

Journal of Colorado Policing

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EDITORIAL MISSION STATEMENT



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The editorial mission statement of the *Journal of Colorado Policing* is to provide a resource of information among law enforcement professionals. The journal serves as a professional forum for the dissemination of original research, legal updates, training strategies as well as best practices and literature reviews. The journal incorporates the expertise of both practitioners and academics to achieve those goals. Promoting the publication of peer-reviewed research and providing sound advice from practitioners for law enforcement within the state of Colorado are the journal's main goals.

The editorial board of the *Journal of Colorado Policing* considers for publication the following types of articles:

Original Research: Research articles of interest to the members of the Colorado Association of Chiefs of Police are welcome.

Commentaries: Short papers of a philosophical nature addressing important issues, innovative training strategies, and best practices are invited. The journal welcomes the thoughts and comments of the association's members and its other readers.

Literature and Book Reviews: The journal publishes literature and book reviews of well-documented manuscripts on pertinent topics and newly available texts within the discipline.

Legal Updates: Pertinent reviews of legal cases and articles addressing legal issues are published as well.

Letters to the Editor: Relevant letters are published, with authorship, on important topics.

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Editorial Board

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Dr. Steven Ross Murray, BS, MS, DA
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Dr. Eric R. Watters, BPA, MPA, MS, PhD
Assistant Editor
Colorado Mesa University

Send editorial correspondence to:

Dr. John Reece
Department of Social and Behavioral Sciences
Colorado Mesa University
1100 North Avenue
Grand Junction, CO 81501-3122
joreece@coloradomesa.edu
970.248.1541

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Message from the CACP President

Gregg Knott, Chief of Police
greg.knott@basaltpolice.com
Basalt Police Department



Chief Gregg Knott

I am honored to serve as president of the Colorado Association of Chiefs of Police (CACP) for the 2021/22 term. Your CACP Board and I continue to work very hard to make sure our members' voices are heard, and you receive

needed support. In June, CACP was able to return to an in-person annual conference where 91 law enforcement professionals from across the state came together to learn, collaborate, and plan for the future. At the conference, I outlined my three priorities for the next year as president: 1) implement a mental health program for chiefs, 2) create a chief's mentorship program for the Association, and 3) continue CACP's efforts to have a strong and unified voice regarding legislation being proposed.

CACP 2nd Vice President, Chief Debra Funston, has created the "Chief's Circle" where any chief can attend and meet with other chiefs over Zoom. These one-hour gatherings focus on discussing issues, asking for guidance, or just talking with peers about anything you wish. Police and Public Safety Psychologist, Dr. Kimberly Miller, facilitates these gatherings twice a month. We meet on the second and fourth Wednesday of each month at 12:30 p.m. If you would like to participate, please contact Chief Funston at dfunston@townofpalisade.com.

CACP is in the development phase of creating a mentorship program for the Association. We will introduce the program at our joint CACP / CSOC conference in January 2022. If you have ideas for the mentorship program, please contact me.

CACP continues our work with our outstanding legislative committee, public relations and lobbyist teams, County Sheriffs of Colorado, and the Colorado Fraternal Order of Police to plan and coordinate the upcoming legislative session. This summer, CACP was required by statute to appoint chiefs to several advisory committees and study groups. Chiefs from across the state volunteered to serve on the following: 1) HB21-1122 Commission on Improving First Responder Interactions with Persons with Disabilities, 2) SB21-174 Peace Officer Credibility Disclosure Notification Committee, 3) HB21-1250 Best Practices in Policing Study Group, 4) HB21-1250 No-Knock and Forced Entry Study Group, and 5) HB21-1314 Department of Revenue Actions Against Certain Documents Study Group. Each of these advisory committees and study groups will provide evidence-based information to the State Legislature for consideration and future use.

Now, more than ever, CACP needs a robust membership that is active and unified. We are here to support you and your agencies. Please contact your CACP regional representatives if we can assist you or if you would like to become more involved in the Association.

Gun Control: Views from Both Sides of the Debate

John G. Reece, Ph.D.
joreece@coloradomesa.edu
Colorado Mesa University

Tiffany Kragnes, Ph.D.
tkragnes@coloradomesa.edu
Colorado Mesa University

The gun control debate pits arguments of private gun ownership against governmental restrictions. Following each mass shooting, gun control reemerges front and center in society's political debates. Often, the two sides fail to listen or even comprehend the rationales for each respective position. Gun rights advocates focus on the Constitutional right set forth in the Second Amendment, while gun control advocates focus on the sheer number of deaths caused by a firearm. The ultimate question asked is whether gun control will reduce the number of lives lost to violence. With rising crime rates, does the right to protect oneself outweigh the costs of the lives taken each year by firearms?

Boulder, Austin, Atlanta, San Jose, Savannah. As of June 13, 2021, there had been just over 270 mass shootings in the United States (Boyett et al., 2021). Gun control is a particularly contentious topic in the United States. When it comes to rancorous debates in which the two sides routinely talk past each other, gun control is surpassed only by abortion and the death penalty. Few issues generate more disagreement between ordinary citizens, or perils for elected officials, than gun control. The degree to which firearms should be regulated has been debated for years. The debate among gun control advocates and opponents ranges from the practical (crime prevention), to the constitutional (Second Amendment interpretations), to the ethical (individual rights versus government regulation).

American culture is a gun culture. In 1997, 75 to 86 million people owned a total of roughly 200 to 240 million guns (Kleck, 1997). In 2020, a Gallup poll found 32% of American adults owned a gun and 44% live in a household where a gun is present (Saad, 2019). In the broader sense, guns pervade our debates

on crime and are ever-present in American movies and the news. Those concerned about high levels of gun violence in the United States look to restrictions on gun ownership as a way to abate the violence. Those supportive of long-standing gun-ownership point to the Second Amendment of the Constitution, which specifically prevents infringement on the “right of the people to keep and bear arms.”

Background

The gun control debate centers upon the arguments of private gun ownership and whether or not firearms should be restricted by government entities at any level. The scope of the debate spans from the complete prohibition of private ownership to no regulation or governmental influence. The gun control debate also turns on competing perceptions of risk. On the one hand, there is the risk too many Americans will become the victims of lethal injury in a world that fails to disarm the vicious. On the other hand, there is the risk too many Americans will be unable to defend themselves from violent predation in a world that disarms the virtuous (Kahan, 2003).

In recent years, the debate has been grounded in the meaning of the Second Amendment to the United States Constitution. There is a wide range of views relative to the Second Amendment and its practical application. The Second Amendment states, "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed" (Gardner, 1985, p. 234). The meaning of this text remains fiercely debated with gun control advocates claiming the amendment only refers to official entities such as the United States military, while gun control opponents assert the Second Amendment always guarantees the right of individual citizens to own firearms. This article presents both sides of the gun control debate, written from the perspective in question, and certainly the "spin," of the respective points of view. Readers are encouraged to consider both arguments that are presented and then make a personal discernment of where they stand on the issue.

Perspectives

Perspective 1: Gun Control Advocates

One problem with guns is fairly straightforward. Guns, and access to guns, make it easy to kill or injure another person. One can simply turn on the television or watch the breaking news notifications on smartphones notifying of yet another shooting. Thousands of people are murdered with guns each year in the United States. Roth (1994) pointed out the obvious dangers:

Firearms are used in about 60% of the murders committed in United States, and attacks by firearms injure thousands of others, some of whom are left permanently disabled. In robberies and assaults, victims are far more likely to die when the perpetrator is armed with a gun than when he or she has another

weapon or is unarmed (p. 1).

In 2018, the Centers for Disease Control and Prevention (CDC) reported the number of homicidal deaths was 19,141, or 5.8 deaths per 100,000 (Center for Disease Control and Prevention, Homicide, n.d.). Of those 19,141 homicidal deaths, 14,414 were from firearms, or 4.4 deaths per 100,000 (Center for Disease Control and Prevention, n.d.). In 2019, the CDC reported 39,707 firearm-related deaths (intentional or accidental injury) in the United States (CDC#2). Six of 10 deaths were suicides involving a gun (Center for Disease Control and Prevention, All Injuries, n.d.). Children are not immune to gun violence either. In 2016, there were 20,360 child deaths under the age of 19 (Cunningham, Walter & Carter, 2018). The second-highest "reason" for child deaths was firearm-related injury with 3,143 behind motor vehicle deaths (4,074) (Cunningham, et al, 2018).

Gun control advocates would argue this is too many deaths that could be prevented merely if guns were not as accessible. Regardless of whether gun violence was intentional, homicide or suicide, or unintentional, including play or misfiring, the fact remains guns kill. Since firearms are used in so many homicides, suicides, and unintentional deaths, it is absolutely ridiculous to argue guns should not be regulated. The more guns available, the more opportunity to use a gun in a crime. Convincing research (Kellermann et al., 1992) supports the assertion that keeping a gun in the home increases the risk of homicide victimization. In a case-controlled study, Kellermann identified 420 homicides occurring in homes in three urban counties from 1987 to 1992 and then located controls in the same neighborhoods, which were matched based on gender, race, and approximate age. After statistically controlling for five other homicide victimization covariates, it was

determined that persons living in a household with a gun were 2.8 times more likely to be a victim of a homicide. Perhaps even more astounding, the study found a homeowner's gun was 43 times more likely to kill a family member, friend, or acquaintance than to kill someone in self-defense. Residents of homes where a gun is present are five times more likely to experience suicide than residents of homes without guns (Roth, 1994). While the morality behind suicide being illegal can certainly be debated, the fact remains that a gun makes it easier to commit suicide in a fit of rage, depression, or while under the influence of drugs or alcohol. The same is also true for murder, which can be done in the heat of passion, in a fit of rage, or while under the influence of drugs or alcohol.

Hemenway (2006) made a sound argument in favor of gun control by providing evidence for the more guns, more gun violence, and more suicides hypothesis. Rather than comparing America to countries with radically different cultures and historical experiences, Hemenway's study focused on Canada, New Zealand, and Australia. Hemenway concluded that strict gun control laws had a strong relationship with lower crime rates in the countries he examined.

Gun violence is a problem, but the issue for gun-control advocates is the lack of agreement on the causes of gun violence. There are a variety of "causes" of gun violence, including but not limited to, violent video games, violent culture, poverty, gangs, social isolation, mental illness, and even easy access to firearms. When a mass shooting or other gun violence occurs, policymakers, politicians, and gun control advocates pick their favorite "cause," blaming for the violence. When there is a disagreement over the cause of gun violence, there is difficulty in enacting legislation or even coming to an acceptable resolution

to address gun violence. Even more difficult is the fact there is little to no federal legislative movement toward gun control, which leaves the states enacting piecemeal approaches to curb gun violence, but in some instances, to lessen restrictions for the particular state's citizens to buy and possess guns.

Most recently, Texas Governor Greg Abbott signed seven pieces of legislation on June 17, 2021, touting the protection of the Second Amendment for Texas citizens (Office of the Texas Governor, 2021). As Governor Abbott stated, "Politicians from the federal level to the local level have threatened to take guns from law-abiding citizens — but we will not let that happen in Texas" (Office of the Texas Governor, 2021). This type of rhetoric can enflame gun rights advocates that somehow, someday federal legislation will be enacted requiring law-abiding citizens the inability to possess any type of weapon. However, some gun control advocates believe when guns are easily accessible, such as they will be in Texas, this allows those with violent tendencies to more likely use a gun, or the gun may fall into the wrong hands of a criminal (Sen & Panjamapriom, 2012). Simply put, more guns in the United States means criminals are more likely to have guns as well (Spitzer, 2012). Guns are manufactured and owned legally; however, not all guns end up in a lawful gun owners' hand. Guns end up in the hands of someone who should not be in possession of a violent weapon for whatever reason (Spitzer, 2012). Smith and Spiegler (2020) noted an "availability hypothesis" where criminals do not buy handguns from licensed dealers, but obtain, whether buying, borrowing, or stealing, a gun. Of course, gun rights advocates may argue gun control legislation will affect their constitutional right to buy and possess a gun; yet this misses the point of the availability hypothesis. When a gun is lawfully purchased and owned, the gun may not end up in the hands of a

lawful owner, but in the hands of a person who has bad intentions. The only way to control this situation is to limit the guns available.

Smith and Spiegler (2020) hypothesized stricter gun control laws would decrease gun-related deaths. This was based on a literature review related to the increase in gun violence, but the stalling of federal legislation (Smith & Spiegler, 2020). In their study, Smith and Spiegler (2020) did confirm their hypothesis in finding stricter gun control laws were a consistent predictor of lower rates of gun-related deaths.

Many in the pro-gun camp have complained that gun control is a limit to First and Second Amendment freedoms. Political philosophers, however, have recognized that being part of a civilized society does not necessarily mean complete freedom. Such notions would lead to complete and utter anarchy. Moreover, it is important to note no right is absolute, even those supposedly granted by God and guaranteed in the Bill of Rights. The right to preserve oneself can be regulated as long as it is for the common good. This is obvious. One cannot privately own a nuclear weapon just because one happens to think the weapon is good for self-preservation. Thus, gun control is justified to the extent that it is for the good of the public. In this vein, the United States Supreme Court has recognized exceptions to First Amendment freedoms. A citizen cannot use their First Amendment freedoms to cause panic in a crowded building by yelling fire when there is none. The Supreme Court has also recognized using a freedom of speech defense in order to advocate the violent overthrow of the government is not permissible. Such common-sense limits are in the interest of the public good and, therefore, are justified. The same rationale can clearly be applied to gun control and related

legislation because regulation is in the public good.

Opponents of gun control argue the United States Supreme Court has affirmed the right of individuals to keep and bear arms. In truth, the Supreme Court has held there is no right on the part of individuals to own or possess arms under the Second Amendment. For example, in *United States v. Miller* (1939), the high court upheld a federal law making it a criminal offense to ship a sawed-off shotgun via interstate commerce, holding that most, if not all, of the states have adopted provisions governing the right to keep and bear arms. In *Quilici v. Village of Morton Grove* (1983), the court held that the Morton Grove ordinance banning possession of operative handguns within the village did not violate the state or federal constitution. The Supreme Court refused further review of the Federal Court of Appeals' decision, which held:

According to its plain meaning, it seems clear that the right to bear arms is inextricably connected to the preservation of a militia. Illinois municipalities, therefore, have a constitutional right to ban ownership or sale of items determined to be dangerous (p. 11).

Thus, the Supreme Court has consistently found the Second Amendment simply does not cover individual gun ownership.

Opponents of gun control say gun ownership is a protection against political tyranny. However, when the evidence is examined, the foes of gun control have failed to recognize that private ownership of guns was very common under Saddam Hussein's regime (Peterson, 2003). A high degree of gun ownership certainly did not protect the Iraqi people against political tyranny. Conversely, gun control laws were enacted in Germany to disarm Hitler and those in the Nazi militia. In this case, gun control was a protection

against political tyranny.

In summary, increased gun ownership leads to higher levels of crime, suicide, and other negative outcomes; and does not, in itself, protect citizens against tyranny. The more available guns are to the population, the more available guns are to those with violent tendencies. Individual gun ownership rights are not guaranteed under the Second Amendment and the right to live is an equally important right and freedom. Therefore, if more gun control means more lives saved, then more gun control means more freedom. The government has an obligation to protect people's fundamental rights, such as the right to live. Thus, the government has an obligation to place more restrictions on individual gun ownership if doing so leads to more lives being saved.

Perspective 2: Gun Control Opponents

The news media plays an important role in shaping what Americans perceive as the greatest threats to public safety. Because we live in an instant information society, and a national news market, we learn quickly about tragedies in other parts of the country. As a result, some events appear to be much more common than they actually are. For instance, children are less likely to be accidentally killed by guns than what is commonly believed. Consider the following: In 1995, there were a total of 1,400 accidental firearm deaths in the entire country, and a relatively small portion of those involved children. Thirty deaths involved children up to four years of age and 170 more deaths involved five to fourteen-year-olds. In comparison, 2,900 children died in motor vehicle crashes, 950 children lost their lives from drowning, and burns killed over 1,000 children (National Safety Council, 1996).

While it is understandable, in 2016, the second leading cause of deaths in children was firearm-

related, the reported numbers are really not that drastic. The leading cause of deaths in children in 2016 was motor vehicle accidents (Cunningham, et al, 2018), yet we are not banning automobiles or placing unnecessary restrictions on driving. Driving is a privilege, not a constitutional right. Nowhere in the Constitution is driving a motor vehicle listed as a protected right considered by the Founding Fathers, but the Second Amendment and the right to bear arms are included. Twenty percent of child-related deaths were attributable to motor vehicles and 15% to firearms, yet controlling and limiting gun ownership is somehow the preferred method to "protect our children."

Any child's death is an utter tragedy, and it offers little consolation to point out that common fixtures such as pools and heaters result in even more deaths. Yet the very rules that seek to save lives, can result in more deaths. For example, banning swimming pools would help prevent drowning, and banning bicycles would eliminate bicycling accidents, but if fewer people use these means as exercise, life spans will be shortened. Heaters may start fires, but they also keep people from getting sick and from freezing to death (Lott, 1998). So, whether American society wants to allow pools, heaters, or vehicles, depends not only on whether some citizens may be harmed by them but also on whether more people are helped than hurt. This same logic applies to the strict adherence to gun control. Frankly, society cannot ban everything that might be dangerous in the hands of the wrong person.

While news stories sometimes chronicle the defensive uses of guns, such discussions are rare compared to those depicting violent crimes committed with guns. Since in many defensive cases, a handgun is simply brandished, and no one is harmed,

many defensive uses are never even reported to the police. For instance, in January 2002, a former student of the Appalachian Law School in Virginia, who had flunked out the previous year, returned to discuss his academic suspension. Unable to achieve reinstatement, he went into the office of the school's dean and fatally shot the dean at point-blank range. He then did the same to one of the school's professors. As he left, he shot four female students, killing one and severely wounded the others. The carnage ended, according to nearly all the news accounts, when several students tackled the student as he left the building. Somehow, 204 of 208 news stories on the incident failed to mention a telling fact about the offender's apprehension. During the chaos, two male students ran to their cars to get their guns, and by merely brandishing them, they forced the killer to drop his weapon, allowing the opportunity to tackle him (Bessette, 2003). The troubling explanation is that too few people in the media are willing to recognize the positive aspects of guns and the fact they often save innocent lives.

Guns are serious, dangerous items that happen to be great equalizers, enabling individuals to defend themselves against stronger and more forceful assailants. A well-known story involved Alan Berg, a liberal Denver talk-show host who took great delight in provoking and insulting those with whom he disagreed. Berg attempted to obtain a concealed handgun permit after receiving death threats from white supremacists, but the police first attempted to talk him out of applying and ultimately rejected the permit request. Shortly after being denied, Berg was brutally murdered by members of the Aryan Nations (Singular, 1987). If Berg had a gun, he might have discouraged his attackers. Tragic incidents such as the Berg case abound. Clearly, it would be a cowardly and dishonorable concession to our own physical

weaknesses for us to disarm all private citizens in the interest of public safety.

Kleck (1997) estimated approximately 2.5 million people use some form of a firearm in self-defense or to prevent crime each year, often by merely displaying a weapon. The incidents Kleck studied generally did not involve the firing of a weapon and it was estimated as many as 1.9 million of those instances involved a handgun. If Kleck's estimates are correct, and there is no apparent reason to doubt them, then citizens merely have to brandish a weapon to break off the majority of criminal attacks. For instance, pizza delivery persons defend themselves against robbers, car-jackings are thwarted, robberies at automatic teller machines are prevented, and numerous armed robberies on the streets and in stores are foiled, yet these cases do not receive the national coverage of other gun-related crimes.

Southwick (2000) confirmed the earlier estimates made by Kleck and found the probability of serious injury from an attack was 2.5 times greater for women offering no resistance than for women resisting with a gun. In contrast, the probability of women being seriously injured was almost four times greater when resisting without a gun than when resisting with a gun. In other words, the best-case scenario results from resistance with a gun, while resistance with less-lethal weapons increases the chance of injury dramatically.

In 1946, when there were 344 guns for every 1,000 Americans, the murder rate was six deaths per 100,000. Fifty-five years later (2000), when the number of guns had swelled to 951 per 1,000 Americans, the murder rate remained at six per 100,000. The lack of increase in the United States' murder rate is even more interesting when compared

with the change in England. Through eight decades of antigun laws, which culminated in 1997's total handgun prohibition, England has suffered steady and dramatic increases in violent crime. As of the year 2000, England had far surpassed the United States to become the most violent crime-ridden nation in the developed world (Kates, 2003). Although England's murder rate is only a third of that in America, its rate of assault, robbery, and other violent crimes is far higher and continues to get markedly worse. Over the course of a few days, in the summer of 2001, gun-toting men burst into an English court and freed two defendants; a shooting outside a London nightclub left five women and three men wounded, and two men were machine-gunned to death in a residential neighborhood of north London. A few days later, a 19-year-old girl walking on a main street in east London was shot in the head by a thief who wanted her mobile phone. London police are now looking to New York City police for advice (Malcolm, 2002). None of this was supposed to happen in the country whose stringent gun laws have been hailed as the "gold standard" of gun control. Imitating this model would be a public safety disaster for the United States.

Gun control advocates in the United States often argue that carrying a gun is of no practical use for self-defense. If this were true, law enforcement officials would have no use for guns as well. A well-armed citizenry prevents crime and if civilian ownership of firearms is rendered illegal, then those law-abiding citizens will become more vulnerable to the criminal element, and hence, the crime rate will undoubtedly increase and perhaps skyrocket proportionately.

Law enforcement officials support lawful gun ownership. In 1996, the National Association of Chiefs of Police surveyed fifteen thousand chiefs of police

and sheriffs regarding gun control. The survey found that 93% of these top-level law enforcement officials believed law-abiding citizens should be able to purchase guns. In addition, the Southern States Benevolent Association (1993) surveyed eleven thousand members and found that 96% of respondents agreed with the statement, "People should have the right to own a gun for self-protection," and 71% did not believe that stricter gun laws would reduce the number of violent crimes. The United States Congress has even recognized the need for former or retired law enforcement officers to carry concealed handguns. Commonly referred to as the Law Enforcement Officers Safety Act of 2004 (H.R. 218), the act exempts qualified current as well as *former or retired* law enforcement officers from state laws prohibiting the carrying of concealed handguns.

Avery (2013) found law enforcement generally supports the right to carry a firearm. In 2013, 15,000 law enforcement officers were surveyed on their thoughts on gun control. It stands to reason the people on the front lines of violence might have an interesting perspective on gun control and the majority did not believe a federal ban on assault-style weapons would make the country safer. In fact, most respondents felt an armed citizen would help reduce carnage from mass shootings and 86% believed mass shootings in Newton and Aurora could have been reduced or prevented had a legally armed citizen been present. In fact, 81% of respondents favored arming teachers and school administrators so long as they were properly trained. Ninety-one percent of law enforcement respondents support lawful concealed carry if the person has not been convicted of a felony or deemed mentally incapable.

Most importantly, when law enforcement indicates they support carrying concealed and believe

armed citizens could help prevent mass shootings or other violence, they are not stating there are no limits. Even the highest court in the land holds there is no absolute constitutional right. Law enforcement believes armed citizens can reduce and/or prevent violence. Gun control would restrict these helpful actors.

Gun advocates argue the citizenry's right to arms is clearly and unequivocally protected by the Second Amendment. The preponderance of scholarly and legal opinion concludes that the Second Amendment supports the right of the people to keep and bear arms. The phrase "the people" applies to all individuals rather than an organized collective. The word "people" within the context of the Constitution refers to the same individuals in the First, Second, Fourth, Ninth, and Tenth Amendments. Moreover, the Second Amendment resides in the Bill of Rights, and by its very nature, the Bill of Rights defines the individual rights of the citizenry.

Although the Supreme Court has yet to provide detailed guidelines relative to the Second Amendment, it has obliquely referred to the amendment in more than thirty-five cases, each of them indicating it is an individual right, not a states' right to bear arms. Each of those thirty-five cases described the amendment as a right to keep and bear arms, without even mentioning the militia preamble (Kates, 2003). In addition, when discussing the Fourth Amendment, the Supreme Court has suggested, when it and several other amendments (expressly the Second Amendment) use the phrase "right of the people," which means individual rights trump those of the government. Bearing arms is something people do for their individual purposes, not as something connected to the militia or militia service.

As far back as the late 1800s, in the case of

Presser v. Illinois (1886), the United States Supreme Court affirmed the right of private citizens to keep and bear arms stated:

It is undoubtedly true that all citizens capable of bearing arms constitute the reserved military force or reserve militia of the United States as well as of the states, and, in view of this prerogative of the general government, as well as of its general powers, the states cannot, even laying the constitutional provision in question out of view, prohibit the people from keeping and bearing arms, so as to deprive the United States of their rightful resource for maintaining the public security, and disable the people from performing their duty to the general government (p. 6).

Likewise, other rulings by the Supreme Court (e.g., *Griswold v. Connecticut*, 1965) have made a slightly stronger case that an individual, unenumerated, right to firearms is likely protected by the Ninth Amendment, which explicitly states pre-existing rights shall not be denied or disparaged. The issue of whether the personal right to firearms is protected for "the people" at the state level by incorporation through the Fourteenth Amendment is not clearly established, although, in the *Griswold* decision, Justice Goldberg wrote a concurring opinion:

While the Ninth Amendment, and indeed the entire Bill of Rights, originally concerned restrictions upon federal power, the subsequently enacted Fourteenth Amendment prohibits the States as well from abridging fundamental personal liberties. And, the Ninth Amendment, in indicating that not all such liberties are specifically mentioned in the first eight amendments, is surely relevant in showing the existence of other fundamental

personal rights, now protected from state, as well as federal, infringement (p. 8).

The Supreme Court has continually struck down impermissible legislative restrictions on handgun ownership. In 2008, the Supreme Court addressed two provisions of the District of Columbia's Firearms Control Regulations Act of 1975 (*D.C. v. Heller*, 2008). The Court focused on two provisions of the Act, which prohibited handgun ownership in an individual's home and required firearms in the home to be unloaded and disassembled or bound by a trigger lock or similar device. The right of self-defense under the Second Amendment was highlighted and recognized by the highest court. In essence, the Act was a total ban on handgun ownership if one resided in the District of Columbia limits. Even the Court noted the handgun was the most preferred and kept weapon in a residence for protection of oneself, one's family, and one's home. Yet, the Court did not go so far as to find a right to keep and carry *any* weapon for whatever manner, or for whatever purpose. As the Supreme Court continues to remind us, as citizens we have constitutional rights, but those rights are not absolute.

Only two years later, in *McDonald v. City of Chicago* (2010), the Court struck down Chicago's ban on handguns in the home. Justice Alito wrote in a plurality opinion "the right to keep and bear arms is fundamental to our scheme of ordered liberty" (*McDonald*, p. 767). Since these two cases, in 2008 and 2010 respectively, the Supreme Court has not weighed in on gun control, nor the Second Amendment until now. In *Heller* and *McDonald*, the Court recognized the fundamental right for self-protection through the ownership and bearing of arms, that being the handgun. The Court has not waded into the fray while mass shootings have occurred across the country. The focus on self-

defense and protection of family and home has been supported by the Court; however, in Spring 2021, the Court agreed to take up the ability to carry a handgun *outside* the home. Slated to be heard November 3, 2021, with a decision forthcoming in 2022, the United States Supreme Court will review whether a person in New York state must show "proper cause or a special need for self-protection in order to obtain a concealed weapon permit. (*New York Rifle & Pistol Association v. Corlett*, 2021). Two men challenged their denial of a concealed-carry permit even though providing a reason for recent neighborhood crime and self-protection while outside of their home. This will be the first test of a new conservative majority within the Supreme Court on the Second Amendment, but one that is much needed to provide guidance to states, to law enforcement, and most importantly to lawful gun owners.

There is truly only one inescapable conclusion which should be supported by the Supreme Court. The history, concept, and wording of the Second Amendment to the Constitution of the United States, as well as its interpretation by every major commentator and court in the first half-century after its ratification, indicates what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner. Gun possession by ordinary, law-abiding, responsible adults, not only makes them safer, it protects everyone. Criminals are deterred from attacking anyone if they do not know who is armed or who is not. Furthermore, when good people have guns, no one (except criminals) is endangered and their choice to have firearms is a right guaranteed by the United States Constitution.

Conclusion

Despite intense feelings on both sides of the gun control debate, it appears everyone is at the heart

motivated by the same concerns: Will gun control increase or decrease the number of lives lost? Gun control advocates and opponents alike profess and agree upon the value of protecting innocent persons from harm. The common fears shared among all Americans relative to violent crime (i.e., murders, rapes, robberies, and aggravated assaults) have and will continue to fuel this discussion.

The debate continues in the scholarly community, at professional conferences, and in the pages of leading academic journals. Both sides rely heavily on anecdotal evidence to support their argument. Anecdotal evidence is undoubtedly useful in understanding the issues at hand, however, it has definite limits in developing public policy. While one side presents the details of a loved one senselessly murdered, the other side points to claims that if only the law was less restrictive on gun ownership, countless lives could have been saved. Convincing arguments exist on both sides and neither side has a monopoly on stories of tragedies that could have been avoided if the law had only been different. Rigid assumptions are brought to the gun control debate by advocates and opponents alike. Until the respective sides re-examine some of their fundamental assumptions, neither will get far in achieving substantive policies that are likely to reduce violence. Both sides of the debate should be brought together and have an active voice at the policy reform table. Perhaps this could be the basis for a grand bargain if both sides are willing to compromise and work together to reduce gun violence, which is the espoused objective of both.

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Dr. John Reece

Dr. John Reece is a Professor of Criminal Justice and the former director of the Western Colorado Peace Officers Academy (WCPOA) at Colorado Mesa University. Dr. Reece was employed with the Grand Junction (CO) Police

Department for nearly twenty years. During his tenure at the GJPD, Dr. Reece was a Patrol Officer, K-9 Handler, Field Training Officer, Rifle Team Member, and Detective. He was promoted to Police Sergeant and in this capacity was assigned to Patrol, Training and Recruitment, and Internal Affairs. Dr. Reece holds a bachelor's degree in Criminal Justice from Colorado Mesa University, a master's degree in Public Administration from the University of Colorado, and a Ph.D. in Public Administration from Northcentral

University. He serves as the Editor-in-Chief of the Journal of Colorado Policing.



Dr. Tiffany Kragnes

Dr. Tiffany Kragnes is an Assistant Professor of Criminal Justice at Colorado Mesa University. Dr. Kragnes also works for Kragnes and Associates, P.C., Des Moines (IA), as an attorney representing clients in post-conviction relief matters and is Of

Counsel for Spiess and Bell P.C., Phoenix (AZ). Dr. Kragnes is originally from Iowa, where she began her legal career as a criminal defense attorney. Her last seven years of full-time practice of law was as a prosecutor in southern Iowa as the dedicated narcotics prosecutor. Dr. Kragnes holds a Bachelor of Arts in Political Science from Iowa State University, a Juris Doctorate from Drake Law School, a Masters of Public Administration from Upper Iowa University, and a Masters of Philosophy and a Doctorate in Criminal Justice from Walden University.

Assessing Stakeholder Power and Influence in the Law Enforcement Accreditation Process

Eric R. Watters, Ph.D.

ewatters@coloradomesa.edu

Colorado Mesa University

Power resides on many levels within an organization. The effect and influence of power within the organization varies greatly depending upon who wields power, their standing within the organizational structure, and their direct influence over the employee or project to be affected. In this paper, the author examines the law enforcement accreditation process and the use of stakeholder analysis, power and interest grid plotting, and influence mapping to identify, prioritize, and map the stakeholders who influence the success or failure of the process.

Power resides on many levels within an organization. The effect and influence of power within the organization varies greatly depending upon the person wielding power, the person's standing within the organizational structure, and the level of direct influence the person has over the employee or project to be affected. Often, the standard structure or chain of command of an organization, often displayed on an organizational flow chart, does not truly identify those who can influence a particular employee or project. With this in mind, the author will examine the law enforcement accreditation process and how stakeholder analysis, power and interest grid plotting, and influence mapping can be used to identify, prioritize, and map the stakeholders who can influence the success or failure of the process.

The Law Enforcement Accreditation Process

Law enforcement accreditation is voluntary for agencies, and many choose not to participate in the rigorous process. Using the Commission on Accreditation for Law Enforcement Agencies, Inc.

(CALEA) as an example, agencies seeking accreditation must comply with between 180-458 best-practice standards. Compliance is proved through virtual and physical on-site assessments, followed by a review before the accreditation commission (Commission on Accreditation for Law Enforcement Agencies Inc., 2021). The reaccreditation process is an ongoing process that includes annual web-based assessments and an on-site assessment every 4 years (Commission on Accreditation for Law Enforcement Agencies Inc., 2021).

Each department is mandated to assign a single employee to act as its accreditation manager. The accreditation manager serves as the process lead for the agency and as the agency's liaison to the commission. Gaining buy-in and cooperation from stakeholders inside and outside the organization is essential for an agency to complete the accreditation process successfully (Ferrary, 2008). Stakeholders are those affected by the project, who have the power to influence the project's outcome, and have a vested interest in the project's ultimate success or failure. To

be successful in the process, the accreditation manager must take several steps to correctly identify, prioritize, and solicit the support of stakeholders.

Stakeholder Identification, Analysis, and Prioritization

To identify who the accreditation process' stakeholders are, the accreditation manager must first analyze the accreditation process and produce a list of its stakeholders. For the average agency, the stakeholders include:

- Citizens,
- Executive and legislative branch leaders,
- Agency chief executive,
- Agency accreditation team,
- Agency command staff,
- Agency first-line supervisors,
- Agency employees (sworn and non-sworn),
- Accreditation commissioners, and
- Assessors.

The next step is to plot the stakeholders on a power and interest grid. A power and interest grid helps to identify the level of interaction and communication an accreditation manager should have with stakeholders, according to their position on the grid.

Power and Interest Grid

A power and interest grid is a diagram with four equally sized quadrants. The x-axis of the grid has a scale for plotting each stakeholders' level of interest in the project. The scale extends from left to right, with stakeholder interest ascending along the scale from low to high. Similarly, the y-axis has a scale ascending from the bottom up, from low to high, denoting stakeholder power over the project's outcome. The top right quadrant should contain stakeholders who have high power and interest; the top left quadrant should contain stakeholders with high power but low interest in the project. The bottom right quadrant

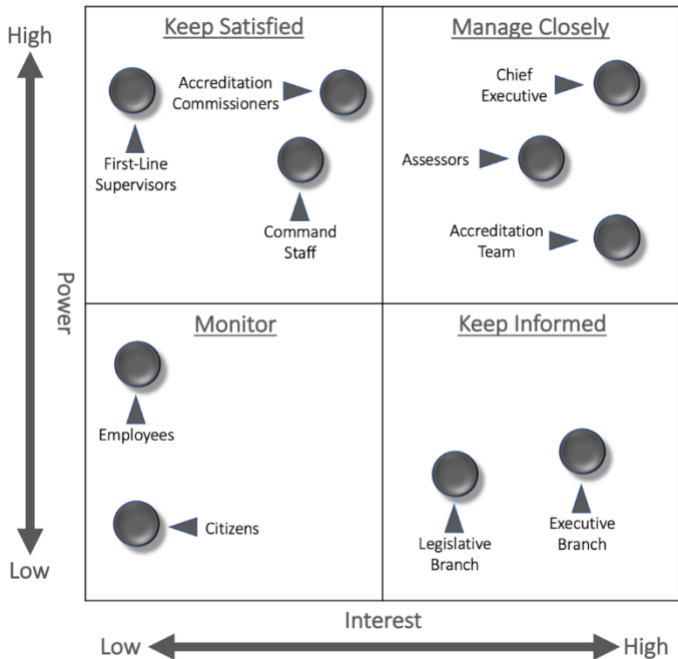
should contain stakeholders with high interest but low power of the project's outcome. In contrast, the bottom left quadrant should include stakeholders with low power and interest in the project.

An individual stakeholder's power and influence over the outcome of the process is inexorably linked to their role or position within the process (Manning et al., 2008). With the grid diagram created, the accreditation manager must plot each stakeholder on the grid according to their identified level of power and interest (see Figure 1). Stakeholders in the top right quadrant of the grid must be managed closely because they have the power to affect the outcome of the process and a high level of interest in making sure the process has a successful result. The stakeholders in the top left quadrant must be kept satisfied during the process as they have the power to affect the outcome; however, the accreditation manager may have less frequent communication with them because their level of interest in the project is low.

The accreditation manager should keep the stakeholders in the bottom right quadrant informed of developments in the process because they have a high interest in the process. Even though those stakeholders may have a lesser degree of influence over the outcome of the process, they still have some power over the process and are interested in its outcome. Finally, those stakeholders in the bottom left quadrant of the grid should be monitored by the manager. They have less power to influence the outcome of the process and have little interest in it; however, they can still influence the outcome. Their level of power and influence could increase, making them more vital players in the process.

Figure 1.

Example Municipal Power and Interest Grid for Accreditation Stakeholders



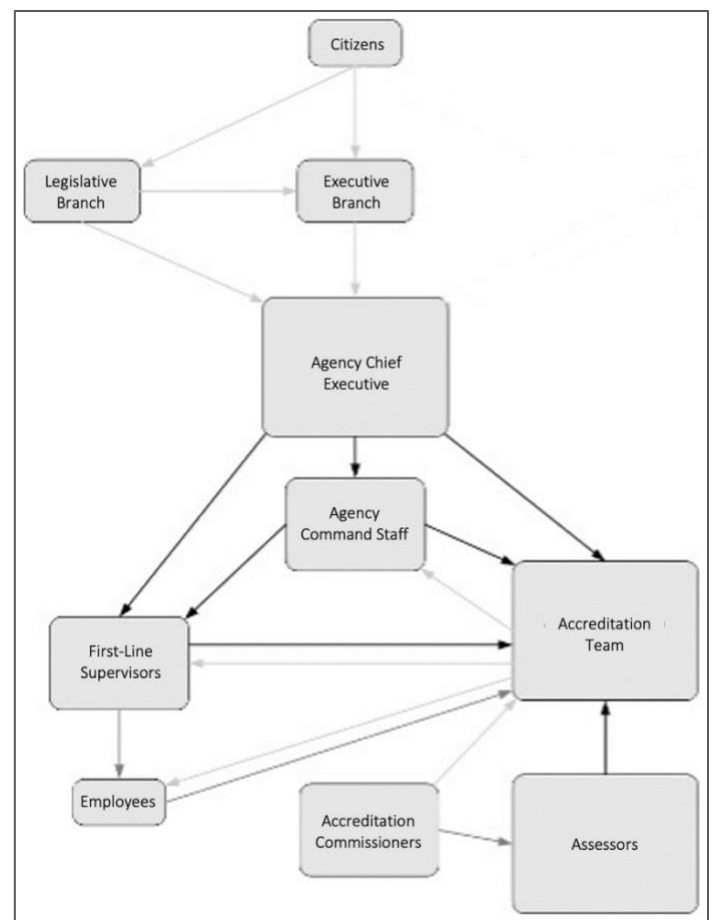
Influence Mapping

The accreditation manager can create an influence map once all the stakeholders are plotted on the power and interest grid (see Figure 2). An influence map provides a visual illustration of all stakeholders, their respective level of importance to the project (i.e., their level of influence on the overall success of the process), the relationships between the different stakeholders, and the level of influence each stakeholder has over the other stakeholders (Walker et al., 2008). On the map, the importance of a stakeholder is illustrated by the size of the stakeholder's box. The higher the stakeholder's level of importance, the larger the box is. Directional arrows illustrate relationship influences between stakeholders. In other words, the arrows denote which stakeholder has power and influence over the other. Especially in the higher levels of power within

an organization, the directional arrows tend to only go in one direction as formal relationship influences are most often asymmetrical following the organization's hierarchical structure (Oyamot et al., 2010). The last visual illustration on the map is shown through the thickness of the relationship arrows. Thicker arrows denote more influence, while thinner arrows denote less influence. Those stakeholders who influence each other equally (i.e., symmetrically) will have bidirectional arrows of the same thickness.

Figure 2.

Example Municipal Accreditation Process Influence Map



Formal vs. Informal Power Influences

Project managers must identify the level of power and influence individual stakeholders have, not

only over the project's outcome but also over the other stakeholders in the project. Stakeholders who hold power over other stakeholders can influence the level of buy-in from those stakeholders, thereby influencing the other stakeholders' influence over the project's outcome (Gander, 2009). Such power and influence can be formal or informal. Formal power is most often based upon hierarchical structures within an organization (De Reuver, 2006). Conversely, informal power is based on individuals' ability to affect the project's outcome through their action or inaction rather than any formal power (i.e., legitimate authority).

The influence map (Figure 2) illustrates the agency chief executive, accreditation team, and assessors are the stakeholders of the highest importance. All three have formal power; the chief executive and assessors by the nature of their positions, and the accreditation team as the chief's designees for the process. The chief executive is important to the process because the chief is the person who often decides whether the agency will participate in the voluntary accreditation process and has the power and authority to demand employees support the process. The accreditation team, including the accreditation manager, have the ultimate responsibility for ensuring the department's policies remain in compliance with accreditation standards and compile the necessary proofs of compliance for the assessments.

The assessors are the representatives of the accreditation commission and have the responsibility and authority to make determinations regarding the agency's compliance with the standards. In other words, they have the power to pass or fail an agency before it ever makes it before the commission for consideration. The assessors ultimately make

recommendations to the commission about whether the agency should be awarded accreditation or reaccreditation.

Accreditation commissioners, command staff, and first-line supervisors are crucial to the process but have a slightly lower level of influence. All three have formal power and influence over the project due to their positions within their respective organizations. Even though the accreditation commissioners have little actual involvement and influence over the outcome of the department's on-site review process, their level of influence is relatively high for two significant reasons. First, the accreditation commissioners develop and approve the accreditation standards each agency must follow. Second, they have the ultimate power to either award or deny accredited status to law enforcement agencies. In fact, the accreditation commission has the authority to strip an agency of its existing accreditation.

Command staff members and first-line supervisors have their level of importance because they have oversight responsibilities for departmental operations. They are charged with ensuring officers and employees follow all departmental policies and procedures, which are driven by accreditation standards, thereby guaranteeing the agency remains in compliance with the said standards. They are also the individuals from whom the accreditation team must acquire the necessary proofs of standard compliance to be presented to the assessors.

The influence map (Figure 2) shows leaders from the legislative and executive branches have the next lower level of importance in the process. Again, they have formal power and influence over the project due to their legitimate authority. They have a high level of interest in the program but do not participate in the accreditation process. The legislative and executive

branch leaders have budget authority over the agency, and, therefore, could affect the agency's involvement in the process by cutting the department's budget. Notwithstanding that, the chief executive often has the authority to determine which projects and programs must be cut if the department's budget is reduced. If the chief executive feels accreditation is a high priority for the agency, other programs and projects may be cut first. Due to the chief executive's power over the programs themselves, rather than the department's budget as a whole, the legislative and executive branch leaders are not considered to have a higher level of influence.

Citizens and employees have the lowest overall influence over the process. Those stakeholders have informal power and influence over the project as they have no hierarchical power within the organization; however, they can affect the process through their action or inaction. Citizens have little to no interest in the accreditation process; most do not even realize the process exists despite most agencies' efforts to tout the importance of law enforcement accreditation. Without a doubt, citizens have a great deal of influence over the highest levels of power. Notwithstanding that influence, since the legislative and executive leaders outside of the agency have very little direct influence over the accreditation process, it is evident the citizens who influence them have even less influence over the process.

Citizens can still influence the process because their input is solicited explicitly through engagement initiatives such as the publishing of articles about the on-site review in local newspapers, agency websites, and public information sessions held with the assessors during the on-site. The agency's employees, sworn and non-sworn, have influence over the process because if they do not do their jobs within the

tenets of the accreditation standards, they can cause the agency to be found out of compliance. That limited influence is the extent of their involvement in the process; therefore, their importance is considered to be low. Their low ranking is further supported by the fact that department managers and first-line supervisors motivate them to do their jobs properly.

Conclusion and Recommendations

Law enforcement agencies generally utilize a formal paramilitary-style hierarchical power structure. As was illustrated in this paper, accreditation process stakeholders do not necessarily need to have the formal power to affect the success of an agency's accreditation efforts. Formal and informal power wielders can significantly influence the outcome of a law enforcement accreditation process. Consequently, accreditation managers must look beyond the traditional agency power structure they have grown accustomed to focusing on and also connect with external power wielders. Using tools like stakeholder analysis, power and influence grids, and influence maps to identify stakeholders and their respective power, interest, and influence is perhaps the best way accreditation managers can determine which stakeholders need to be engaged and in which way.

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Dr. Eric Watters

Dr. Eric Watters is an Assistant Professor of Criminal Justice at Colorado Mesa University. Dr. Watters worked for the Miramar (FL) Police Department for 20 years, where he began his career as a communications officer and worked his way up the ranks, eventually retiring as the Executive Commander. The last 10 years of his law enforcement career were spent at the management level where he led all the administrative functions of a department that served 140,000 full-time residents with a \$50 million annual budget. Dr. Watters also served as an

Adjunct Professor of Public Administration at Barry University in Miami Shores, Florida, for 10 years. Dr. Watters holds Bachelor and Master of Public Administration degrees from Barry University, and Master of Science in Justice Administration (Homeland Security specialization) and Ph.D. in Leadership (Criminal Justice specialization) degrees from the University of the Cumberland. Dr. Watters is also a graduate of the 136th Administrative Officers Course at the University of Louisville's Southern Police Institute. Dr. Watters serves as the assistant editor of the Journal of Colorado Policing.

 <https://orcid.org/0000-0001-9886-8147>

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1. All manuscripts should follow the style guidelines of the American Psychological Association's (APA) 7th edition publication manual, to include the formatting of the text, tables and figures, citations, and references.
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6. A brief biographical sketch describing any degrees earned, certifications awarded, current or previous relevant positions held, ORCID's (if applicable), and a recent ¾ portrait photo of each author must be provided. A contact email for at least one corresponding author must be provided to be published with the manuscript.
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Program overview

The Criminal Justice Leadership and Policy program is a post-baccalaureate academic program offered in the Department of Social and Behavioral Sciences, leading to a Master of Arts in Criminal Justice Leadership and Policy (MACJLP) degree. The program was designed with the working professional in mind and is entirely online and can be completed in two years (three full semesters, two mods or half semesters).

CMU's criminal justice faculty bring years of academic and practical experience to the classroom. They have each earned a doctorate, and their professional backgrounds span the fields of policing, courts and corrections. The combination of academic rigor and professional experience provides students with the highest quality of education. Graduates of the program will be prepared and qualified when seeking employment or promotion in various criminal justice fields.

Why choose the Criminal Justice Leadership and Policy degree at CMU?

This program was designed to develop emerging leaders and prepare them to assume positions of greater responsibility in the criminal justice field. CMU takes a holistic approach to the leadership, administration and management of criminal justice organizations (i.e., police, courts and corrections), and exposes students to unique aspects in the field of criminal justice.

Pursuing a graduate degree can be difficult for working professionals. Many students are assigned to shift work or have constantly changing schedules, so this program was designed with flexibility in mind. The program's online format allows students to study when and where it is convenient for them. Additionally, the program's accelerated format allows working students to focus on each course while still completing two classes per semester (one in each 8-week mod) to stay on track and graduate within two years.

Career opportunities

This program enables students to pursue numerous career paths and promotional opportunities within the criminal justice field. Graduates of the program are well-positioned to secure opportunities in policing, the courts, corrections or continuing graduate studies. The program faculty collaborate with various agencies within the criminal justice system to help students secure and enhance their professional or academic careers.

Program acceptance

- Must have a baccalaureate degree awarded by an accredited institution of higher learning (a non-criminal justice degree may require leveling courses).
- A final undergraduate grade point average (GPA) of 3.0 or higher.
- No GRE is required.
- Undergraduate students within 6 credit hours of graduation may be accepted on a provisional basis.



An entirely online program that may be completed in two years.

Academic curriculum

Master of Arts in Criminal Justice Leadership and Policy is a 33 semester-hour program.

The program's required courses (21 hours) include:

- Advanced Criminological Theory
- Ethics in Criminal Justice Leadership
- Foundational Seminar
- Leadership in Criminal Justice
- Public Policy Analysis
- Research Methods and Data Analysis
- Master's Culminating Experience

The program's elective courses (12 hours) include:

- Budgeting and Finance in Criminal Justice
- Contemporary Issues in Criminal Justice
- Critical Issues in Corrections
- Legal Issues in Criminal Justice
- Police Management and Administration
- Program Development and Evaluation
- Strategic Planning for Criminal Justice Agencies

Nichelle Chandler

Graduate Admissions Coordinator

☎ 970.248.2007

✉ nchandler@coloradomesa.edu

Program Overview

The criminal justice majors and minors are for students interested in pursuing careers in law enforcement; the courts; the practice of law; corrections; probation and parole; private and corporate security; criminal forensics; or criminological research.

CMU's criminal justice faculty bring years of academic and practical experience to the classroom. They have each earned a doctorate and their professional backgrounds span the fields of policing, courts and corrections. The combination of academic rigor and professional experience provides students with strong academic degrees, and makes them highly competitive when seeking employment in various criminal justice career fields.

Why Choose Criminal Justice at CMU

There are several academic options available to students through the CMU criminal justice program. Those options include the Bachelor of Arts (BA) in Criminal Justice, Bachelor of Applied Science (BAS) with POST Academy certification, and minors in criminal justice or forensic investigation. The BAS track allows students to earn academic credit towards their baccalaureate degree for attending the Peace Officer Standards and Training (POST) Academy. Students completing the BAS leave CMU with both a bachelor's degree and Colorado POST certification, which makes them able to immediately seek employment with law enforcement agencies throughout the state of Colorado.

The criminal justice program also facilitates internships with many local, state and federal agencies, and provides a variety of other opportunities for students to participate in experiential learning and research. As a result, CMU's criminal justice students are well positioned to pursue graduate school or employment.



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Career Opportunities

Colorado Mesa University criminal justice graduates may secure positions in policing; probation and parole; the forensic sciences; victim advocacy; and in many more exciting professional positions at federal, state and local levels.

Additionally, many students use their CMU criminal justice degree as a starting point to pursue a law degree or other graduate degrees.

The need for well-educated public safety professionals is ever expanding, and careers in the criminal justice community offer exciting challenges in varying disciplines and diverse locations. The employment opportunities for CMU's criminal justice graduates are abundant.



Academic Curriculum

Criminal justice education is the professional study of the practices and institutions of governance dedicated to upholding ethical social control; deterring and mitigating crime; sanctioning those who violate laws through criminal penalties; and rehabilitating offenders so they may successfully reintegrate into society. CMU's criminal justice curricula includes general education requirements and study within all three core components of the American criminal justice system (i.e., policing, courts and corrections); as well as, research-related course work and other electives.

Typical BA course content includes:

Orientation to Criminal Justice Inquiry • Introduction to Criminal Justice • Police Process • Criminology • Corrections • American Court Systems • Criminal Law • Criminal Procedure • Ethics • Social Science Statistics • Research Methods • Other Criminal Justice Electives & Internships

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