

The Insular History of the Flagstaff Police Department and its Impact on Racial Disparities in Arrests

By Wendy White, Attorney, Executive Director, Southwest Center for Equal Justice, February 2023

Introduction

All organizations develop internal culture. Culture is learned behavior that is passed down generationally. An organization that always appoints its leader from the internal pool of employees is bound to stagnate and to perpetuate any negative attitudes or behavior accepted before the leadership change. It can also perpetuate racial disparities in arrest and prosecution policies.

In a recent article, U.S. Attorney Rachael Rollins decried a Revere, Massachusetts ordinance banning the hiring of a police chief from outside the department, pointing out that such a policy may violate the Civil Rights Act noting that the “no-outsiders law could constitute discrimination if there were no officers of color inside the department who had sufficient rank or experience to be eligible for chief, or if the ordinance prevented a qualified external candidate of color from applying.”ⁱ To this list one can add gender discrimination as well, if the Department lacks sufficient eligible female officers.

“With police departments facing demands for reform nationwide, some experts say that one way to address problems such as racial discrimination, poor training or use of excessive force is to bring in an outsider.”

Neither Flagstaff nor the State of Arizona have any law that *prohibits* the hiring of Police Chiefs from outside the Department but the City of Flagstaff has *never* done so. The practice of promoting from within has created a *de facto* policy equal to the *de jure* policies elsewhere. This is true despite community pressure for change.

In 1980 the Flagstaff Coordinating Council on Mexican American Affairs expressed concerns over the City practice of hiring from within, advocating for an open, “internal and external recruitment in order

to find the best qualified chief of police for Flagstaff.” The Council levied an accusation against the City of paying lip service to the community group’s concerns but ignoring them in practice. That year Chief Maxwell was fired by the City Manager in January, rehired after legal maneuverings, and then retired in March. He was replaced by Deputy Chief Tom James.

Lack of Diversity

“Diversity in itself is ‘not enough’

Policing is an overwhelmingly white profession, and reform advocates have been calling for police departments to increase diversity for decades.

In 2020, the [Bureau of Justice Statistics](#) at the Department of Justice reported that just 6% of chiefs of local police departments were Black, though chiefs were much more likely to be Black in departments serving 250,000 or more residents.”¹

The racial, ethnic and gender composition of the Flagstaff Police Department is consistently white and male, even today. The Department publishes an Annual Report that breaks down the composition of both its sworn and civilian employees by race and gender.

In 2021 the Department reported it had one-hundred-one (101) sworn officers. Eighty-three were white (82.2%), nine were Hispanic, three were Black, two were Asian, and four were Native American (3.9%). Ninety-six (96%) percent of the sworn officers were male. ²

On the civilian side, out of fifty-four employees, thirty-nine were white (72.2%), nine were Hispanic, zero were Black or Asian and six were Native American. The gender composition was reverse of that of sworn officers with forty-seven of the fifty-four civilian employees being female and only six being male. ³

¹, **N’dea Yancey-Bragg**, *Black chiefs pushing police reform face racism, anger from officers and their communities*, USA Today Feb. 9, 2023

² Nationally the ratio of male to female officers in small police departments (fewer than 249 officers) is 86% male and 14% female. Sean E. Goodison, PhD, BJS Statistician, *Local Police Departments Personnel, 2020*, U.S. Department of Justice, Office of Justice Programs (Nov. 2022)

³ In 2019, the Department implemented a police aide program and hired three unsworn (civilian) persons to act as “aides.” Those individuals are not POST certified and do not legally have the power of arrest. However they are provided with vehicles that are clearly marked as Flagstaff Police, are given uniforms that are marked as Police Aide, and patrol the streets of Flagstaff. Aides have detained people and have responded to citizen calls for service. All three of these “civilian” employees were, and are, male.

Six years earlier, in 2014, there were one-hundred-ten sworn officers. Ninety-four were white (85.5%), fourteen Hispanic, one Native American (<1%) and one Black. The gender composition was actually slightly better in 2014 than 2021. The Department reported that ninety-six of its officers were male (87.3%) and fourteen were female.

In 2014 the Department had 48 civilian employees. Of those, forty-one were white (85.4%), three were Hispanic and four were Native American. There were no Blacks or Asian civilian employees. Not unexpectedly the gender ratio was reverse of that for sworn officers with forty-one female employees (85.4%) and only seven male employees.

The national average of the number of sworn officers per 1000 of population served in communities between 50,000 and 99,000, is 1.5 FTEs. The Flagstaff Police Department has 1.6, comparable to other cities of the same size. The department is much whiter than other comparably sized cities, however. Nationally the percentage of sworn officers in police departments serving cities of between 50,000 and 99,000 in 2020 was 74.2% white.

Racial Disparities in Arrests

The lack of diversity in the force and the practice of only promoting from within may play a role in the continued extreme disparities in arrest rates of Native Americans. In 2020 the rate of arrests for Native Americans exceeded 44,000 per 100,000. This contrasts sharply with the arrest rates of white, non-Hispanic persons in the same years, at 3805 per 100,000.

History of Promotions From Within

A review of archives of Flagstaff's local newspaper⁴, reveals the stagnant history of the Flagstaff Police Department. In its entire history, Flagstaff has never had a Police Chief or Deputy Chief of color or a female.

⁴ Flagstaff has had two local newspapers in its history. The first was the Coconino Sun which ran for 45 years, with its last publication date on November 25, 1927. Between that date and August 5, 1946 there was no local newspaper

In 1916 the Flagstaff Chief of Police was Wm Bayless. In 1919 it appears that R. L. Neill was the Chief of Police. In 1927 the Chief of Police was JR Cooper. JR Wright appears to have been the chief from at least 1934 until at least 1942. From 1946 to current times, the Arizona Daily Sun ran stories on the change in the police department leadership each time the chief was replaced. No chief has ever been hired from outside the Department.

By August 1946 William Epperson was the Chief. When he retired in July 1963 the Sun noted that he had been in that position for 18 years which would put his appointment as chief in 1945. He was succeeded by Elmo Maxwell who was a member of the department under Epperson. Maxwell served until he was fired, reinstated and retired in 1980. Maxwell had no police experience or training before he commenced working for the Flagstaff Police Department as a patrol officer in 1953.

When Maxwell retired, his Deputy Chief Tom James was named the acting Chief and was then appointed as the permanent Chief on March 18, 1980. James started as a patrol officer with the Department in 1963, the same year that Maxwell became Chief. James' promotion was objected to by some members of the public. The Coordinating Council on Mexican American Affairs expressing its displeasure with the process and promotion of James, having called for the hiring of someone from outside the department.

James remained in the position until 1985. When he retired, Gary Latham was appointed. Latham had been working for the Department since being hired as a cadet in 1965, shortly after Elmo Maxwell was appointed Chief. There was no open recruitment process leading to Latham's appointment; the City Manager knew who he wanted and promoted him.

Latham retired in 1994 after 30 years with the Department. Upon his retirement the City opened the position for the first time to outsiders. Sixty-four people applied from around the state. There were

and residents took their news from other sources including the Arizona Republic, a Phoenix paper. The Coconino Sun was reborn as the Arizona Daily Sun with its inaugural edition published on August 5, 1946.

two internal applicants, Pat Madden and J.T. McCann. Madden had been with the Department since 1965 and McCann since 1969. Madden was promoted to the position.

Madden served until 1999. When he retired, there were 26 applicants from around the country for the position of Chief that year. McCann was the only internal applicant and was of course promoted to the position.

McCann retired in 2006. There were 44 applicants from around the country to replace him but acting Chief Brent Cooper was named chief in June. He started with the Department in 1977. Cooper died suddenly in 2011 and Deputy Chief Kevin Treadway took over as acting chief until he was formally appointed in June 2012. During his promotion, there were 52 applicants from around the country but only two, including Treadway were considered for the position. Treadway had been with the department since 1987.

In 2020, Treadway retired, after first being appointed as the interim City Manager for two years. During his time in the City Manager position, Deputy Chief Dan Musselman was appointed as interim police chief. Upon Treadway's official retirement from the police department a nationwide search for a new chief was conducted netting 35 applicants. Only three were considered as finalists and, not surprisingly, Musselman was appointed as Chief on June 22, 2020. Musselman started working at FPD in 1994.

1977 was an important year in the history of the Flagstaff police department. During that year, the Arizona Advisory Committee on Civil Rights⁵ conducted hearings in Flagstaff and Tucson to consider the impact of the criminal justice system on Native Americans in the State. The report concluded that discrimination in the arrest and prosecution of Native Americans was prevalent within the Flagstaff criminal justice system.

⁵ The United States Civil Rights Commission was created in 1957 by Congress. An Advisory Committee to the Commission was also established in each State.

The incestuous history of the Flagstaff Police Department

The Arizona Daily Sun debuted on August 5, 1946. At its inception William Epperson was the Police Chief having been appointed in 1945. Epperson retired in July 1963. He was succeeded in office by Elmo Maxwell who had joined the force as a patrolman in 1953.

Maxwell was replaced in 1980 by Deputy Chief Tom James who himself had been working in the Department since 1963. When Maxwell left the force in 1980, the Coordinating Council on Mexican American Affairs expressed its displeasure with the process, having called for the hiring of someone from outside the department but its complaints were ignored.

James was Chief until 1985 when Gary Latham was appointed. Latham had been hired as a cadet in 1965 a year after Elmo Maxwell became the Chief.

Latham retired in 1994 and Pat Madden was appointed Acting Chief. This was apparently the first time the City opened the position to outside applicants and there were 64 people who applied. Two of the applicants were from within the Department-Pat Madden a 16 year veteran with the department and JT McCann with slightly less time on the force.

Madden was appointed in June. He served for 5 years until he was replaced by JT McCann in 1999. There were 27 applicants from around the country who applied for the position that year but McCann was the only internal applicant. He had been with FPD since 1969.

McCann retired in 2006. Although there were 44 applicants from around the country for the position upon his retirement, acting Chief Brent Cooper was promoted in June. Cooper had started with FPD in 1977.

Cooper died suddenly in 2011. 52 applicants from around the country vied for the position but the City appointed Deputy Chief Kevin Treadway in 2012. He had been with the Department for 25 years at the time of his promotion.

Treadway left the department in 2018 when he was appointed to be the interim city manager. Dan Musselman was appointed as interim police chief. A nationwide search for a new chief was conducted netting 35 applicants. Musselman was appointed on June 22, 2020. Musselman started working at FPD in 1994.

Chief Maxwell was in office during the period of time that the Civil Rights Commission released its findings regarding racial discrimination in 1977. Subsequent police chiefs, James, Latham, Madden, McCann and Cooper were all on the police force in 1977 when the allegations of racially biased policing were disclosed by the Civil Rights Advisory Committee.

Chief Maxwell was in office when the Civil Rights Committee conducted its hearings and released its findings regarding racial discrimination. Subsequent police chiefs, James, Latham, Madden, McCann and Cooper were all on the police force in 1977 when the allegations of racially biased policing were confirmed by the report. Treadway was the first police chief that had not been working in the department when the 1977 report came out, however he worked under several Chiefs who had been with the Department during the racially charged 70s.

The insularity of the Department has ensured that community and organizational prejudice and beliefs in stereotypes about Native Americans remains entrenched in its policies and practices. A disruption of those beliefs will likely only occur if leadership is pulled from outside the community from another locale that does not have a history of racial prejudice against Native Americans.

The People Speak

Mere Promises

An open letter to Mayor Moody:
The Coordinating Council on Mexican American Affairs is writing this letter due to our concern with the process used by the city to recruit for top management positions.

Approximately one year ago the Flagstaff City Council met with the Coordinating Council on Mexican American Affairs Executive Committee to discuss police department issues. One of the issues addressed was that as taxpayers we resented both a police chief and an administrative assistant being paid to do the same job.

Furthermore, we voiced our concern that the administrative assistant position was being groomed to take the chief of police position which was soon to be vacated due to retirement. Our membership was advocating for both an internal and external recruitment in order to find the best qualified chief of police for Flagstaff.

If you will recall, you strongly reacted by stating that you would go on record assuring this group that if the administrative assistant moved into the chief of police position it

would be done only through a fair and extensive recruitment process. You also stated that you would be supported in this commitment by your fellow city council members, who were all present. At that time none of them disagreed with you.

With the recent resignation of Chief Maxwell, a letter was received by the Coordinating Council on Mexican American Affairs from the city manager, Mr. Browning. Again, we were told that an extensive recruitment process would be followed. Obviously, neither the council nor Mr. Browning intended to keep their commitments but used such assurance statements to temporarily appease a community-based organization.

This organization sincerely hopes that other Flagstaff residents seriously review and consider political commitments made by elected city officials as often nothing more than mere promises that never lead past the verbal stages.

Sincerely,
SARA ALEMAN-BURNS
president
Coordinating Council
on Mexican American Affairs

1 Arizona Daily Sun, Mar 7 1980

¹ <https://www.wbur.org/news/2022/08/26/external-hire-ordinance-revere-police-civil-rights>