

LAW ENFORCEMENT MANAGEMENT INSTITUTE

Issues in Personnel Development for Deputy Constables

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by

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TABLE OF CONTENTS

I.	Introduction	1
II.	Hiring/Training	2
	A. Age	2
	B. Licensed	3
	C. Nonlicensed	4
	D. Cost effective	6
	E. FTO program	7
III.	Termination-Ramification	8
IV.	Attrition - Lack of Incentives	9
V.	Conclusion	10

INTRODUCTION

Before the admission of the State of Texas into the Union, the office of Constable was first documented to preserve order in 1823 by Stephen F. Austin. Until Texas won its independence, English Common Law was the norm. After the passing of the Constitution in 1836, each county was permitted to have a number of elected constables. The Webb County Constable's Office, being no exception, has evolved into an agency consisting of a Chief Constable, Chief Deputy Constable, six Deputy Constables, and an Administrative Deputy. The primary goal of this office is to ensure that civil processes are delivered quickly and professionally. Furthermore, efficiency is of upmost importance in order to maintain cost effectiveness. Pursuant to these goals and to all standards, peace officers are expected to uphold the protection of life and property as well as the preservation of public peace. Within these goals the duties of Constable, which are governed by the Texas Vernons Statutes, consist of executing and returning each process, warrant, and precept delivered by an officer of the law.¹ The Constable may also execute any criminal or civil process provided that it falls within his or her precinct or any other location

defined as jurisdictional by the code of Criminal Procedure or by law.

One last requirement is that the Justice Court is to be attended by the Constable. With these demands for efficiency, responsibility, and overall excellence on the part of the Constable and his or her deputies, it is crucial to accept those applicants who will meet these criteria in a local law enforcement agency of this sort. However, problems do arise when considering all the steps and regulations involved in the hiring process. This paper will focus upon the costs of training licensed deputy constables versus nonlicensed deputy constable, the problems the office created by recent legislation and court decisions, and attrition due to the lack of incentives to motivate employees moral. After evaluating and compiling all this information, the desired intent of this paper is to successfully create a system which will aid the constable in choosing those applicants who will best serve the needs of this office.

HIRING AND TRAINING

Age Issues

When discussing the myriad of factors affecting effective hiring procedures, one must consider the problems which form difficult barriers to employee selection. One such problem involves the age issue.

The Seventy-First Texas Legislature recently amended important provisions of the Texas Commission on Human Rights creating new laws defining and prohibiting certain types of job discrimination. ² One of these pertains to the redefinition of age discrimination statutes. This revision of procedures states that all persons over forty are legally protected from discrimination. Thus in choosing between two individuals of equal qualifications, age may not be a factor in a hiring decision.

Cost to Train Licensed Deputy Constables

If an officer has not been placed on inactive status, the training of licensed deputy constables entail fewer requirements and costs. If a licensed peace officer quits and remains employed outside a law enforcement agency for two years or more, he or she must pass the current peace officer examination to be reactivated. But if the deputy is already licensed, all the screening processes which constitute a majority of the agency's expenses are eliminated. For instance, physical and psychological examinations are not needed, and basic training is also eliminated since in order to get licensed an individual has to complete 400 hours of basic training. Licensed peace officers do have to undergo field and specialized training when hired by the Constable's Office, yet the total cost of training

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is greatly reduced. Therefore, it is in the best interest of the Constable's Office to hire those already licensed as peace officers when considering cost effectiveness.

Cost of Training Nonlicensed Deputy Constables

One of the factors affecting the budget of the Constable's office concerns the costs in training nonlicensed deputies. These costs are distributed over a spectrum of occupational requirements, including physical and psychological examinations, polygraph testing, and basic, field, and specialized training courses.

The first requirement for Deputy Constable applicants involves physical and psychological examinations. The purpose of the physical examination is to determine whether the applicant is in sound physical condition and is free of illegal drug use.³ The cost for the services runs about \$203.00. The psychological test, on the other hand, is used to determine the applicant's emotional and psychological well being, and it costs about \$200.00. These two tests account for a majority of the expense of screening of nonlicensed deputies. A third form of examination involves a polygraph test, which may be administered to prospective employees of local, state, and federal government, including law enforcement agencies.⁴ The test is administered by a

of 400 hours of instruction with some academies, yet others, such as Laredo Junior College, have lengthier course schedules. The subjects taught in these courses are kept up-to-date and are in accordance with

instructor guides provided by the Commission.⁵ The cost of putting a recruit through basic training is paid by a grant from the South Texas Development Council, at the Laredo Junior College Regional Law Enforcement Academy, making it also an indirect cost paid by the State.

Cost Effectiveness Issues

Another problem in regard to hiring purposes, is cost effectiveness. With limited resources to work with and increasing needs of the office, the Constable must find ways to efficiently use money afforded by the budget. However, in training licensed and nonlicensed deputies, one must consider that the cost to train every recruit is not the same. The costs of training nonlicensed deputies exceeds that of those who are licensed and who have completed their screening requirements. Of course, after covering all the expenses of screening and training, there is still no guarantee that the applicant is going to remain within the agency for very long. Therefore, screening and training individuals to fill vacant positions decreases

cost effectiveness when the turnover rate is high. Over the last decade a number of studies have shown that when the expectations of job applicants are lowered to match organizational reality, job acceptance rates may be lower, but job satisfaction and job survival are higher for those who receive a realistic job preview.⁶ It is possible a informative video tape could curb the problem of high turnover rates.

FTO Program

One process of evaluating applicants is through the FTO program. The program consists of a four-phase process with the trainees starting out by spending two weeks observing routine tasks in the office. During the second phase the evaluation starts and includes the trainees' ability to handle remedial tasks with full supervision. This second phase involves the trainees working in a partnership system with the Field Training Officer, with each doing half of the work. During this phase difficulties in completing the tasks by the trainees may arise which may indicate the need for remedial training. In the third phase, the trainees assume almost full responsibility and should be handling most of the calls. After completing this phase, the training should be complete. The final stage is purely evaluations with the Field Training Officer wearing civilian apparel and assisting in no

circumstance unless absolutely necessary. This stage determines whether the trainees successfully incorporated the training and are ready to go on as a Deputy Constable. The costs to the department during Field Training is the product of the trainees hourly wage (\$8.27) times the number of hours spent in training (640 hours) which equals approximately \$5,292.80.

TERMINATION - RAMIFICATIONS

Another issue to consider when hiring deputy constables is the legality of binding contracts. Under Texas law, Sheriffs and other elected county officials have virtually unbridled authority in hiring and firing their employees.⁷ Constitutional law, similarly, states that deputies serve at the pleasure of Sheriffs and Constables and have no propriety interest in their continued employment, thus rendering them powerless in regards to termination. However, current legislation regarding Due Process has nearly eliminated this statute. Due Process requirements pertaining to firing employees state that employees must have a reason to dismiss an employee and that dismissal must not be arbitrary. But in Bishop v Wood (1976), the majority opinion of the Court said, "The Due Process clause of the Fourteenth Amendment is not a guarantee against⁸ incorrect or ill-advised personnel decisions." In

other words, the Court felt that courts should not involve themselves in issues of this nature. However, this does not curtail due process requirements which are mandated by law and must be followed.

Attrition - Lack of Incentives

In order for an agency or any type of business to attract individuals to work and remain employed, it must provide some type of incentives such as benefits. For example, benefits can include vacation time, holiday pay, insurance, medical and dental coverage, and so on. However, with a limited budget, difficulty arises when trying to provide adequate benefits. Some items which the Constable's Office desperately needs include longevity pay, and clothing allowance. Deputies must be compensated for the years worked on the job, as well as, costs of the upkeep of uniforms. This is not the case in Webb county, however, which has created an agency consisting of disgruntled employees characterized by a high turnover rate; furthermore, the lack of monetary incentives does not attract prospective deputies.

One last problem facing the Constable's Office in hiring new recruits concerns overtraining. When a deputy or cadet begins the training phase for future employment, care should be taken by the Constable to ensure that the recruit is trained in skills suited

only to the position he or she will hold. If that recruit is trained in skills applicable to any other agency, he or she may decide to work elsewhere.

Conclusion

Providing needed incentives in the office will enhance moral; furthermore an effective training program and a support system in the form of the Field Training Officer Program will curb attrition. Developing an informative video tape, would give a realistic perspective of the job and what it entails. It is, therefore, the desire of the Constable to improve the working atmosphere of the office maintain a high quality of deputies serving the public, and maintain cost effectiveness.

ENDNOTES

1
Texas Statutes Local Government (Vernon 1988), pp.445-446.

2
Carlson, Richard R., Texas Employment Law,
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3
Sec. 211.96. TCLEOSE Manual.

4
Employee Polygraph Protection Act, 1988.

5
Sec. 211.77. TCLEOSE Manual

6
Cascio, Wayne F., Costing Human Resources: The
Financial Impact of Behavior in Organizations,
(Boston: Kent Publishing Co. Boston, 1982).

7
Texas Civil Statute, Article 6869.

8
Bishop v Wood, 426 U.S. 321 (1976).

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