

## **Ensuring Personal Reliability Through Selection and Training**

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### **THE NEED TO ENSURE PERSONAL RELIABILITY IN LAW ENFORCEMENT AGENCIES**

#### **The Human Reliability Approach**

Law enforcement officers are entrusted with powers to lawfully confront, question, and search citizens, and where justified, use deadly force. No other profession in our society has authority as intense or intrusive. Those entrusted must be able to fulfill their responsibilities without risk to others, or in failure, risk to themselves. Law enforcement professionals must be able to objectively perceive their environment, use good judgment in deciding to execute their authority, and be able to effectively carry out the required tasks. In a word, law enforcement personnel must be reliable.

As used in this chapter and several other chapters in this volume, the term *human reliability* is used as a systems rather than as a statistical concept. Moray (1994) defined it as "the obverse of the tendency of a human to make an error." In this context errors are categorized as *slips*, in which a person correctly assesses a need and acts accordingly but errs in carrying out the correct intention; *mistakes*, in which a person fails to make a correct judgment about what needs to be done; and *violations*, in which a person deliberately chooses to act in a prescribed way.

When the objective of psychological consultation is to ensure human reliability, a number of factors must be considered. In fact, no single factor

accounts for actual performance; outcome behavior is the cumulative result of a number of influential factors that combine naturally. To expect any single factor to account for performance would be to misunderstand the inseparable interactions that account for behavior. Consider the following reality.

A recent FBI report on officers killed in the line of duty demonstrates a consistent pattern—a “deadly mix” of factors—that combined to explain the officer’s loss of control, and as a result, the officer’s death. These factors included the killer as being of a virulent personality disorder, the officer being easygoing or good natured and conservative in the use of force, and a procedural miscue, such as improperly approaching the suspect’s vehicle (Uniform Crime Reports Section, 1992).

This example demonstrates how even employees who are selected to stringent standards could be overcome by failure to train to achieve competency, failure to have suitable guidelines or policy, be supervised effectively, and/or be properly equipped. Accordingly, psychological efforts to enhance reliability should account for as many influential factors as possible.

This chapter directly addresses two recognized areas of influence, namely selection and training. Other influences are discussed because behavior is the consequence of multiple, interactive factors.

### **THE MODEL: A COMPREHENSIVE PSYCHOLOGICAL SUPPORT PROGRAM**

#### **Selecting the Fittest for the Job**

In order that no single influence on performance is mistakenly over- or underemphasized, a model is proposed to conceptualize the multifaceted interventions that can, in the aggregate, best assure the law enforcement response. In this model, the influences include the multitude of personnel, managerial, and organizational factors, including equipping, regulating, and supervising individual officers. In the micromodel, an individual’s psychological factors are isolated so that professional behavioral science support may be addressed. The key concept addressed is *suitability* as a psychological concept that addresses human reliability by focusing on personal factors. This distinction emphasizes a conceptual difference between the necessary outcome (reliable human behavior) and the characteristics necessary to achieve the needed outcome (suitability). Psychological suitability is simply the presence of personal factors that effectively contribute to human reliability, and the absence of those that would be at risk to reliability. Everything comes back to the need for reliable performance and this is the criterion by which all efforts are measured. In brief, selection is picking the fittest (for the specific job). Yet sustaining reliability requires more than selection.

### **Monitoring to Ensure Performance**

Even good people, the very best in fact, can have problems. To "keep the force fit" there needs to be monitoring to assure that readiness is sustained. Sokol and Reiser (1973) devised an Early Warning Model for use within the Los Angeles Police Department. Their concept was simple—a stitch in time saves nine—and they used it to legitimize tending to the needs of officers before major difficulties developed.

Such an effort requires the support of senior management, the services of counselors, and training for the officers, to sensitize them to the goals and the indicators of distress. Senior leadership needs to be committed to supporting good officers who righteously struggle with bad challenges. This means not just support for employee assistance services, but a close working relationship with counselors so officers are not withdrawn from duty simply because they acknowledge a problem.

### **Intervening Benevolently to Keep the Force Fit**

Under an effective monitoring plan, distressed officers are supposed to seek assistance; the program has to be corrective, not punitive. The goal of early problem recognition (and effective intervention) means that leadership must be willing to face previously unrecognized difficulties. For example, on implementation of the program they need to be prepared to deal with their own frustration over the fact that their people were more troubled than had been suspected. Leaders must support officers who had hidden their problems, and they should become involved in situations that had been visible, but were neglected because the circumstances were awkward.

Once senior management buys into the concept it must be explained and supported among midlevel and first-line supervisors. The street force will use the program only after they are convinced that they will not be imperiled by using the resource. Sustaining the credibility of an effective monitoring and intervention program requires continuous oversight; the first benevolent intervention will bring others, the first one that becomes punishing will stem the flow.

This chapter focuses on selection as a process that includes a variety of information sources, including work histories, education, and other factors not directly psychological in nature. It begins with what police work requires and how selection procedures need to build in validity and eliminate adverse impact. In sum, the selection process includes a broad range of information that combines to contribute to the effective assessment of applicants based on how their ability, skills, attributes, and emotional steadiness meet the requirements of the tasks that must be performed. The chapter then examines how training is both a continuation of selection and preparation to reliably accomplish those job requirements.

## PERFORMANCE REQUIREMENTS: ASSESSING WHAT IS NEEDED

### Psychological Suitability

**Requirement for Stable, Unimpaired Personnel.** Police work demands personnel who are well able to understand their circumstances and effectively deal with them in the course of executing their duties. The first priority is for people with psychological integrity, the second is for those people to effectively deal with a wide range of demands that are made on them in the course of serving the public. Not only must there be emotional stability, there must be interpersonal skills with which to deal with a wide range of emotional states. Together, these features make a collection of personality characteristics that is quite dynamic because features interact to compensate and offset one another.

**"Whole Person" Considerations, Compensating Factors.** The fact that criterion behaviors can be achieved by varying quantities of a variety of personal and skill attributes makes identifying the merit or risk of any particular component very difficult. For this reason the concept of the "whole person" has been developed. It is an attempt to see all of the factors that contribute and as well as those that detract, and to formulate a selection decision based on the entire array of factors. Consider the individual with very modest intellectual potential who would be challenged by a highly competitive training program. Some knowledge of prior educational commitment and success may well provide an understanding of how the applicant commits his or her energy and the consequences of such dedication. Therefore, well-developed study skills, self-discipline, and strong motivation would be potent antidotes for what might otherwise appear to be a potential academic failure. This is just one example of how training was selected as a vital component to ensuring selection. Training is the test bed, a trial period where, in fairness to applicants, they can be provided the opportunity to demonstrate that necessary skills are within their grasp.

The whole person model also compensates for the many shortcomings of the selection process. It is an attempt to qualify those who are deserving; an individual's desire and achievement may well make the difference in bridging the gap between educational or cultural disadvantages of their past and their opportunity to be successful in the future.

**The Domains of Human Reliability.** Table 4.1 details a number of domains that contribute to overall failure to perform reliably. As the table shows, the sources of unreliability are multifaceted. They are not independent, but interactive. Accordingly, selection is a dynamic process that seeks to define what matters, and then uses multiple, overlapping methods to assess the

TABLE 4.1  
Ensuring Human Reliability Through Personnel Screening

<i>Source of Reliability Degradation</i>	<i>Screening Factors</i>
Health and physical fitness deficits that impede performance of work	Inability to perform essential job functions/meet performance standards with or without reasonable accommodation due to incapacitation: illness, injury, nutrition, physical condition, substance abuse, mental health, emotional instability
Personal history impedimenta	Social, cultural, and legal history; integrity and ethics issues; relevant education and work experience
Educational/intellectual limitations	Relevant knowledge; learning ability; aptitude and interest; motivation
Conflicting knowledge due to inappropriate prior learning (negative transfer)	Presence of inappropriate values, attitudes, methods
Individual skill development inadequacy	Knowledge, skill, and ability achievement base; perceptual-motor skills and other relevant aptitudes; learning rate; commitment; self-discipline
Dysfunctional organization characterized by ineffective leadership, policy, or supervision	Power/control inadequacies; attitude of disrespect; capricious and arbitrary decision making; tolerance of peer pressure conducive to misconduct
Defective equipment or service provision; inadequate maintenance; material unreliability or failure	Adherence to performance standards; willingness to troubleshoot and to sustain or improve high performance standards

factors that relate to the criterion—reliable performance. Exactly which factors are relevant must be determined by an analysis of the required tasks that are to be accomplished. This establishes standards that are based on the actual requirements of the work to be done.

***Establishing Employment Criteria.*** It would make little sense to select people for employment, training, or advancement unless the selection process effectively eliminated those who are not qualified to do the work and identified those who are best qualified to do the job. It is sometimes easy to forget that prior to the advent of litigation and legislation in the latter half of the 20th century, individuals often were appointed to both private and public sector positions on the basis of what today are considered inappropriate criteria. Nepotism, political expediency, and prejudice often took precedence over the ability to perform well. One of the legacies of those legal activities is the mandate to make employment decisions on the basis of bona fide occupational requirements (Equal Employment Opportunity Commission, 1978, 1979; Society for Industrial and Organizational Psychology, 1987). Conse-

quently, no screening may be performed unless the criterion measures or estimates obtained through personal history or interviews, employment examinations, or other psychological or mental testing and assessments have been demonstrated to have a direct and significant relationship to acceptable job performance. Test measures that have been validated against construct or criterion validation measures are acceptable if those constructs and criteria themselves are valid with respect to the target position. Selection requirements and procedures should be determined by a formal job analysis and validated on a representative population. Job analyses typically describe the incumbent's job responsibilities; the physical, environmental, and organizational constraints under which the incumbent works; what the incumbent actually does to fulfill the job responsibilities; and indicators of successful performance. A distinction must be made between a position description and a job analysis. A position description is a statement made by management of what a job incumbent is expected to do. A job analysis is based on information collected from subject matter experts—usually a panel of job incumbents or first-line supervisors—that identify actual job performance. Job analyses often include elements of processes called *task analyses*, which describe how job elements are performed.

**Job Analysis.** A job analysis is some systematic procedure for describing a job in terms of duties performed and the knowledge, skills, and abilities required to successfully perform them. A properly conducted job analysis should identify those job elements, work environments, working conditions, and tasks that are essential and those that are less critical to job success. Means of measuring job candidates against the essential qualifications may then be established.

The most common way of conducting a job analysis is a combination of interview and questionnaire. Job analytic techniques most commonly employed include a review of existing job descriptions and other documents to identify the job's major elements and accountabilities. Next, discussions are held with several subject matter experts (SMEs), that is, job incumbents and supervisors: The latter are included because they often are aware of aspects of the job that are less obvious to the incumbent. Usually, the interview is unstructured, and the SME is asked to describe the most important and frequently occurring job duties. These two dimensions—importance and frequency—are at the heart of job analysis (Landy, 1989). Check lists and questionnaires have been used to supplement or substitute for the interviews. The information collected may be job- or worker-oriented in focus. Job-oriented approaches tend to emphasize the conditions of work, the results of work, or both. This approach concentrates on the accomplishments rather than the behaviors of the workers.

The worker-oriented approach focuses on the behaviors that comprise the job. Worker-oriented elements tend to be more generalized descriptions

of behavior and less tied to the technical aspects of the job. Worker-oriented analyses produce data that are more useful in structuring training programs and in providing feedback to employees (Landy, 1989).

Observational techniques are important elements of job analysis. They often provide supplementary information when experienced workers are not fully aware of how they perform their jobs. Many jobs activities are so habitual that experienced workers often will forget to report them. Observations also are important because some individuals tend to report how a job should be done in theory or in accord with sometimes ignored "official procedures," when in fact they perform the work in quite a different way.

Sometimes a job analysis may be conducted only in terms of physical activities. Unless cognitive processes are also considered, the job analysis may not measure what it was intended to do. Interviews of SMEs should be designed to assist in identifying the underlying capacities required to perform the tasks. Here we are talking about personality traits and job-specific knowledge, skills, and abilities (KSAs), as well as other details that a survey instrument may not consider. Once defined, the KSAs are tied to the behavioral dimensions or job-relevant constructs.

After all job elements are identified, SMEs are requested to evaluate the frequency, degree of importance, and physical effort required for their performance. Responses are averaged and weighted in relation to minimum and maximum performance levels. Results may then be used to develop both selection and performance appraisal criteria.

***Validation of Selection Procedures.*** Validation of selection procedures may be categorized as content or predictive validity, the latter being subcategorized as concurrent validity or predictive validity. The type of validation procedures undertaken greatly depends on the selection requirements of the organization, the time frame in which the process must be completed, funding, existence of a litigious environment, and a variety of additional concerns. Regardless of which validation procedures are employed, content validity is desirable vis-à-vis behaviors seen on the job.

*Content validity* is concerned with whether or not a measurement procedure contains a fair sample of the possible performance situations encompassed by the job or its tasks. Content validity focuses on what is measured or estimates rather than on how it is measured, and it is a concept of growing importance in employment settings, particularly because criterion-related studies often are not technically feasible.

*Criterion procedures* validate test or evaluation scores to performance on some criterion measure such as score, rating, or job performance. In the case of content validity the criterion is expert judgment. If the criterion is available at the same time as scores on the predictor, then concurrent validity can be assessed. This often is the preferred approach when incumbent

performance can be compared against that of new applicants. Most selection systems established for hiring or promotional bases employ either concurrent or predictive validation processes.

*Concurrent validation* is concerned with current capability rather than future performance. Concurrent validation procedures are administered to job applicants whose scores are compared with those of job incumbents. Their scores are then correlated with measures of their job performance to determine criterion performance levels. This approach is used to identify applicants who already possess a desired level of capability.

*Predictive validity* is future oriented. The choice of whether to consider predictive or concurrent validation depends on the using organization's needs. In a hiring situation this may be exemplified by asking "Can the applicant do the job *now*?" (concurrent validity) and "Is it likely that the applicant *will be able* to do the job?" (predictive validity). Predictive validity "is most important for work performance measures when they are used as predictors of future performance or as a part of any personnel decision procedure" (Landy & Farr, 1983, p. 17).

A limitation of the concurrent validation process is a restriction of range in test performance. Most of the incumbents used to establish the testing standards are capable of demonstrating acceptable or better performance levels. The applicant population would be expected to have a larger range of test scores because it would include individuals who would not achieve acceptable test scores. That restriction of range also will impact the precision with which the cutoff scores are established. Because the process uses only experienced individuals, it is not possible to get a true picture of the full range of test scores. Most incumbents can perform at least at a minimally acceptable level and consequently it is possible to get only a preliminary cutoff score. In predictive validation, individuals are administered tests prior to hiring and then are assessed over a specified period of time. This provides a broader range of test scores and a better estimate of cutoff scores to be used for hiring (Gebhardt, Crump, & Schemmer, 1985).

### **Measuring Required Qualities: Screening Elements**

Each of the following screening elements is presented to describe the domains they address in the selection process. Note that there are overlapping qualities, which is desirable. Although not every program will have all of these elements, there must be a sufficient mix to assure that each criterion identified by the job task analysis is examined.

***Assessment Centers and Other Job Simulations.*** A very reasonable way to consider applicants is to ask them to perform in situations that represent various elements of the job to be done. These analogs of the work

setting provide for samples of behavior that demonstrate capabilities to perform the tasks that comprise the hiring criteria. Even though applicants typically have not been trained in the procedures or given the "school solution" to the circumstances, such simulations permit examination of native adaptivity. The presumption is that those whose untrained responses are closer to the desired outcome will have less training to do, so their success is better assured.

An assessment center is an evaluated process used by many police agencies as a component of their selection and promotional system. The assessment center consists of job-related (although not always job-specific) exercises that provide candidates the opportunity to demonstrate proficiency in several dimensions. Multiple individual and group exercises are conducted and observed by multiple raters. A given exercise may tap several dimensions. The dimensions are cognitive abilities and such competencies as perceptiveness and analytic ability, interpersonal and communication skills, and organizing and planning skills, to name just a few. The dimensions employed for assessment are determined through job analyses to be essential for effective police performance. The exercises commonly consist of role plays, group and individual exercises, and written exercises.

**Selection Interviews.** In some ways similar to job simulations, the selection interview is a sample of behavior, interaction, and style. Interviews can create impressions that may have a potent effect on the applicant's opportunity. To be certain that interviews address issues that are relevant to the job criteria, they should be structured or standardized. This is accomplished by addressing the same content areas with all applicants. Such standardization permits more uniform comparisons between applicants and give each the same, equal chance to present themselves. Selection interviews typically inquire about the same details that are a part of the application: education, employment, and other histories. Psychological screening also must be supplemented by an interview. Such an interview is ethically required as a critical element of psychological test interpretation. Such an interview involves developmental, medical, and psychological histories that are not a part of the departmental selection interview.

**Criminal Background Checks.** Through national registries, such as the National Agency Check Center (NACC) and the Defense Central Index of Information (DCII), computerized searches provide a ready index to recorded investigations in which applicants have been involved. Unfortunately, computers are no more accurate than the people who enter information into them. The result is that there is an error rate for these systems, and other checks may be helpful in confirming the absence of criminal information. Local agency checks (LAC) are the most frequently used. These are

contacts with local police departments in the communities where applicants have lived, worked, or gone to school. In combination, the automated and local checks can identify egregious histories of criminal behavior, and also rumors or other potentially damaging information by clarifying past allegations that were disproved.

**Credit Checks.** The role of financial incentives for engaging in corrupt practices as well as in numerous forms of covert and overt criminal activity is widely recognized. Conventional wisdom postulates that a history of personal financial irresponsibility indicates vulnerability to engage in such activities. As a result, national intelligence community agencies consider financial responsibility as one of the matters that must be scrutinized during the process of granting clearance and access to security matters (Director of Central Intelligence, 1987). A research program area of The Defense Personnel Security Research and Education Center (PERSEREC) has been created to explore the relationship between financial responsibility and personal integrity variables (PERSEREC, personal communication, 1991). Police selection credit checks consist of additional queries of automated systems to determine if there is any history of financial irresponsibility. Certainly, any problem found must be discussed with the applicant to determine whether irresponsibility actually was demonstrated. Sometimes debts are unavoidable. Examples might be medical expenses or losses due to causes outside the control of the applicant. Clarifying the cause for the debt or bankruptcy is typically pursued by inquiry regarding the dunning of debts, repossession, or adverse legal actions.

**Educational Requirements.** Today there is less of a standard for what in the past were acknowledged levels of academic accomplishment. Accordingly, a high school degree, or even a college diploma, may not assure requisite academic skills or learning capabilities. Claims of educational achievement need to be confirmed, if only to attest to the veracity of the claim, and many agencies ask for additional data with which to demonstrate actual academic skill. The result is that there may be minimal criteria, such as high school education, as well as additional requirements, such as a writing sample (e.g., an autobiography) or a qualifying educational achievement or aptitude test. In some instances English is a second language, and such additional information combines with interview conversations to clarify applicants' ability to communicate. Such a "whole person" balance may be critical to assuring that the applicant is able to converse and write reports to departmental standard, while providing foreign language skills and multicultural knowledge necessary for the department to meet the needs of the community.

**Biodata.** The term *biodata* refers to a broad array of question types that refer to background information used in selection of job applicants. Biodata consists of answers to factual questions about life and work experiences, opinions, values, beliefs, and attitudes that reflect a historical

perspective (Lautenschlager, 1994). These data are collected under the assumption that an applicant's past behavior is reasonably predictive of some future job-related behavior. Biodata questionnaires have been used for selection in a variety of occupations, including sensitive security ones and law enforcement occupations. See, for example, Azen, Snibbe, and Montgomery (1973), Casico (1975), Crawford and Wiskoff (1988), and Wiskoff, Parker, Zimmerman, and Sherman (1989).

Various types of biographic information have different predictive values, depending on the conditions and behaviors required by the job and its constituent tasks. Sharf (1994) assembled information from various sources and listed the following categories of personal history items found to be predictive of job success in some occupations:

Demographic classifiers	Personal attributes
Habits and attitudes	Home, spouse, and children
Health	Recreation, hobbies, interests
Human relations	Education and school activities
Money management	Self-impressions
Parental, home, childhood, teens information	Values, opinions, and preferences
Socioeconomic level, financial status	Work, employment
Social activities, memberships	Skills

He warned, however, of the need to exercise caution to avoid formulating questions that are prohibited by the Americans With Disabilities Act (ADA) and other federal civil rights legislation unless they are demonstrably job related. In addition, various state and local jurisdictions may prohibit other personal history inquiries (Sharf, 1994).

**Employment History.** Relevant work experiences can contribute meaningfully to preparing an applicant for law enforcement duty as many jobs provide training and skill development in areas directly adaptable to police work. Successful performance in those tasks also suggests some sense of how well the applicant applies himself or herself in the workplace. Such prior employment can be considered a window to understanding the applicant's work habits and commitment to perform effectively.

**Employment Appraisal History.** Separate from what applicants have done is how well they have done it. Performance appraisals can present records that reflect skill level, achievement, and professionalism. These are the on-the-job report cards that show how competitive and successful the applicant's prior work experience was. Some organizations, however, may have been advised by their legal counsel not to provide such histories to

potential new employers lest they become involved in litigation by former employees who are not selected for subsequent positions.

**References.** An old adage among background investigators is that anyone dumb enough to list a character reference who would not recommend them is unfit for the job in consideration. Usually the most informative insights to character are provided by people not listed by an applicant. These may include former workplace colleagues (i.e., co-workers and supervisors), teachers, and neighbors. An increasingly helpful concept has been to seek the recommendations of the people with whom the applicant spends much of his or her time. Consideration of just who those people are also contributes to understanding the applicant's values and character.

**Medical Clearance.** This would seem an easy standard, but in actuality it has been in continuing transition. Two decades ago, minimal standards for physical attributes came under scrutiny, and have largely been replaced by performance requirements. Even health standards are being re-interpreted. The ADA has made the nexus of physical capabilities with job task requirements draw even closer. Under this act, employers have the obligation to modify work environments and practices to accommodate as full a range of individual variability as possible. The effect of this legislation is still being defined in law enforcement, but the goals of medical qualification are health and freedom from any condition that would interfere with or prohibit accomplishment of the tasks identified in the job task analysis.

**Mental Health Screening.** This element assesses the capacity to be reliable based on issues that stem from psychological health. Such screening typically is composed of psychological testing and a structured clinical interview. The testing can examine a wide range of features, but should be interpreted to standards for the law enforcement population. Clinical interviews, like employment interviews, should be structured, and with the applicant's consent, may be tape-recorded to preserve the responses should there be an appeal.

#### **DEVELOPING A SCREENING PROGRAM**

Screening cannot be accomplished as separate, unintegrated elements. The efficacy of the process relies on a design that builds credibility and fairness by consolidating each element to a criterion-related assessment program. This is a logical sequence of screening components that addresses the requirements of the job using a variety of selection procedures, many of which may overlap, providing the capacity for additional, confirming data. The

elements presented in the previous section exemplify many of the contemporary methods. Some identify and measure features that would exclude the applicant (e.g., a history of criminal arrest, irresponsible credit practices, negative work evaluations, etc.). Others are distinctly application enhancing (e.g., academic achievements, similar work experience, special achievements, etc.). Not surprisingly, such factors have been grouped and organized in progressive selection concepts that combine in a two-step process that first addresses factors that would eliminate candidates, and then those that would specifically include them. These concepts are preceded by the legal framework that creates liability for improper hiring practices.

#### **Liability Arising From Failing to Select the Right People (Unlawful Discrimination)**

*Selection* is defined in the *Uniform Guidelines for Employee Selection Procedures* (Equal Employment Opportunity Commission, 1978, 1979) to include all personnel decisions pertaining to hiring, training, promotion, assignment, retention, and discipline. Generally speaking there are two sources of legal liability associated with the selection of police personnel: liability arising from failure to select the right people (unlawful discrimination), and liability arising from selecting the wrong person to be a police officer (negligent hiring).

Liability arising from employment discrimination may occur when a department unlawfully discriminates against a variety of parties, such as racial or ethnic groups or on the basis of gender of the applicant. An allegation of a disparate impact of an employment practice may occur when a complainant alleges that a facially neutral employment practice (e.g., a psychological test) falls more harshly on one group than another and cannot be justified by business necessity. Proof of discriminatory intent is not required because Congress was concerned with the consequences of the decision, not the motivation for it. Therefore, the complainant need only show that the challenged employment practice has a significantly disproportionate impact on the class of which they are a member. Thus if the complainant fails to show that the practice falls more harshly on one group there is no case. However, if the complainant does demonstrate disparate impact for any selection procedure, an employer may still justify that practice by evidence that it is a bona fide necessity.

A prima facie case of discrimination may be made under the so-called four-fifths rule. Under this rule the selection ratio of the protected class of applicants alleging discrimination must be at least 80% of the applicant ratio. Thus, if there were 500 applicants for a position, and 100 of them were in the protected class, the applicant ratio is .2. If 13 members of the protected class were selected among the 80 successful applications, the selection ratio is .1625. Because .1625 divided by .2 is greater than .8, there is insufficient

evidence to sustain a claim of discrimination. However, if only 10 of the 80 successful candidates were in the protected class, the selection ratio would be .125. That ratio divided by the applicant ratio is less than .8 (.625), and a prima facie case of discrimination has been demonstrated.

Even though a prima facie case has been made, no discrimination will be held to exist if the selection process depended on a bona fide occupational requirement (BFOR). In such cases it must be shown that:

1. The selection decision has been validated; that is, the qualifying characteristic is indeed a BFOR. The definition of a BFOR has changed over the years as a result of several Supreme Court decisions and statutory changes. Nonetheless the basis for establishing whether a job requirement is or is not a bona fide one depends on the validity of the job element on which the selection test is based. The best means of establishing such validity is by means of a job analysis.

2. The selection instrument itself also must be validated; that is, it must be demonstrated that the selection instrument does indeed distinguish persons with the qualifying requirement from persons without it. Selection instruments include means such as educational requirements; licensing; written tests of aptitude, skills, personality characteristics, and integrity; job simulations (assessment centers); selection interviews; reference, criminal background, and credit checks, polygraph screening, and satisfactory completion of assignments held to be prerequisite to the target assignment.

**Recommended Procedural Requirements.** Even though an organization feels that it has a bona fide requirement for personnel decisions that it does not recognize as having an adverse impact, the wise administrator will keep records and the rationale for all personnel decisions. However, rationales that are subjective are insufficient unless they have been validated. A major federal law enforcement agency was sued in a class action by Black special agents who, among other charges, alleged that in one of its division offices that Black agents were given a greater number of undercover assignments than were non-Black agents. The plaintiffs held that these assignments kept them from obtaining the broader based experience required for promotion.

The law enforcement agency defended its policy by alleging that the targets of most of its investigations in the city in question were criminal organizations made up exclusively of Blacks, and that non-Black undercover operatives were not likely to penetrate the target groups. This argument was rejected at trial, and the rejection ultimately was upheld by the Supreme Court, largely because the agency failed to provide sufficient validating data to substantiate the claim. Although the results of the litigation made clear what the law enforcement agency failed to do, no guidance was provided as what could have been done to substantiate the agency's case. One can

#### 4. RELIABILITY THROUGH SELECTIVE

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#### Liability Arising From Selec (Negligent Hiring)

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only speculate what the courts will decide in any future case in which a protected group is given a disproportionate number of undercover assignments if a police department documents the policy in advance of litigation together with the reasons therefore and collects data substantiating the argument. Consideration might be given to:

- Providing an intelligence estimate of preponderance of ethnically dominated target groups, and rationalizing that undercover assignments are proportional to target group ethnicity rather than to the proportions of officers who are members of that ethnic group.
- Conducting a survey of officers who have undercover experience to obtain their feelings of the likelihood of success and personal safety if given an undercover assignment to penetrate target gangs with similar or different demographic characteristics such as age or ethnicity.
- Operational data comparing the number of cases successfully completed when undercover operatives who are members of an ethnic group attempt penetration of criminal organizations dominated by their own or another ethnic group.

#### **Liability Arising From Selecting the Wrong Person (Negligent Hiring)**

The liability from negligently hiring arises from citizens or other officers who suffer because an officer in a position to execute police powers failed to do so in an acceptable fashion. Police departments are frequently called to account when they fail to protect individuals under constraint or custody (Wattendorf, 1993). They are also at risk of liability for failure to protect persons or property regardless of whether the injured party was under constraint or custody. In some cases, plaintiffs have alleged that employers should have been aware of characteristics of the employee that caused the harm. Although no court has specifically stated that psychological testing is necessary to discharge the employer's duty, we believe that such testing would have probative value in ascertaining whether an employer has indeed fulfilled his duty.

In law there is a principle called *agency* in which an employer is liable for the torts of an employee conducted on behalf of the employer. If the employer can demonstrate that the tort-feasor was not acting within the scope of his or her duties, no agency was held to exist, and the employer was not liable for the act.

However, there now is a trend requiring employers to defend suits filed by persons seeking redress for crimes committed by employees. Crimes such as thefts or assaults that victimize customers or co-workers are alleged to result from the negligence of the employer in hiring the alleged criminal.

Most states now recognize some form of negligent hiring as a common law tort. Negligent hiring suits are sustainable if a plaintiff can demonstrate that the police department had a duty to protect him or her from the harm sustained and that the officer was acting under color of his employment. The plaintiff also must show that the employing agency breached that duty—that the employee causing the damage was incompetent and that the department knew or should have known of this incompetence. The plaintiff must demonstrate that his or her injury was caused by the officer's incompetence, and that the incompetence was reasonably foreseeable by the employer. Finally, the plaintiff must show damage suffered as a result of the employee's incompetence.

It seems clear that law enforcement agencies would be negligent if they failed to identify and did employ applicants who can be demonstrated to be likely to behave in a manner that would invite such lawsuits. Because the attributes that are associated with such counterproductive behavior may develop after a person has been selected and trained, a police department may also have to periodically monitor all officers for changing behavior patterns that warn of increasing risk of such behaviors.

### SCREENING IN AND SCREENING OUT

At this point it seems appropriate to discuss employee screening, a family of procedures that determine which candidates are not suited for a job (screening out) and which candidates are best suited for a job (screening in). Both of these procedures are used in the selection of police officers. Selection of an attribute used as a criterion for either screening in or screening out must be carefully selected. The administrator of a screening program should be satisfied that:

1. All criterion attributes are primary determinants of good police work and the criterion attributes cannot be changed as a result of academy and field training—or of institutional socialization. In many cases failure to meet criterion levels of attributes subject to modification due to training or socialization can be attributed to impediments, and the candidate may lawfully demand that a reasonable accommodation be made until he or she can be trained or socialized.
2. Is there an identifiable pattern of positive attributes that have been associated with good and poor police work? Do we know what these patterns are? Less than 2% of the California law enforcement agencies surveyed by Leake (1988) indicated that they have, or intend to, conduct validation studies for this purpose.

### **Establishing Screen-Out Criteria**

Screening out is the elimination of applicants based on their failure to meet minimum criteria or evidencing factors that cannot be tolerated. The purpose is to reduce the applicant pool by eliminating those with incompatibilities. The basic element here is the obvious shortcoming of the factor in question, based on that factor's relatedness to the need for reliability. Screening out criteria for law enforcement have traditionally included minimums such as standards for educational requirements and the possession of a valid driver's license, as well as such incompatibilities as a history of righteous arrest or narcotic addiction. Whatever the screening out criteria, they must correspond with the criteria of reliability as defined by the tasks that comprise the law enforcement job.

Screening out evaluates for minimum qualifications, and it may be used to determine eligibility based on considerations such as age, physical fitness, and physical and mental health status, to the degree that they have been demonstrated to be disqualifying. Screening out must be justified in that employing screened-out applicants would result in failure to perform the job's essential activities, or to perform them in such a manner as to risk the safety or health of self or others. The focus of screen-outs is on an applicant's current status rather than on future job performance. Although a test score or evaluation rating may be arrived at, screening out must result in a dichotomous recommendation to the employment decision maker: Do not select versus consider for selection.

The more definitive the screen-out, the stronger or more direct should be the relationship to reliability. Absolute screen-outs are factors so clearly in violation of the goals of the criterion that any presence of the factor excludes the applicant. Whereas righteous criminal arrest is one such example, an arrest that was later followed by dismissal of charges could require additional consideration. For all screen-out criteria there should be a well-defined rationale that explains the reason for excluding applicants. A well-defined rationale is important when discriminating between features that cannot be tolerated and those that may receive case-by-case consideration, and in defining minimum standards for candidacy.

### **Choosing Procedures to Measure Screen-Out Criteria**

Some "rule-out" features have face validity, such as the exclusion of persons who have egregiously broken the law. Others are derived based on the culture of the organization, for example, personnel must be residents of the community. Yet others are scientifically related directly to the performance criteria. Examples here may be drawn from actual critical incidents on the

job (e.g., being able to run a distance that simulates a foot race and then climb a wall). Yet other examples are cutoff scores that derived from procedures that have been validated in compliance with documents such as the *Uniform Guidelines on Employee Selection Processes* and the *Principles for the Validation and Use of Personnel Selection*, published by the Society for Industrial and Organization Psychology, both of which have been given force of law in numerous cases in which allegation of employment discrimination is an important part.

Selection tests often measure knowledge, skills, aptitudes, and other attributes that have been demonstrated to be job relevant. The selection instrument usually has a built-in cutoff score to discriminate between those who have maximum potential to meet the needs of the department. Should the cutoff score be raised to require a higher or more stringent requirement, the number of positively appearing applicants (on the tested-for factor) who are actually not positive is reduced. This "accuracy" is achieved at the expense of a reduced field of candidates, and reduces the likelihood of incorrectly measuring the factor, but can only reduce—not eliminate—the presence of false positives (candidates who appear to be high in the factor, but are not). Reducing the cutoff score increases the likelihood of selecting more of the applicants with the desired factor, but at the same time increases the risk of false positives; assuming some applicants are better qualified than is the case (true negatives). This sort of logic is particularly important when considering the value the department places on specific factors, the validity of the method of measurement, and the extent to which the personnel pool can tolerate exclusions. This last point loops back to the liability of wrongful hiring. Many courts have entertained unlawful discrimination and negligent hiring cases due to insufficiently considered cutoff scores. Quite simply, the more specific the criteria, the stronger the need to evidence its relationship to job requirements.

### Criterion Issues

We have some concern with what is perceived as a lack of meaningful discrimination of degree (or intensity) of the undesirable behaviors being predicted by most instruments, and with the relation of the intensity of behavior to test cutoff scores (Kurke, 1991).

It will be useful to envisage a matrix in which test scores representing a prediction of undesirable behavior (e.g., theft) are arrayed along the vertical axis (Fig. 4.1). High scores are those indicating that there is a high likelihood of undesirable behavior, and low scores indicate a low likelihood of undesirable behavior. A cutoff score can be established along the continuum as the employee selection decision-making threshold. As noted earlier, if the threshold is lowered, the correct identification of undesirable applicants will decrease.

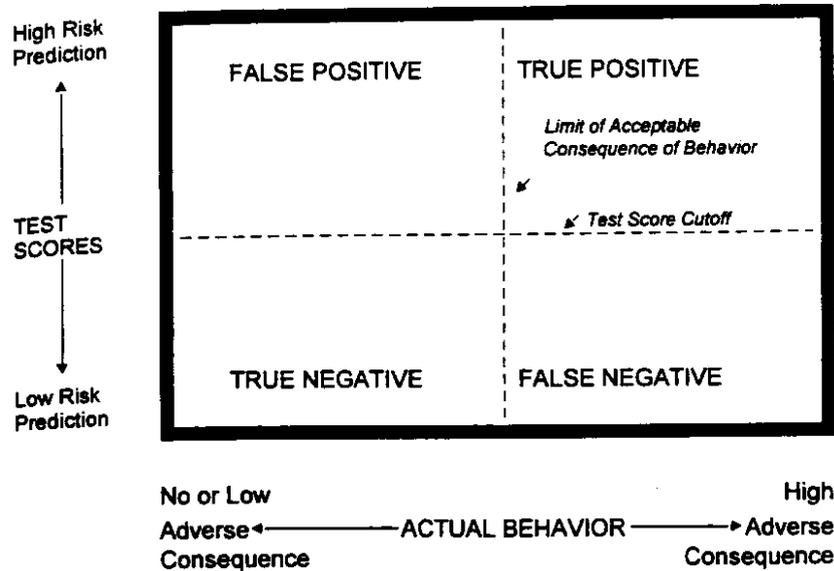


FIG. 4.1. Cutoff scores versus predicted and actual behavior.

Returning to Fig. 4.1, let the horizontal axis of the matrix represent a continuum of intensity or undesirability of the class of behavior being tested. If the behavior we are talking about is theft, for example, there is a continuum of theft-free behavior from minor pilfering up through the most heinous theft-related crime. Often it is a test publisher who arbitrarily decides how bad the behavior must be and sets the threshold of acceptability (pass-fail) along the actual behavior continuum. At one extreme there could be a test in which a person who is likely to commit a transgression of a very minor nature that will cause little or no regret is treated as equal to a person very likely to commit a major transgression causing the department much regret through bad public relations or legal liability. At the other extreme could be a test that only discriminates the major potential transgressor. Few test publishers advise the test user where the cutoff along the consequence dimension has been set. Thus, one test may screen in for selection one type of behavior that another test deems cause for screening out. Here is an illustrative example. It may be that as far as sensitivity goes, a person whose test score indicates a risk that he or she might verbally abuse a traffic violator, and another person who might use undue or deadly force against a prisoner who talks back are at equal risk of not being hired.

A fixed cutoff score established for decision making is best used when there is a clear-cut demarcation between acceptable and unacceptable behavior. However, many of the criterion behaviors do not fall into clear-cut yes-no categories. A considerable amount of criterion behavior falls some-

where along a continuum ranging from exemplary to egregious, and the person responsible for selection decision making is required to establish a legally viable standard somewhere between these extremes. Selection of a cutoff score also requires validation. Leake (1988) reported that 30% of the California law enforcement agencies responding to a survey indicated that they screened out 21% to 80% of their candidates for psychopathology, a condition that appears in only about 15% of the state's population. A justification of the acceptance of the cutoff used in selection requires answers to questions such as: Does the police candidate pool have poorer mental health status than what can be found in the general population? If not, are the criteria used by the selection agencies valid in terms of appropriateness of the cutoffs used? If the cutoff criteria can be shown to be valid, were the testing procedures followed flawed in any way?

In addition to legal considerations, the police psychologist should consider the ethics of mislabeling a person as unsuitable when in fact the decision to label the applicant is based on a false positive finding. Quite apparently, the failure rate for a test can be lowered by altering either the threshold between acceptable and unacceptable behavior or altering the test cutoff threshold. However, if this is done, it is highly likely that the correct identification of poor performers will decrease. It seems clear that a large percentage of otherwise qualified job applicants may be rejected on the basis of suitability test results in order to identify an often small number of unsuitable employees.

### **Integrating Components to Identify Unsuitable Applicants**

Departments need to make their hiring decision based on a variety of data inputs. A number of elements used to determine unsuitability were discussed earlier. How the results of these elements are combined in the overall decision is as important as the merit of any single factor. Absolute rule-outs, by definition, reject the applicant whenever they are present; it is a binomial equation: yes or no. Other factors may have differential weights, some being more important than others. These can be decided by a panel representing departmental interests, but the logic for each weighing should be defined in advance of consideration of any case, and spelled out so that the process is recoverable, accountable, and defensible. If a weighing system is used, of course, the same weights must be applied uniformly to all applicants.

***Establishing Screen-In Criteria.*** Screening out attempts to eliminate unsuitable applicants. Screening in attempts to identify the most qualified applicants. Screening in is a complimentary, competitive process that qualifies applicants who have passed the screen out. Screening in should result

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in quantitative measures that allow qualified candidates to be compared with each other (i.e., predictions of degrees of job success). The screen-in process evaluates competitive rating factors and will identify the best qualified candidates so that the candidates who are most likely to be successful can be selected.

Criteria for screen ins are factors that reflect attributes, qualities, skill, and knowledge, and abilities that enhance candidacy. Whereas screening out requires, for example, applicants to be emotionally stable (or instability that does not exceed clearly defined limits), screening in values the job-related personality qualities and other job-related attributes that are specific to effective, reliable performance (e.g., the ability to deal with others, sound judgment, etc.).

The characteristics or factors that are suitable to screen in are more difficult to qualify due to the offsetting and compensating capabilities that exist among these features.

***Choosing Procedures to Measure Criteria.*** Some screen-in criteria are measured by their mere presence; advanced or specialized training or professional experience are examples. Other factors are logical extensions of screen-out criteria. For instance, enhanced personal qualities such as higher intelligence, overall adjustment, and outstanding problem-solving skills are attributes that suggest potential that is in excess of minimum.

Other ways of choosing how to screen in depend on the same appraisal of test scores that is used in screening out. Here the higher scores determine the relative competitiveness of the applicant. No matter the method of determining which candidates are best qualified, any selection system used must be able to demonstrate that the applicants selected because of their enhanced potential, do in fact perform better on the job than those judged to be less qualified.

***Integrating Components to Identify Most Qualified Applicants.*** As was the case with the selection rationale in screening out, screening in should combine the various criterion-related selection factors in a standardized fashion. Because screening in is more difficult to validate than screening out, the anchors between the screening criteria and reliable performance need to be quite clear. Preferably, the face validity, or obvious connection to the screening goal is well established. Certainly the way selection factors are combined in the ultimate hiring decision should capture the same appreciation for validity and equality as used in screening out.

One way of minimizing assessment errors has been suggested. The plan intends to reduce the consequences of any weaknesses of the elements used to screen by rating applicants by random groupings. Here is an example of how this proposal works. Applicants are evaluated using routinized screen

outs and screen ins. Randomly selected groups of three applicants (who passed the screen out) are rated per their competitiveness with forced rankings of first, second, or third. Actual hiring begins with all applicants with first-place ratings. Once they are all on board, the next hiring round begins with the second-place applicants. Following this sequence, all the highest rated applicants are hired first. The value of this scheme is that the risks of selection error are randomized, reducing the risk of relying completely on specific criteria. Because so many factors can affect the accuracy of validation efforts, this is a procedure that can be a very reasonable precaution from being bound to questionable scores.

### **Three-Level Screening Procedure in Accord With ADA**

It is self-evident that police applicants should not be encumbered by psychological or medical conditions that will interfere with the safe and effective performance of their duties. Prior to the passage of the ADA, in many jurisdictions applicants for police and other public safety positions received psychological and medical screening prior to receiving a job offer. Because the ADA prohibits discrimination against disabled individuals who are otherwise qualified for a position, the law requires that no inquiry concerning any disability may be made of any job candidate unless and until a provisional offer of employment has been made. As of this writing, many police departments are in the process of changing their selection procedures to comply with the law and at the same time, to ensure that all selected job applicants are screened for their ability to perform their jobs. A three-tier selection process is suggested that will combine screen-in and screen-out processes.

The first level of screening is to review all applications and screen out all applicants who do not qualify for nonimpairment related considerations such as age limits (criminal record, etc.), resulting in a list of qualified applicants.

The qualified applicants are then subjected to a screening-in process. Knowledge, skill, abilities, and other attributes, including relevant experience, are evaluated. Tests and other assessment procedures must validly measure characteristics that are bona fide job requirements. Upon completion of testing or other evaluation procedures, the applicants are ranked to create a list of best qualified candidates. A number of best qualified candidates, not to exceed the number of available or projected vacancies, are given conditional offers of employment, subject to medical and psychological screening out for disqualifying characteristics. Highly qualified applicants who have not received provisional offers of employment may be placed on a waiting list, pending vacancies that may be created as a result of the third level of screening.

The third level, a screen-out process, is a medical and psychological evaluation. This screening must clearly differentiate between those applicants

who have a disqualifying impediment and those who do not. The screening device must not only identify a valid disqualifying condition, but it must also measure the degree of existence of the condition against a validated cutoff. This means that an existing condition must be present to the degree or extent that has been demonstrated to impede or prevent the applicant from performing the required activities of the job safely and effectively.

Candidates who have been screened out on the basis of a medical or psychological impediment have the right to seek reasonable accommodation to their disability. Such an accommodation may be reached if it can be determined that another factor, if present, can compensate for the impairment. The compensating factor may be attained through job redesign, training or rehabilitation, or by establishing the existence of a physiological or psychological condition that compensates for the impediment. Should the applicant be judged to be impaired, but otherwise qualified for the position to which he or she aspires (either with or without a reasonable accommodation), the applicant must be returned to the best qualified list and ranked as if there were no impairment.

#### **Application to Special Duty Assignments**

Screening for departmental personnel to assignments that are excursions from routine duty should require their own selection procedures. Each of the special duty opportunities should have its own job task analysis, and that should be used as the predictor criteria. Such separate, in-service considerations are necessary because these special duties can each have their own standards that define the personal qualities needed to assure reliability while doing that work.

Special duty assignments can be very varied. For example, undercover operatives need to be stable, but also particularly stress tolerant, self-reliant, and self-disciplined. More than this, the psychological features of each operative need to be understood to adequately make operational plans. Chapter 14 in this volume further specifies issues related to screening in for undercover work. In much the same way, detailed psychological data can be invaluable in selecting and in the training of hostage negotiators. Assessment data assists in ensuring that negotiators can effectively deal with others, but the information can also be used to fine tune negotiators, and identify who would be best to work how, in which circumstances.

Another example would be screening for Special Weapons and Tactics (SWAT) Team. Here there are some important differences in temperament between assault teams (including differentiating between best qualified for leader versus follower positions), and snipers (who have to be patient, low in impulsiveness, comfortable being alone for long periods of time, and of sufficient self-esteem to feel reasonably at ease with the concept of facing the

use of deadly force). As with other specialists whose work is more likely to demand precision (e.g., explosive ordinance disposal), and because the assignments are more likely to increase the likelihood of involvement, greater care is needed in confirming that officers are continually ready for their assignments.

Routine periodic psychological re-evaluations are needed in most special duty work to assure reliability. In some instances, such as undercover duty, this can be conducted before or after assignments. In other situations, such as SWAT, it may be more helpful to assess personnel annually, using some convenient schedule (e.g., their birth month) to re-evaluate, debrief, and support. Such attention not only sustains the visibility of the reliability program, it permits routine interaction with the psychologist, a chance to become familiar with one another, and a chance to build a relationship that can be relied on if problems do occur.

## ENSURING HUMAN RELIABILITY THROUGH TRAINING

### A Continuing Selection Process

Training is one of the complementary processes that can influence reliability. As mentioned earlier, training's role can be varied, to include ensuring requisite skill fundamentals, compensate for other factors, and contribute to ensuring standards of performance. The following domains (see Table 4.2) exemplify the range and complexity of issues, and suggest ways that resources can apply training to assure reliable performance. The reader is also referred to chapter 10 in this volume on the role of the police psychologist in training elsewhere in this volume.

**Knowledge Inadequacy.** This domain addresses what needs to be known to accomplish job tasks. A distinction is made between what is *essential knowledge* (specific information relating to the work) and *essential skill* (ability to apply what is known). Essential knowledge includes a wide range of information that is relied on in order to perform. Examples might include language, math, or other basic informational prerequisites, to which specific information, such as knowledge of the law, would be added during police training. The factors that account for the shortfalls include the absence of essential knowledge, such as inadequate exposure to the subject matter. Educating with the needed information is the solution, but a closer look into the reasons for the shortfall may suggest particular training strategies to assure knowledge adequacy. For example, knowledge limitations might be contributed to by a lack of use of the information. It may have been learned but not dealt with sufficiently to sustain it. Accordingly, refresher training would be a recourse for essential information, if its refreshment is

TABLE 4.2  
Ensuring Human Reliability Through Training Design

<i>Domain: Reliability Degradation Factors to Be Addressed</i>	<i>Training Design Considerations</i>
Knowledge inadequacy: Basic knowledge shortfalls; conflicting and/or irrelevant prior knowledge; lack of feedback	Education/curriculum development: Provide application exercises; provide feedback; ensure curriculum is relevant to teaching goals
Skill inadequacy: individual potential limitations; inadequate prior proficiency; negative transfer from other tasks; prior underuse of skills; lack of skill feedback	Screening/selection for training: Provide proficiency training; training designed to develop positive transfer; ensure regular practice; provide feedback in training process and during operational situations
Dysfunctional organizational climate: Dysfunctional policies and leadership practices	Continuing management and leadership training; management to be held accountable for adequacy of training
Defective equipment and misuse of equipment resulting in system failure; inadequate manuals and other user or maintenance documentation; inadequate or inappropriate application of the equipment	System and equipment design and documentation: Adequate and appropriate training design can compensate to a limited extent for poor or inadequate attention to user characteristics in engineering design. Training and user manual design must consider training and document readability, comprehensibility, legibility, and durability.
Personal history impediments	Social, cultural, and legal history; integrity and ethics issues; relevant education and work experience
Educational/intellectual limitations	Relevant knowledge; learning ability; aptitude and interest; motivation

needed, as well as exercises or other proficiency methods to practice and retain accessibility.

A lack of feedback may also explain a knowledge shortfall, as there may not have been a suitable environment to assure correctness by repairing inaccuracies and learning how to keep current. Additionally, feedback helps to assure that information used is relevant for effective performance. Continually updating the content of instruction is necessary to assure that the essential information that is available addresses the changing conditions or trends in the workplace. This chapter began with a citation of how officers killed in the line of duty are now understood to have most frequently given the offender a break by dropping their guard. Knowing this could well keep unsuspecting officers from dropping their guard. As with any form of instruction, motivating the student to learn requires actively involving instructors with their classes, making the information learnable. This includes more

than assuring that the information is necessary, it means making those learning it appreciate its importance. Active, involved instruction means to approach the information with instructional methods that engage students to capitalize on their abilities to understand, learn, retain, and use.

***Skill Inadequacy.*** This domain addresses the "how to" of police work; being able to accomplish the tasks of the job. Individual potential is perhaps the most fundamental of the factors included in this domain. These elements are more difficult to deal with than the previous domain (knowledge inadequacy), in which the content was the issue. Here individual differences in dealing with that content, such as how students deal with their personal potentials, make the difference.

Among the factors of consequence are individual aptitudes and learning rates, perceptual and motor skills, motivation, and emotional factors. Perhaps the most formidable preventive or corrective action for these factors is the the selection process. Selection criteria should determine basic knowledge requirements for entry-level training, and training should confirm that the needed skills and attributes for successful performance are sufficiently available. Training here is a check on selection, and a confirmation that needed proficiencies are acquired. Failure to confirm evidences that what the selection criteria could not assure, instructional standards could.

Other factors influencing skill adequacy include previous requirements to properly use and demonstrate abilities, blockers (negative transfer), and lack of feedback. Proficiency training is recognized as the most commonly used means to counter negative effects of these factors. If previous proficiency standards are adequate, then training to such standards assures the development and maintenance of the skill. Likewise, conflicts that do not integrate skills learned for use in the field can result in negative transfer; blockers that interrupt effective application of skills. Training also needs to integrate the realities of the workplace (e.g., policies, standards, equipment). This should include regular practice and generous feedback.

***Dysfunctional Organizational Climate.*** Just as individual attributes need to be well attuned to the work to be accomplished, the policies and leadership styles of the police organization also need to be tuned to the nature of the organization. This is the culture in which knowledge and skill are applied. These factors interact with all of the others, because organizational culture establishes the values in the workplace, influencing the climate and ultimately the productivity of every law enforcement organization.

Dysfunctional policies are those that are in conflict with each other, insensitive to the needs of the people within the organization, or unable to address changes in either. More specifically, guidance can fail because there can be workplace requirements for which there are no policies, or they may

fall short and be inadequate by not going far enough. Conversely, policies can also be too rigid, detailed, and constraining because they go too far. Examples of policy factors that can contribute to successful, reliable performance include formal and informal corporate communications, supervisory practices, labor relations, adversity of work schedules, and the fairness of disciplinary actions, performance appraisals, and promotion opportunities. Effective policy development is a difficult process that requires continual re-evaluation and updating.

Dysfunctional leadership is another organizational failure on a personal level. Good leaders typically have personal characteristics that combine their understanding of others and situations with effective communication, decision making, and the ability to inspire. To some extent, leadership potential can be assessed, but even natural leaders can benefit from leadership training. Leadership preparation provides essential information, skill development, and an opportunity to practice and learn about how best to lead and to follow. The list of potential content that has been employed in leadership training is wide ranging. In addition to managerial skill development, it ensures uniform application of policy, which further reduces liability that might arise from misinterpretation of guidance, uneven application, or ignorance of required procedures.

***Defective Equipment.*** Law enforcement professionals function amidst an evolving technology of crime-fighting equipment. Yet even when officers have the tools they need, they must know how and when to use them and there must be oversight to assure proper use.

Some failures of equipment or equipment systems lie in the inadequacy of the system's design to address the realities of the workplace. Systems that are so complex that they challenge cognitive or perceptual abilities may work well in the laboratory, but may not under fire. For instance, the demand characteristics for response time and precision may be very difficult to achieve during periods of intense workload or stress. Real field conditions can make complicated hardware too difficult to use. Redesigning such material to meet human factors requirements can often rework the technology to use it more reliably. It is necessary to train with the equipment under clearly specified procedures (keep it simple, stupid comes to mind). Skill acquisition and proficiency training can best enhance performance when conducted under actual field conditions (or their simulated analogs). Even well-maintained, state of the art equipment can contribute little to reliable performance if it is difficult to use and the "when" and "how" of its use are left to chance.

### **Levels of Training**

Establishing effective training translates to a program that identifies at each level of organizational structure what is to be accomplished at that level. Training also prescribes instruction to assure knowledge and skill sufficient to

the tasks required. The previous discussion presented selection as a means of initiating the acquisition of personnel who are likely to perform reliably, provided other factors are effectively sustained. Training has been presented as a logical and unavoidable check on the actual capability of personnel to learn and demonstrate basic police skill acquisition. The previous section emphasized how training needs to be a continual, career-long process that is inseparable from other reliability-enhancing components. The brief discussion of training levels that follows integrates training into the structure and function of a department.

**Recruit Training.** The most basic, recognized form of law enforcement orientation and preparation is the entry-level or recruit course. Typically conducted in a paramilitary fashion, this is a mutual introduction; students to police work and the organization (through trainers) to recruits. Beyond imparting knowledge, developing skill, and functioning as a selection follow-up, recruit training imparts organizational values, standards, and customs. Passing the course means the applicant has demonstrated achievement of basic knowledge and skills, and is ready to apply himself or herself under supervised field conditions.

**Probationary Training and Supervision.** The nurturing of the trainee as a professional continues during initial field duties. Field trainers need to be current regarding what has been instructed in basic training, and must have prescribed goals so that the probationary experience can complement and extend. Just like academy instructors, field trainers need to assure the relevancy of what they impart and actively interact with probationary officers in providing immediate, constructive feedback. Additionally, this is the first chance the developing officer has to do police work. How they feel about their work will develop from these experiences; field trainers have an unmistakable influence on generation of organizational values and culture.

**In-Service Training.** Update training assures proficiency and ability to meet changes in requirements and procedures. Course content can impart new information, such as intelligence or crime pattern data, or introduce new procedures or equipment for skill development. Other in-service work might include proficiency exercises and specialized training for specific skill development. Skills that require recertification include firearms proficiency, radar and breathalyzer use, hostage negotiation, or specialized weapons classes. In-service work can be programmed (e.g., conducting firearms requalifications) or it can be requirement driven (e.g., implementing policy changes or system modifications).

**Career Training.** This is the preparation of the department's people to deal with one another. Commonly referred to as *organizational development* or *human resource development*, this is a developing area that adds greatly to

nurturing individuals as a part of the department, and builds managers and leaders. Career training prepares employees for their personal career development, supervisory responsibilities, and the shaping of what the department is to its people.

### **Training: The Nexus Between Selection and Job Performance**

**Validity Issues.** The validity of a selection instrument or of any selection decision-making process is, in the long run, a measure of how well a candidate for a position would perform if selected for that position. To properly assess validity, one must have job performance criteria that are in themselves valid indicators of job success. Each criterion must be, in the terminology of civil rights regulations, a BFOR. The determination of which criteria are indeed BFORS requires considerable care. It must be recognized that there often is an intervening process between selection and on-the-job performance. Many, if not most, performance standards can be achieved only through the learning processes associated with training, on-the-job experience, and acculturation. Of particular importance to the police psychologist involved with the selection process is the role of training as a variable intervening between selection and job performance. There have been numerous instances in which success in training was the criterion against which the validity of the selection process was measured. Separate studies of the validity of a training program rest on subsequent job performance. When one thinks about it, selection can be viewed as a two-stage process: selection of job candidates for training and selection of trainees for employment as sworn officers. The implications of such an approach are clear: Efforts to assess the validity of the selection process must consider how screening impacts training, and how both screening and training influence measures of job success. The following is an example of how a federal law enforcement agency considered these relationships.

The screening procedure in use by that agency assessed applicants for primary agent training largely on predictions of their ability to successfully complete the primary agent training program. On its face, this selection screening appeared to be quite good: Once accepted, few candidates failed to complete their training successfully. In this validation, assessment depended on how well the agent cadets completed the academy's training program, which was divided into three elements: a physical training or development program, firearms instruction, and an academic portion that included instruction believed to be related to the agent's future assignments. However, there was little to indicate any relationship between the selection process results and subsequent on-the-job performance of academy graduates. There was a need to develop a means that would give the agency the

ability to assess candidates prior to acceptance for primary agent training while still in the academy. There was also a need to evaluate during field trials prior to the completion of graduates' probationary period as special agents. A research program was designed to obtain a scientific and legally valid basis for identifying applicants and trainees who would fail to complete academy training successfully, those who would perform less than satisfactorily after graduation from the academy, and those agents who would drop out of the agency early in their careers.

Early in the development of this research it was determined that there was no data by which the agency could defend its policy of allowing predicted training performance to dictate admission to the training program. Such a policy could be defended only if a nexus between training course content could be demonstrated with the job characteristics that were considered in subsequent agent performance evaluation. It was found that no scientifically or legally valid nexus existed. However, extensive job analyses and other studies had recently been completed. These actions were mandated by a prior court decision in which the agency had been the defendant in an employment discrimination lawsuit. These job analyses yielded information concerning job-related characteristics for the entire array of special agent assignments at the two lowest grade levels. The analyses became the basis for performance criteria.

The job analyses lent themselves well to developing job performance characteristics, which were incorporated into work plans (the statement of job performance standards and criteria against which the agents' annual performance ratings would be determined). These work plans met the court-ordered requirement for instruments that incorporated valid bases for personnel decision making by the agency. The analysis-based performance standards were identified as some of the data that could be used to validate elements of the primary agent training program and the program's graduation requirements. A research program was devised to assess the relationship between each element of the primary agent training program content to the special agent job analysis results and performance rating criteria. The program was designed to provide the agency's academy with information concerning the relationships between existing elements of the training program and, if results so indicated, to make recommendations for changes in relative emphasis of the various elements of the training program's course content. In addition, the program included a long-range follow-up of academy graduates (a longitudinal study) that would empirically determine the predictive value of training performance scores on subsequent performance evaluation ratings.

In detail, the study effort was designed to produce a special agent job requirements training document. The project started with the establishment of a job analysis for the cadets. This job analysis incorporated many of the

job elements found in postacademy job assignments, together with job elements specific to persons in primary training status. This document was designed to provide performance criteria for periodic appraisals of cadet job performance, not unlike those that would be used annually during their career with the agency. The performance work plan, just like the one in use for all special agents, provided for evaluative ratings. As used, the ratings provided quantitative data for cadet review board determinations as to the cadet's suitability.

The project plan called for intensive data collection. For each cadet, demographic data were obtained. Such information included the geographic area (field division) from which the cadet was recruited, educational background (specifically academic major and degrees earned), prior law enforcement experience, age, gender, and ethnic information. Training was considered a variable, and data to be collected included the cadets' performance appraisal ratings, information as to if and why a review board was convened and the disposition thereof, class standing if the cadet graduated, or if the cadet did not graduate, the reason why. On-the-job (postgraduation) data to be collected included first duty station and assignment, performance appraisal ratings for the first 2 years, and awards or promotions. If the employee was no longer in the agency, the reasons for leaving were noted.

The plan for data analysis used the demographic variables as predictors of all other measures, and the training variables as predictors of on-the-job measures. Correlations between training performance appraisal measures, review-board-related variables, and class standing or reason for not graduating also would be obtained. It was anticipated that the analyzed data would point to needed course content or curriculum modification. In addition the validation data would be useful in justifying selection and training criteria as BFOR should such a need arise.

This concept appears to be a promising method of demonstrating validity of an integrated selection, training, and performance evaluation program. It is illustrative of the linkage between multiple validity determinants. All of the training program and curriculum requirements are validated against independently validated performance standards for working personnel. Such a framework allows, at the same time, for selection criteria to be validated against both valid training and valid actual job performance criteria.

The changing face of law enforcement makes it incumbent upon police agencies to ensure that its members are kept abreast of changing requirements of the job that directly affect who should do the job, and how it should be done. Additionally, increasing use of new technology can be particularly threatening to departments in danger of becoming obsolete in their ability to respond to changing social norms and increasing sophistication of criminals. The result is the need for a continually evolving organizational capacity to meet changing requirements. The comprehensive program

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just described is an amalgamation of recognized systems development elements, capable of enhancing the quality of recruits and ensuring their capability to perform.

### **Some Final Thoughts About the Meaning of Validity**

Psychologists who develop tests have to be concerned with validity; psychologists who use tests in screening must also be concerned about it, even beyond the test parameters revealed in the instruments' manuals. When tests (or clinical judgment for that matter) are used to select individuals for entry or promotion within an organization there must be established criteria against which the decision-making process is validated. The primary and perhaps the only justifiable concern is whether the test actually measures or predicts what it has been designed to measure or predict, and whether decision making based on that test or any other means of personnel selection can be justified both scientifically and legally. The question that must be answered is whether an employment decision made on the basis of the test results can be justified by business necessity. There is widespread recognition that the business necessity of selection criteria can best be established by job and task analysis methods. Job analysis establishes what services or products are provided by job incumbents; what tasks must be performed to provide them; the knowledge, skills, and abilities needed to perform them; and organizational and environmental constraints that facilitate and inhibit performance of the task. Task analysis describes the way the tasks are performed by the incumbent alone or in combination with a work crew, and with or without tools or other equipment in the working environment.

Conceptually, the issue of validity becomes an intertwined process that can be thought of in terms of a flow chart. As depicted in Fig. 4.2, job and task analysis provide criteria for validating job and task performance appraisal systems. Job and task performance criteria in turn provide the basis for validating the process by which positions are filled from a pool of potential incumbents. As discussed earlier in this chapter, the screening process considers a variety of personal characteristics such as knowledge, skills, abilities, experience, prior job performance, psychological suitability, and other factors, all of which have been established to be justified by business necessity.

Although personnel decision making is properly based on assessment of the personal characteristics of potential job incumbents, the predictability of such a selection process is limited because the underlying analysis validating the process fails to take explicit organizational variables into account. Figure 4.2 schematically incorporates a process parallel to that previously described for linking organizational performance to job and task performance, and for incorporating organizational character and culture into the validity matrix.

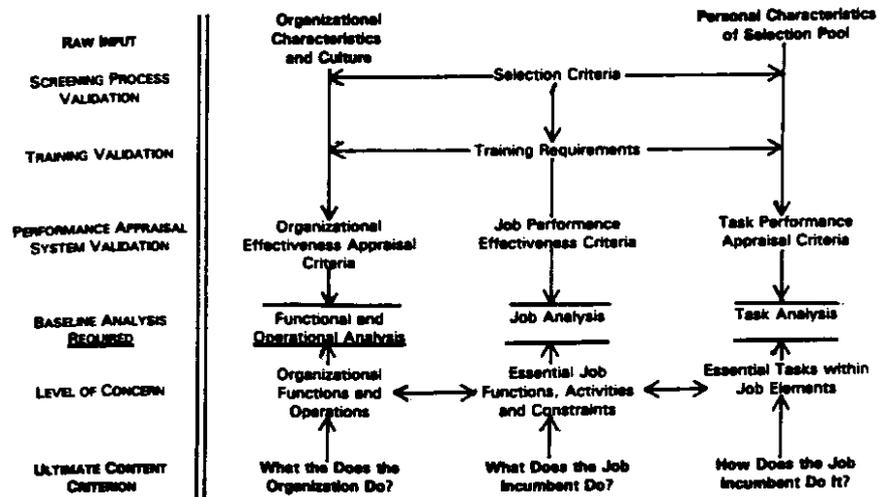


FIG. 4.2. Validation interdependencies.

Just as task analyses depend on determinations of significant tasks generated by job analysis, job analyses should depend on knowledge of the organization in which the job is embedded. An analysis of the organization's mission, function, and significant operations is needed to determine which job and task elements are essential. Essentiality of duties implicit in a job is a factor that may be used to determine whether an impairment interfering with performance of a duty may be used to disqualify a job applicant without violating the ADA. An analysis of the organization's functions and operations may also be used to assist in determination of whether an activity is essential to the job under investigation, or whether the duty can be assigned to another person holding a similar or different position. Therefore organizational, functional, and operational analyses may be instrumental in establishing measures of organizational effectiveness criteria, much as job analyses may be used to establish individual job performance criteria.

The ability to meet organizational performance criteria is further influenced by the organization's characteristics and its culture, factors that are particularly salient in police organizations. Indeed, the current trend from traditional policing methods to problem-oriented and other forms of community policing can be expected to induce changes in the way police agencies interact internally and with society at large. These changes can, and in some cases already have, influenced changes in departmental missions and operations. They have mandated the creation of new standards of performance and behavior of police personnel, and of selection and training criteria in at least one major city's police department. The question police managers and police psychologists must now face is whether existing selection and

training criteria continue to have the same degree of validity in the face of changing concepts of policing and in the face of parallel changes in job performance criteria resulting from these new concepts.

### CONCLUSIONS

Psychologists interested in working with law enforcement agencies and police counterparts alike must recognize that there are many influences on police behavior, and that reliable performance cannot be assured by any single factor. Effective policing requires a sophisticated understanding of the needs of the populations served, as well as the service providers. Psychologists may be able to contribute meaningfully to a number of factors that are involved in reliable performance on the job, but in isolation, the effort can easily be undone elsewhere. There must be an integrated concept of involvement that marries validation to each initiative that could have an adverse impact if not properly conducted. Because the environments (both community and police) are not static, there must be means with which to sustain awareness of effectiveness, as today's procedures may not work well in the future. Finally, there should be efforts to account for as many of the possible influences on reliable performance as possible. This chapter has addressed selection and training as ideally being very compatible, mutually enhancing elements. Just the same, either could be negated by other, potentially stronger factors; potentially, everything counts. Equating either selection alone or training alone to successful performance has yet to be demonstrated. The needs of communities served by the police in the 21st century are best understood in terms of a multifaceted personnel preparation capability in which selection, training, and caring for the force are well integrated and mutually complementary.

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# **Police Psychology Into the 21st Century**

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