

Best Practices Guide



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Smaller Police Department
Technical Assistance Program

Predicting and Surviving a No-Confidence Vote

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Best Practices Guide for Predicting and Surviving a No-Confidence Vote

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I. Introduction

The IACP supports proactive leadership, a law enforcement executive model that engages both the police department and the community in a way that provides a means by which the chief executive can be in touch with and get out in front of any potential issues long before they end in a no-confidence vote. A police leader who is engaged with his or her agency and community should be aware of and be able to prevent communication problems and employee concerns long before these issues are raised to the level of a no-confidence vote. Clearly, the best way to survive such a vote is to avoid one all together. It is the goal of this document to provide police leaders with proactive measures to avert such employee actions and helpful steps to take should one be faced with such a vote.

Historically, votes of no confidence have occurred for any number of reasons. Chief Richard Ahlstrom, who recently survived two no-confidence votes, addresses the issue of how one can predict a vote, can best respond to a vote, and most importantly, continue being a leader even through this difficult situation. Chief Ahlstrom, who recently retired from the Cedar Falls, Iowa Police Department, is sharing his experience and recommendations as a way to help others avoid or survive a no-confidence vote and build professional leadership skills.

What is a No-Confidence Vote?

By definition, a vote or motion of no-confidence is a parliamentary action traditionally put before a parliament by the opposition in the hope of defeating or embarrassing a government. When a police chief in a U.S. law enforcement agency receives a vote of no-confidence, oftentimes it is an indicator that the police union or department are dissatisfied with the chief's performance and therefore seek to remove him or her from office by expressing no confidence in the chief's leadership. Receiving a no-confidence vote can be personally and professionally damaging. It is something that few anticipate or expect to survive. A 1991 study by the FBI National Executive Institute Associates revealed that over a five-year period there were 35 such votes; of these, half of the chiefs involved were removed from office.¹

American policing in all its diversity shares many common beliefs and practices. Perhaps the most fundamental of those beliefs is a values-based, principle-driven model of organizational design and practice that emphasizes the importance of holding all

¹ National Executive Institute Associates, Major Cities Chiefs Association and Major Cities Sheriff's Association, June 1999

members of a police agency accountable for their judgment and decision-making, not only a simple adherence to agency policy. The International Association of Chiefs of Police (IACP) Leadership in Police Organizations curriculum describes this process and emphasizes the need to hold one another accountable to shared values and principles as well as adherence to policy, practice, and rules. Votes of no-confidence occur for a variety of reasons, but if all agency personnel are holding the same values and following the same principals of behavior, it is the hope that these measures could be avoided.

Proactive Leadership vs. No-Confidence Votes: How No-Confidence Votes Can Be Avoided and Predicted

In 2001, the IACP partnered with the Community Oriented Policing Services office of the U.S. Department of Justice to design and publish Leadership in Police Organizations, a comprehensive curriculum for law enforcement executives. This curriculum has successfully trained hundreds of police leaders in a successful strategy to “understand and apply modern behavioral science and leadership theories that enhance human motivation, satisfaction, and performance in the achievement of organizational goals.” In this curriculum, leadership in a police organization is defined as the process of influencing human behavior to achieve organizational goals that serve the public, “while developing individuals, teams, and the organization for future service.” With this concept as the foundation of this guide, it should be understood that, “a leader’s job is to achieve the goals of the organization and satisfy the needs of individual employees,” for it is through teamwork and shared goals, principles and values, that law enforcement is able to succeed.

There are five distinct areas in which a police executive is challenged and in which he or she must succeed. None is more important than the other, but all are equally necessary to maintain on an ongoing basis if the police executive is to be continually successful. These five areas are:

1. The internal agency
2. The external or partner agencies
3. The public
4. The media
5. The elected officials.

Each of these five areas presents unique and ongoing challenges to the police executive. Although one of the five areas of influence may be of immediate concern to the police leader at any one time, all five areas require continuous monitoring and attention. Without a continuous scan of these five areas, the police executive will find himself or herself in a challenging place that could jeopardize his or her professional life. Keeping these five areas and their need for monitoring and maintenance in mind, our author presents the precipitating events that led to his receiving two no-confidence votes. Notice how improved attention to leadership principles described in this guide led to the author’s introspection and professional growth that resulted in his organization’s improved well being.

Can You Predict a No-Confidence Vote?

Regardless of when one begins, learning and employing police leadership techniques can improve organizational achievement and balance. At the same time, the police executive can build personal confidence and the respect of his or her subordinates by employing these techniques. A vote of no-confidence can likely be avoided if the police executive pays particular attention to the well being of employees by listening to and responding to their concerns. Communication is key to avoiding employee discord resulting in a no-confidence vote. The police leader who incorporates the leadership principles mentioned above into frequent agency reviews will recognize potential problems long before they result in a vote of no-confidence.

If the chief is effectively communicating with the organization, then a no-confidence vote should not come as a surprise. The chief, hopefully, will have personnel in the organization who will communicate with him or her when there is unrest or when an executive action triggers a protective association or bargaining unit meeting. If the chief is caught completely by surprise, then there are likely serious communication issues within the organization and, in fact, the chief probably does not enjoy the respect and overt cooperation of the senior management team. The ability of a chief to survive under these circumstances may be seriously impaired. The chief needs to determine if there is any hope for professional survival and it may be necessary to move on before the scenario worsens, if that is possible.

If the chief is aware of the issues and communicates with members of the command team or other police employees, then he or she has a better chance of overcoming the vote. If a chief knows the vote is coming, it is best to get out in front of it by briefing supervisors, asking for support and assistance, and preparing family members for the coming ordeal as soon as possible.

Predicting a no-confidence vote allows the chief to prepare the hiring authority (mayor, city council, city manager) for the vote and the accompanying negative publicity. It is paramount that the hiring authority knows about the situation and begins discussing the next steps for the chief and the department. Preparing the hiring authority and other public officials gives a chief the opportunity to define the vote in its proper context without the glare of news media or outside influences. Further, a chief should reach out to the media and clearly advise them about the vote and what it represents. Reporters will likely ask questions like: will you be terminated over this or should you speak to the union/protective association?

Case Study: An Example of Surviving a No-Confidence Vote

The author, Chief Ahlstrom, served as chief of the Cedar Falls, Iowa Police Department for ten years and during that time received and survived two no-confidence votes. The author was promoted to chief of police when the organization was part of the Cedar Falls Department of Public Safety following the appointment of a new outside director of public safety. The director was given the mission of developing and immediately

instituting massive cultural changes and efficient business practices into a police organization that was described as professionally stagnant. The previous director of public safety and the former chief of police had both retired after ten years of service.

During the course of instituting these requested agency changes, the author regrets not anticipating the events and environment within the department that resulted in open rebellion and which ultimately led to the director of public safety leaving and the department of public safety being dissolved. A legal standoff between the political leaders and the author was ultimately settled with the author being retained as the chief of police. Numerous newspaper articles and public statements to the elected officials by disgruntled employees were common during the nearly year-long legal stand off resulting in the first no-confidence vote.

The second no-confidence vote came six and one half years later in December 2006 when the author terminated four patrol officers for misappropriation of public funds. Three of the terminations were ultimately upheld. In the midst of that action, the author promoted two female officers to lieutenant (first line supervisor) over other more senior male officers whom they had out-performed. The terminations and promotions were sufficient to trigger the second no-confidence vote. The union took the vote in secret and did not publicize it for six weeks. The actual document was not signed, as there were a sufficient number of officers who would not agree to all the points mentioned in the document. Because the document was not signed, the media and politicians downplayed the seriousness of it. In fact, the newspaper labeled it retaliation for the terminations.

The collective bargaining unit demanded a meeting with the mayor of Cedar Falls to list their issues. During the meeting the mayor expressed to them that he and the council did not find their concerns warranted. The issue then died.

What Does a No-Confidence Vote Mean to You?

National police associations recognize similarities in no-confidence votes: most no-confidence votes stem from officers who feel isolated from management. Further, these officers typically feel that their voices are not heard and their efforts are not recognized.²

Receiving a no-confidence vote is not an automatic termination offense. In fact, the author cannot find any definitive law or standing that requires the removal of the chief of police for receiving a no-confidence vote. Many chiefs have a contract or have just cause job protections which provide specific legal assurance or remedies for dismissal. Even an at-will chief can survive if he or she is willing to help himself or herself by making constructive decisions about how to proceed. However, a chief who fails to act after receiving a vote or who hides in the office risks being removed or being terminated, leaving behind bitter memories, a distraught family, and a tattered career that will take time to overcome.³

² Waterloo Cedar Falls Courier January 14, 2007

³ Beretta newsletter February 2000, Surviving a No Confidence Vote

Receiving a no-confidence vote does not necessarily mean that a chief is a poor manager or an inept leader. It does mean that there are issues within the organization that have simmered for months or perhaps years. For example, in the author's experience, a promotion, disciplinary action, cuts in service, or demands for increased efficiencies could trigger the bargaining unit or the protective association to act.

Kevin Gilmartin is a behavioral scientist who specializes in law enforcement issues and has taught workshops about no-confidence votes, including several appearances at IACP's Annual Conferences. In a series of newspaper articles, Gilmartin stated, "Across the nation, no-confidence votes have become a way for police unions to try to enact change...They can go a full range from legitimate to irrelevant. On one end you may have a chief that really is not serving the department well and needs to go. The other end of the line is malcontents who have hijacked the organization and have taken over the podium."⁴

II. Steps to Consider if You Have Received a No-Confidence Vote

First and foremost, remember that no chief is alone. Receiving a no-confidence vote can be a terrifying experience and a bad memory that stays throughout a law enforcement career. If there has been a vote of no-confidence, what next?

1. Very carefully read the no-confidence document. Make sure that you fully understand the relevant issues in the document and start preparing yourself mentally to answer them. Was it signed and by how many officers? Did your command staff stand with you or side with the opposition? A lack of signatures may indicate a deep split in the rank and file. Remember, you are starting to fight for your professional life.
2. Contact your hiring authority and share the document. You should know by now what the reaction will be. Adequately preparing the hiring authority should relieve some of the unease about any employment stability.

Continue to monitor leadership's response for signs that political support is weakening. Explain to your hiring authority *in your terms* what the no-confidence document says. Explain the document in a way that places you in the best light possible. For example, if there is criticism over lack of staffing, you should state to your hiring authority that this complaint is a result of city requirements to cut staffing and overtime. Avoid automatically falling on your sword and accepting blame.

⁴ Waterloo Cedar Falls Courier January 14, 2007

3. Speak to your family as soon as possible. Media representatives may seek them out for a response. Explain the contents of the document to them and the city's response. Encourage family members to avoid speaking with the media and refer questions to you or the city leadership. Hopefully, family members can avoid a posture of public defensiveness as that may be interpreted in many ways.
4. Determine if the opportunity exists for you to describe the vote in a more positive light to the public. Is the vote a result of an officer disciplinary action, triggered by an ethical or integrity issue? Usually, the public is very supportive of those kinds of actions and will not want the chief to fail because the next chief may not enforce professional behavior and standards as vigorously.

Is the vote public? Sometimes, a no-confidence vote is kept private if the chief agrees to certain demands from the opposition. During collective bargaining a no-confidence vote may be held to weaken your position. If members of the rank and file truly want to work through issues, they may keep the vote quiet if they see progress is being made towards mutually satisfactory resolutions. A private vote is less common; more aggressive members usually want to publicize the no-confidence vote. Often if a no-confidence vote is publicized, the majority of officers will have difficulty withstanding the peer pressure of those who support the no-confidence vote.

Understand Why You Received the Vote

1. Relatively new chiefs or those coming from outside the organization are vulnerable to a no-confidence vote especially as they decide to institute changes in the organization. There can be political expectations to fix the department after years of inept leadership. While making necessary, organizational changes, try to resist making them too suddenly.
2. The union or protective association may be trying to discredit you and disrupt your authority, especially if it is early in your tenure as chief.
3. Promoting protected class officers (minorities and females) or disciplining popular officers in the organization may lead to no-confidence votes. A chief may be more vulnerable to a vote if these promotions happen together in a short period of time.
4. Some chiefs are not adequately prepared or sufficiently trained to lead an agency.
5. You have committed misconduct. Sometimes, chiefs do not survive the fallout from even accusations of misconduct.

Managing the Fight for Professional Survival

Upon receiving a no-confidence vote, one must determine how to proceed. There are essentially three options to consider.

1. Stay and fight
2. Resign
3. Accept a demotion.

Once the choice is made, there are several steps to consider next. The author made the decision to fight both votes for several reasons. The author had carried out the council's directives to the best of his abilities and in a manner consistent with their demands; however the first vote came after taking this action. Further, even though the organization was still experiencing turmoil, the author was beginning to see some success and believed that the organization was turning the corner. The (author's) second no-confidence vote was about honesty and integrity. The author had the high ground and enjoyed a tremendous amount of support internally, politically, and publicly.

Once the vote of no-confidence became public, the author took several steps to determine his next course of action. These steps can be helpful to any chief faced with a no-confidence vote.

1. Assess your professional options. Determine the best course of action for you and your family and then initiate that action. Be aware of any change in the political landscape. Political leaders can change their minds and may begin to withdraw their support. Members of the community may pressure elected officials to make a decision and end the negative publicity.
2. Make a decision. There are three options: stay and fight, resign and leave the department, or voluntarily take a lower position in the organization. This is a very personal decision and there is no right or wrong answer. Be prepared to revisit this step regularly if the working environment or political landscape changes.

Determine Who Stands with You

Without political support, it is impossible to survive a vote of no-confidence. Prior to making the decision about staying or leaving, the chief must determine whether there is sufficient political support for staying. If strong support exists, the chief should then consider the following steps to sustain political viability until the process is concluded.

1. Review the no-confidence document to determine who did and did not sign it. Problems will arise if your command staff signed the no-confidence document.
2. Attempt to determine what prompted the vote. Speak to each person in your command staff, and/or in the agency privately and directly. This way, you can determine your agency support and why those who supported the vote of no-confidence did so.

3. Other chiefs of police may act as a sounding board. Ideally, you will have strong relationships with them already. Be prepared for a mixed bag: some may support you and some may agree with the vote of no-confidence. Those who support you will be an asset through this situation.
4. Other city department heads can be invaluable allies during this time. They may have the ear of many citizens and the hiring authority. They may be in a position to influence community members during this situation.
5. There is no better support system than your family. While you may be the target of the no-confidence vote, they are along for the ride. Further, your family's co-workers and friends may question them about the situation, and they must not respond. This experience will, in many ways, be more difficult for them simply because they have no control over the circumstances.
6. Ideally, you built a foundation of support among community leaders and neighborhood associations. They have the ear of the hiring authority and elected officials. Do not be shy about asking for their help. Pride is a luxury that you cannot afford at this time.

III. If you Choose to Stay and Fight

Determine if you want to stay. Is this position really worth the fight? What are your options if you leave? Is it feasible to fight again another day at another place? Once you start to defend yourself it becomes increasingly harder to walk away. Consider these questions carefully. After you have determined that it is in your best interest professionally and personally to stay and contest the no-confidence vote, there are specific steps you must consider to align support in the public, the media, your agency, and with the political leadership.

1. Talk to the media and keep them informed. Send the message that you are addressing the concerns professionally while balancing the needs of the organization with the needs of the citizens you are sworn to serve. Displaying genuine concern for the department in the media *may* dissuade any undecided officers from joining with the group. Present as calm a demeanor as possible and do not discuss your professional options in reference to consequences of the vote. If you cannot remain calm, have someone else speak to the media on your behalf. Never allow any public display of anger because it may cause members of your community to question your credibility.
2. Seek professional support. Hopefully, there has been time to develop relationships with nearby chiefs who can offer support and give you the opportunity to vent your emotions behind the scenes. In addition, check with your state or regional chief's association for possible support. Maintain contact with your peers and professional support system. No one can easily survive this experience alone.

3. Be seen in public. Now more than ever, you need to get out into the community. You also *must* get out of your office and speak with employees frequently. Hopefully this is already a normal course of business.

If your leadership team feels you are in control, chances are very good that they will stay with you. Hiding in the office leads to more isolation and diminishes any chance for survival.

4. Meet with your staff. With the approval of your hiring authority, begin to set up one-on-one meetings with each and every one of your employees. Listen to them. Do not argue or try to defend yourself.

The point of these meetings is to demonstrate to your employees that you are concerned and willing to listen. While hearing what they have to say may be painful, remain open to the employees' points of view.

5. Communicate with your hiring authority. Pay attention to your hiring authority and work for the continued support of your elected leaders. Closely monitor any changes in their contact with you and encourage them to speak with you if they hear rumors or want more information.
6. Prepare yourself for pressure and negativity. Be ready for the bargaining unit to contact your hiring authority or elected officials to pressure them into terminating you. You may hear gossip, lies, and exaggerations. Sometimes the opposition will attempt to influence the media to keep the pressure on you and your family.

Next Steps After the Initial Onslaught of Publicity

Once the announcement, either private or public becomes known, it is wise to consider whether it is appropriate to take the next steps listed below.

1. Be prepared to hire a skilled labor attorney if necessary.
2. Be prepared for personal attacks in the media, either by interviews or letters to the editor.
3. No matter how heated the conflict becomes, remain calm and professional. You cannot afford to lose support over an unguarded or emotional comment.
4. Finally, keep a smile on your face. Never let anyone in the organization or in public know how personally upset you are and never display a lack of confidence.

Sometimes a bargaining unit or the association does not have a follow through plan. If this is the case, there is an opportunity to request an outside mediator or a labor management committee (LMC) be formed. This is a chance to seek mutual resolution

of all concerns in a professional environment. It allows time to pass and tempers to cool for both sides.

How Can You Tell if You Are Losing the Battle?

If you have decided to stay, your entire focus is on keeping your job. It is very easy to dig in and refuse to leave but you may be missing the signs indicating that you are losing the battle. How do you know if you are losing the battle?

1. Your support is evaporating and you now need to rethink your position and reasons for staying. Your political connections or hiring authority become distant. Your phone calls are not returned and people are not available to meet with you anymore.
2. You become isolated from other department heads in the city.
3. You are being ignored or minimized in the organization. Your employees change their behaviors. Some of your employees may no longer be engaging in professional conduct and could be bordering on insubordination. Use caution before you fight the discipline battle. The ultimate goal is to survive the no-confidence vote, not get sidetracked on short-term personnel issues.
4. Your professional friends are telling you to step down. They like you but believe you will be leaving soon.

Combined, these signals are cues that you should start developing an exit strategy. Consult your attorney to determine your rights and rely on him or her to negotiate with the hiring authority. It might be in your best interest to negotiate some type of severance. Keep it simple and out of the media.

IV. Conclusion: When is it Over?

There is no obvious answer to this question. You will know it is over when you retain your position or, sadly, leave. If you lose your position, unfortunately, this cloud will follow you for a while. Be prepared to explain what happened in your next job interview. If at all possible, get a letter of recommendation from your current employer or an agreement that no negative information will be disseminated to future employers. Knowledge of a vote of no-confidence is a determining factor in rehires, even when the chief was right in leaving.

If your hiring authority and elected officials have expressed support for you and your actions and if you make concrete efforts to communicate with the department, then it

is most likely over. Occasionally, elected officials agree to meet with those who organized the no-confidence vote and afterwards, the problems drop out of the news. You win when you keep your position.

Once the situation is resolved, you need to move on with your life and career. Do not dwell on what happened. If you leave, do not harbor grievances. If you survive, you are far stronger politically and in the organization, and it is unlikely that you will face another no-confidence vote anytime soon.

Receiving a no-confidence vote does not signal the end of a career. You need to determine your level of support, work to solidify it, and work within the organization to de-escalate the situation and regain support for a common mission. Help shift your employees' focuses back on their jobs. You and your family will very likely receive a lot of criticism and unfavorable publicity: keep your head up and keep moving your organization forward. This is a severe test of your leadership, but one that you can survive.

Chief Richard Ahlstrom retired from the Cedar Falls, Iowa Police Department in April 2008 after serving ten years as chief of police and 34 years in law enforcement. Chief Ahlstrom is a graduate of the FBI National Academy and the FBI Midwest LEEDS. Chief Ahlstrom served as president of the Iowa Police Executive Forum, past president of the Iowa Crime Prevention Officers Association, and the Iowa State Police Association. Chief Ahlstrom also developed an internal training course titled "Chief University" which he used to mentor officers in his agency who expressed interest in preparing for a chief's position. Chief Ahlstrom has a B.S. in Marketing from the University of Northern Iowa and serves as trainer for the IACP Smaller Police Department Technical Assistance Program.