

LAW ENFORCEMENT, POLICE UNIONS, AND THE FUTURE

EDUCATING POLICE MANAGEMENT AND
UNIONS ABOUT THE CHALLENGES AHEAD



Ron DeLord

Ron York

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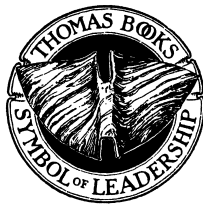
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*For Jerry Clancy, Jimmy Willborn, Chris McGill,
Doug Ward, Ruben Cisneros, Richard “Dick” Boyd and
the thousands of past and present police union leaders
who sacrificed their time and devoted
their lives to improving the living and working
conditions of law enforcement officers.*

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FOREWORD

If you are a leader of a police union today, chances are good you are overwhelmed with the myriad of challenges and complex responsibilities the job now entails. Along with the skills to run a business, police union leaders need to negotiate contracts, understand public finance, oversee public relations efforts and be an effective politician. At any given time, leaders have to function as business executives, lawyers, social media experts, therapists, financial advisors, public relations gurus, mediators, politicians and educators, just to name a few.

Up until now it's been difficult if not impossible to find a thoughtful, comprehensive analysis of these complex issues and even harder to find ideas for realistic solutions, but happily that's all changed with the publication of this remarkable book *Law Enforcement, Police Unions, and the Future*. *Law Enforcement, Police Unions, and the Future* presents a clear analysis of the problems as well as creative ideas for solutions.

You will learn more about the fascinating history of police unions when beginning in the 1970s, police unions began their transition from fraternal clubs whose function was mainly social, to serious labor organizations whose leaders became skilled in the political arena as well as at the bargaining table. Their success was impressive. For four decades most people in law enforcement could count on regular salary increases, better health care and pension benefits all the while reaping the advantages of belonging to an organization that was learning how to gain and use political power.

However, those halcyon days are over. Police unions, despite their best efforts at the bargaining table, now find themselves preparing their members for layoffs, pay and benefit cuts, and more restrictive working conditions. Leaders are also trying to fight back against the well-financed, organized effort to weaken all the public sector unions, eliminate collective bargaining rights, end defined benefit pensions and privatize the job. If there is one message you will take away from *Law Enforcement, Police Unions, and the Future*, it is that police unions have to change the way they do business if they want to survive.

To fix a problem you have to understand it first and reading the pages of *Law Enforcement, Police Unions, and the Future*, the reader starts to comprehend the monumental task at hand and why it is so important for the unions to win. We learn why it is crucial for police unions to develop a whole new approach to leadership. We discover why it's important to pour your heart and soul into educating the members, and how to overcome apathy, improve morale and encourage more diversity among the leadership.

"Pray for Peace but Prepare for War" is a favorite line of one of the book's editors, Ron DeLord—and a good portion of the book is devoted to just that. You will learn how to mount an effective political campaign, the complexities of confrontations—what works and what doesn't, the reasons police union leaders fail and what every union leader needs to know before they light the fuse and throw the bomb. There's also helpful information for leaders and their members on crafting an effective public relations effort and how the power of police unions has eroded and ways to stop the bleeding,

All the big issues are covered—best practices and policies for unions when there is an officer-involved shooting, how to stop the growing racial divide between law enforcement and citizens, the complex issues concerning body cams, how to use social media effectively, and how to get the reporters and the news media to tell the story from the cops' perspective.

As you peruse the pages, you will come to understand why it's important to master a certain leadership style to be successful. You will learn how to change the culture of your union, get more diversity among your leadership, and get your membership more involved.

The authors make it clear that today the law enforcement profession is hanging in the balance and it is how the police unions navigate these treacherous waters that could be the deciding factor on whether the profession survives. So this is the battle we find ourselves in. Winning means nothing short of beating back the effort to destroy the union and privatize the job. Mastering the lessons of this book is going to help us win.

And when you finish *Law Enforcement, Police Unions, and the Future*, pass the book along to anyone who cares about fairness and equity for teachers, firefighters, nurses, and librarians. This book, with its superb analysis and creative ideas for solutions, is for them too.

CYNTHIA BROWN, PUBLISHER
American Police Beat

PREFACE

When Charles C Thomas published *Police Association Power, Politics, and Confrontation: A Guide for the Successful Police Labor Leader* in 1997, the authors John Burpo, Ron DeLord and Michael Shannon thought it was the definitive police labor book. It is our belief that no one to this day has published anything as innovative or thought-provoking about police labor unions. What else was there to say about police labor-management relations after this book?

The authors believed that police labor unions had to master the art of achieving power by playing hardball politics and they must be prepared to confront the employer until a new contract is negotiated. The public employer—chief, sheriff, mayor, administrator and elected officials—were all adversaries to overcome and the thought of any long-term relationship was secondary to winning. Learning how to formulate the union's media message was critical to success.

Police union leaders needed to understand the basics about achieving power and communicating a message to elected officials and the media. This book served as a primer for police labor leaders. The Saul Alinsky principles on how to build a powerful police union are just as valid today.

In the next decade new challenges arose and the police profession started changing at a more rapid rate. Police labor leaders and public employers were continuously locked into their traditional battles. The challenges for police unions' intensified and more sophisticated tactics were needed. A second edition of the book published by Charles C Thomas in 2008 titled *Police Union Power, Politics, and Confrontation in the 21st Century: New Challenges, New Issues*, was an attempt by the previous authors plus Jim Spearing to bring police labor leaders up-to-speed with the new challenges they were facing. Elected officials and the media were questioning the rising cost of police pay and benefits. Police officers were well-paid in many communities but they wanted more and for the most part they were able to get it through political action.

The book was an effort to show police labor leaders how to achieve more when the private sector was losing the same benefits, how to fight off attacks

on their health insurance, both active and retired, and how to protect their defined benefit pensions despite growing unfunded liabilities. The authors believed at the time that the same tactics would work if only the police unions would double down on hardball politics and become more media savvy.

The first and second editions are still relevant today especially in relation to understanding the media, building a political action strategy, the contributions of Saul Alinsky to accumulating and using organizational power, and the many aspects of public confrontation between labor and management. We would like to thank John H. Burpo and Michael Shannon for their work on the first two editions, and Jim Spearing for his contributions on the second edition.

What is Happening Today to Policing?

The paradigm is always shifting inside the police profession. It has at times been gradual and almost unnoticeable to officers, police unions, police management, media and the general public. The quality and professionalism of officers and management has been improving with better training, equipment, salary and benefits.

The rising cost of policing, including wages, benefits, training and equipment has driven elected officials to seek lower cost. In turn we have seen hundreds of jobs previously performed by sworn police officers transferred to civilians and private contractors or replaced with technology. This trend is escalating at a rapid rate.

Another cost-saving option is to merge or consolidate police services with another municipality or contract out police services to the sheriff's office. California is a prime example of aggressive contracting out of municipal police services with the sheriff's office. An estimated 30 percent of all California municipalities have contracted out their local police services. While this trend is not as widespread nationally, it is being reviewed as an option in many states.

The change agents for reducing the cost of policing are simple—it is all about the money. Salaries and benefits, especially health insurance and pensions, have skyrocketed over the past ten years. While the overwhelming majority of private sector workers lost their defined benefit pensions to 401K plans and had to pay higher premiums just to retain health insurance, public employees continued to receive wage increases and enjoy quality taxpayer subsidized active and retiree health insurance. In addition most public sector employees have a guaranteed pension and they can retire at a much younger age than the private sector.

The disparity caused “benefits envy” between private sector and public sector employees. As organized labor has shrunk to 6.6 percent of private sector workforce, the wage and benefit gap between workers in the private sector and public is growing.

Why This Book is so Critical to Police Labor and Management?

The authors Ron DeLord and Ron York take a different approach than was taken in the first two books. While this book is presented from the labor side and is primarily directed to police union leaders, the authors believe that we must educate both police management and unions about the challenges ahead and we have to rethink how each is going to survive in this growingly hostile environment. Police management and union leaders are being body slammed every day by elected officials, community activists and the media. The tone of the attacks has become personal and angry.

The police profession, both management and labor, has reached the proverbial point of no return. The “new normal” or “new reality” has arrived and it cannot be wished away. Pining for the good old days will not bring them back. Now is the time for police management and police labor to step up and accept certain realities.

Police agencies and unions are like a glacier that is slow moving and resistant to change. However, as the public, media and politicians demand “police reforms” we will see whether the agency or the union can adapt before reform is forced upon them. Time is of the essence.

The authors are warning police union leaders and officers that the party years of unions consistently gaining higher wages, cheap health insurance and generous pensions are over. The pillars that have supported this success by police unions—organized labor, nonunion corporations paying union wages, a public willing to give police officers these wages and benefits, and labor-friendly elected officials—have eroded and no longer exist in most communities.

The authors believe the leadership challenge ahead for police unions will determine if they are ready for a future unlike anything they have seen in their careers. The new world ahead will require visionary leaders who can identify paradigm shifts and pivot without freezing like a deer in the headlights. Union leaders will need to be able to develop a message that resonates with the members, public, media and elected officials.

Police unions are democratic organizations and union leaders have a constituency that can generally be identified as conservative, tradition-bound and reluctant to any change. It is critical that union leaders motivate their

membership and get them to adapt to the inevitable changes the profession is facing.

It is now or never for police unions. Everyone is watching to see how union leaders will react to the multifront attacks. In the past all a union leader had to do to be successful was to improve wages and benefits. There were few voices calling for eliminating defined benefit pensions and stripping unions of their contractual rights. No one was attacking the training an officer received or demanding officers be criminally charged over every use of force.

When did citizens stop coming to the aid of officers and become only interested in videoing the officer fighting for their life? Who could have dreamed just a few years ago that the heroes of 9-11 would be called welfare queens and racist murderers? Elected officials at virtually every level of local, state and federal government are demanding police reforms including more citizen oversight of the police.

The central question in this book is simple—Are police unions so blinded by their success and entrenched in their own belief system that they cannot see that the public and elected officials are the bosses, and not vice versa? The public through their elected officials pass laws, hire the police to enforce those laws, set the hiring and retention standards, and fund the wages, benefits, training and equipment.

As we have seen in recent years, the right to collectively bargain over wages, benefits, job security, training and work rules is not actually a right at all—it is just a privilege granted by the public to the police. **Collective bargaining is NOT a right as many officers and union leaders seem to believe.** When the public and their elected officials only see police unions and officers acting as obstacles to any reforms, they can take these rights away, and in some states that has already happened.

The decisions police union leaders make in the next few years will determine the outcome of the most dramatic police reform movement in the United States in more than a hundred years. Police unions represent the officers on the street and that voice must be heard, but at the same time it is the duty and responsibility of elected union leaders to educate officers to the reality of what they are facing, provide a vision of what lies ahead, and accept the leadership challenge to not just tell officers what they would like to hear.

Will police unions end up on the right side of history? It is too early to tell, but the early observations are some union leaders get it and others do not. Often in history we have to have a few sacrificial lambs so the rest of the flock get the message.

LANGUAGE AND CONSTRUCTION

Except for the United States, most countries use the term *police* for all civilian or domestic law enforcement. In the United States, the terminology is more confusing to a person unfamiliar with our criminal justice system. In the decentralized U.S. system, we have municipal police officers, county police officers, county sheriff's deputies, county constables, state police, state and county highway patrol, state troopers, and special agents at every level of government. In order to simplify the terms used in this part of the book, the term *police*, *police officer*, *police department* or *law enforcement agency* will include municipal, county, special district, state or federal law enforcement officers and agencies. The term *police chief* will include police chiefs, sheriffs, constables, or the head of a law enforcement agency.

The term *union* is the common denominator in the name of most labor organizations worldwide. There is no one common denominator when it comes to organizational names or affiliations for police labor organizations in the United States and most other countries. One theory is that since labor unions are identified by the general public and media as representing blue collar workers, police labor organizations overwhelmingly use the term *association*, *federation* or *lodge* instead of *union* in an effort to be identified more closely with professional organizations such as those representing doctors and lawyers. A reason for this reluctance to use the term *union* is rooted in their belief that police work is a profession and not a blue collar job or craft. Since the most common international term to describe a labor organization is *union*, the term *police union* will be inclusive of all police and law enforcement labor organizations regardless of their name, agency or organizational affiliation.

The authors had to take a liberal construction of local, state and national police labor relations laws or the lack thereof. We recognize that the nation's 18,000 law enforcement agencies run the gamut from one-officer departments to the massive New York City Police Department. Not every agency has a union, collective bargaining or civil service. There are vast differences even among unions with collective bargaining. Not every union with bargaining rights has an impasse procedure. In these cases, contract impasses are required to be resolved through the political process.

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LAW ENFORCEMENT, POLICE UNIONS, AND THE FUTURE

Part I

**A MESSAGE TO POLICE UNIONS:
THE ROAD DOES NOT GO ON
FOREVER AND THE PARTY
EVENTUALLY ENDS**

