who now carry a gun and a badge with state sanctioned authority to enforce laws, are expected to demonstrate ethical leadership, think critically, recognize safety concerns, prevent crime, be empathetic to crime victims yet understand criminal behaviors, and make rapid split-second, life or death decisions, all while remembering Constitutional rights and being aware of a community's culture and cultural diversity.

That is an unrealistic expectation from any individual who is not physically, mentally, and psychologically prepared. The small towns and villages of Ohio are left to cope, clean up, and sometimes compensate for what is an otherwise preventable mess.

This is a problem that is reflected in the current negative socio-political anti-police movement not only in Ohio, but across the nation, seen almost daily on television and news reports. “Bad Cops” are being captured on cell phone videos using excessive force, violating 4<sup>th</sup> Amendment protections, and participating in criminal behaviors. Changes within law enforcement are needed in order to maintain police legitimacy in America’s changing social times.

Not everyone can or should be a police officer. It is a physically and mentally demanding job that requires a specific set of skills, mental ability, and psychological fortitude. Filters are needed at the very first step in becoming a police officer, the police academy enrollment process. The same is true for the law profession, not everyone can be an attorney. Numerous filters have been put in place. A four-year undergraduate degree is required, a well scored law school admission test, acceptance into a law school, successful completion in the requirements of a juris doctorate, successful passage of a state bar examination, and admission into the American Bar Association. An individual who fails to successfully pass any one of those filters is prohibited from becoming a practicing attorney.

Another example is a surgeon. Not everyone can be a cardio-thoracic surgeon. There are nearly 12 years-worth of higher education, training, internships, residencies, state certification tests, and other screens in place for that profession as well. Ohio, has minimal filters in place to become a police officer. A position that can fundamentally do exactly what lawyers and surgeons can do: seize a person’s freedom, or take their life, with around six months of basic academy training.

A two-pronged policy approach designed to improve the quality of future certified Ohio police officers was examined as a possible solution to the aforementioned problems. This



research identified pre-enrollment requirements of both, an associate of applied science degree in criminal justice/police science combined with psychological evaluations, as a viable solution.

### **Purpose of the Project**

The Ohio Peace Officers Training Commission (OPOTC) was created in 1970 through House Bill 1160 and the first formal police academy launched in 1976 (OAG, 2018, OPOTC Annual Report, 2018). OPOTC is the government entity, which operates under the office of the Ohio Attorney General (OAG), charged with the training and certification standards of all Ohio police officers (OGA, 2018, ORC 109.71). OPOTC must operate within the parameters prescribed in the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) in fulfilling its obligation to train and certify Ohio police officers (OGA, 2019, ORC 109.71—109.804; OAG, 2019, OAC 109:2).

One of the OPOTC duties is to establish the rules governing qualifications for admission into the police academy (OGA, 2018, ORC 109.79). OPOTC is authorized to recommend rules to the Ohio Attorney General regarding police academy attendance requirements (OGA, 2018, ORC 109.73). The Ohio Attorney General is authorized, following the procedures outlined in ORC 119, the discretion to adopt any and/or all of the rules OPOTC recommended (OGA, 1996, ORC 109.74).

The current basic requirements to enroll in the Ohio police academy are identified in the OAC (OAG, 2017, OAC 109:2-1-03). One requirement stipulated, “All persons attending the basic course shall possess a high school diploma or certificate of high school equivalency” (OAG, 2017, OAC 109:2-1-03(D)); therefore, any proposed policies regarding the increase of

educational levels for enrollment to the police academy must first be brought to the attention of OPOTC.

In addition, a revised code stated, “The law enforcement officers, during the period of their training, shall receive compensation as determined by the political subdivision that sponsors them...” and that, “...the political subdivision may pay the tuition costs of the law enforcement officers they sponsor...in the academy” (OGA, 2018, ORC 109.79(A), Paragraph 5).

Psychological evaluations as a police academy enrollment requirement presented a conflict between the above identified Ohio state law, small police departments, and the federal law, American’s with Disabilities Act. This facet of the two-pronged policy approach may require a revision to the existing Ohio law in order to reconcile the conflict; as well as, enacting new legislation establishing the requirement of psychological evaluations as a pre-enrollment criteria.

This study was therefore necessary to produce valid and reliable qualitative research for two reasons. First, it had to explain why OPOTC should make the rule recommendation to the Ohio Attorney General raising the enrollment educational level from the current high school diploma or equivalency to an associate of applied science degree. Second, it had to explore psychological evaluation implementation factors as an academy pre-enrollment requirement. Ohio Congress could then utilize the information to revise existing Ohio law so that it enabled small police departments the ability to comply with federal law while relieving the financial burden. Ohio legislators also needed background information in order to effectively codify the psychological evaluation requirements.

The completion of this research project enabled Ohio political and industry leaders to ensure that intellectually developed and psychologically suited individuals become certified Ohio

police officers. These policy changes aid small Ohio police departments in selecting certified *and* qualified individuals to protect and serve its communities. Ohio leaders have a Constitutional duty to work for the greater good of society; a moral obligation to certify individuals who are developed in body, mind, and spirit; and, a social responsibility required for each police officer to positively engage the world.

### **Rationale of the Project**

There are a total of 959 police agencies in Ohio (OPOTA Executive Director, D. Holcomb, email communication, December 9, 2019), of that 777 departments are classified as small agencies with 25 or fewer sworn officers (OSPDA CEO, J. Ehasz, email communication, December 4, 2019). These small police departments operate on minimal budgets and often with old and outdated equipment. The time, money, and human resources required to complete appropriate pre-employment screening of police applicants for a small town or village are nearly non-existent and at best, cursory.

Larger police agencies in Ohio, who do have adequate resources for appropriate pre-employment screening, also possess the ability to filter out less qualified candidates for a police officer position. Individuals rejected from larger agencies, or anyone from the general public, are permitted to register for enrollment in the police academy as “open enrollment” students which does not require affiliation with a police department (OPOBTA Commander Manual, 2018, p.9). Once the individual completed the academy and passed the state certification test they are eligible to seek employment as a police officer in any of the small towns and villages that lack the appropriate pre-screening resources.

Unknowingly, smaller agencies commission these previously rejected or totally unprepared individuals to enforce the laws and patrol the streets of the village, often times on their own and without direct supervision. These individuals are now authorized to carry a gun and a badge and have state sanctioned authority to use lethal force. This is a dangerous combination.

Individuals who do not possess the intellectual development or the psychological resilience are purposefully placed into positions they are mentally and psychologically unprepared to fulfill. This can result in bad judgment, unethical use of discretion, use of excessive force, civil right infringements, poor physical health, criminal behavior, and potentially, even suicide (Adler, 2018; Goldschmidt & Anonymous, 2008; Betker, 2019; Theon, Dodson, Manzo, Piña-Watson, & Trejos-Castillo, 2019). Notwithstanding, the legal and liable implications for the small village itself.

The state of Ohio has a Constitutional duty and responsibility to provide its citizens with not only certified, but qualified individuals to enforce its laws; as well as, protecting the individual applicant from potential physical and mental harm. This study researched a two-pronged solution that will improve the quality of future Ohio police officers.

### **Hypothesis**

This study proposed three propositions:

1. Individuals who, achieve an associate of applied science degree, from an accredited college; combined with, successfully passing psychological evaluations conducted in compliance with the American's with Disabilities Act and within the guidelines of the American Psychological Association; prior to enrollment in the police academy, will be more likely to

possess the intellectual development and psychological suitability required for a successful and rewarding career in law enforcement.

2. The proposed two-fold requirement will improve the quality of future police officers for employment in small Ohio police agencies.

3. Ohio Peace Officers Training Academy, small Ohio police agencies, and the communities they serve will benefit from the proposed requirements.

### **Research Questions**

This study asked and answered two related questions:

1. What are the benefits of higher education for police officers?
  - The benefits, value, and perceived value between high school diploma or equivalency and higher education were examined.
2. What are the implementation factors for Psychological Evaluations?
  - Types of psychological tests were reviewed to determine which were most predictive of officer job performance or potential deviance.
  - Requirements of the Americans with Disabilities Act were identified.
  - American Psychological Association guidelines for psychological evaluations were identified.
  - Policy implementation of psychological evaluations from other states and Ohio application were assessed.

### **Limitations**

This study was neither an exhaustive recount of all criminological theories and political law enforcement initiatives; nor, inclusive of all research ever conducted on higher education and psychological evaluations.

This study was limited to the five most current and accepted criminological theories correlated to criminally deviant behaviors of Ohio police officers and the three main past political law enforcement improvement initiatives.

Higher education research was limited to a literature review of landmark and relevant higher education research that presented both positive and negative results.

Psychological evaluation inquiry was limited to a literature review of research into currently used and most predictive psychological evaluations, the compliance requirements of The Americans with Disabilities Act, and the implementation guidelines of the American Psychological Association. This study was also limited for application in Ohio. Psychological evaluation statutes from other states were considered and contrasted with current Ohio policies and practices. It must be noted that this study and its proposed recommendations were limited and specific to the codified laws in the state of Ohio. Applicability to other states was not addressed.

### **Delimitations**

This study proposed a two-pronged solution; therefore, it initially introduced both solutions together, each solution was then independently broken down for analysis, and then unified again for a synthesized conclusion.

This study identified one foundational criminological theory and four of the most widely accepted criminological theories. Those theories were correlated to Ohio police officers whose deviant behaviors led to criminal actions. Criminological theories and the correlated deviant police behavior segued into a review of three past political initiatives that attempted to improve the quality and reduce deviancy of American law enforcement. Recurrent themes of higher education and the value of psychological evaluations were identified.

Higher education was identified as the first part of the proposed two-pronged solution. A review of the historically important and existing literature on higher education of police officers was conducted and evaluated for current application. Higher education was linked to personality typologies in the section summary, which segued into the second part of the proposed solution, psychological evaluations.

Various personality typology evaluations that have been both positively and negatively correlated with police officer job performance were identified as the second part of the two-pronged proposed solution. The most widely utilized personality inventory evaluations were analyzed in order to determine which, or combination of, possessed the most predictive ability in police officer job performance.

A review of the Americans with Disabilities Act, pertaining to the administration of psychological evaluations, was conducted. The required compliance criteria were identified.

A review of the American Psychological Association guidelines in the application of psychological evaluations was established.

An inquiry was made into the psychological evaluation policies currently used in other states. Such statutes were examined in order to propose an effective policy for Ohio implementation.

### **Definitions**

- **Certified Police Officer:** defined as any individual who completed the basic police academy and passed the Ohio Peace Officer Certification test. Certified police officer was interchanged with and applied the same meaning as police, police officer, peace officer and law enforcement officer.
- **Closed Enrollment Cadet:** defined as any individual a law enforcement agency hired to be a police officer who is assigned to complete and pass the basic police academy. It has the same meaning as a paid sponsored cadet.
- **Higher education:** defined as one or more years of education beyond a high school diploma or equivalency. It included the terms such as some college, advanced degree, associate, bachelor, masters, and doctorate degrees.
- **Ohio Peace Officers Basic Training Academy (OPOBTA):** defined to have the same meaning as Ohio Peace Officers Training Academy (OPOTA), police academy, police training, basic police training, and basic training.
- **Open Enrollment Cadet:** defined as any individual enrolled in a police academy who is not affiliated with a law enforcement agency. It has the same meaning as unsponsored cadet.
- **Police Sponsor:** defined as any law enforcement agency that offers a commissioned affiliation to an individual in order to attend a police academy. It was applied to and had the same meaning as commissioning agency, commissioning police department, and school commission.
- **Psychological evaluations:** defined as the processes incorporated in evaluating personalities and personality typologies. Associated terms included psychological testing, personality testing, psychological inventories and personality inventories.



## **Criminological Theories**

### **Classical Crime Theory**

Italian theorist Cesare Baccaria's 1764 essay, *On Crimes and Punishments*, spawned the classical crime theory (Tomlinson, 2016). Classical crime theory holds that crime is a result of free will and choice; and, in order to reduce crime, the punishment must outweigh the reward of the criminal activity (Tomlinson, 2016). Modern day deterrence and rational choice theories echo and share many of the same principles of classical crime theory (Shon & Barton-Bellassa, 2015; Tomlinson, 2016). Historically, American criminal justice and jurisprudence held the foundational tenet of crime as a rational choice that required an effective deterrence and such punishment should be appropriate to the crime (Tomlinson, 2016). A New Philadelphia, Ohio, police officer who was fired from his job in 2001 after pleading no-contest to a felony charge of unauthorized use of telecommunications property demonstrated key concepts of the classical crime theory.

New Philadelphia police officer David Cimperman, received one year of probation after his no-contest plea. His state law enforcement certification was suspended for only a few months. He was re-instated to the police department, only to be fired again for perjury; however, he was re-appointed yet again after successful arbitration (Pilcher et al., 2019).

The USA Today investigation revealed that the Cimperman continued to work at the New Philadelphia police department for 11 more years after being reinstated for his initial crimes in 2001 (Pilcher et al., 2019). Cimperman continued to have disciplinary issues throughout his tenure until 2012, when police administration gave him the ultimatum to retire or be criminally charged (Pilcher et al., 2019). Cimperman opted for the former and left New Philadelphia police

department, acquired part-time police jobs at smaller Ohio police agencies and, ultimately became Chief of Police for the village of Amsterdam, Ohio in 2015 (Pilcher et al., 2019).

The problem with classical, deterrence, and rational choice theories was that threat of punishment had little impact on some individuals (Lupovici, 2019). Cimperman's punishment for the initial 2001 felony did little to deter him from criminal activity; after all, his Ohio law enforcement certification and employment were both re-instated. His punishment certainly did not outweigh his crimes and actually enabled a rational choice for him to continue committing crimes while wearing the badge for nearly two decades.

Baccaria's classical theory along with current deterrence and rational choice theories asserted that an individual's free will and choice to commit crimes must be deterred through heavier punishments that are "swift, certain, and proportionate to the crime" (Tomlinson, 2016). Later sociologists sought deeper explanations into criminal motivations and actions.

### **Anomie**

French sociologist Emil Durkheim began to develop the criminological theory of anomie in 1897 (Sage Publishing, 2017). Durkheim's concept of anomie had evolved through the course of several years, study, and other publications. The concluding concept was best described as "a state of normalness where society fails to effectively regulate the expectations or behaviors of its members" (Sage Publishing, 2017, p. 133). Durkheim's theory meant that deviant (criminal) behavior may result when societal norms breakdown and collective social order is lost, thereby allowing individuals to create expectations to achieve goals that are beyond their abilities (Sage Publishing, 2017).

## Strain

Robert Merton built upon Durkheim's anomie theory and introduced the concept of strain in his 1938 essay, *Social Structure and Anomie* (Sage Publishing, 2017). According to Merton, structural obstacles within a society limit an individual's ability to achieve goals thereby creating a pressure (strain) on the individual; hence, the individual becomes angry and frustrated and may turn to criminal or deviant behavior to reduce those strains (Agnew & Scheuerman, 2014). Merton's theory focused anomie strain in relation to the concepts of achieving the American Dream (Murphy & Robinson, 2008).

This perspective stated that American institutions created and set the meaning and goals of the American dream for members of American society to achieve (Murphy & Robinson, 2008). Failing to achieve those perceived goals led individuals to resort to non-conforming means to meet the accepted ends (Murphy & Robinson, 2008). While anomie strain theory may not have accounted for New Philadelphia officer David Cimperman's criminality, the theory did find support in the illegal actions of a former Ohio Attorney General.

All Ohio police departments and certified peace officers operate under and are accountable to the executive branch of the Ohio Attorney General (OAG, n.d., Law Enforcement). Politician Marc Dann was elected to the high position of Ohio Attorney General in 2006 and served only 17 months in office (OAG, n.d., Attorney General History). Dann resigned from the office in May, 2008 after sexual misconduct allegations became public (Fields, 2019). Those allegations led to a criminal investigation into his campaign finances.

Dann was accused of using campaign funds to pay for an apartment that he and three of his friends used (the place where the alleged sexual misconduct occurred), giving a friend a

\$5,000 loan from campaign funds, failing to disclose a \$17,000 campaign fund reimbursement he received, and the failure to report the dollar amount a campaign contributor paid for a private jet he and his friends used to fly to Arizona (Fields, 2019). Dann was criminally convicted for multiple campaign finance violations in 2012 (Fields, 2019).

Marc Dann was not a police officer per se, he was a public servant, who held the office that police agencies and officers turn to for authority, guidance and example. It can be argued in Dann's case, the achievement of a high elected position and the ability to maintain an affluent status created a strain on him that resulted in criminal behavior.

Anomie strain theory validated criminal behavior on a micro-level, such as the motivation of an individual to achieve a societal goal; as well as, a macro-level in which members of a whole society, but acting independently, strived to achieve a common goal, the American dream. This theory lacked explanation as to why groups of people, acting collectively, engaged in shared criminal behaviors.

### **Differential Associations**

The social learning theory of differential associations accounted for such collective group criminality. Edwin Sutherland first introduced the theory in his 1924 book, *Criminology*, which proposed that deviant or criminal behavior was learned through group social interactions with whom an individual intimately associated (Bernard, 2019). Sutherland stated in his 1947 work, *Principles of Criminology*, "When criminal behavior is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; (b) the specific direction of motives, drives, rationalizations, and attitudes" (Sutherland,

1947, p. 6). This theory was easily applied to the Vice Unit scandal of the Columbus, Ohio, Police Department (CPD).

There were 10 detectives in the CPD vice unit in 2018 (Namigadde & Rosenberg, 2019). Four of those officers arrested Stephanie Clifford, a female adult film and live entertainer nationally known as Stormy Daniels, and two other female entertainers at a Columbus adult night club in July, 2018 (Namigadde & Rosenberg, 2019). The Columbus City Attorney immediately dropped charges against Clifford stating that “the law under which she was arrested was not enforceable”; charges against the two other women arrested with Clifford were dropped six days later (Namigadde & Rosenberg, 2019).

A citizen complaint, less than two months after the notorious arrests, launched an internal investigation against another vice officer, Andrew Mitchell (Namigadde & Rosenberg, 2019). Mitchell, during the internal investigation of that citizen complaint, shot and killed a woman he was arresting for solicitation charges in late August, 2018 (Namigadde & Rosenberg, 2019). Sergeant Boxill of CPD stated that the arrests of the female entertainers were “...one of several episodes that drew attention to the vice unit and eventually prompted an investigation into it” (Stevens, 2019). CPD chief of police, less than a month later, turned over the internal vice unit investigation to the Federal Bureau of Investigation’s Public Corruption Task Force in September, 2018 (Stevens, 2019).

Subsequently, the CPD vice unit in its entirety was disbanded; two vice officers were fired; five vice officers were brought up on departmental charges; the unit lieutenant and sergeant were suspended; and, the unit commander received a written reprimand (Namigadde & Rosen, 2019). Mitchell, was indicted on state murder charges for the fatal shooting of the solicitation suspect, as well as, indicted on multiple federal felony charges (Stevens, 2019).

The events that transpired within the CPD vice unit, a small entity of only 10 officers, effectively demonstrated Sutherland's differential associations theory assertion that criminal behavior is learned through the social connections made within an intimate group. Those associations led that group, collectively, in a specific and negative direction of criminal motives, drives, rationalizations, and attitudes. The way CPD administration handled the discovery, investigation, discipline, and prosecution of the vice unit officers was a viable example of the criminological theory known as social control.

### **Social Control Theory**

Travis Hirschi developed social control theory in a 1969 publication, *Causes of Delinquency*, which in essence, reverse engineered Beccaria's classical crime theory. Hirschi proposed that an individual's free will and choice to commit crime would be influenced to conform to societal norms when strong social bonds of attachment, commitment, involvement, and belief were held between the individual and society (Wiatrowski, Griswold & Roberts, 1981). Conversely so, when those bonds were weakened, the social control of conformity was lost and an individual had an increased tendency for deviance or criminality (Kempf-Leonard & Morris, 2017).

Hirschi identified the fourth component of conformity, belief, as the essential bond in social control theory (Wiatrowski et al., 1981). According to Hirschi, an individual's level of belief in a society's accepted social norms dictated the level of conformity to those norms (Alston, Harley & Lenhoff, 1995); ergo, if an individual deeply believed in the social norms, then deviance was unlikely; if the individual disagreed with those norms, then deviant behavior

would increase. This theory was correlated to the motivations of a white police officer for the University of Cincinnati (UC), Ohio, use of deadly force which caused the death of an unarmed, non-threatening, black man during a traffic stop.

UC police officer Raymond Tensing initiated a traffic stop on motorist Sam Dubose on July 19, 2015, for a violation of ORC 4503.21, which required the display of a front and rear license plate on all vehicles registered in Ohio. Dubose's vehicle did not display a front license plate (Ehlers, Brown, Mitchell, Nugent & Batty, 2015).

According to Tensing's statement of events, Dubose was asked for his operator's license several times and was unable to physically produce one. (Ehlers et al., 2015). Tensing asked Dubose, "Be straight up with me, are you suspended?" Dubose denied being a suspended driver (Ehlers et al., 2015). Tensing observed a liquor bottle on the driver's side floorboard and inquired about it. Debose handed it to Tensing claiming it to be air freshener. Tensing stated that he instructed Dubose to exit the vehicle and opened the car door. Dubose closed the door and started the vehicle. Tensing claimed that he reached inside the vehicle to retrieve the ignition key, his arm got tangled in the steering wheel, and was dragged down the road when Dubose accelerated. Tensing fired his duty weapon only when he feared that the vehicle would run over and kill him (Ehlers et al., 2015).

Tensing's body camera video footage did not support his official statement (Ehlers et al., 2015). The body camera video was analyzed. It was clearly evident in the footage that Tensing's right hand was resting on top of the vehicle and his left hand was resting on the opened window of the driver's door during the conversation between Tensing and Dubose immediately preceding the fatal event (Ehlers et al., 2015). Tensing's version of events differed from the body camera footage at this point.

Body camera footage showed that Tensing opened the car door and instructed Dubose to exit the vehicle (Ehlers et al., 2015). Frame by frame still photos showed the following sequence of events occurred within a matter of *three* seconds: Dubose closed the opened car door with one hand while simultaneously putting the key in the ignition with the other hand; started the car; Tensing's left hand reached inside the vehicle and grabbed the seatbelt that was strapped across Dubose's chest; his duty weapon in his right hand came into the view of the body camera; Tensing fired one shot while his left hand was still clutching the seatbelt strap secured across Debose's chest; Dubose was fatally shot in the head; leaned towards the passenger seat; then, the vehicle moved forward ultimately striking a utility pole (Ehlers et al., 2015). Tensing was indicted on murder charges 10 days after the shooting on July 29, 2015 (Ehlers et al., 2015).

The University of Cincinnati hired the risk assessment firm Kroll, Incorporated to conduct an internal investigation of the incident (Ehlers et al., 2015). Kroll produced a 69 page report that concluded with recommendations that the University implement. Key recommendations addressed the issue of policing in a culturally diverse urban area and advised that the university:

Design and implement enhanced cultural diversity and competency training for UCPD officers. The importance of this topic cannot be underestimated and should involve a comprehensive interactive cultural competency training that provides UCPD officers with the skills necessary to interact with diverse communities. This is a critical need since the UCPD is predominately a white police force that has off-campus student housing located in culturally and ethnically diverse neighborhoods, including some predominantly African-American neighborhoods of varying socioeconomic demographics...Create a more diversified police force that reflects the diversity of the surrounding communities...



that patrol of off campus surrounding areas be limited to Cincinnati police who have more experience in policing culturally diverse communities... and, that the university increase in-service training to include topics on community policing, community-police relations, implicit bias and procedural justice (Ehlers, et al., 2015, p. 61-62).

These recommendations coupled with Tensing's 2014 and 2015 performance reviews of not being socially interactive with the community, demonstrated a break in the beliefs bond of social control theory. Tensing's social values may have differed from the accepted societal norms present in Cincinnati's culturally diverse urban areas that surrounded the university.

The criminological theories of classical, anomie-strain, differential associations, and social control developed solid foundations into the reasons, structures, and motivations of individual instances of criminal behavior; however, modern theorists wanted to define an individual theory in which to explain multiple instances of criminal behavior.

### **Integrated Theories**

Delbert Elliott, Suzanne Ageton, and Rachelle Canter proposed an integrated criminological theory in 1979. This model combined certain concepts from strain, social learning, and social control theories in order to establish one cohesive crime etiology (Elliott, Ageton & Canter, 1979). This research sparked theorists to explore integrations of other various established theories; such as, integration of social control and social learning (Thornberry et al., 1994); thematic integration approach (Cullen & Burton, 1994), and control balance integrated theory (Tittle, 1995).

An Integrated theory modality did well to explain the various motivations of police officers who committed crimes. Combinations of two or more concepts from different theories certainly could account for why some officers used excessive force (social control and differential associations), engaged in sexual relations while on duty (strain and rational choice), or participated in unit or department-wide corruption (differential associations and deterrence) while other officers did not. Integrated theories did however, present certain disadvantages in explaining criminal behaviors.

It had been argued that integration of multiple criminological theories actually hindered the development of new theories, violated assumptions of two different theories when combined, reduced the ability of empirical examination, and created “theoretical mush” (Krohn & Eassey, 2014, p. 2-3).

One thing is certain regardless of subscribed criminological theory. The commonality inherent in all of the existing criminological theories is the person (Shon & Barton-Bellessa, 2015). The individual’s motive and psychology that predicted who did or did not demonstrate criminal or deviant behavior. It is this aspect of criminology, the human element, which must be addressed. Police administrators, when hiring a police officer, must focus on selecting the individual that will think critically, make intelligent choices, possess personal standards, and become a leader in their community. These elements can be ascertained through explication of educational levels and personality characteristics.

August Vollmer initially espoused the benefits of college educated police officers at the turn of the 19<sup>th</sup> century (Wilson, 1953). Vollmer was also the first police chief in the nation that required all police officers in his department to hold a bachelor’s degree (Kell, 2017).

Researchers in the 1960s and 1970s focused on Vollmer’s educated police force. Massive

inquiry into higher education and its correlation to police deviancy produced nearly 20 years of empirical evidence that proved Vollmer's ideology correct.

## **The Reform Era of American Policing**

### **Governmental Initiatives**

#### **The Wickersham Commission**

The political era of American policing occurred in the 1800s (Encyclopedia Britannica, n.d., Political Era). This period in law enforcement was highlighted with heavy corruption due to the entrenched connection to and political favors of local politicians (Kelling and Moore, n.d.). Police departments across the country were inextricably connected to political machines such as New York City's Boss Tweed and Tammany Hall (George Washington University, n.d.). One police chief for the University of California, Berkeley, named August Vollmer, believed that police officers should have "standards of competence, professionalism, and excellence in policing" (Kelling & Moore, 1988, p.1).

Vollmer, who is considered the father of modern day policing (Kell, 2017), stated in 1909 that, "... if the police are to attain professional standing, provision must be made for pre-employment training comparable in quality to that provided for lawyers and doctors" (Wilson, 1953). Twenty years would pass before any interest in Vollmer's educated police force gained political support.

The passage of the 18<sup>th</sup> Amendment in 1919 prohibited the manufacturing, sale, possession, and consumption of alcoholic beverages in the United States (Encyclopedia

Britannica, 2019, 18<sup>th</sup> Amendment). This led to the proliferation of gangsters such as Al Capone, Bugsy Segal, and Lucky Luciano who profited from the illegal alcohol commodity. President Hoover established the National Commission on Law Observance and Enforcement in 1929 as a response to the rampant criminal enterprises that flourished out of the 1920s prohibition era (Wright, 2013).

Former U.S. Attorney General George Wickersham was appointed to head the commission (USDOJ, AG, Wickersham Commission, 2017). The Wickersham Commission, as it was known, conducted the first national study of crime and law enforcement in the United States (Wright, 2013). The Commission produced 14 volumes of literature published in 1931 and 1932. Volume number 13 entitled, *Lawlessness in Law Enforcement*, identified rampant and pervasive misconduct in local police agencies across the nation during prohibition (Wright, 2013).

Police criminal conduct such as excessive use of force, corruption, and bribery were just a few of the crimes the Commission levied against local police agencies (Wright, 2013); however, Volume 14 entitled, *The Police*, called for the creation of a professional police force which would require a minimum educational requirement of a bachelor's degree (Wright, 2013). Unfortunately, the Wickersham Commission's recommendations did not come to fruition, mostly due in part to the global financial collapse in 1929 and the ensuing Great Depression (Wright, 2013).

The days of the reform era after the Great Depression focused on improving police technology, training, and administration (Kelling & Moore, n.d.). O.W. Wilson, a former student of August Vollmer and a police chief himself, published a book in 1950 entitled, *Police Administration* (Kelling & Moore, n.d.). Wilson detailed the importance of organization,

planning, administration, and leadership of police agencies to improve police professionalism (Hoover, 2005). Wilson was also credited with creating the first law enforcement code of ethics; however, it was argued that Wilson's military-style organization did little to encourage police and community relations (Bopp, 1977).

December 1, 1955, a black woman by the name of Rosa Parks, refused to give up her seat on a bus to a white man in racially segregated Montgomery, Alabama (RosaParks.org, 2015). That incident was recognized as the start of civil unrest in America (RosaParks.org). The succeeding decade led American society into a social upheaval in which the crime rate index more than doubled (Crime and Justice Atlas, 2000).

#### **LEA: Law Enforcement Assistance Act and a Plea to Do More**

The nationwide civil unrest that occurred in 1960s America sparked national debate over police effectiveness and crime. The United States Senate began hearings over the course of three days in July 1965 regarding legislation that would provide training assistance to state and local police agencies (NCJRS, 1965, LEA). President Johnson, at the same time, established the Commission on Law Enforcement and Administration of Justice through Executive Order 11236 (NCJRS, 1967, National Crime Commission).

United States Congress, two months after the Senate police training hearings, passed The Law Enforcement Assistance Act (LEA) in September of 1965 (NCJRS, LEA, 1965). The president's simultaneous commission delved into researching the causes of crime and potential solutions to reduce it (NCJRS, National Crime Commission, 1967).

The passage of LEA established the Office of Law Enforcement Assistance (OLEA). OLEA administered a \$7.2 million budget in block grant funding to state and local police agencies in various aspects including officer education (Congressional Quarterly Almanac, 1966).

President Johnson addressed Congress the following year in March, 1966, in which he stated that, “We must improve the quality of local law enforcement throughout the country,” and requested an increase in appropriations for OLEA from \$7.2 million to \$13.7 million (Congressional Quarterly Almanac, 1966).

President Johnson’s Commission on Law Enforcement and Administration of Justice published a 342 page report of the research they conducted entitled, *The Challenge of Crime in a Free Society*, in February 1967 (NCJRS, 1967, National Crime Commission). Chapter 4 of the report entitled, *The Police*, devoted 32 pages of empirical findings in regard to basic police functions through professional standards. One very distinct recommendation stated, “The ultimate aim of all police departments should be that all personnel with general enforcement powers have baccalaureate degrees” (NCJRS, 1967, National Crime Commission, p. 109).

The two years following the passage of LEA would see more civil unrest, more research, and more debates on American criminal justice that finally culminated in 1968 with the Omnibus Crime Control and Safe Streets Act. This monumental piece of legislation appeared to ensure a future of highly educated police forces across the nation.

**The Omnibus Crime Control and Safe Streets Act of 1968**

US Congress responded to President Johnson's commission a year after his congressional address and passed Public Law 90-351; 80 Stat 197 on June 19, 1968, commonly known as the Omnibus Crime Control and Safe Streets Act (herein, Omnibus). This act repealed the 1965 LEA Act and created several new initiatives for the entire American criminal justice system (National Archives, 2016, LEAA). The Omnibus was an immense investment in America's state and local law enforcement departments. The purpose of the act stated:

Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law' enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government. Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively. It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals (Omnibus, 1968, Purpose, p.1).

**LEAA: Law enforcement assistance administration.** Congress, through the Omnibus, established the Law Enforcement Assistance Administration (LEAA) as a division under the US Department of Justice (Rogovin and Velde, 1969, p. iv). LEAA created four offices to administer the goals of the Omnibus: Office of Law Enforcement Programs; Office of Academic Assistance; National Criminal Justice Statistics and Information Center; and, the National Institute of Law Enforcement and Criminal Justice. LEAA was appropriated with a \$63 million budget for the first year and began operating on October 1, 1968 (Rogovin & Velde, 1969, p. 1).

**OAA: Office of academic assistance.** The LEAA Office of Academic Assistance (OAA) administered grant and loan funding for the Law Enforcement Education Program, known as LEEP (Rogovin & Velde, 1969, p. 29). LEEP funds were dispersed to junior colleges, colleges, and universities across the nation in order to provide financial aid to first, individuals currently working in law enforcement to improve their education, and second, to enrolling students who wished to pursue a future career in law enforcement (NCJRS, 1970, LEAA). The courses of study approved in the funding were those which:

...directly related to law enforcement, administration of justice, police administration and organization, criminal investigation, criminal evidence and procedure, criminal law, criminal behavior, traffic control and accident investigation, police-community relations, collective behavior and riot control, criminology, juvenile delinquency, deviant behavior, probation and parole, administration of correctional institutions, case analysis in prevention programs, correctional treatment and custody, correctional counseling, psychological tests in corrections, criminalistics, and court administration...courses may also be taken...such as business administration, accounting,



psychology, sociology, government, economics, political science, computer science, urban planning, and public administration (Rogovin and Velde, 1969, p. 30).

*Law enforcement education program.* The LEEP program, when initially launched, received applications from 515 accredited junior colleges, colleges, and universities from across the nation, of which only 14 were Ohio institutions (Rogovin & Velde, 1969, p. 30; p.42-43). The program performed much better than expected. According to the first annual LEAA report:

A June survey showed that in the second half of the academic year [1968-69] there were 2,573 persons receiving aid who were enrolled for full-time studies and 15,492 persons enrolled in part-time studies. In addition, 5,366 persons were enrolled for summer session courses. There were estimates earlier in the fiscal year that some 14,000 persons would take advantage of the program...The overwhelming majority of grant recipients were policemen, according to preliminary figures (Rogovin & Velde, 1969, p. 29).

The LEEP program continued to be well received among police officers in the following years. LEAA reported an increase across many aspects of the program in the first year alone. Institutions who applied for and received funding, between June, 1969 to July, 1970, increased from 515 to 735; college enrollment increased from 23,000 students to over 50,000 students; federal financial aid funding increased from \$6.5 million to \$18 million out of the LEAA budget appropriation (NCJRS, 1970, LEAA). The LEEP program, in 11 years from its inception, had disbursed over \$278 million in educational loans and grants to current and future police officers across the United States (Comptroller General of the US, 1980).

An interesting facet about the LEEP program stipulated that officers would not be required to repay any in-service educational training loans if they worked in law enforcement for two years. Individuals who quit working in law enforcement prior to the two year commitment were required to repay the full amount with interest (Rogovin & Velde, 1969, p. 30).

The LEAA appropriated budget had swelled to \$809 million in 1976 (LEAA newsletter, 1976). The LEEP program was transferred from LEAA to the newly created Department of Education in 1980 (Comptroller General of the US, 1980). The Comptroller General of the US advised Congress in a 1980 report that the Government Accounting Office estimated that \$18.2 million in educational loans would not be collected (Comptroller General of the US, 1980). LEAA, the four offices it created, and the LEEP program, were eventually defunded in 1982 (National Archives, 2016, LEAA). Fortunately, in the 11 years that LEAA was funded, millions of dollars had also been invested into criminal justice related research through the National Institute of Law Enforcement and Criminal Justice.

### **The National Institute of Law Enforcement and Criminal Justice**

LEAA created the office of the National Institute of Law Enforcement and Criminal Justice in accordance with the third objective in the Omnibus, which was to,

...encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals (Omnibus, 1968, Purpose, p.1).

The Institute established five research centers that either sponsored or conducted research projects that fulfilled the Omnibus goals in order to gain insight into crime and policing from many perspectives (Rogovin & Velde, 1969). Topics and issues of study varied across several disciplines such as, law, political science, management science, sociology, clinical psychology, criminology, corrections and police science (Rogovin & Velde, 1969).

LEAA appropriated a budget around \$3 million for the Institute in 1968 (Caplan, 1974, p.3). The Institute's budget in 1974 had increased to over \$40 million (Caplan, 1975, p.21). Researched topics expanded to include examination of the court system, attorney general functions, the causes and prevention of violence, police vehicles, police communications, the police and social work and, the police and urban minorities (Caplan, 1974, p. 45).

Interestingly, Kent State University, located in Kent, Ohio, received funding to study "Attitudinal Changes in Law Enforcement and College Student Populations" in June, 1969 (Caplan, 1974, p.54). One year later, the Ohio National Guard shot into a crowd of anti-war demonstrators on the Kent State University campus, killing four people and injuring numerous others (Lewis & Hensley, 1998).

The National Advisory Commission of 1978 called the validity of police officer higher education into question. This commission produced a book, known as the Sherman Report, which was concerned that the quality of course materials and the educators limited the knowledge officers would gain (Sherman & Others, 1978). The subsequent research focused on the benefits of an educated police force. A 1990 Carter & Sapp study identified over 25 research studies from the 1970s and early 1980s that positively correlated higher education of police officers with performance, attitude, use of discretion, professionalism, decision making, ethics, and use of deadly force (Carter & Sapp, 1990, p.61). The research produced in that decade

regarding the higher education of police officers supported Vollmer's 1909 assertion regarding the benefits of an educated police force.

The Institute was the first concerted effort into establishing science-based, data-driven, and empirically proven change agents for the American criminal justice system. The Institute was also the first to propose a "fundamental change in policing" and introduced evaluations of "pre-employment psychological tests that predict the future patrolman performance of police department applicants" (Rogovin & Velde, 1969, p. 24). The Institute continued the psychological aspect of the project through 1974 with \$433,000 of funding to validate the most predictive psychological police examinations (Caplan, 1975, pg. 22). Interestingly, 98% of large police departments today, those serving over 25,000 residents, use psychological evaluations in their hiring process (Reaves, BJS, 2011).

The Institute was a major contributor in building the knowledge base into police research. The US Congress passed the Justice System Improvement Act in 1979 which redesigned parts of the 1968 Omnibus. The passage of this Act removed the Institute and the research function from the LEAA program and incorporated it into the newly created National Institute of Justice, which still operates today (Kennedy, 1979).

### **Chapter One: Introduction Summary**

Criminality within law enforcement has existed since the bribery and payoffs in the 1800s political era of policing (Kelling & Moore, n.d.). Theorists and criminologists have been able to explain the various motivations of criminal and deviant police officers. The US government, since the 1930s reform era, has spent billions of dollars through legislative acts and

presidential commissions to improve the American criminal justice system. Yet today, news outlets are still compiling massive exposés on police criminality 150 years since Boss Tweed and his Tammany Hall political machine ended.

Nearly a century after the first official presidential commission recommended police officers obtain higher education, only approximately 1% of today's local police departments in the nation require an officer to obtain a bachelor's degree (Baro & Burlingame, 2006). Almost 50 years since the development of police officer psychological evaluations, the Bureau of Justice Statistics reported 98% of agencies with populations over 25,000 people use the screening tools; however, the total number of departments that serve a 25,000 or more population, are less than 24% of over 15,000 police departments in the US (Reaves, BJS, 2011). Conversely, 76% of the police departments in the US do not use psychological evaluations for new hires.

Ohio, on average, decertifies 27 officers per year (OAG, 2018, OPOTC Reports 2011 - 2018); yet, the Ohio Peace Officers Basic Training Academy has a yearly average scoring rate of 83% (OAG, 2018, OPOBTA Reports, 2016-2018).

This dichotomy in the data led to one logical conclusion: individuals who do not possess the intellectual development and psychological suitability are becoming certified police officers employed in small departments that lack appropriate pre-employment screening resources. Those officers, in turn, are making unethical decisions and participating in the same criminal and deviant behaviors of the past. This explains the need to create filters at the very beginning of the process in becoming a police officer. Current research helped define the appropriate level of higher education today's officers should possess, as well as, effective psychological evaluations that need to be utilized in pre-enrollment screening.

## **Chapter Two – Literature Review of Police Officer Higher Education**

Research conducted in the 1970s demonstrated that higher educated police officers were less likely to engage in criminal activity (Paoline, Terrill, and Rossler, 2015). One study found a correlation between higher education with sound decision making and use of discretion (Finckenauer, 1975). Another, proved a correlation between higher education and ethical behavior in law enforcement (Lynch, 1976). Yet, Ohio only requires a high school diploma or equivalency to be a police officer. Two questions remain: why should Ohio increase the educational level and to what degree should that increase be made? The review of current literature on higher education for police officers still upheld the need for police officers to acquire higher education; however, the current research focused more on the value and perceived value of higher education rather than the overall benefits.

Key phrases used to focus searches in numerous online databases included “police education,” “police higher education,” and, “police college education.” Historical landmark studies, current research trends in police education, police officer perceptions of education, and attitudes towards higher education were reviewed. The importance of those issues were connected to the first concept in the proposed two-pronged solution.

### **The Evolution of Higher Education in Law Enforcement: Preliminary Findings from a National Survey**

The Police Executive Research Forum (PERF) sponsored research to analyze the effects of multiple presidential commissions on law enforcement education and the LEEP program from

the Omnibus Act. The main objective was to determine what progress, if any, had occurred in police higher education (Carter & Sapp, 1990).

The researchers conducted a content analysis of 60 years of research to define the general recommendations which were used for the comparative analysis of progress. A survey method sent to 699 agencies nationwide, of which 486 responded, was used to gain current education information. It should be noted that the sampled population was unrepresentative of agencies that existed in the nation, but were neither members of nor eligible for membership in PERF. The fact that non-member agencies were not sampled does not discount the findings, and that if anything, would have had a negative impact on the results.

The researchers made site visits to seven large metropolitan police agencies to collect policy data, educational documents, and conduct in-person interviews. This study included approximately 175,000 sworn officers, yet it under-represented the total number of sworn officers estimated at 700,000 in the nation employed at agencies who may or may not have been associated with PERF (Reaves, BJS, 2011).

The study made several important findings. The number of officers with one or more years of college education increased 65.2% (Carter & Sapp, 1990). Only 2.7% of police officers had a bachelor's degree in 1960, whereas 22.6% had obtained a bachelor's degree by 1988. 48.8% of police agencies preferred college graduates held criminal justice degrees because they would possess increased knowledge about the criminal justice system and the profession itself (Carter & Sapp, 1990). This study made it apparent that police officers took advantage of the benefits of the 1968 Omnibus and received a college-level education.

This finding bears relevance today. The US Census published a press release in 2018 that stated 90% of the population had a high school diploma or higher for the first time in the history

of the United States (Schmidt, 2018). Americans today are more educated; yet, Ohio does not require higher education for police officers.

Another important finding related to a US Supreme Court (SCOTUS) decision with regard to a college education requirement as a discriminatory practice against minorities. This is an important aspect that may be hindering some states or police agencies from requiring a higher educational degree.

The SCOTUS in *Davis v. The City of Dallas* (777 F.2d 205 (5th Cir. 1985), cited court precedent from *Spurlock v. United Airlines, Inc.* 475 F.2d 216 (10th Cir. 1972) that stated:

"When a job requires a small amount of skill and training and the consequences of hiring an unqualified applicant are insignificant, the courts should examine closely any pre-employment standard or criteria which discriminate against minorities. In such a case, the employer should have a heavy burden to demonstrate to the court's satisfaction that his employment criteria are job-related. *On the other hand, when the job clearly requires a high degree of skill and the economic and human risks involved in hiring an unqualified applicant are great, the employer bears a corresponding lighter burden to show that his employment criteria are job-related. Cf. 29 C.F.R. § 1607.5(c)(2)(iii). . . . The courts, therefore, should proceed with great caution before requiring an employer to lower his pre-employment standards for such a job.*" 475 F.2d at 219 (emphasis added).

The SCOTUS in the *Davis* decision stipulated that the requirement of a higher educational degree was a "bona fide occupational qualification" (SCOTUS, 1985) and further stated:



"[f]ew professionals are so peculiarly charged with individual responsibility as police officers. Officers are compelled to make instantaneous decisions, often without clearcut guidance from the Legislature or departmental policy, and mistakes of judgment could cause irreparable harm to citizens or even to the community."

It should be recognized, in what has been labeled the Homeland Security Era of policing (Oliver, 2006), that law enforcement today has only increased in complexity with the advent of computers, smart phones, algorithms, social media, global terrorism, and identity theft. The American population is more educated and crimes are more complex. This tends to make the argument for a higher degree requirement an even more important facet than it was 37 years ago when this case was decided.

The study also revealed that more women and minorities had higher education than white males. This revelation contradicted the perceived belief in the *Davis* case that a college education would discriminate against minorities.

The most striking finding of this study was the personnel department description of police officers as "skilled workers." A skilled worker learns and hones those skills "on the job" and therefore may possibly be a current reason that has kept law enforcement agencies from requiring advanced degrees today.

The study also recognized why many police department administrators are reluctant to require higher education such as, it will reduce the number of applicants, pay rates will increase, police unions will protest, and that they will, "miss some good candidates" (Carter & Sapp, 1990). These same sentiments have been echoed in current police chief meetings and law enforcement gatherings today (English, 2019).

### **Higher Education, College Degree Major, and Police Occupational Attitudes**

Eugene Paoline, III, William Terrill and Michael T. Rossler conducted a quantitative exploratory study in 2015 that used multivariate analysis of survey data from seven police departments across the nation in order to determine a nomothetic correlation between levels of education, type of college degree major, and police occupational attitudes (Paoline, Terrill, & Rossler, 2015).

The research compared officers with no college experience, some college experience, and those with bachelor's degrees and higher against levels of job satisfaction, views of agency leadership, and role orientations. Choice in the college major was also examined to determine any impact on job satisfaction, view of agency leadership, and role orientation.

The study recognized, at length, methodology discrepancies of past research into police officer's perceptions and attitudes towards higher education which led to a resultant mixed body of knowledge on the topic. Each of the methodological flaws of past research were tackled in this study to ensure valid and reliable conclusions were made. This study revealed many important findings.

The relationship between levels of education and job satisfaction found that officers with a bachelor's degree or higher were *less* satisfied with their jobs compared to officers with only a high school diploma when assigned to patrol duties. This finding questioned the actual necessity of a baccalaureate as a pre-requisite employment qualification and inferred the degree to be an *over-qualification* for patrol duties.

The study also established that officers with some college to bachelor's degree and higher viewed agency top management *less* favorably than officers with only high school diplomas (Paoline et al., 2015). This conclusion could be viewed as threatening to authoritarian police

administrators, hence the lack of requiring a higher educational degree. Interestingly, those who held advanced degrees were more motivated towards promotion than their high school educated peers (Paoline et al., 2015). This conclusion also may be viewed as threatening to authoritarian leadership due to the possibility of an officer holding a baccalaureate replacing non-degree holding supervisors. Contrarily, baccalaureates would provide for a more competitive promotional requirement.

It was found that “exactly half” of the officers who had bachelor’s degrees or higher majored in criminal justice (Paoline et al., 2015). That is nearly the exact proportion as the Carter and Sapp study, 25 years prior, that had 48% preferring criminal justice degrees. This demonstrated that job-specific education has remained an important objective since 1969.

92.5% of the officers in this study earned their degrees *prior* to employment as a police officer (Paoline et al., 2015). It can be argued that individuals who truly desire to work in law enforcement *are* willing to invest themselves to education, and that commitment is indicative of future commitment to a career in law enforcement. This study was conducted in 2015, which indicated that none of the college graduates in the study benefitted from the educational grants and loans that were available through the Omnibus. They went through college on their own, with their own funding.

This is an important study that Ohio leaders need to consider. This study made the contentions of a reduced applicant pool, missing out on good candidates, and union protests moot. The only variance is the pay rate issue. This study did find that those with college education left police patrol functions for higher paying jobs (Paoline et al., 2015). That conclusion only furthers the supposition of requiring a baccalaureate as an advancement or promotional requirement in lieu of a first line patrol position requirement.

### **Police Attitudes and Professionalism**

A quantitative research study of attitudinal attributes was conducted to determine an officer's level of professionalism (Loftus & Price, 2016). A Likert scaled survey was administered to a police department that was located in a suburb surrounded by metropolitan areas, required a bachelor degree for employment, and had 650 sworn officers. The same survey was administered to another police department located in a suburb surrounded by rural communities, did not require a college degree for employment, and had 350 sworn officers (Loftus & Price, 2016). The methodology described the departments as "similar" as both agencies were mid-sized cities. A closer look at the agency descriptions demonstrated potentially influential differences. There are many social, political, and economic variables that exist between mid-sized cities that are surrounded by metropolitan areas and those with rural communities that were not controlled in this study.

The study sought to answer if college educated officers had more attitudinal attributes than those without a degree and if the degree requirement was a factor in a professional attitude. The research utilized the definition of a profession that Richard Hall developed in 1968 which stated, a "professional model...includes a formal education *and* specific entrance requirements into the occupation" (Loftus & Price, 2016, p. 56). The five attitudinal attributes utilized in the study were identified as, professionalism (which the researchers labeled as referent), service, self-regulation, sense of calling, and autonomy.

Survey data was collected and analyzed pertaining to age, years of experience, gender, rank, and educational backgrounds from high school diploma to master's degree. A couple key findings were discovered.

The researchers found “...moderate-to-high attitudinal levels of professionalism regardless of educational background” (Loftus & Price, 2016); however, officers with bachelor degrees and higher felt *less* of a sense of calling, as well as, autonomy. This conclusion correlated to the Paoline et al., (2016) study regarding lessened perceived values of higher education when assigned to patrol duties.

The research also concluded that “policing is more of an occupation than a profession” (Loftus & Price, 2016, p. 71). Law enforcement was likened to be akin to the occupations of electricians and plumbers. One very obvious difference between electricians, plumbers, and police officers is the state authority to seize a person and use deadly force is granted to the latter and not former. Interestingly, this concept did echo the skilled workers concept identified in the 1990 Carter & Sapp study.

### **Perceived Value of Higher Education among Police Officers**

Research was conducted from an extensive Likert survey that also incorporated an open-ended question sent to police officers from two municipal agencies and three county departments in northeast Tennessee. The survey was designed to determine if police officers perceived higher education to be of value across a number of variables such as age, gender, primary job duty, years of service, level of education, and academic major (Edwards, 2017).

The survey included 34 items and eight research questions measured using *t*-tests, *r* correlations, and ANOVA tests. The study found that gender, age, job duty, years of service, academic major, and type of degree did not demonstrate a statistically significant impact on the perceived value of higher education; however, officer level and general attitude of higher

education were significant factors with more positive perceptions from officers with bachelor degrees.

The interesting data in this research came from the open-ended question that asked what changes should be made in higher education curriculum that would increase an officer's preparedness for the job (Edwards, 2017). Responses demonstrated the de-valuation of a bachelor's degree among police officers.

Some of the responses stated, "There is no advantage in obtaining a degree, no extra money, no benefits...experience was more important than a degree...everything to learn is available on duty" (Edwards, 2017, p. 83). In fact, 46 out of the 117 responses indicated that "hands-on experience, internships, and ride-alongs with police officers should be required" (Edwards, 2017, p. 84).

This is an important issue OPOTC should consider. It can be argued that the requirement of an associate of applied science in criminal justice prior to enrollment into the police academy can potentially open the door to numerous other OPOBTA curriculum options.

Options such as eliminating the academy topics of Fundamentals of Criminal Justice, Ethics and Professionalism, and Report Writing, which are all lecture topics available in associate degree programs. Topics such as Search and Seizure and Civil Liabilities could be reduced to a re-cap of landmark cases and doctrines learned in the associate program. Re-capping would allow for more hands-on training relating to consensual interactions, conducting pat-downs, requiring ride-alongs, and attending court proceedings.

Another option this finding brought to light was with respect to the police internships and ride-alongs. Cadets in OPOBTA who are affiliated with a police department during the academy would have access to the practical application aspect during the academy. This facet helps the

cadet develop into a whole individual who has both learned the theory in a classroom and experienced the practical with a police agency before even becoming a state certified officer and unleashed into the small towns of Ohio.

### **An Assessment of the Perceptions of Policing as a Profession among Two-Year and Four-Year Criminal Justice and Law Enforcement Students**

This study was conducted in 2002. While it may not be considered fresh, the research content bared significance worth examination. A Likert-type survey was administered to 488 criminal justice students attending both 2 year and 4 year college programs in order to determine which group had a higher perception of law enforcement as a profession (Bumgarner, 2002).

The research concluded that 2-year students had a greater view of policing as a profession than the 4-year students. It was proposed that the increased perception of professionalism among the 2-year students was due to being closer to entering the occupation than the 4-year student (Bumgarner, 2002).

The intriguing aspect of this study was the debate on whether law enforcement was a profession or a craft. The research noted that the US Department of Education listed law enforcement in the trade and industrial category (Bumgarner, 2002). Undoubtedly, policing is definitely not a white collar job. Yet, Ohio policing carries many of the attributes of a profession.

This study identified Hall's 1968 requirements of a profession as having a "formal education and entrance requirements" (Bumgarner, 2002, p. 315). Ohio law enforcement has the OPOBTA and a state certification test. The study next identified Wilensky's 1964 qualities of a profession, "full-time occupation...establishment of a training school...formation of professional

associations...and a code of ethics” (Bumgarner, 2002, p. 315). Ohio law enforcement has full time police positions, OPOBTA, formal associations such as Ohio Association of Chiefs of Police and the Fraternal Order of Police, and thanks to O. W. Wilson and the International Association of Chiefs of Police, a long standing code of ethics. Ohio police even swear an oath when receiving a police department commission similar in nature to that of attorneys and doctors upon entering those fields.

The research explained the first characteristic of a profession was professional referents and was defined as, “occupational values and identity are shaped by professional associations and the standards of the profession” (Bumgarner, 2002, p. 315). These referents were considered an “occupational specialty is...technical criteria of membership” (Bumgarner, 2002, p. 316). Ohio police are specifically trained to know and understand Ohio laws in order to enforce them. While a citizen arrest is a legal option, the general public relies on the special knowledge police officers possess to investigate crimes and make arrests. The study identified that certification is also a key component of a profession. Ohio police officers must pass a state certification test in order to become a certified police officer. An individual cannot be an Ohio police officer without state certification.

Self-regulation was the second characteristic. This study identified authority and jurisdiction as key components of self-regulation in a profession, which stated, “...society at large, has been convinced of the profession’s unique trustworthiness and therefore yields to the exclusive jurisdiction and authority of the professional in his or her element” (Bumgarner, 2002, p. 317). Police officers in Ohio are bestowed with state authority to seize a person, therefore, people must comply with any officer’s lawful order. Self-regulation can also open the door to police criminality. State sanctioned authority can be easily abused and misused if personal



accountability is lacking. This abuse/misuse of authority may be an impetus in the current social questioning of police legitimacy; thus, the need for a higher educated police force.

The study identified service as the third characteristic of a profession. Service was defined as the belief, "...in the indispensability of the profession and...the work they perform is beneficial both to the public and practitioners" (Bumgarner, 2002, p. 317). One needs only to look at New Orleans post-hurricane Katrina or the 2015 Baltimore riots to see the effect of no law enforcement presence or when police "stand down".

Calling, the fourth attribute of a profession, was identified as, "...a dedication that is greater than the extrinsic rewards... the acceptance of the appropriate norms and standards, and identification with professional peers and the profession collectively" (Bumgarner, 2002, p. 318). Many police officers can identify exactly when they knew they wanted to become a police officer; whether, it was an experience or a family tradition, one becomes an officer to do their part in making the world a safer place. Once commissioned, a police officer embraces the fraternity of the thin blue line between order and chaos and, the "1\*" (one asterisk) for it.

The last characteristic of a profession is autonomy. Autonomy was defined as, "involving the belief that the practitioner ought to be able to make his or her own decisions without external pressures" (Bumgarner, 2002, p. 318). Police have wide use of discretion, in most cases, to determine on their own to issue someone a traffic ticket or not, to arrest someone or not, and to write someone a citation or take them to jail.

The research noted that when police maintain order, they function as skilled workers or craftsmen (Bumgarner, 2002); however, when police enforce the laws, they function as a professional (Bumgarner, 2002). There are many proponents on both sides of this debate. This study demonstrated that the 2-year students viewed policing as a profession more so than the 4-

year students. Here, the 2-year students were enrolled in vocational education; whereas, the 4-year students were enrolled in a liberal arts professional education.

Therein lies the difference: *a vocational education versus a liberal arts education*. This study was conducted in 2002, yet current research such as the Loftus and Price study in 2016 and the Edwards study in 2017 supported the same conclusion that a liberal arts education overqualified an individual for front line policing.

Another comparison can be made between the plumber, electrician, and the police officer. A plumber and electrician possess skills they learn on the job, same as many of the skills police officers learn during field training and their rookie years. Plumbers and electricians do not need to know how to fix pipes or run electricity in culturally diverse neighborhoods, or write reports articulating how they did their job; however, police officers must know how to interact within culturally diverse neighborhoods and carefully articulate any use of force or arrest. It can be argued that a higher degree of formal education should be required of police officers. Therefore, the only relevant question left is the amount of higher education that should be required. This study shed light on the value of a 2-year vocational education for front line police officers.

### **A National Examination of the Effect of Education, Training, and Pre-Employment Screening on Law Enforcement Use of Force**

This study used Law Enforcement Management and Administrative Statistics data to examine 21 variables of higher education, training hours, and pre-employment screening as it related to use of force complaints (Stickle, 2016). The data sample comprised of 3,095 state and local agencies nationwide.

Education and training included two groupings: formal education (high school, some college, associate degrees, and bachelor's degrees), and training (academy, field, and in-service) (Stickle, 2016). Employment screening included four groupings: background/records checks (criminal, driving and credit histories), personal attributes (interviews, psychological evaluations, polygraphs, and written aptitude tests), community relations skills (problem solving, cultural diversity, community service history), and physical attributes (drug test, medical exam, and physical fitness) (Stickle, 2016, p. 6-7). The use of force comparative consisted of all citizen reported uses of force. No internal agency use of force reports were included.

The analyzed research demonstrated a “significant and strong relationship” between education, training, *and* personal attributes screening (Stickle, 2016, p. 10). It concluded that agencies that had higher educational requirements tended to have higher pre-screening standards and better available training which resulted in a reduced number of use of force complaints (Stickle, 2016).

It is interesting to note that it was the combination of higher education, advanced training, *and*, pre-employment screening that correlated to reduced use of force incidents. This conclusion supports the proposition of a two-pronged policy approach that requiring an associate degree of applied science and psychological evaluations prior to enrollment into the training academy will aid in producing a more qualified police officer.

## **Literature Review of OPOBTA Pre-Enrollment**

### **Psychological Evaluations**

Research has demonstrated that a law enforcement career places an individual at a higher risk in developing post-traumatic stress, psychological distress, and have poor physical health due to the nature of the work performed (deTerte, Becker, & Stephens, 2009.).

Psychological testing of police candidates is an effective pre-employment screening tool that can be used to better predict police suitability, job performance, and officer well-being (Simmers, Bowers, & Ruiz, 2003; Birch, Vickers, Kennedy, & Galovic, 2017); however in Ohio, individual police agencies determine whether or not psychological testing is to be used for pre-employment screening. It is not a requirement of Ohio state law or an OPOBTA entrance requirement.

The requirements to enter an Ohio police academy include a criminal background check, a drug screening, and a recently added physical fitness test (OAG, 2019, How to become Police). There are statutory disqualifications to enrollment as well, which include state and federal weapons disabilities, certain juvenile adjudications, and indictments or convictions for certain drug, sex, theft, and assault crimes (OAG, 2017, OPOTC Guidance for Commanders). There is no indication that any psychological testing is required. This is an avenue that needed to be reviewed.

Psychological testing, while not definitive in identifying potential criminality, does provide for the identification of existing criminal traits, maladaptive psychopathy, and officer performance (Rogovin & Velde, 1969, 1979; Beutler, Storm, Kirkish, Scogin, & Gaines, 1985; Scogin, Schumacher, Gardner, & Chaplin, 1995; Varela, Boccaccini, Scogin, Stump, & Caputo, 2004; Weiss, Vivian, Weiss, Davis & Rostow, 2013; Detrick & Chibnall, 2014).

Psychological testing has also proven to be a beneficial filter in reducing police misconduct, criminality, decreased sick time and serious officer-involved incidents (Falkenbach, McKinley, Roelofs & Farren, 2017; Lough & Ryan, 2010).

Research into the Minnesota Multiphasic Personality Inventory (MMPI) 2 L Scale, a test used to determine a person's psychological state, identified that officers who scored poorly on the test had "significantly more job performance problems" than officers who scored well (Weiss et al., 2013, p. 126). Given the nature of police work, and the effectiveness of psychological testing, inquiry into the use of psychological testing needed to be examined to determine if Ohio is certifying the most psychologically suitable and resilient individuals.

"Psychological" was defined as, "Of, affecting, or arising in the mind; related to the mental and emotional state of a person" (Lexico.com, n.d.). "Suitability" was defined as, "the quality of being right or appropriate for a particular person, purpose, or situation" (Lexico.com, n.d.); therefore, psychological suitability can be defined as personality traits that negatively or positively influence police officers mental health and well-being (Roufa, 2019).

Bernhard Leipold and Werner Greve defined psychological resilience as "the ability of an individual to rebound or recover from adversity" (Leipold & Greve, 2009). American psychologist George Bonanno defined the term as,

Resilience to loss and trauma...pertains to the ability of adults in otherwise normal circumstances who are exposed to an isolated and potentially highly disruptive event such as... a violent or life-threatening situation, to maintain relatively stable, healthy levels of psychological and physical functioning (Bonanno, 2014, p. 1).

Psychological suitability and resilience are necessary qualities for police officers today given the nature and complexity of police work. Individuals who are ill-suited or lack appropriate resilience for such employment are at risk of developing psychiatric conditions such as mental illness, stress-related impairment, post-traumatic stress disorder, depression and suicide (Price, 2017). Ohio legislators have an equal responsibility to protect the individual, police agencies, and the general population in certifying individuals who are psychologically prepared to become police officers. These traits and qualities can be determined through psychological evaluations which would require legislative action for mandatory implementation.

The most current available data from the U.S. Bureau of Justice Statistics claimed that 98% of all police agencies serving populations of 25,000 or more utilize psychological evaluations (Reaves, BJS, 2011). That statistic seemed impressive and has been cited in much of the existing research. Yet, a closer look at that statistic revealed the percentage of agencies that serve populations of 25,000 or more consisted of only 24% of *all* the law enforcement agencies in the nation (Reaves, BJS, 2011). Therefore, 98% of the 24% actually meant that only 22% of police agencies in the US serving large populations, utilized psychological evaluations. Numerically, that is approximately 3,300 departments out of more than 15,000 agencies nationwide. Statistics viewed from this perspective were not so impressive.

Currently, Ohio requires agencies to conduct a physical fitness exam on conditionally hired employees to ensure that the individual can physically handle the rigors of police work (OGA, ORC 742.38A2). OPOTC recently added a physical fitness evaluation prior to enrollment into the police academy that determines whether or not an individual will be capable of completing the mandatory passage of fitness requirements in the academy (OPOTC, 2018). No such statutory or enrollment requirement exists to ensure that an individual can handle such

psychological rigors experienced in a law enforcement career. This study explored the elements required to implement pre-enrollment psychological evaluations for Ohio police academies.

Key phrases used to focus searches in numerous online databases included “police personality,” “personality evaluations,” “police psychology,” “psychological resilience and police,” and, “psychological suitability and police.” Research of current literature on the psychological impact of working in law enforcement, psychological testing effectiveness, and the types of psychological evaluations was conducted. The Americans with Disabilities Act restrictions on implementing psychological evaluations were identified. Guidelines of the American Psychological Association (APA) and the International Association of Chiefs of Police (IACP) were assessed. Several states codified laws on psychological testing were reviewed. The importance of those issues were connected to the second concept in the two-pronged proposed solution of this study for application in Ohio.

### **The Psychological Impact of a Law Enforcement Career**

Gerry Larson, Anna Berglund, and Alicia Ohlsson conducted a qualitative analysis of existing research to see if daily “wear and tear” on public safety officials could cause more psychological damage than severe or traumatic events (Larson, Berglund, & Ohlsson, 2016). The researchers selected and reviewed 40 mixed method studies in a theoretical context. This study concluded that daily hassles were strongly associated with physical ailments, psychological problems, and occupational burnout (Larson et al., 2016). The research also noted that no studies in the sampling were intervention-related (Larson et al., 2016, p. 365). This is interesting given the benefits of adaptive coping mechanisms found in psychological evaluations designed

to select in the best applicant, as opposed to tests designed to screen out individuals with maladaptive traits (de Terte, Stephens, & Huddleston, 2014).

A 2013 study examined the use of alcohol as a coping mechanism among police officers (Chopko, Palmieri, & Adams, 2013). This study concluded a, “significant unique association between alcohol use and subjective work-related traumatic distress and PTSD avoidance symptoms” among police officers (Chopko, et al., 2013, p. 491). It was also indicated that police officers use alcohol as a maladaptive coping mechanism which was “strongly associated with depression” (Chopko, et al., 2013, p. 492). Psychological evaluations and a face-to-face interview with a licensed psychologist would identify individuals with maladaptive alcohol use that would be detrimental to such an individual employed in law enforcement.

Forensic Psychiatrist Marilyn Price, of Harvard University, identified an increase of police officers that have been applying for disability retirement due to stress-related psychiatric and medical conditions (Price, 2017). Price stated, “Deficits in emotional and cognitive functioning caused by psychiatric impairment can compromise performance of the essential job responsibilities of law enforcement officers” which can lead to increased risk of physical and mental health issues (Price, 2017, p. 114). Price recognized the International Association of Chiefs of Police contention that mental health is a matter of officer safety (Price, 2017, p. 117).

Ohio legislators have a duty to limit the potential harm to an unprepared or ill-suited police academy applicant given the psychological impact a career in law enforcement can bring. Notwithstanding, the potential harm that such an officer could impose on a small community or the commissioning agency.



It is the responsibility of the state that certifies police officers to screen-out individuals who are at a higher risk of deviant and criminal behavior *before* certifying that individual as a police officer. This can be accomplished through first identifying the personality traits and typologies that negatively and positively impact behavior; then, psychologically evaluating an individual to determine if those traits are adaptive or maladaptive.

### **Police Officer Personality Traits and Typologies**

The National Institute of Justice published a report in 1994 entitled, *The Role of Police Psychology in Controlling Excessive Force* (Scrivner, 1994). This study identified five different profiles of officers with excessive force problems (Scrivner, 1994, p. iii). The five profiles included: officers with personality disorders such as anti-social and narcissistic; officers with previous use of force incidents such as justifiable shootings; officers with problems early in their career such as impulsiveness and low tolerance of frustration; officers who displayed a dominant patrol style and sensitive to challenges of their authority; and, officers who had personal problems such as divorce and perceived loss of status (Scrivner, 1994, p. iii).

Those profiles share similar personality traits that can be explicated through psychological testing. Pre-enrollment testing of those negative personality types would then be a useful preventative measure that would aid small Ohio police departments to select qualified officers. Conversely, psychological testing that focuses on identifying positive attributes such as conscientiousness, agreeableness, optimism, and adaptive coping would aid the selecting-in of cadets who are psychologically prepared to handle the rigors of police work.

### **The Sociopathic Police Personality: Is It a Product of the “Rotten Apple” or the “Rotten Barrel?”**

Researchers Catherine Griffin and Jim Ruiz discussed the “rotten apple” versus the “rotten barrel” aspect of police traits in this 1999 article. The rotten apple theory stated that deviant individuals who slip through psychological testing are the rotten apples that become criminal or sociopathic police officers (Griffin & Ruiz, 1999). The rotten barrel theory, on the other hand and similar to the criminological theory of differential associations, described that it was the occupation of policing that propagated deviant or criminal police behavior; specifically, police subculture, peer influence, and internal norms, rules, values, and traditions that generated police criminality (Griffin & Ruiz, 1999).

The Griffin and Ruiz article identified the elements of Baker’s 1978 theory of occupational deviance as an opportunity structure, socialization through occupational experiences, and reinforcement and encouragement from peers (Griffin & Ruiz, 1999, p. 30). It was established that those peers had specific personality traits that were predisposed to deviant behaviors. Traits such as aggression, cynicism, and rigidity were inherent to an authoritarian personality which could lead to deviant behavior. The police occupation afforded an authoritarian typology an opportunity to “become a figure of authority” that advanced a perceived social status among the working class (Griffin & Ruiz, 1999, p. 33). The study concluded that “abuse of authority, corruption, and brutality are not caused by a lack of training, but a lack of emotional well-being and stability” (Griffin & Ruiz, 1999, p. 35). This article, a qualitative assessment, further supported the proposition that testing of personality traits would be an effective pre-enrollment filter that would aid small Ohio police departments; however empirical evidence was needed to solidify these conclusions.

## **An Examination of Authoritarian Personality Traits among Police Officers: The Role of Experience**

This research questioned if individuals with an authoritarian personality were drawn to law enforcement or if the nature of law enforcement work created an authoritarian personality (Laguna, Linn, Ward, & Rupslaukyte, 2010). Authoritarianism was operationalized as, “rigid adherence to conventional middle-class values, a preoccupation with power and status, and a general hostility toward people unlike themselves” (Laguna et al., 2010, p. 99), which was similar to the rotten barrel definition and contained the same qualities of aggression, cynicism, and rigidity.

The MMPI-2 was administered to a group of police officers who had less than one year of service and to another group of police officers with 15 years or more experience. All participants had a normal range of psychological functioning prior to sampling established through prior psychological evaluations. The results identified several interesting conclusions.

First, it was determined that experienced officers were *not* more authoritarian than the inexperienced officers. This finding empirically and quantitatively disproved the rotten barrel theory and indicated that it was the individual (the rotten apple) coming into law enforcement who possessed the authoritarian personality traits. This finding supported the proposition of psychological testing as a filter during the police academy enrollment process.

Second, the study found that, “experienced officers had significantly higher Hy scores than inexperienced officers” (Laguna et al., 2010, p. 103). Hy scores on the MMPI-2 measured “hysteria or hysterical reactions to stressful events” (Laguna et al., 2010, p. 100). Researchers attributed this finding in a positive perspective, stating, “A bit of anxiety and command (or

hysteria) from an officer may actually evoke a more effective reaction. Experienced officers may have learned the proper way to respond to a difficult situation, and in assessing its severity, may exhibit more hysteria” than the inexperienced officer who may possess an over-confidence due to that very inexperience (Laguna et al., 2010, p. 103).

Third, the study found that inexperienced officers had “significantly higher levels of antisocial practices than experienced officers” (Laguna et al., 2010, p. 103). This was attributed to a possible feeling of invincibility or arrogance in their new positions. The researcher’s suggested that the inexperienced officer’s antisocial practices can be reduced through mentoring, training and learning on the job (Laguna et al., 2010). This is a significant finding as it related to the Edwards 2017 study in which hands-on learning was a desired higher educational concept.

Cadets with a police agency affiliation could be mentored during police academy training. This would aid individuals who enter the academy completely unfamiliar with the aspects of law enforcement. This also supports the proposition of incorporating ride-alongs during the academy in order to reduce deviancy and increase personal accountability among police cadets.

The study concluded that police work did not drastically change an individual’s values and attitudes. The research suggested that while the MMPI-2 was the most frequently utilized screening tool, tests that identify personality traits in lieu of psychopathic disorders, would be a more effective screening tool. This is information Ohio legislators need in order to draft a constitutionally sound and ADA compliant legal requirement for pre-enrollment psychological testing.

### **From Theoretical to Empirical: Considering Reflections of Psychopathy across the Thin Blue Line**

Diana Falkenbach, Justin Balash, Maria Tsoukalas, Stephanie Stern, and Scott Lilienfeld conducted a quantitative cross-sectional study in 2018 that was inspired from a 1995 work that suggested police officers and criminals share common traits (Lykken, 1995). The researchers used a Sherlock Holmes analogy and proposed that police officer's "heroic actions" were positively correlated to certain psychopathic traits (Falkenbach, Balash, Tsoukalas, Stern, and Lilienfeld, 2018). The research identified that men were exclusively sampled due to a lack of empirical evidence demonstrating a correlation between women and the psychopathic traits.

The sample populations were given the Psychopathic Personality Inventory – Revised (PPI-R). Those results were then tested through Narcissistic Personality Inventory (NPI) to determine those traits as adaptive or maladaptive among the police cadets. This research helped identify what typically were considered criminally psychopathic personality traits, specifically the Fearless Dominance trait, but when positively adapted, enabled a police officer to succeed in job performance. This study, albeit quantitative in nature, shed qualitative discovery light as to *why* police officers can act in ways commonly described as narcissistic, excitement-seeking, high risk, and fearless (Falkenbach et al., 2018). It is the very point of that research which needs to be addressed. A process that identifies and filters maladaptive fearless, high risk, and excitement-seeking attributes is needed at the very basic entrance level into law enforcement, the police academy enrollment process.

The PPI-R and the NPI are tests that identify correlated personality traits that negatively impact law enforcement, such as narcissism, aggression, cynicism, and rigidity, which can be utilized to screen out individuals who are ill-suited for police work. Conversely so, there are

personality tests that identify attributes that positively impact law enforcement, such as extroversion, agreeableness, conscientiousness, emotional stability, and openness to experiences, also known among psychological circles as “the Big Five” personality factors. These traits aid the selecting in, in lieu of screening out, individuals who are well suited for police work.

Ohio legislators need to consider the well-being of the individual applicant as well as society in general when determining police officer certification. It would be a moral wrong to willingly expose an individual who is ill-suited for police work to traumatic incidents; as well as, exposing society to police officers with maladaptive psychopathy. Notwithstanding, the financial burdens it may possibly bring to the individual, the agency, and the community.

### **Research Note: Psychological Profiling of Australian Police Officers: A Three-Year Examination of Post-Selection Performance**

**Psychological profiling of Australian police officers: an examination of post-selection performance.** Jonathan Lough and Michael Ryan conducted the first in a series of three studies in 2005 that assessed the performance of police officers in Tasmania, Australia (Lough & Ryan, 2005). The officers had been divided into two groups: one group that had been psychologically tested and screened, and another group that had not. All participants had academy training and one year of service at the time of the first performance assessment. That study concluded screened officers out performed unscreened officers in seven out of eight different measures which included: sick days, non-stress claims, days off stress claims, and days off non-stress claims, public complaints, internal investigations, and line-of-duty motor vehicle accidents (Lough & Ryan, 2005, p. 18).

There was statistically significant differences favoring the screened officers in: sick days, days off non-stress claims, internal investigations, and line-of-duty motor vehicle accidents (Lough & Ryan, 2005, p. 20).

There was no statistical significance between the two groups in stress claims. The screened group also had a lower drop-out rate than the unscreened group (Lough & Ryan, 2005, p. 15). The researchers concluded that psychological screening provided for a different quality of applicant than traditional hiring processes provided (Lough & Ryan, 2005, p. 15). This is an important aspect as it applies to small departments that lack resources for adequate psychological screening and are limited to those traditional hiring practices.

**Psychological profiling of Australian police officers: a longitudinal examination of post-selection performance.** The second assessment of the same group of Tasmanian police officers was taken after two years of service (Lough & Ryan, 2006). That study, published in 2006, identified that the screened police officers again, outscored their unscreened counterparts in the same areas with the same categories showing statistically significant differences. The 2006 study also included an analysis of complaint and incident severity on levels of minor/trivial, moderate and high. A comparison was made between the degree of severity in public complaints, internal investigations, and motor vehicle accidents. 33% of complaints/incidents of unscreened officers were classified as serious, while only 17% were classified as serious for the screened officers (Lough & Ryan, 2006).

The third and final study, published in 2010, again showed a marked difference in job performance between the screened and unscreened officers (Lough & Ryan, 2010). 39% of complaints/incidents of unscreened officers were classified as serious, whereas, only 14% of complaints/incidents of screened officers were classified as serious (Lough & Ryan, 2010, p.

483). An interesting finding revealed that 45% of public complaints were serious for unscreened officers while *none* of the public complaints were serious for the screened officers (Lough & Ryan, 2010). It would be interesting to know these statistics for small Ohio departments.

The study highlighted the financial aspects of psychologically tested police officers. Lowered dropout rates, reduced sick days, stress claims, and injury claims accounted for massive savings for the police agencies. The screened officers saved the department nearly \$300,000 (Australian dollars) over the course of three years (Lough & Ryan, 2010, p. 485).

The interesting aspect of this longitudinal study were the economic factors considering the amount of money Ohio agencies have lost due to police misconduct. University of Cincinnati paid fired Officer Raymond Tensing over \$300,000 in back pay, lost benefits, and legal fees after the shooting death of motorist Sam Dubose in 2015 (Cincinnati Enquirer, 2018). Thousands of dollars had been spent in state and federal budgets investigating misconduct such as Ohio Attorney General Marc Dann and the vice unit of Columbus (Ohio) police department. A simple review of the crimes decertified Ohio police officers committed implicated hundreds of thousands of more dollars spent investigating and prosecuting those individuals.

It should be noted that the psychological testing in the Lough & Ryan study consisted of the Australian Institute of Forensic Psychology (AIFP) test battery and not what is commonly used in America, the MMPI-2 and the California Personality Inventory. The AIFP was specifically designed and tailored to the Australian police force as a screen out test in lieu of a selecting in test. Ohio legislators should consider if testing should be tailored to Ohio when enacting a psychological evaluation requirement. Additional consideration should be given in requiring tests that screen-out or select-in academy applicants.



### **The Development of a Three Part Model of Psychological Resilience.**

Researchers Ian deTerte, Christine Stephens, and Lynne Huddleston, conducted a ten year longitudinal study to test the effectiveness of a five part model of psychological resilience (5-PR) on police officers (de Terte, Stephens, & Huddleston, 2014). The 5-PR is a cognitive behavioral therapy tool that is currently used in the treatment of general psychological disorders (de Terte et al., 2014). The researcher's goal in this study was to identify which of the five components of the model were most effective in preventing post-traumatic stress disorder, psychological distress, and poor physical health in high risk occupations such as police work.

Police participants were surveyed at three different intervals. 512 recruits responded to the initial survey that was conducted upon enrollment into the police academy. 326 officers responded to the second survey which was conducted after one year of service. The final survey consisted of 176 participants and was administered 10 years later. The majority (64%) of the final participants were still employed as police officers (de Terte et al., 2014, p. 418).

The researchers identified the five core components of the 5-PR from cognitive, emotional, behavioral, and environmental factors. The cognition factor consisted of two components: *optimism*, a positive outlook for a good future, and *adaptive coping*, an individual's ability to positively manage an adverse situation (de Terte et al., 2014, p. 417). The emotions factor consisted of one component: *emotional intelligence*, which is the ability to perceive, utilize, and regulate emotions (de Terte et al., 2014, p. 417). The behavioral factor consisted of one component, *adaptive health practices*, which is physical exercise, rest, relaxation, good nutrition, and appropriate alcohol use (de Terte et al., 2014, p. 417). Finally, the environmental factor consisted of one component: *social support*, which comes from family,

friends, and coworkers (de Terte et al., 2014, p. 417). The study revealed several interesting findings.

The emotional intelligence factor did not have an impact on psychological resilience; however, optimism and adaptive coping demonstrated strong resilience to exposure of traumatic events. The research found that a “key resilience factor” was social support from coworkers (de Terte et al., 2014, p. 422). This is an important factor in understanding “the thin blue line” as a positively adaptive concept, as opposed to the rotten barrel concept.

The study provided insight into traits and qualities that can be evaluated during a psychological interview that allow for selecting-in of police cadets. Positive traits, such as optimism and adaptive coping, are essential protective qualities in the prevention of psychological distress, depression, PTSD, addiction, and alcoholism.

Evaluations can identify positive traits such as optimism and agreeableness that enable the selecting-in of the best candidates for enrollment. Other tests pinpoint negative traits such as cynicism and aggression that aid in screening out ill-suited individuals. Further testing can identify and diagnose psychopathology that would be detrimental in law enforcement. Clearly, screening out the ill-suited and selecting in the appropriately resilient academy applicant will benefit the individual, the agency, and the community served; however, this process does come with restrictions, such as the protections under the Americans with Disabilities Act (ADA).

### **Americans with Disabilities Act**

Congressional enactments have restricted many aspects of employment practices and some have impacted the application of psychological evaluations. These laws included: Title VII of the 1964 Civil Rights Act; Occupational Safety and Health Act of 1970; the Rehabilitation Act of 1973; Title I of the Americans with Disabilities Act, 1990; the Civil Rights Act of 1991; the Uniformed Services Employment and Reemployment Rights Act of 1994; and, the Genetic Information Nondiscrimination Act of 2008 (APA, 2018, p. 188).

The Americans with Disabilities Act (ADA) was passed in 1990 to prevent discrimination against individuals with a qualified physical, medical, and mental disabilities (Cuttler, Detrick, Supnick, Brewster, and Stewart, 2014, p.19). Title I of the act prohibits employers from withholding jobs to individuals with certain disabilities. This does not imply that employers are completely restricted from denying a disabled person employment.

Employers may make several inquiries of a disabled applicant. An employer may ask about the ability to perform job-related tasks such as lifting a certain amount of weight and climbing ladders; non-medical questions can be asked such as education and work history; and, an employer may ask the applicant to describe or demonstrate the completion of a task if the person has “a known disability that could reasonably interfere with or prevent the performance of job functions,” such as handling a loaded firearm or applying handcuffs (USEEOC, 2008, p. 2). Inquiries into any protected or hidden disability can only occur after a conditional offer of employment has been made (USEEOC, 2008).

Psychological evaluations that identify or diagnose a psychological or mental disorder are classified, according to the ADA, as medical examinations; therefore as such, can only be

conducted after a conditional offer of employment had been made (USEEOC, 2008). Once a conditional offer of employment has been made, only then may an employer ask an applicant to submit to medical examinations such as a physical and psychological evaluations. The classification of a medical exam has been extended to include “any procedure that is designed to reveal or is capable of revealing the nature and severity of a medical condition” (APA, 2018, p. 189). According to the Equal Employment Opportunity Commission, the enforcement agency of the ADA act,

“Once a conditional job offer is made, the employer may ask disability-related questions and require medical examinations as long as this is done for all entering employees in that job category. If the employer rejects (or screens out) the applicant after a disability-related question or medical examination...the employer must demonstrate that the reason for the rejection is job-related and consistent with a business necessity” (USEEOC, 2008, p.2).

This is important to note. Just as the SCOTUS had recognized higher education as a bona-fide occupational qualification (BFOQ), subsequent ADA case law established that any conditional offer of employment must also be a bona-fide offering. Meaning, all non-medical eligibility requirements, such as background investigations and criminal histories, must be fulfilled *and* considered in order for a conditional job offer to be recognized as bona-fide (Cuttler et al., 2014).

Interestingly, psychological evaluations designed to “measure normal personality traits, characteristics, preferences, and habits are *not* considered a medical examination” (Cuttler et al.,

2014). Actually, it falls within the parameters of the non-medical background investigation aspect and was considered a job-related evaluation that was consistent with a business necessity. This is where police agencies must be diligent. Psychological tests that are designed to identify only personality traits must be conducted *prior* to any conditional offer of employment in order to be considered a business necessity. Tests that can diagnose mental illnesses and psychopathy are protected examinations that can only be performed *after* a conditional offer of employment.

There is a vast array of psychological evaluations, all of which have a specific function. Some test for disabilities, while other identify personalities traits; some are considered medical examinations, while others are not. The EEOC established criteria to determine when a psychological evaluation is a medical diagnostic tool or a non-medical eligibility consideration (USEEOC, 2008). The differences in evaluations and their use have consequently created a plethora of case law over the application of psychological evaluations in police agencies. Law enforcement administrators ultimately turned to experts in the psychology field.

### **American Psychological Association Guidelines for Psychological Evaluations**

The American Psychological Association (APA) recognized the multiple and varied aspects of psychological evaluations for individuals seeking employment in public safety. The APA's Committee on Professional Practice and Standards prepared a document entitled, Professional Practice Guidelines for Occupationally Mandated Psychological Evaluations (APA, 2018). The guidelines were approved in February, 2017 and are set to expire in February, 2027 (APA, 2018, p. 186). The guidelines established recommendations for professionals in psychology that perform occupationally mandated psychological evaluations (OMPE) (APA,

2018). The APA article addressed the various reasons OMPEs are conducted. This review of the guidelines focused on the aspects of pre-employment evaluations as it pertained to the current study. The noteworthy guidelines recognized several issues that an examiner was to consider when conducting a pre-employment evaluation.

Guideline 1 (p.189) addressed legitimacy and authority of the referring party. An examiner will need to ensure that: the evaluation occurs after non-medical eligibility has been determined; a conditional offer of employment has been made; or it had been determined that the evaluation was job-related and was consistent with a business necessity (APA, 2018, p. 190). This was due to the increased likelihood that an ADA violation would occur without this a priori information.

Given this guideline, the OPOTC may want to consider the concept of a formal conditional offer of *acceptance* into the academy. This avenue would require legal research into existing case law in applicability.

The recognized exception to the ADA medical examination required that the exam be a business necessity. It was previously established that psychiatric impairment compromises performance of essential job responsibilities (Price, 2017). The OPOBTA currently conducts a background check on all applicants to determine non-medical enrollment eligibility. The essential job responsibilities of a police academy cadet are firing loaded weapons, driving academy vehicles, and performing physical defensive tactics on other cadets; clearly, essential job functions that have the ability to inflict serious physical, and fatal harm to others. This may be an effective argument for the business necessity requirement.

Guideline 2 (p. 190) addressed the purpose of the evaluation. The examiner will need to understand the qualifying standards of the evaluation. The source of the evaluation standards

need to be established through statutes, regulations, and policies. The examiner must know the specific reasons for the OMPE. Only then, can an examiner create the appropriate evaluation strategy (APA, 2018, p. 190). This is important because some evaluation strategies are developed to measure personality traits, characteristics, preferences, and habits. These evaluations are recognized as non-medical and part of the background eligibility consideration. Other tests strategies identify the type and scope of mental disabilities. These evaluations are considered medical examinations and subject to ADA restrictions.

This guideline would require Ohio legislators to codify a psychological evaluation requirement, define its use and purposes; as well as, establish an appeals process to ensure constitutionality. Here is where Ohio legislators need to consider the function of evaluations as a select-in, a screen-out, or a combination of both, as a pre-enrollment requirement.

Guideline 3 (p. 191) addressed the identification of the “essential job functions which are core occupational duties that are vital to the performance of the job, such that if they are not performed, the very nature of the job is significantly changed” (APA, 2018, p. 191). The examiner will need to understand “specific functions, duties, responsibilities, skills, behaviors, and performance attributes associated with effective or counterproductive job performance” (APA, 2018, p. 191). This guideline can be argued for implementation under the business necessity exception of the ADA, as again, police academy cadets will be firing loaded weapons, driving academy vehicles, and performing physical defensive tactics, as well as, pain compliance tactics on other cadets. Essential job functions of a cadet can be incorporated into Ohio Administrative Code, much like the OAC elements for basic enrollment. The OPOTC can recommend the administrative code amendment to the Attorney General, adding the aforementioned requirements in another subsection to OAC 109:2-1-03.

Guideline 5 (p. 191) addressed evaluation conclusions and confidentiality. The examiner has a duty to the requesting agency to “provide a thorough and impartial evaluation”; a “limited doctor-patient” duty to the person being evaluated; and, a duty to the examiner’s own professional standards and ethics. This meant, that the requesting agency must provide the examiner with necessary and pertinent background information on the academy applicant; the applicant must give the examiner an informed consent; and, the examiner must provide the validity, reliability, and expertise in the assessment. This aspect would require the identification of the requesting agency. It would need to be determined who exactly that would be, such as, the sponsoring police agency, the specific academy commander, or the OPOTA in general.

Guideline 11 (p. 194) addressed the communication of findings. The examiner will acquire information of a personal, private, and confidential nature from the individual being evaluated. Some of this information may not be relevant to purpose of the requesting agency and therefore not disclosed to the requesting agency. It is important for Ohio to establish, with specificity, the purpose and nature of the pre-enrollment evaluations. For this guideline, Ohio can refer to the International Association of Chiefs of Police (IACP), a professional law enforcement organization that has well researched and established guidelines for psychological evaluations.

### **International Association of Chiefs of Police Guidelines**

The IACP was created in 1893 to “advance safer communities through thoughtful, progressive police leadership” (IACP, n.d.). The organization has over 30,000 members in over 160 countries world-wide (IACP, n.d.). It has been committed to research and advancing law enforcement programs and training since its inception which has made it the foremost authority in police administration.



The IACP established guidelines for police agencies to utilize in creating a policy for psychological evaluations. These guidelines were supported through research and review of relevant case laws. There are several key guidelines that need to be recognized.

The minimum requirement for suitability evaluations were recommended to demonstrate that the applicant was “free from any emotional or mental condition that might adversely affect the performance of safety-based duties and responsibilities and be capable of withstanding the psychological demands inherent” in police work (IACP, 2014, p.1).

It was recommended that evaluations should be conducted post-offer of employment, but recognized pre-offer personality assessments as an “integral” part of the non-medical eligibility investigation. Again, this avenue needs to be legally researched for any existing Ohio case laws.

A key feature of the IACP guidelines stressed the importance of examiner qualifications. IACP recommended that only licensed, doctoral-level psychologists, with expertise in clinical assessments and who possess specific training and experience in evaluations for public safety employment conduct the evaluations. It should be noted that this recommendation is consistent with APA guidelines. APA guidelines further established that clinical psychological evaluations for public safety positions required professional certification from the American Board of Professional Psychology (Cuttler, et al., 2014). Ohio should consider statutorily outlined qualifications and the creation of database for approved professional psychologists to conduct the pre-enrollment evaluations.

The IACP also recommended, face-to-face interviews with the examiner be conducted in conjunction with the psychological evaluation tests; the requesting agency should supply the examiner with information from the background investigation, including any “methods used for

the detection of deception” (IACP, 2014, p. 5); and, that the examiner’s report of the assessment should be given to the “administrator directly involved in making employment decisions” (IACP, 2014, p. 5). This guideline implied that the specific police academy commander would be the “administrator” and the retainer of the official evaluation. Given this implication the OPOTC may want to consider re-evaluating the minimum qualifications of academy commanders, those who would be responsible for the maintenance of such confidential information. It is only logical to conclude that as the standards for academy enrollment increase, so should the standards for the commander that leads the academy.

The final guideline that needed highlighting was the issue of appeals and second opinions. The IACP recommended agencies allow for second-opinion evaluations, but stated that secondary evaluations should be “based on the same criteria used in the initial psychological evaluation” (IACP, 2014, p.7). This is an important element for the state to consider. A governmental entity must have an appeals process in place in order for a legally binding and constitutionally sound law to withstand judicial scrutiny, while not permitting an individual to shop around until an acceptable evaluation was produced.

The target audience for the IACP guidelines were individual police agencies. This is not to be construed as inapplicable for state-wide presentation. Quite the contrary, as 38 states have already in some way codified psychological evaluations (IACP, 2014).

### **Ohio Application**

All Ohio agencies, including the OPOTC/OPOBTA, are legally required to ensure workplace safety and to provide an environment that is “free from recognized hazards likely to cause death or serious physical harm (APA, 2018, p. 187). Furthermore, employers are federally mandated to implement and follow nondiscriminatory practices and policies which included reasonable accommodations for disabled individuals (ADA, 1995). This implied a double-edged liability for OPOBTA.

On one hand, OPOTC is required to provide a safe working environment for its current employees, which in this case, included police academy cadets and their instructors. Psychological evaluations of applicants, who will be handling loaded firearms, operating vehicles, and learning physical control techniques, would be an extremely beneficial tool that ensured a safe environment for cadets and instructors.

On the other hand, psychological evaluations are considered a medical examination and therefore a qualifying factor in a disability discrimination claim if denied enrollment into the academy based on the report of the psychological examination. Ohio is not alone in this conundrum, as previously mentioned, 38 states have existing statutes or regulations regarding mandatory psychological evaluations for police officers (IACP, 2014). The question here remains as to how to implement the evaluations as a pre-enrollment requirement into the academy.

**State of Washington**

The State of Washington passed mandatory psychological evaluations for all police officers in 2008 (RCW 43.101.095). This law mandated current officers, as well as, applicants who have received a conditional offer of employment complete the evaluations. Interestingly, the statute included individuals seeking reserve officer commissions. This is important to recognize since Ohio offers several different types of police commissions such as auxiliary, special, reserve, and seasonal. Generally, these positions are non-paid, yet the officers perform essential police job functions in many small Ohio police departments.

The Washington law also included the aspects from the APA and IACP guidelines such as a licensed psychologist or psychiatrist to conduct the evaluations and a hearing process. This statute also designated their certification commission for the establishment of policy, oversight and enforcement. An interesting aspect that Washington added to their law mandates the individual officer to pay a portion of the evaluation and that any non-compliance with the requirement could result in a revocation of police certification. Ohio may want to consider including the cost of psychological evaluations as part of the academy tuition.

**State of Iowa**

Iowa passed mandatory psychological evaluations for police officers in 1996. Their requirements are drastically different from those in the state of Washington (IAC, 1996). Iowa law requires an officer to submit to the MMPI as a hiring requirement. Even already certified police officers would be required to undergo psychological testing as a “minimum hiring requirement.” Cognitive and personality tests are also required, but not explicitly identified such

as the MMPI. Those tests are at the discretion of the hiring agency. Ohio could institute basic psychological testing as a pre-enrollment requirement which would still allow individual agencies the ability to conduct additional evaluations.

An interesting facet of the Iowa law stipulated that the “administration, scoring, and interpretation of prescribed personality test shall be completed by the Iowa Law Enforcement Academy or an individual who has been approved by the academy....and that the test evaluation shall be by the Iowa Law Enforcement Academy” (IAC, 1996). This policy does not appear to align with APA or IACP guidelines which recommended a licensed psychologist administer, score and interpret the evaluations. This may be a potential vulnerability. Legal research would be required to implement this requirement.

The Iowa statute impressed the importance of the state’s law enforcement academy to control the entire process and record keeping in a database. For example, the statute allows for the hiring agency to pay the cost of state administered evaluations; however, the agency will not get the results unless proper forms are submitted. Every aspect of psychological evaluations are the sole authority of the law enforcement academy.

This aspect of Iowa law appeared to place a heavier burden on the state. Granted, Iowa has been conducting police officer psychological evaluations for over two decades and is more than likely a “well-oiled” and established machine. This may not provide the right avenue for a state that has never required evaluations. Ohio has 959 law enforcement agencies that commission over 30,000 police officers. This questions Ohio’s ability to manage such data with no former foundation.

**State of South Carolina**

South Carolina passed legislation that provided funding for mandatory psychological evaluations of individuals entering the police academy on January 1, 2018 (Adcox, 2017). South Carolina made the mandatory evaluations applicable to all newly-hired individuals who enrolled in the academy. Entrance into the South Carolina Criminal Justice Academy, which is the equivalent of OPOBTA, requires all cadets be employed with a law enforcement agency prior to entrance in that academy (SC Code, 2018, Title 23). This avenue fulfills the ADA restrictions on medical evaluations. Ohio small police departments do not have the financial resources to commit to such obligation; however, police sponsorships have proved to be beneficial to academy cadets as a practical learning experience.

Ohio needs to consider closed enrollment that requires an affiliation with a police agency without financially burdening those small agencies. This could be accomplished through a revision to the existing law that exempts agencies with 25 or fewer sworn officers. Another avenue may be mandatory ride-along hours in which the cadet experiences frontline policing from one or more affiliated agencies. The agency would then complete a review of cadet for the academy commander.

The interesting aspect of the South Carolina law is the funding re-imbusement. Legislation provided \$550,400 in funding for psychological evaluations, which allowed for a reimbursement to the hiring agency of up to \$300 per screening (Adcox, 2017). This is a relatively new law, it will be interesting to see how long re-imbusement remains funded; however, this is exactly the problem for application in Ohio. Small police agencies in Ohio do not have the initial resources to hire, test, and train new police officers.

## Ohio Implications

There are several factors Ohio legislators need to consider for application of psychological evaluations prior to enrollment in the police academy. There are also several potential avenues that may be taken as well.

Factors include:

- Diagnostic psychological evaluations are considered medical examinations and are restricted under the ADA. These tests can only be done after a bona-fide offer of employment.
  - Ohio law requires a police agency to compensate any cadet it sponsors in the police academy.
- Psychological evaluations that determine personality traits and habits are non-medical tests and essential to a business necessity. These tests must be completed during the background investigation stage and do not require an offer of employment.
  - The OPOTC would need to establish the policy and procedures for implementation. The academy commander would be required to implement and retain the evaluation records.
- EEOC criteria for determining a medical test may blur the lines between diagnostic and non-medical psychological evaluations. This may lead to potential, albeit unintentional, ADA violations.
  - OPOTC would need to identify the specific tests to be employed to ensure no ADA violations occurred.
- Specific qualifications must be established for the administration of evaluations.

- APA and IACP guidelines for psychologist qualifications would need to be incorporated into a policy.

Potential Avenues include:

- Ohio to proceed with non-medical personality traits testing, the application would become part of the background investigation that already exists for entrance into OPOBTA. The process to be incorporated in Ohio Administrative Code 109:2
  - The cost of the testing could be incorporated into the cost of attending the academy.
  - Cadets would be able to select the psychologist from a list of approved practitioners.
  - An appeals process would be established.
- Ohio to proceed with diagnostic psychological testing.
  - Legal research into the applicability of a “conditional offer of acceptance” into the academy would need to be explored, or,
  - Modify open enrollment to closed enrollment. Existing Ohio law would need to be revised for small agencies that lack the funding to compensate sponsored cadets, or,
  - The possibility of applying a combination of both a conditional offer of acceptance and a police agency affiliation would need to be explicated.

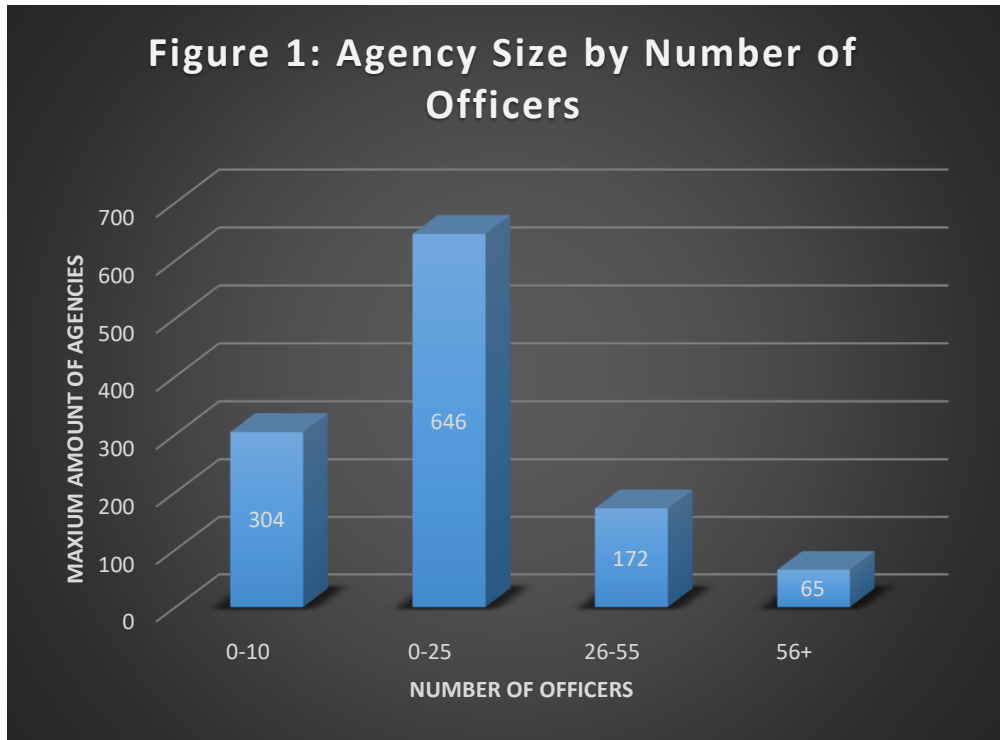
Application in Ohio is not an extraordinary pursuit, after all, 38 other states have codified the practice. Ohio leaders need to find the application best suited for Ohio. The need for psychological evaluations as a pre-enrollment requirement can be demonstrated through a visual representation of Ohio police departments.



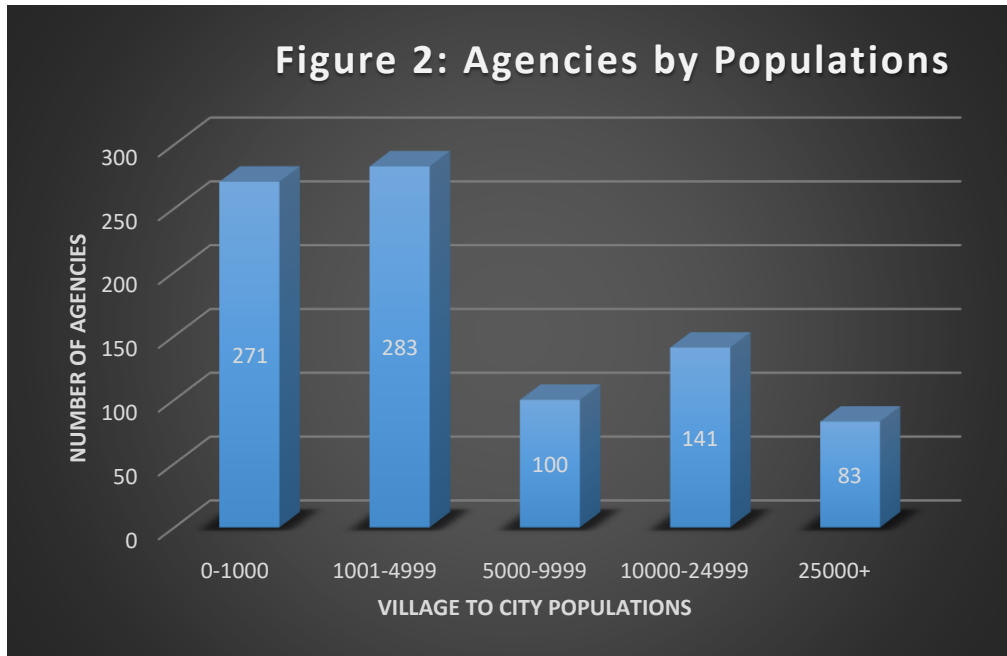
An excel database of all Ohio police agencies and police agency roster information were obtained from the OPOTC. The roster information, which included number of officers per agency and commission statuses, was added to the excel database which provided the information in all three of the following figures. Jurisdictional population data was obtained through a simple google query of each jurisdiction and also added to the excel database.

The graphed figures only included municipal incorporations which had a defined residential population. Police agencies such as colleges, railroads, and state parks were excluded due to transient and unclear populations. Sheriff offices were also excluded. Existing stare decisis recognized that road patrols any Ohio sheriff office performs is discretionary and not an element of preserving the peace as stipulated in ORC 307.11 (In re Sulzmann, 1932; Jones v. Wittenberg, 1973; Lorain County Deputies Association v. Vasi, 1992; and, Geauga County Board of Commissioners v. Geauga County Sheriff, 2003).

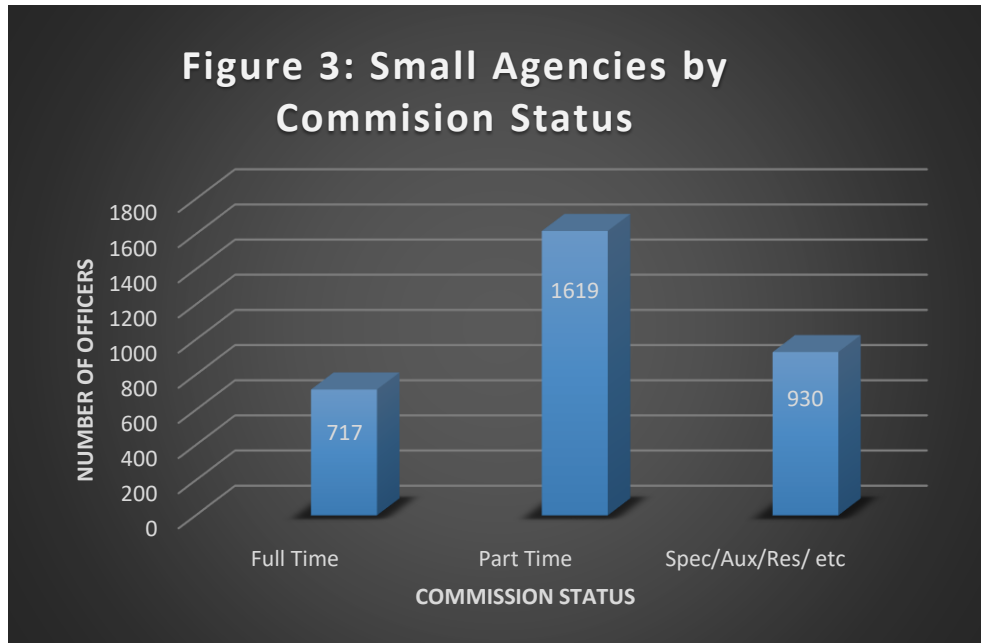
It should be recognized that many rural counties in Ohio rely on a sheriff's office to perform police services; however, in Ohio, sheriff's office duties, as outlined in the Ohio Revised Code, do not recognize pro-active policing services, as those required of municipal police agencies, as a function for the office of sheriff unless contracted to provide such services.



**Figure 1.** The Ohio Small Police Department Association defined a small department as having 25 or fewer sworn police officers. As demonstrated, 646 agencies, or 73%, of Ohio municipal police agencies qualify as a small department. Further examination demonstrated that 304 out of the 646 agencies had 10 or fewer sworn officers. Those agencies comprise of nearly 35% of municipal police agencies in Ohio. That meant, agencies with 10 or fewer sworn officers protect one third of Ohioans that live in a municipality. Those officers are only required to possess a high school education and, more likely than not, received no psychological evaluation prior to being commissioned.



**Figure 2.** The number of police agencies were graphed according to the populations they serve. As previously recognized, the Bureau of Justice Statistics identified 98% of agencies serving populations of 25,000 or more conducted police officer psychological evaluations. For Ohio, that meant 83 municipal police departments, or 9%. According to the Ohio Revised Code, the definition of a village consists of a population of 4,999 people or less; a city is defined as a population of 5,000 or more. A closer look at agency size and populations demonstrated that village police departments out-numbered city departments almost 2:1. 62%, more than half, of Ohio municipal police departments are located in villages with 25 or fewer sworn officers and serve populations under 5,000 people. Those officers, again, are only required to possess a high school education and, more likely than not, received no psychological evaluation.



**Figure 3.** Police officer’s commission status for small municipal police departments in Ohio were graphed. This graph produced multiple revelations. Part time officers more than doubled the number of full time officers. Part time and special/auxiliary/reserve/seasonal officers out-numbered full time officers 3.5:1 in small agencies. Special, auxiliary, reserve, and seasonal officers, in general, are unpaid volunteer police officers. Meaning, these police officers work full time jobs elsewhere or even in different industries, yet volunteer police services to small communities in exchange for retaining their OPOTA certification. There are over 200 more reserve/etc., officers than full time officers alone in Ohio’s small police departments.

Several inferences can be made from figure 3. For example, it can be inferred that small departments lack the funding to employ full time officers. Another inference can be made that small departments rely on those who provide volunteer police services. A disturbing inference

can be made that part time and reserve/etc., are more than likely unsupervised in small departments. These officers are expected to operate as professionals, make sound and reasonable decisions, and act ethically with little to no supervision or mentoring. That is an unrealistic expectation from an individual who has not been psychologically suited for law enforcement and sporadically works as a police officer.

These are alarming facts about the small police departments in Ohio. Certified Officers, such as criminally convicted David Cimperman of New Philadelphia or Fired UC officer Raymond Tensing, have a superfluity of agencies at their disposal. Many of these small agencies lack the resources for appropriate pre-employment screening such as psychological evaluations; yet, they encompass the majority of law enforcement agencies in Ohio. It must be asked, can small departments in Ohio rely on OPOBTA certification as a screening tool?

## **Chapter Two: Literature Review Summary**

Higher education for police officers has been an issue of debate for over a century. Decades of research has demonstrated the benefits of an educated police officer; yet, Ohio still only requires a high school diploma or equivalency to enter the police academy. Nearly 80% of police departments in Ohio are small, with 25 or fewer sworn officers, of which nearly 75% are part time or reserve/auxiliary officers; yet, Ohio does not require psychological evaluations.

Researchers Carter and Sapp studied the effects of the 1968 Omnibus that spent millions of dollars on educating police officers over the course of a decade. Their research found that while police education significantly increased, a perception emerged that police officers were

just skilled workers. This skilled worker concept was reiterated in subsequent and current research (Loftus & Price, 2016; Edwards, 2017).

Another consideration of the Carter and Sapp study highlighted the concern that a higher educational requirement would be a discriminatory hiring practice. This study pointed out the US Supreme Court case *Davis v. The City of Dallas* (1985) which recognized that a higher educational requirement was a bona fide occupational qualification given the complexity of police work. The ADA recognized that law enforcement does have a legitimate business necessity in requiring certain psychological evaluations.

American society and technology has only increased in complexity in the three decades since the *Davis* decision. An individual equipped with a high school or equivalency education and unknown psychological suitability will only struggle to investigate such crimes as those occurring on the dark web and global human trafficking or handling a difficult traffic stop in a culturally diverse community.

The Ohio Attorney General's office along with other Ohio law enforcement agencies in September and November, 2019, were involved in arresting over 111 people in sex trafficking that occurred in over four different counties and a number of years (McEntyre, 2019; Clay, 2019). One can only wonder how many of those arrested individuals lived and operated in small Ohio towns and if local law enforcement even noticed them. It can be argued that today's global criminals can easily outwit a high school educated police officer who is psychologically ill-suited for police work.

Three studies, across the span of 14 years supported the conclusion that a 4-year liberal arts baccalaureate degree was an over-qualification for front line police officers (Paoline et al., 2015; Loftus & Price, 2016; and, Bumgarner, 2002). Only one of those studies confirmed the

value of a 2-year associate of applied science degree, which helped identify a gap in the current research. The majority of current research focused on the perceived values of a high school diploma contrasted to a bachelor degree. The value of a 2-year degree had been overlooked, yet demonstrated a higher degree of job satisfaction among those individuals in a 2-year degree program (Bumgarner, 2002).

Furthermore, all three studies, in addition to the 1990 Carter and Sapp study, supported the proposition of advanced degrees that focused on job specific knowledge in criminal justice. This is the core curriculum that is offered in an associate of applied science degree in criminal justice or police science. An associate degree of applied science is a two year college commitment, which is focused and academically tailored to be job specific (Crosby, 2003).

Forty years of research exists supporting psychological testing of police officers; 38 states have passed legislation requiring psychological evaluations for police officers; yet, Ohio requires no such testing. Ohio legislators have a duty to the people of Ohio to ensure it is certifying individuals enrolling into the police academy that are not only motivated, intellectually developed, and possess the psychological suitability, but who will also find satisfaction in a job well done.

Use of force complaints were measured against the hiring practices of higher education, advanced training, and psychological evaluations (Stickle, 2016). This research concluded that police agencies that employ the combination of all three aspects of the hiring process led to decreased incidents of use of force. This supports the initial problem statement. Larger police agencies in Ohio have the capability to incorporate all three screening tools, whereas, small agencies do not, and must rely upon the OPOBTA certification as a qualifying tool.

This brings to issue the quality of officers OPOTBA is training to become future police officers in small towns and villages in Ohio. Can small police agencies in Ohio rely on OPOTA certification as a qualifying tool? Are the filters in place enough of a screening tool? Or, should there be more?

Psychological evaluations were introduced as highly effective pre-employment screening tools in the 1970s. Considering that nearly three quarters of law enforcement agencies in Ohio are small, with 25 or less sworn officers per department, and serve villages with populations under 5,000, academy pre-enrollment psychological evaluations appeared to be a necessity.

The ADA requires a bona-fide conditional offer of employment to be made in order to conduct a psychological evaluation that may diagnose or reveal a hidden mental disability; yet, psychological tests that identify personality traits and personal habits are non-medical evaluations. These tests are considered a business necessity and should be conducted during the background investigation phase of a potential new hire; or in this case, a new cadet.

An array of psychological tests are available that test for adaptive and maladaptive personality traits and would be a useful tool as a police academy pre-enrollment filter. Professional psychology and law enforcement organizations have established guidelines that can be used as a template for Ohio lawmakers in effort to construct a solid codified law for such evaluations.

Research has demonstrated that when combined, a higher educational requirement, such as an associate of applied science in criminal justice/police science, advanced training, such as the OPOBTA, and psychological evaluations, such as non-medical personality trait tests, are effective in the reduction of use of force. The OPOTC has the advanced training component of the equation, all that is needed is the proposed two-pronged approach of this study.



### **Chapter Three: Methodology**

#### **Research Design**

This study was designed as a qualitative idiographic explanation to answer the question of why there is a need to require an associate of applied science degree prior to enrollment in the OPOBTA. It included explanations of criminological theory, examples of police criminality, historical legislation that was enacted in effort to decrease such police criminality, and a review of the current body of knowledge in police officer higher education.

This study was also designed as a qualitative exploration into the multiple facets, benefits, and applications of psychological evaluations. It included defining psychological suitability and resilience; physical, mental, and psychological effects of a career in law enforcement; psychological tests that screen-out and select-in police candidates; ADA restrictions; APA and IACP implementation guidelines; applications in other states; and, how those elements combined can be applied as an OPOBTA pre-enrollment requirement.

#### **Methodology Employed**

This study's qualitative explanation and exploration was based on Grounded Theory, which utilized content analysis of landmark and current research studies into higher education and multiple facets of psychological personality evaluations. Utilization of a comparative content analysis demonstrated how the categories in higher education and psychological evaluations were dependent on each other.

Content analysis presented disadvantages such as the inability to demonstrate a causal relationship. This disadvantage was managed through the constant comparative method that provided correlations of tangible patterns and trends within the content of the studies.

The specificity of Journal database search terms also limited the quality of content analysis. This limitation was mitigated through key terms found in both qualitative and quantitative studies being searched. This strategy enabled the acquisition of multiple viewpoints for comparison.

## **Procedures**

Open, Axial, and Selective coding were utilized in the studies to focus literal text analysis. These coding processes enabled the information to be broken down into categories and examined for similarities and differences, core concepts, and a central concept. Analysis completed in this manner was meant to identify any themes that emerged and any gaps in the existing research. All analyses were clearly stated as they emerged.

## **Data Analysis**

The four key components of sound qualitative analysis consist of 1) documentation of collected data, 2) identification of categories and patterns in the data, 3) refined identification of interconnections, and 4) validation of those patterns through established theory or evidence from past research. The four components were employed to ensure the accuracy of results and conclusions.

**Documentation of data.** This study addressed the documentation of data collection through specific referenced citations of all studies, government databases, and websites used in this research. Every effort was made to ensure any web-based information was obtained through

trusted online sites such as universities, peer-reviewed journals, governmental databases and reputable or accredited organizations. Hard copies of data were printed and those copies were compartmentalized in order to keep the data manageable into separate groups identified as higher education research, psychological evaluation research, ADA information, and APA/IACP information, and the codified laws of other states.

**Identification of categories and patterns in the data.** This information was obtained through reducing the volume of studies. Higher educational studies were reduced to three categories of benefits of higher education, perceived value of education, and occupational attitudes towards education. Psychological evaluations were reduced into four categories identified as: types of evaluations; ADA requirements; APA guidelines; and, other state usage of evaluations. This approach enabled the data to be viewed objectively with the flexibility to alter or change categories as patterns emerged that could be tailored specifically for Ohio needs.

**Identification of interconnections.** Interconnections in the data were processed through Open, Axial, and Selective coding of higher education research. The utilization of the three types of coding enabled observations to be made from a broad application of higher education and degree specificity to a more concise model that could be tailored for application in Ohio. Higher education conclusions were then compared for associations to psychological evaluations.

**Validation and confirmation.** This component of analysis was established through the use of empirical evidence from studies published in peer-reviewed journals and gained from governmental databases. Every effort was made to utilize only past studies considered landmark pieces and those conducted within the last five years. Research that both proved and disproved a theory was included in the analysis to ensure objectivity. Conclusions or inferences made from the data were clearly stated.

## **Chapter Four: Results**

Higher education conclusions were compared for associations to psychological evaluations. The comparison between the two concepts revealed an inherent interdependence on police officer job performance, perceived value and occupational satisfaction.

### **Open Coding**

Open coding of the existing higher education research revealed a preponderance of research that examined the benefits of higher education for the individual and job performance throughout the past fifty years. Open coding for psychological evaluations disclosed over forty years of both quantitative and qualitative research supporting the benefits of psychological evaluations.

### **Axial Coding**

Axial coding of the higher education literature identified that specifically, the benefits of a bachelor degree were correlated to a reduction in the use of force, public complaints, deviant police behavior, and better physical health of an individual in a law enforcement career. Axial coding of psychological evaluations identified medical and non-medical testing instruments.

### **Selective Coding**

Selective coding enabled the identification of a gap in the existing research. Quantitative studies that utilized a Likert scaled survey operationalized the responses the same to ensure

consistency in the existing research; therefore, the scaled responses included, “high school diploma; some college; bachelor’s degree; or higher.” Only one study in 2002 compared the perceived value of a 2-year associate degree against that of a 4-yr bachelor’s degree. The value and benefits of a 2-year associate degree, or a 2-year associate of applied science degree have been overlooked and understudied in the existing research.

Selective coding in psychological evaluations identified that non-medical personality traits testing can be utilized to identify both positive and negative personality traits, characteristics, and habits; as well as, adaptive or maladaptive functioning. Non-medical evaluations constitute a business necessity, an exemption to the ADA restriction, and can be conducted without a conditional offer of employment. These evaluations provide a suitability decision for academy commanders in determining enrollment eligibility.

### **Hypothesis & Conclusions**

Three hypotheses were made at the beginning of this study. Analysis of existing research and government data supported each of the propositions. The first hypothesis proposed that a two-pronged police academy pre-enrollment requirement of an associate of applied science degree in conjunction with psychological evaluations would provide small Ohio police departments with intellectually developed and psychologically suited certified police officers. Higher education and psychological evaluation research supported this hypothesis.

Research established that higher education was judicially recognized as a bona-fide occupational qualification; and, that officers with an advanced degree were less likely to engage in criminal activity, had a better use of discretion, and demonstrated higher ethical behaviors.

The research also revealed that a baccalaureate was an over-qualification for frontline patrol officers, whereas, an associate of applied science in criminal justice/police science was valued at both the individual and agency level.

Research of police psychology revealed that police officers are at a higher risk of developing many physical and mental health issues that affect essential job functions and are considered an officer safety issue. Psychological testing research identified a vast array of diagnostic and identification evaluations that aid administrators with screening-out undesirable or maladaptive personality typologies or selecting-in psychologically suited and resilient individuals for police work.

The second hypothesis stated that the two-pronged requirement will improve the quality of police officers for small Ohio police departments. Government data supported this hypothesis.

Three graphs were produced from OPOTC records. The graphed data revealed that small police departments, those with 25 or fewer sworn officers, account for 73% of law enforcement agencies in Ohio. The data further identified that one third of Ohio agencies had ten or less sworn officers. These small agencies commissioned 75% more reserve, auxiliary, special, or seasonal officers than paid full time officers. The graphed data enabled several inferences to be made: 1) a majority of OPOTA certified officers seek commissions with small agencies, 2) small agencies rely on unpaid police services these officers provide, and 3) it was more likely than not that these unpaid volunteer police officers are working without direct supervision.

It was reasonable to conclude that small Ohio police departments rely on OPOTA certification as a screening tool in commissioning certified police officers. In doing so, pre-

enrollment requirements of an advance degree and psychological evaluations would aid those small departments in selecting qualified police officers for the many small towns and villages in Ohio.

The third and last hypothesis proposed that the Ohio Peace Officers Training Academy, small police departments and the community will benefit from the proposed two-pronged requirement. This conclusion was also supported through existing research.

The requirement of an associate of applied science upon enrollment into the OPOBTA offered the OPOTC the opportunity to eliminate OPOBTA lecture topics and replace them with more hands-on training topics, such as interaction based scenarios, pat downs, and ride-along hours with a police department. The pre-enrollment requirement of psychological evaluations would aid small police departments who lack the resources for adequate screening evaluations. Small departments could rely upon OPOBTA evaluations that have screened-out the ill-suited and selected-in the psychologically resilient individual. Villages would have knowledgeable police officers that are physically, mentally, and psychologically prepared to offer that community effective police services.

### Chapter Five: Discussion

Currently, an associate of applied science degree and psychological evaluations are neither legislated nor codified as an enrollment requirement into the Ohio police academy. Ohio Administrative Code identified a high school diploma or certificate of high school equivalency as one of several basic requirements to enroll in the police academy. This requirement has not changed since 1971. The code is scheduled for a review in August, 2020 which makes the timeliness of this study most appropriate for discussion.

The American population is more educated for the first time in US history. The level of education for Ohio police officers needs to be increased proportionate to the changing complexities that encompass the Homeland Security era of American policing. An associate of applied science in criminal justice/police science offers frontline police officers job specific core knowledge of the criminal justice system needed for a successful career in law enforcement. There is a serious lack of existing research on the value of an associate of applied science degree for police officers. Future quantitative and qualitative research could provide a greater insight to this aspect of police officer higher education.

Psychological evaluations are empirically proven tools that aid in selecting police candidates that are psychologically suited for law enforcement. Ohio applicability is not only feasible but necessary given the number of small police departments in Ohio whose rosters consist of more part time, reserve, auxiliary, special, and seasonal police officers than full time officers. The implementation of pre-enrollment psychological evaluations will require further debate, a more concentrated investigation, policy development, and new legislation.

Higher education and psychological evaluations provide future officers with better skills necessary in rapid decision making, working among culturally diverse communities, and



demonstrates a long-term commitment to the law enforcement profession; yet, the requirement of more education and the cost of an evaluation for an already stressed, dangerous, and underpaid career could cause a decline in recruiting and retention. Incentive programs, such as student loan forgiveness or a state-wide minimum starting wage, may need to be explored.

Collectively, the government and the governed, need to ensure that those certified to protect society possess the intellectual development required in a diverse and educated community, as well as, the psychological suitability and resilience to withstand the sometimes harsh realities of the job.

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