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Full Length Research Paper

A New Sherriff in Town: The Barriers of Structural Discrimination Facing Women Leaders

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In the current world of organizations, it is no surprise that discrimination exists against women. Many organizations, however, exhibit structural discrimination and little is done to combat this. This is no more evident than within law enforcement organizations. This research focuses on the disparate treatment, as defined by the Ninth Circuit Court of Appeals, as the barrier keeping women becoming Sheriff. Current data show women make up less than one-half of one percent of all sheriffs nationwide. This research suggests women hold leadership competencies that the field of law enforcement is seeking. By more women becoming the top executive of these agencies, the discriminatory landscape within law enforcement agencies will begin to change.

Key words: women in leadership, structural discrimination, police leadership

Introduction

Throughout history, both nationally and globally, the lack of social justice has been evident in many ways. Discrimination, oppression, and underrepresentation are exhibited against race, gender, sexual orientation, religion, and ethnicity. These types of social injustices are displayed in many fields, such as education, business, healthcare, and government. An individual often might be experiencing organizational or institutional underrepresentation based on the values and perceptions of those institutions and organizations. Adams, Blumenfled, Castaneda, Hackman, Peters, and Zungia (2000) stated oppression is "generally used to convey the workings of the larger social system" (p. 6). This concept of oppression is very evident with the underrepresentation of women in the field of law enforcement, especially those elected to the position of Sheriff. It has only been a few decades since women have integrated the field of law enforcement.

Law enforcement at its basic level is viewed as a very physical, aggressive profession that only men can endure or perform. As the world changed, so did the physical and mental competencies needed to perform in law enforcement. Ortmeier and Meese (2010) supported this by stating in the "contemporary policing environment , brute strength and aggressiveness give way to a new breed of officers who are better educated, self managed, creative, guided by values and purposes" (p. 31). As law enforcement evolves, competencies, such as communication, problem solving, analytical thinking, and ethical decision-making are crucial. These are concepts not easily measured. However, law enforcement needs to incorporate these non-traditional competencies as part of the policies and job description in some way to create a more gender-balanced organization and culture. The research Price (1996) conducted of a large American law enforcement agency found "a number of interviewees believe there are deliberate departmental policies which work to the detriment of women" (p. 3). Very seldom are those in law enforcement fired or arrested for lacking a physical skill. Rather, the issue arises from lack of, or non-utilization of a non-traditional competency.

Nationwide, there are only 33 females holding the position of Sheriff in 3,067 counties of the United States (Bureau of Justice Statistics, 2010). This number seems to be staggering given the total number of counties nationwide. Data such as this draw concern due to the fact that sheriffs are elected positions, unlike many police chiefs that are governed by civil service regulations. The person running for sheriff has in fact a possible direct impact on the outcome of the election. Why then are so few women able to become elected to Sheriff?

Research is sparse in the area of structural discrimination occurring and preventing women from obtaining the leadership positions specifically within law enforcement. Researching the discrimination of women in law enforcement and their impact on policing seems to be more progressive in Europe than the United States (Brown, 1996, Price, 1996, Silvestri, 2005). Areas that have been examined are recruitment strategies (Jordan, Fridell, Faggiani, & Kubu, 2009), sexual harassment, and equal opportunity laws (Brown 1996, Hazenberg, 1996, Seklecki & Paynich, 2007) as they pertain to females in law enforcement. Contemporary law enforcement, according to Ortmeier and Meese (2010), needs to "focus on leadership competencies that is, the abilities to do things rather than feel things" (p. 29).

A need exists to explore the lack of female representation in top leadership positions within the field of law enforcement. The purpose of this research explores three items. First, the improvement to the overall traditional leadership structure of law enforcement organizations nationwide, specifically as Sheriff. Second, the non-traditional competency components women can contribute and achieve, if not faced with discrimination. Third, by redefining the law enforcement position would increase future recruitment and retention of females to occupy such leadership roles. This research paper attempts to fill this gap between the structure of law enforcement and the structural discrimination strongly embedded in informal values and principles. Structural discrimination, according to Adams et al. (2000) "is not intentional and it is not illegal; it is carrying on as business as usual. Confronting structural discrimination requires the reexamination of basic cultural values and fundamental principles of social organization" (p. 35). The researcher is not suggesting that women and men lead in the same manner. They are, however suggesting men and women possess similar competencies. Women may in fact possess more than men. By defeating the structural discrimination oppressing women in law enforcement, perhaps leadership in these agencies can flourish.

The first portion of this paper focuses on defining terms used and the traditional structural makeup of law enforcement agencies. The general position requirements of sheriff or chief are examined. A general explanation on structural discrimination/oppression as it applies to these organizations is explored. The second segment speaks to basic leadership competencies. It also discusses a comparison between business organizations and law enforcement organizations particularly, their leadership styles. Finally, the last section considers female leadership competencies styles, that if not oppressed structurally, can benefit to law enforcement agencies.

Definitions

Three terms utilized in this research need to be defined to aid in clarity. First, structural discrimination as defined by Adams et.al, (2000):

refers to the policies of dominant race/ethnic/gender institutions and the behavior of the individuals who implement these policies and control these institutions, which are race/ethnic/gender neutral intent but which have a differential and/or harmful effect on minority race/ethnic/gender groups. (p. 31)

The United States Ninth Circuit Court Appeals, specifically Judge Clarence Thomas, interpreted the definition of both disparate treatment and disparate impact. Second, disparate treatment is "the employer simply treats some people less favorably than others because of their race, color, or other protected characteristics" (p. 2). Third, disparate impact, is defined as "employment practices that are facially neutral in their treatment of different groups, but that in fact falls more harshly on one group than another and cannot be justified by business necessity" (p. 2). The next few pages point out how these types of discrimination are being shown toward women in law enforcement agencies through their current structures, unwritten values, and definitional components of the positions in policies.

Improving the Traditional Leadership Structure

For decades, law enforcement agencies have been overrun by male dominance. The general mindset for years this field has been that law enforcement requires individuals to be aggressive and very physical. This mindset is now socially embedded into the culture and structure. Silvestri (2007) observed, "it is within this gendered subculture that ideal worker is routinely constructed and reproduced" (p. 269). Price (1996) also noted, "the biggest challenge facing women officers is the resistance displayed by male officers in their attitudes toward women in policing" (p.2). The general structural job task analysis of those in law enforcement contains such tasks as patrol, report writing, investigating crimes, and community policing activities. Nowhere is aggressiveness and very physical mentioned. Seklecki & Paynich (2007) noted, "it took additional courtroom campaigning to prove that many strength and agility tests failed to measure the actual physical requirements of police commonly performed" (p. 18). They reaffirmed this and stated, "Like so many other professions, law enforcement required years of political maneuvering and countless legal battles before the gates restricting women's entry into the field opened" (Seklecki & Paynich, 2007, p. 17). Those researchers are looking at the issue from a basic patrol structure standpoint. Is the battle for women over? This research suggests, no. Many law enforcement organizations, due to the male influence, accept women because of laws; however, informally they reject women's ideas and competencies. Kanter (1977) suggested women in law enforcement are thrust into four roles "mother, sex object, kid sister, and women liberationist" (ctd. Seklecki & Paynich, 2007, p. 20). It labels such as these that show no direct link to the task analysis originally discussed earlier.

Does this job analysis also apply for those in leadership positions (Sheriff/Chief) within law enforcement organizations?

Some general functions of those in the top position are communicating, budgeting, enforcement of policies, hiring, decision-making, coordination of activities and critical thinking. When focusing specifically on organizational design, law enforcement organizations are very structured. The organizational chart of law enforcement agencies are well defined, as well as the roles that accompany rank and titles. Communication inside these agencies is top down. It has been debated that this design is needed because of the severe situations these men and women encounter. The vicarious liability that accompanies those situations is also great. These organizations and those of the lowest rank, often seek positive behaviors exhibited with effective leadership, gender excluded. Among these are better communication networks, more participation, better decision-making, and leadership.

Organizational commitment may increase through honoring the requested changes officers suggest. Jermier and Berkes (1979) wrote "participative role clarification improved organizational commitment."(p. 17). Seklecki and Paynich (2007) noted females in law enforcement were asked, "what motivations were present for leaving a career in law enforcement, the overwhelming majority of respondents indicated that they had no intentions of leaving" (p. 27). The respondents answer is an example of females' incredible commitment to the organization. In the same light, the Seklecki and Paynich (2007) study reported "39% of respondents indicated they were made to feel less welcome that males, and 32% indicated they were treated worse than males officers….Thus there are a large number of respondents who feel they were treated less favorably than males" (p. 26). Inside of a militaristic designed organization the levels of rank in management and their importance are often over simplified. Many times ranking officers are seen as mere conduits of communication having no real influence on those they manage or lead.

Jermier and Berkes (1979) pointed out that "obedience socialization and military command supervision across the hierarchal levels appears to distort the nature of police work" (p. 17). Law enforcement organizations face change and a changing environment at a faster than normal pace. The structure must be flexible enough to handle such situations and be gender balanced to do it. Law enforcement organizations must also have the flowing communication and leadership structure firmly embedded into its design free of discriminating factors such as gender. Looking at most law enforcement structures the ranks transcend from sheriff/ chief, deputy chief, captain, lieutenant, sergeant, corporal, and patrol officer/deputy. These levels are seen more in a larger metropolitan or county level agency. The increased levels are mainly due to the amount of officers employed by the agency. Jermier and Berkes (1979) stated, "quasi military model makes no provision for the situational effects of a leaders behavior" (p. 17). Miller, Watson, and Webb (2009) echo this thought and suggested:

Although many agencies appear to rely on military arrangements in terms of structure, rank, and hierarchies, this model may not effectively serve police leaders and their respective organizations. Replacing the military model of leadership development with behavioral competency development may be more effectual in leadership and agency performance. (p. 51)

Because of the structural policies (job task analysis) of law enforcement agencies, it appears they are gender neutral. The concept of gender neutrality applies to both entry level and leadership positions. Why then is there so little representation of women in both of that level of positions, particularly Sheriff? The underlying values and beliefs of the structure and design is where it is apparent that structural discrimination is occurring in the form of "disparate impact" (Raytheon Company, Petitioner v. Joel Hernandez, 2003). Price (1996) agreed that "gender bias is clearly attitudinal as well as behavioral while the organization and its practices are inherently a matter of structure" (p. 4). Those, however, inside these agencies are longing for a more contemporary style of leadership. Currently, the structure of law enforcement agencies is not very accepting of those who can exhibit contemporary leadership. Women appear to be making larger strides in the corporate society to positions of leadership. Do the leadership styles of these two structures differ? Do the overall general functions of the CEO truly differ from that of a Sheriff? Perhaps by answering these questions law enforcement agencies can begin reevaluating their belief system and become more accepting of women and their leadership.

Structure Comparison and Non-Traditional Leadership Competencies

The organizational charts of traditional corporations and law enforcement agencies share close resemblance. Although, it should be noted, corporations are currently more progressive and have begun to become more flat in structure. Referring to structures in England, Silvestri (2007) suggested, "flatter organizational structures are leading to an increased rivalry and competiveness between men and women" (p. 278). However, in the United States organizations, for the most part, remain hierarchical in form having the top executive on the organizational structure being the CEO (corporate) and the Sheriff (law enforcement). As the chart descends there are middle managers (corporate: managers, supervisors, law enforcement: lieutenants, sergeants) governing different sections or units. Each unit has a specific function (corporate: marketing, customer service, law enforcement: investigations, community policing). On the very bottom are workers or officers. Both entities have functions, such as payroll, human resources, employee training, and logistics. At a glance these structures appear to very similar. What about the leadership competencies needed to perform in the top position? Kotter and Northouse (2007) would agree both leadership and management competencies are needed. The argument is made here that within both corporate and law enforcement agencies

teamwork is essential to its effectiveness. "The key to a leader's effectiveness is his or her ability to build a team" (Hogan, Curphy & Hogan, 1994, p. 16). Hogan et al. (1994) gave credit to a 1992 study by Hallam and Campbell in which they indentified "eight problems for leadership that effect team performance" (p. 16). The problems are separated into both task and maintenance areas.

On the task side, successful leaders communicate a clear mission or sense of purpose, indentify available resources and talent, develop the talent, plan and organize, coordinate activities and acquire needed resources. On the maintenance side, they minimize and resolve conflicts among group members and they ensure that team members understand the team's goals, constraints, resources, and problems (Hogan et al., 1994, p. 16). Others, such as Daniel (1992), identified "13 leadership competencies: goal orientation, bottom line orientation, communicates and enforces standards, initiative, strategic influence, communicates confidence, interpersonal sensitivity, develops and coaches others, gives performance feedback, collaboration and team building, systematic problem solving, image and reputation and self confidence" (ctd. Ortmeier & Meese, 2010, p. 31). These two examples seem to have agreement as to the competencies needed for leadership. This is not to say these are all encompassing, but rather it adds support to the research. It is inferred that such competencies would apply to any organization and to those leading it. Can these competencies in some way be applicable to law enforcement organizations? According to Ortmeier and Meese (2010), the leadership competencies needed for law enforcement are eloquently placed into five categories; "communications and related competencies, motivational competencies, problem-solving competencies, planning and organizing competencies, and actuation-implementation competencies" (p. 34-35). Under each of these areas, the aforementioned competencies of both Daniel and Hallam, and Cambell are integrated. Some would argue that individuals who lead in these two organizations (corporate and law enforcement) do so differently regardless of gender.

In 2009 Miller, Watkins, and Watkins compared the scores of police leaders on the California Personality Inventory (CPI) with 5600 of those from the business world. Miller et al. report that the "results indicate very similar scores" between all participants (p. 58). This supported the argument, that even though the perception is the two organizations are being lead differently, they in fact are not. Many parallels have been drawn between the corporate and law enforcement worlds in terms or structure and leadership competencies. Perhaps if women are to break the structural discrimination or disparate treatment law enforcement agencies exhibit, women could run for Sheriff. A woman running for Sheriff should platform their leadership competencies. They could further draw parallels to leading in the business structure is no different than in law enforcement, at least not as the top executive.

Incorporating Female Leadership in the Future

For decades, women in the workforce have been attempting to break the "glass ceiling." Women obtaining leadership positions seem to be shifting in areas of education, non-profit and business. In government, referring to females elected to positions, Guyot (2008) noted, "the data shows that under appointment they rise faster, under election slower" (p. 530). As suggested earlier the structural discrimination described has permeated into society's perception of women leading law enforcement. Price (1996) suggested "women face a number of other major socially structured problems that are inherent in a larger society and are played out as well in policing" (p. 2). For women, being able to exhibit and communicate their leadership philosophy to voters during a Sheriff's campaign may be the necessary beginning. However, Carlin and Winfrey (2009) suggested, "projecting competence through demonstration of masculine traits such as toughness not only can result in crude humor but also the primary cause of the double bind" (p. 337).

It is not debated in this research that men and women do in fact differ biologically and psychologically. Utilizing social role analysis to show similarities Eagly Johnnessen-Schmidt and Van Eagen (2003) noted men and women are the same in areas such "governing norms that regulate the performance of many tasks" (p. 572). This thought gives support to Hallam and Campbell's (1992) "task side" competencies mentioned earlier. When discussing leadership competencies does the same hold true? Both men and women can gain knowledge, skills, and leadership competencies discussed earlier. How each gender utilizes and practices them maybe the difference lays.

From a basic patrol level both men and women need to able to investigate crime scenes, dispute resolution, gather evidence, serve civil papers, write reports, interview victims and witnesses and respond to calls of service. Seklecki and Paynich (2007) reported in their research results a high percent of respondents feel women do many of those functions "better" than men (p. 25).

When examining the leadership competencies listed earlier (Daniel, Hallam and Campbell (1992), and Ortmeier and Meese (2010)) women appear to exhibit many of those as well better than men. According to Hazenberg (1996) she claimed among such competencies, women have over men "a greater power of observation, the ability to visualize, and better linguistic skills" (p. 5). To further emphasize the competencies women possess it may be easier to attach a leadership style. Women are reported to reflect the components of transformational leadership. The component parts are described as "learning organizations, effective communication, supportiveness, participation, team based learning, coaching, and nurturing their employees" (Eagly et al., 2003, p. 586; Eagly et al., 2001). These components, like Hazenberg's, appear to align well with the competencies mentioned earlier in the research. Researchers have shown (Deluga & Souza, 1991; Drodge & Murphy, 2001, 2003; Eagly et al., 2003, 2001; Silvestri, 2007, Singer &

Singer, 1990) that the officers of law enforcement agencies prefer the transformational leadership style rather than those of an autocratic and authoritarian style. This accounts for both genders. Women, then, do in fact employ a leadership style that law enforcement organizations claim they are seeking. This brings rise to the question asked earlier of why are so few women able to become elected to Sheriff?

Conclusion

In this research, I examined three points that law enforcement organizations, based upon their structure and policies, as well as informal beliefs and attitudes need to improve. First, women exhibit nontraditional leadership competencies that current law enforcement agencies can benefit. Secondly, the structure of law enforcement organizations needs to be more flexible, as well as redefine top leadership positions to be more gender neutral. Third, women in law enforcement are structurally discriminated through disparate treatment. Silvestri (2005) has an exquisite thought summarizing these three findings. He stated:

challenging existing arrangements poses a radical challenge to the police organization and may potentially substantially remodel policing, both at an administrative and cultural level. Any strategy that offers the potential to fracture the current career structure, break down the hierarchal nature and rank mentality of the police service and loosen the strong hold that men hold in policing is a project worth pursuing. (p. 279)

The findings suggest, at a minimum level, law enforcement organizations exhibit "disparate treatment" toward females. Disparate treatment, though not illegal, is not a suggested practice. This research has shown that structurally the corporate world and law enforcement are extremely similar. The leadership competencies utilized in both structures are shown to have empirical similarity. It is also noted in my research that women do possesses many leadership competencies, and those competencies are in fact what officers in law enforcement agencies are seeking. Social scientists would agree to change the structures; beliefs and norms of law enforcement quickly would be foolish. That is why it suggested here women run for the Office of Sheriff. Being an elected position, women may be

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