Executive Summary
Police officers in America face dangers every day, and many lives have been lost over the years in service to the public. Threats abound not only from weapons but also from traffic accidents and by exposure to chemicals and biohazards. There has also been an increase in recent years in suicides by police officers. The job can be difficult, and special skills are needed to do it effectively.

Police unions have always played an important role in establishing working conditions, labor relations, and in improving wages and benefits. However, police unions have more recently become involved in policy issues beyond those bounded by typical labor relations—for instance, criminal justice public policy and training; and union involvement can become problematic. The public—not just that segment of the public who agree with their union's political stances—wants to trust law enforcement officials and sees them as protectors and defenders of all. Legally, unions are responsible for representing their members' interests and have created a public perception that it is what they do. But do police unions really represent the officer on the street?

To the degree that police unions resist policy, training, and discipline reforms that can result in improved public safety outcomes, better police-community relations, and safer communities for both the public and police, their outsized influence can be counterproductive.

Police Unions Overview and History
Law enforcement is one of the few fundamental services that the government must provide to its citizenry in its role of protecting their life, liberty, and property. The public has extremely high expectations of their police officers, for valid reasons.

Policing is a difficult profession. According to data from the Bureau of Labor Statistics’ Census of Fatal Occupational Injuries compiled by 24/7 Wall St., police and sheriff’s patrol officers had the 18th most dangerous job in America in 2017 (Sauter and Stockdale). Moreover, unlike most other professions, police frequently make decisions that, if wrongly decided, can act to kill, injure, or deny liberty to the general public. The public has a strong interest in effective and fair policing.

Across the nation there are about 18,000 police agencies—with more than 700,000 sworn law enforcement officers employed by state and local agencies—serving on the ground, in the air, and on the water. There is a multitude of different agencies at the local, county, state, and federal level, and a vast amount of specific jobs within the law enforcement profession (BJS).

Police officers have specific training requirements that require a certain level of physical, mental, and emotional ability. They should meet these requirements, be trained at a high level, and provided with the equipment and vehicles needed to
succeed in the job. Attracting qualified recruits, training them, and retaining them often requires a range of considerations, such as pay, working conditions, and community support. Police officers should earn respect from the public and public officials as representatives of the entire community, peacekeepers, and defenders of individual rights.

Labor unions in America got their start after the Civil War. America’s industrial unions were formed to address industrial working conditions while improving the bargaining power of workers in a highly competitive labor market. They were largely a force in large urban areas. But it wasn’t until President Roosevelt’s administration during the Great Depression that unions gained illegitimate power through coercive provisions in New Deal legislation that often forced both workers and employers to submit to union demands.

The largest police union in the United States is the Fraternal Order of Police (FOP). The first FOP lodge was created in 1915. The FOP currently reports approximately 330,000 members in more than 2,000 local chapters or lodges (FOP 2019a). This is a marked increase from 1978 when the FOP had nearly 140,000 members in over 1,200 chapters (Tri-County FOP Lodge #3). In some states, police unions, like fire unions, are affiliated with the Teamsters or the AFL-CIO. One of FOP’s goals is to improve the working conditions of its members (FOP 2019b). Police union dues vary state to state. For instance, in Utah, union dues total $17.25 per pay period—$448.50 annually—and dues go to the following allocation of services: 54 percent for FOP legal services; 30 percent for lodge administration and lobbying services; 14 percent for state FOP dues; and 2 percent for the FOP Grand National Lodge dues (Utah Fraternal Order of Police).

Today we live in an age where the labor force is prioritized, and a competitive job market works to the employee’s advantage. In this environment, employers must work diligently to attract labor or risk losing out to competitors with lower costs—with the exception being that government employers rarely go “out of business.”

In the realm of law enforcement, personnel and training are vital, and the position of law enforcement officers has been professionalized from watchman to modern public-safety professional.

Police unions have played an important role in establishing working conditions, labor relations, and improvement of wages and benefits. But they also reach into broader areas. For instance, unions spend heavily to elect supportive public officials, testify on changes to the criminal justice system, and defend members accused of improper behavior on the job. However, sometimes these activities that might benefit individuals can actually harm law enforcement officers collectively by thwarting police force discipline, standards, and training.

Unions are responsible for representing their members’ interests—and have created a public perception that it is what they do. But do police unions really represent the officer on the street? To the degree that police unions resist policy, training, and discipline reforms that can result in improved public safety outcomes, better police-community relations, and safer communities for both the public and police, their outsized influence can be counterproductive.

**Police Unions and Reform**

Almost a third of the public now views the police as enforcers instead of protectors (Mosteller). Similarly, in recent years, the confidence gap in Americans’ view of law enforcement has widened (Ekins), meaning fewer in the general public expect the police to work in the public’s interest. What’s behind these changes in public perception of law enforcement?

The actions of police unions could play a role. For instance, in 1966, the New York Police Benevolent Association (PBA) fought the establishment of the Civilian Complaint Review Board, and in 1992, the PBA organized a near riot outside City Hall when a police oversight plan was put forward by the mayor’s office (Lennard). Such opposition could stem

![Figure 1. Protectors or enforcers? Majority of officers, half of public say police are both](source: Morin et al., 76)
from the possibility that these reforms could subject union members to discipline or even termination—either of which has a negative effect on union resources (for examples from Boston, Newark, Baltimore, and San Francisco, see Walker).

Thomas Nolan, a criminologist at Merrimack College of Massachusetts who previously served as a union official, stated: “I think police unions are always going to default to the position that the officers are blameless in instances where they use deadly force…. Even though internally unions and union officials might express reservations among themselves, at least publicly the position is always going to be that the officer feared for his life or feared for the life of another person and that his use of deadly force was entirely warranted. That’s textbook” (Lopez).

Part of the problem might also be found in collective bargaining agreements with police unions. “Police unions sometimes successfully resist the imposition of discipline on officers for misconduct. Huq and McAdams (2016), Keenan and Walker (2005), and Rushin (2017) show that many law enforcement collective bargaining agreements (CBAs) create procedural rights for officers that make it difficult for agencies to investigate and discipline misconduct, including the excessive use of force. These scholars express concern that such contractual provisions undermine the ability of management to deter misconduct and thus may promote its commission. Unions may also successfully lobby state and local legislation that provides the same kind of procedural protections against investigation and discipline, or lobby and litigate against reform efforts” (Dharmapala et al., 1).

In his study, Rushin examined 178 police union contracts from around the country. As a result of that examination, seven similar themes, listed in Figure 2, were mentioned in these contracts.

In 2017, the Department of Justice issued a report on the Chicago Police Department and found that the department had engaged in a pattern and practice of unreasonable use of force and determined that “there is no meaningful, systemic accountability for officers who use force in violation of the law or [Chicago Police Department] policy” (DOJ 2017, 6). One of the reasons cited was that the department was unwilling or unable to override union contracts in order to hold officers accountable for their actions (47). A 2016 Department of Justice investigation of the Baltimore City Policy Department found similar issues (DOJ 2016, 146, 151; Fisk and Richardson, 716).

In January 2019, Randy Petersen, a senior researcher for the Texas Public Policy Foundation—and a retired law enforcement officer—examined a more recent example of union opposition to reform:

**Figure 2.** Common categories of problematic police union provisions

<table>
<thead>
<tr>
<th>Delay</th>
<th>Common Categories of Problematic Police Union Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delays Interrogations of Officers Suspected of Misconduct</td>
<td>The contract includes any stipulation that delays officer interviews or interrogations after alleged wrongdoing for a set length of time (for example, 2 days or 24 hours).</td>
</tr>
<tr>
<td>Provides Access to Evidence Before Interview</td>
<td>The contract provides officers with access to evidence before interviews or interrogations about alleged wrongdoing (for example, complete investigative files or statements from other witnesses).</td>
</tr>
<tr>
<td>Limits Consideration of Disciplinary History</td>
<td>The contract prohibits the consideration of disciplinary records in future employment actions.</td>
</tr>
<tr>
<td>Limits Anonymous Complaints</td>
<td>The contract prohibits supervisors from interrogating, investigating, or disciplining officers on the basis of anonymous civilian complaints.</td>
</tr>
<tr>
<td>Limits Civilian Oversight</td>
<td>The contract prohibits civilian groups from acquiring the authority to investigate, discipline, or terminate officers for alleged wrongdoing.</td>
</tr>
<tr>
<td>Permits or Requires Arbitration</td>
<td>The contract permits or requires arbitration of disputes related to disciplinary penalties or termination.</td>
</tr>
</tbody>
</table>

Source: Rushin, 1219-1220

“….Legislation to disallow police officers from taking physical custody—i.e. handcuffed, taken to police station, processed, post bond, etc.—of a person who committed an offense that would not have jail as a possible punishment if convicted was proposed last session and is again proposed this session. It is opposed by the union. The custodial arrest of someone for a crime that carries a fine-only punishment is more punitive than the courts could impose if the person were later convicted” (Petersen).
In Texas, the Combined Law Enforcement Associations of Texas (CLEAT), which is the state’s largest police union, opposed legislation that placed any limitation on police authority to make arrests—even for crimes that the Legislature deemed unworthy of jail when the legislation originally passed. In the 2017 Texas Legislature, the police union also opposed the establishment of a state physical fitness standard for police officers at the time of hiring and throughout their career (Petersen). This appears to be a trend toward police officers, or their unions, being unwilling to better their own profession’s standards. It is easy to conflate the individual officer with the union claiming to represent him or her. CLEAT is now one of the most influential unions in the state and has even opposed legislation in other areas, not just law enforcement (such as attempts to cap local property taxes) (Hooks).

This is not to say there is not a proper place for police unions. A recent example of this is the poor working conditions in Los Angeles, California, where LAPD officers were working in rat-infested offices, which led many of the officers working at the downtown station to contract typhoid fever (Puente et al.). However, unions have continued their organizational mission creep outside of their core competencies in order to remain relevant.

**Recommendations**

In the often-adversarial climate that exists today, it is easy to understand how police officers and police unions can be wary of the goals underlying proposed reforms. However, the enactment of proven criminal justice and policing reforms can improve public safety and the work environment. Convincing police officers and police unions of the benefits of many reforms requires both the unions and the advocates for reform to communicate, a situation that seems currently lacking.

One avenue for advancing reform may be through training and professional development, showing rank-and-file officers more effective techniques and procedures that enhance public safety and public satisfaction with the job their law enforcement officers are doing for them.

Another is in educating legislators how positive policing reform can give the public an important role in providing input into a community’s criminal justice needs.

Another aspect of moving toward reform is developing an understanding among all parties that the police union often represents union interests as opposed to legitimate public safety and liberty concerns, while also recognizing that individual police officers are, on a day-to-day basis, more concerned with police safety and ordered liberty than they are with their union. Police community leaders (both management and line officers) should be educated to help them differentiate between valid policing reforms and union survival tactics. Police should be protectors of the people who will ensure their constitutional rights are protected. Identifying where the interests of the public, police unions, and their membership intersect on these issues will help move public policy in the right direction.
References


About the Author

Sheriff (Ret.) Currie Myers, Ph.D., MBA, is a senior visiting fellow for public safety at the Texas Public Policy Foundation. He has a combined 30 years of professional experience as a state trooper, special agent, sheriff, criminologist, professor, and university executive. He is a nationally recognized expert in criminal justice public policy as well as organizational management and leadership and has spoken at more than 1,000 local, state, and national conferences. Myers ended his law enforcement career as the sheriff of Johnson County, Kansas, which serves a population of more than 600,000 citizens in the Kansas City Metropolitan area and is one of the largest sheriff’s offices in the Midwest with nearly 750 employees and a jail population of approximately 1,000 inmates.

As a professor, Myers has developed and taught more than 25 courses at both the undergraduate and graduate levels, including disciplines within criminal justice, criminology, organizational management, leadership, ethics, and in the humanities. While the dean of the school of justice studies at Rasmussen College in Bloomington, Minnesota, Myers led a student population of nearly 2,000, along with approximately 150 faculty and staff to include a state-of-the-art police academy and corrections academy.

He is currently the director of instruction and curriculum development for iTEDiUM and an adjunct professor at Benedictine College and the University of Missouri at Kansas City in the criminology departments and at Baker University in the MBA program, where he teaches leadership and management courses. He resides in Mission, Kansas.
About Texas Public Policy Foundation
The Texas Public Policy Foundation is a 501(c)3 non-profit, non-partisan research institute. The Foundation promotes and defends liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.

Funded by thousands of individuals, foundations, and corporations, the Foundation does not accept government funds or contributions to influence the outcomes of its research.

The public is demanding a different direction for their government, and the Texas Public Policy Foundation is providing the ideas that enable policymakers to chart that new course.