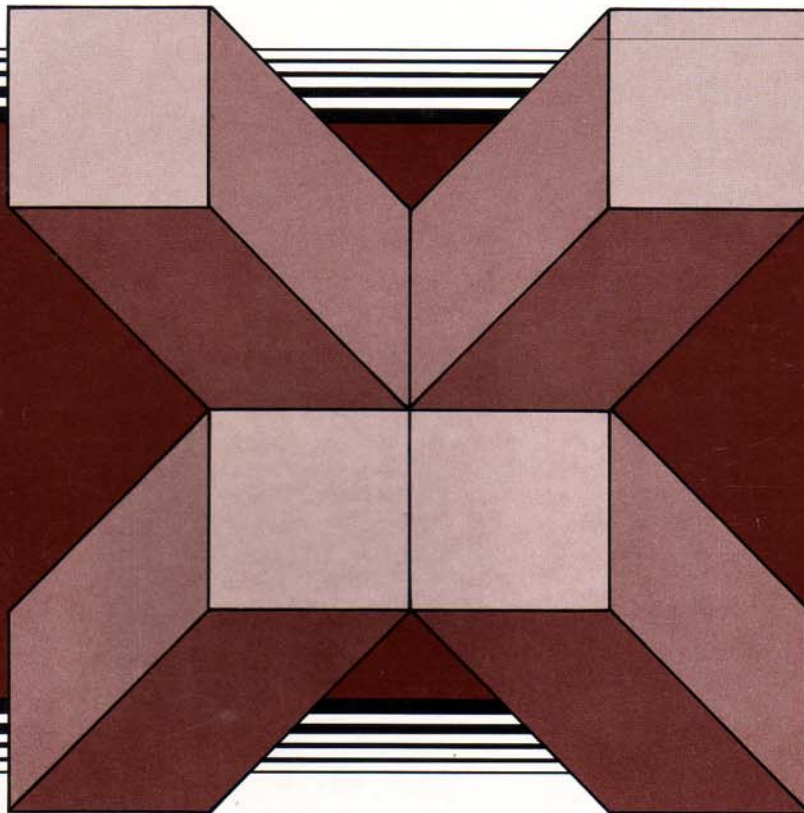


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Police Officer Academic Standards

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There is a strong consensus that increased professional training and college education for police officers will improve their capability to deal more effectively and humanistically with the complex law enforcement problems of contemporary society.¹ Several reasons may be cited in favor of higher education. These include, but are not necessarily limited to, the following:

1. The problems that police officers experience when confronting better educated individuals.
2. Growth and positive attitudinal changes which occur with the academic experience.
3. The resulting increase in discretionary powers of police.

Formal education generally provides a person with the ability to see problems in a broader perspective, thus potentially enabling him/her to arrive at the proper solution for the circumstances.

Studies Conducted Re Academic Standards for Law Enforcement

Two national "Blue Ribbon" commissions have studied the question of higher education for law enforcement officers and both have recommended that the minimum educational standards for law enforcement must be raised to require at least a Baccalaureate Degree. The President's Commission on Law Enforcement and Administration of Justice formed by President Lyndon Johnson in 1965 was the first group to study the nation's crime problem since 1933. This Commission went on record with the following statement: "The ultimate aim of all police departments should be that all personnel with general enforcement powers have Baccalaureate Degrees."

The second distinguished body to study the problem was the National Advisory Commission on Criminal Justice Standards and Goals formed in 1971 by the United States Attorney General. The charter of this Commission was to articulate standards and goals for the various elements of the Criminal Justice System. The Advisory Commission, in their recommendations pertaining to the police, recommended that by 1982 every police agency should require as a condition of ini-

tial employment the completion of at least four years of college. Primarily, the recommendation was made because the Commission believed it was necessary in order to insure the selection of personnel with the qualifications to perform police duties properly.

The idea of a college education for police surfaced in the second decade of the 1900's when August Vollmer, then the Chief of the Berkeley, California, Police Department, founded the first School of Criminology at the University of California. The first degree-granting police program was started by Vollmer and the then young District Attorney from Alameda County, Earl Warren, in 1930 at the University of Southern California. They collaborated again in starting a similar school at what is now California State University at San Jose.²

National Advisory Commission

The newest arrival to the national debate is the National Advisory Commission on Higher Education for Police Officers. The Commission was created by the Police Foundation in 1976 to assess the purpose and future of higher education for police officers. The members of the Commission have all had substantial experience in either higher education or policing.

In identifying central issues facing higher education for police officers, the Commission contacted presidents of state police chiefs associations, state higher education agencies, state criminal justice planning agencies, and numerous national organizations representing those concerned with police education. In analyzing responses to questions presented, three major positions on the objectives of police education have emerged. Two of the positions are commonly heard in all debates about higher education. A third is unique to education for policing.

One position holds that the objectives of higher education for police officers should be no different from the objectives of all higher education: to prepare people for life, and to teach them the conceptual ability to understand themselves and the world around them. This position assumes that police officers are no different from

anyone else in their ability to derive personal enrichment, both on and off the job, from higher education. A college education is useful for any job, if only because it encourages clear thinking.

A second position holds that the objectives of higher education should be far more specific than the first position implies. Higher education should equip people with the skills required for a career in a particular job. This position assumes that a college graduate is more marketable if he possesses job-related skills, and that producing marketable graduates is an appropriate objective for higher education. If graduates fail to get jobs, or if their education does not give them skills useful for their jobs, then this position would argue that higher education has failed to meet its objectives.

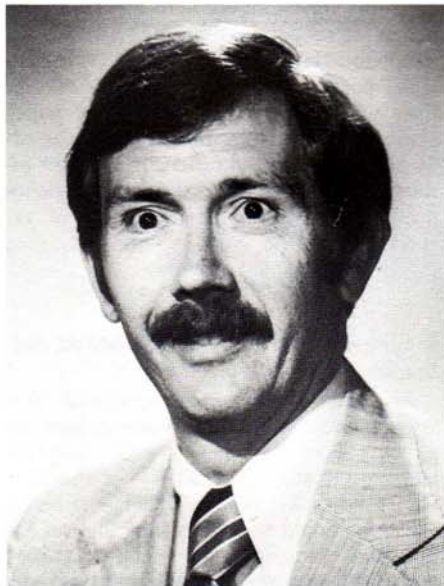
A third position, articulated by Chief Vollmer, is that higher education should be a tool for changing and upgrading the police. It responds to both the first (general education) and the second (vocationalist) position with the question of how they will improve the delivery of police services. The assumption is not necessarily that an educated officer is a better officer, but rather that an educated police profession will be more capable of responding to the complex and changing needs of our modern society.

The Legal Viewpoint on Adverse Impact and Academic Standards

An agency's basic concern with academic requirements for police officer applicants should be whether such a requirement is violative of Title VII of the 1964 Civil Rights Act (42 USC §2000e et seq.). First, it should be understood that an educational requirement, such as a high school diploma or 60 college units, is not a "test" within the meaning of §703(h) of the Civil Rights Act. *Griggs vs. Duke Power Company*, 401 U.S. 424, 433, fn. 8, 28 L.Ed.2d 158; *League of United Latin American Citizens (LULAC) vs. City of Santa Ana*, 410 F. Supp. 873. Thus, the Equal Employment Opportunity Commission and Federal Executive Agency Guidelines relating to test validation, although purporting to apply to educational requirements, are not applicable

in determining the validity of the requirement of, for example, 60 college units. The analysis of the validity of the requirement of 60 college units should be as follows: if the requirement has a disproportionate racial impact and has not been shown to be job-related, it will violate Title VII. *Griggs vs. Duke Power Company, supra.*

The first question thus is whether or not a two-year college requirement (60 semester units) has a disproportionate racial impact (or adverse impact). The courts generally look to census statistics to determine whether there is an adverse impact on the pool of eligible minority applicants (*Griggs vs. Duke Power Company*, 401 U.S. at 430, fn. 6, North Carolina census statistics indicating that 34 percent of White males completed high school versus



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12 percent of Black males; *Johnson vs. Goodyear Tire and Rubber Company*, 491 F.2d 1364 (1974), Texas census statistics and Houston area census statistics showed adverse impact on potential applicants; *Arnold vs. Ballard*, 390 F.Supp. 723 (1975), 1970 census statistics indicated 52 percent of Whites have 12 or more years of education versus 34 percent of Blacks). Thus, if the relevant census statistics reflect that substantially more Whites than minorities complete two years of college, the requirement of 60 college units would probably be held to have an adverse impact on minorities.

However, even if the census statistics indicate that the two-year college requirement has an adverse impact on minorities, it does not follow that the requirement is therefore invalid. If an agency can show that the requirement is "job-related" (i.e., bears a demonstrable relationship to successful performance of the job for which it is used) it would be upheld as valid.

There are no reported cases discussing the validity of a two-year college requirement for police officer applicants. However, the cases upholding a high school diploma requirement for police officer applicants indicate that a similar two-year college requirement would, upon a proper showing, be upheld as valid. In *Castro vs. Beecher*, 459 F.2d 725 (1972), the court, in upholding the high school diploma requirement, noted that ". . . a high school education is viewed as a *bare minimum* for successful performance of the policeman's responsibilities." 459 F.2d at 735 (emphasis added).

In *Arnold vs. Ballard*, 390 F.Supp. 723 (1975), the court upheld the Akron Police Department's requirement of a high school diploma or G.E.D. equivalency although it was shown to have an adverse impact. The court found that the educational requirement bore a substantial relationship to the job as a police officer, 390 F.Supp. at 728, based on an industrial psychologist's testimony indicating that: (1) word samples from the department's training bulletins required above a 12th grade reading level; (2) the duties of a police officer included preparing comprehensive written reports, interaction with a diverse community, and frequent court testimony;

(3) reports of various state and federal government agencies recommended at least a high school education for police officer applicants; (4) a study done in the New York City Police Department indicated a correlation between higher educational attainment and improved police performance; and (5) police officers were required to participate in continuing education, such as becoming familiar with recent court decisions.

Finally, in *LULAC vs. City of Santa Ana*, 410 F.Supp. 873, 901 (1976), the Court upheld the requirement of a high school diploma for police officer applicants as a reasonable prerequisite for employment even though the requirement had an adverse impact on Mexican-Americans.

Although *Castro*, *Arnold*, and *LULAC* involve the requirement of a high school diploma, there is language in the cases indicating that a high school diploma is a "bare minimum" for the position of police officer. In fact, one report relied upon by the courts in both *Castro* and *Arnold*, the "President's Commission on Law Enforcement and Administration of Justice" (1967), noted that "[t]he ultimate aim of all police departments should be that all personnel with general enforcement powers have Baccalaureate Degrees." *Castro vs. Beecher*, *supra*, 459 F.2d at 735.³

Conclusion

It is a generally accepted fact that higher academic standards adversely affect pro-

tected classes in a greater proportion than those not in that category. However, we must also recognize that even employment tests which meet accepted validation principles consistently result in a showing of adverse impact on protected groups. Since educational deficiencies account for this impact, we might draw a working hypothesis that differential acceptance rates on written examinations would be less severe if all applicants had a college education.

While a higher educational standard might tend to reduce the proportion of minorities among all job applicants, it would also tend to reduce the severity of differential attrition resulting from the necessary pre-employment examinations.⁴ However, detailed study and analysis must be done to determine the potential racial impact of a higher academic standard.

FOOTNOTES

1. Anderson, R. E., "Paths to Professionalization," *The Police Chief*, August 1970.
2. Estrada, George A., Commission on Peace Officer Standards and Training, State of California, taken from a memorandum.
3. Silver, Elizabeth Hassard, Deputy City Attorney, City of Sacramento.
4. Wollack, Stephen, a statement from "Remarks to National Advisory Commission on Higher Education for Police Officers," San Francisco, 1977.

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