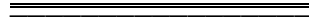


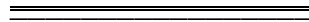
**The Bill Blackwood
Law Enforcement Management Institute of Texas**



Professionalism and Trust Through Best Practice Standards



**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



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February 2020**

ABSTRACT

Those in law enforcement seek to be viewed as being part of a profession rather than an occupation. Many officers would refer to themselves as a law enforcement professionals. However, a vast majority of agencies choose not to operate in a way that is consistent with industry best standards. Out of the 2,696 law enforcement agencies in Texas, only 146 agencies have reached the “Recognized” status through the Texas Police Chief’s Association Best Practices (TPCA BP) Program (TPCAF, n.d.). The TPCA BP program was developed to establish standards that reduced risk, improve management and operations, and improve citizen protection and officer safety. The public expects law enforcement agencies to employ officers equipped with a higher level of skills and knowledge to effectively and efficiently handle and resolve today’s complex issues. The public expects agencies to have in place policies and practices that reflect the community’s values. Policies should be implemented consistently and fair to establish trust and legitimacy among those they protect and serve. Adhering to best practices could be the first step in establishing; repairing; or enhancing the relationship, the agency, and their community. Complying with TPCA BP standards would help professionalize the industry and help build a better relationship with the community it serves; therefore, Texas law enforcement agencies should comply with TPCA BP standards.

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INTRODUCTION

Law enforcement has been seeking professionalism since the 19th century. In 1829, Sir Robert Peel established the London Metropolitan Police Force. He became known as the “Father of Modern Policing,” and is credited with creating the nine policing principles (Smith, 2011). These policing principles remain as crucial and urgent today as they were two centuries ago. In the 1930’s, August Vollmer made it his life work to professionalize policing through standards and higher education (Oliver, 2013). In 1979, the Commission on Accreditation for Law Enforcement Agencies (CALEA) was formed (CALEA, 2018). It was the first attempt to bring accreditation to law enforcement agencies across the United States. In 2006, Texas Police Chiefs Association (TPCA) created the Law Enforcement Agency Best Practices (BP) Recognition Program (Texas Police Chiefs Association, 2018). This program was designed to assist agencies in the efficient and effective delivery of service, the reduction of risk and the protection of individual rights. The program consists of 166 standards that correspond with major areas of law enforcement operations (Texas Police Chiefs Association Foundation, 2018). The policies and standards were developed by law enforcement professionals from across the state of Texas.

In 2015, The President’s Task Force on 21st Century Policing report was released. The report acknowledged the relationship between police and citizens, particularly among minorities and the poor, are strained. It identified six key areas it refers to as pillars that law enforcement agencies should focus on (“The President’s Task Force, 2015). These areas include trust and legitimacy, policy and oversight, technology and social media, community policing and crime reduction, training and

education, and officer wellness and safety (“The President’s Task Force, 2015). The report provided numerous recommendations to help ease the strain and to help build a positive and productive relationship between police and public. Complying with TPCA BP standards would help professionalize the industry and help build a better relationship with the community it serves; therefore, Texas law enforcement agencies should comply with Texas Police Chiefs Association Best Practices standards.

POSITION

Adhering to TPCA Best Practice Standards would help build trust and legitimacy with the public. According to The President’s Task Force on 21st Century Policing (2015), people are more likely to do what a police officer says to do if they feel that the officer has the legitimacy to tell someone what to do. The value of adhering to best practices is increased public confidence and equitable delivery of police services (Crowder, 1998). Therefore, establishing trust and legitimacy has to be at the foundation in the relationship between police and citizens. People must know and feel that the police have their best interest in mind in every situation. This has not been the case for some.

According to Stevenson (2006), historically, in America, minorities and the poor have been disproportionality incarcerated. Among minorities and the poor, many feel that arrest and imprisonment is not a matter of if but when. Because of this, there is a deficiency in the amount of trust and legitimacy. While the terms trust and legitimacy are referred to in the same context, it is important to understand that they are different.

Jackson (2015) stated that an organization has developed trust when it is viewed as fair, honest, reliable, competent, responsive, and acts with the right intentions. He

determined that an organization is only viewed as legitimate when the values and ideas associated with the interaction or behavior correlate between both parties. It is absolutely crucial that law enforcement agencies do everything within their control to build trust and establish legitimacy. If law enforcement agencies want to build legitimacy, they earn it by acting in procedurally just ways. There are four central principles in acting procedurally ("The President's Task Force," 2015). First, everyone must feel they are being treated with dignity and respect. It is important that an officer does not deprive an individual of his or her self-respect. Officers should remain professional even in the event the other party is not acting so. Second, officers must give people an opportunity to speak and be heard whenever the situation allows. An important part of the communication is active listening. When possible officers need to allow individuals to speak. Third, officers should strive to be as neutral and transparent as possible during the decision making process. Officers should not jump to conclusions or assume something. Officers should afford everyone an opportunity to speak and make a decision afterwards. When the situation allows, officers should explain how and why a decision was made. Lastly, officers must convey trustworthy motives. The public has to know that the officers are looking out for all parties' best interest. Officers should give no reason for someone to feel there are any other motives than what is best. When citizens feel that police share a common set of interest and values they much more likely to follow the law and to work with authorities.

Procedural justice has an internal and external aspect to it. Internal justice relates to how the department operates internally. It refers to the standard operating procedures within an agency. How individuals feel and treat one another are

contributors to how one feels about procedural justice. Research has shown that officers that perceive a high level of internal procedural justice are more likely to adhere to departmental policies, and accept and follow departmental decisions (“The President’s Task Force,” 2015). Internal procedural justice is extremely important. Individuals who feel respected within their department and feel a high level of internal justice are more likely to extend respect and dignity to those they come into contact with out in the community.

External procedural justice is a result of the interaction between officers and citizens. These interactions shape the public’s trust of the police. External procedural justice is the practice of fair and impartial policing. Acknowledging and understanding explicit and implicit human biases are an important factor in external procedural justice. All humans are a sum of their own personal experiences and therefore have different biases and prejudices. These biases influence how people interact with each other. It is safe to say that law enforcement agencies know that explicit biases are detrimental to operational effectiveness and police – public relationship.

All agencies should be very intentional in their methods that promote trust and legitimacy both internally and externally. Complying with TPCA BP does just that. TPCA BP requires that agencies have a policy in place that has a prohibition of bias based profiling that is broader than the state required racial profiling probation. TPCA BP prohibits any profiling based on ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group (Texas Police Chiefs Association Foundation, 2018).

Also, adhering to TPCA BP standards would help establish and maintain policies and oversight. Policies and oversight makes up pillar 2 of The President's Task Force on 21st Century Policing (2015). No doubt following best practices makes an agency a better organization (Schoenle, 2017). The report suggests that agencies should have clear and consistent policies that reflect the community's values and norms.

Policies should be carried out in a fair and transparent manner so that police establish credibility with those they are serving. Policies should provide clear direction on how the department wants things done. They do not leave it up to arbitrary or flip/flop decisions based on who is involved or who is making the decision. Policies should require clearly established rules of behavior and ethics so that everyone is held to the same best practice standard.

The TPCA BP manual (2018) states "All professional law enforcement agencies must have clearly delineated rules and regulations to guide officer conduct and ensure the proper public image of the agency" (p.20). Law enforcement agencies demonstrate professionalism when they hold their employees accountable using rules of conducts and codes of ethics. Agencies must thoroughly investigate complaints against employees. It's a good practice to be transparent and take corrective measures when necessary. TPCA BP assists in creating and implementing policies that will help build credibility with those in which they are responsible for protecting and serving.

According to The President's Task Force (2015), policies pertaining to the use of force are particularly important. The report states that agencies should not only have policies regarding the use of force and deadly force, but agencies should also conduct rigorous ongoing training pertaining to the use of force. The report also suggested that

collecting data on use of force incidents, supervisor oversight, and accountability in the improper use of force are part of a well-rounded approach to serving the citizens.

The TPCA BP embraces the report's conclusions. In fact, TPCA BP manual (2018) states "law enforcement agencies are the only function of government authorized to use force against a citizen. This authority to use force is granted by the people of a community with the full expectation that it will be used appropriately" (p. 47). Agencies must have a written directive requiring personnel to report every use of force to their supervisor and to document every use of force on a form specifically for the reporting of use of force. The chief administrator must be notified of every use of force. The directive must also require a review process of each incident by supervisory personnel. Reports must be reviewed through the chain of command to ensure officers are using the appropriate type and amount of force. Agencies must summons medical treatment for anyone reporting an injury as a result of use of force. Lastly, agencies are required to prepare an annual report on the use of force the department experienced. The purpose of the report is to help the agency to identify any trends in the use of force by personnel, training needs, equipment needs, or policy revisions. TPCA BP requires the annual report to be signed off by the chief administrator and it be submitted to TPCA BP for review.

Other than use of force, TCPA BP (2018) has identified 11 other critical issue areas within law enforcement. The other areas consist of emergency vehicle operation and pursuits, search, seizure, and arrest, care, custody and restraint of prisoners, domestic violence and agency employee domestic misconduct, off-duty conduct, selection and hiring, sexual harassment, complaint and internal affairs management,

narcotics, swat, and high risk warrant service, dealing with the mentally ill and developmentally disabled, and property and evidence management. The program offers agencies a complete sample policy manual. The manual has 72 policies that complies with all 166 best practice standards. The policies are intended to help minimize risk for officers, the department, and the governing authority.

Perhaps the most valuable consideration as to the policies and standards themselves are the fact that a committee of professional police chiefs from across the state of Texas developed are the ones that create them. The policies and standards were created and designed based on the proper functioning of Texas law enforcement agencies. Complying with TPCA BP, the public knows there thoughtful and meaningful policies and oversight in place that looks out for their best interest also. The result is more public confidence and trust.

In addition, adhering to TPCA BP standards would increase training as identified in pillar 5 in The President's Task Force report (2015). The report acknowledges that the nation's communities are becoming more and more diverse and the scope of responsibility for law enforcement is increasing. Best practices prompt departments to put into place a robust and comprehensive training program (Tedjeske, 2011). Law enforcement officers are faced with a wide range of issues and individuals. Individuals include dealing with juveniles, mental illness, and extremists. Often times, an officer has to deal with all three at the same time.

Issues include changing laws, evolving technology, and social media. Social media has been especially hard for law enforcement. Agencies can find themselves being crucified on social media regardless of facts. A vast majority of agencies simply

do not have the personnel to attentively watch social media to head off inaccurate or misleading posts. Today's officers need to be equipped with a higher level of skills and knowledge to effectively and efficiently handle and resolve today's complex issues. Interesting enough, The President's Task Force report (2015) acknowledged that even university undergraduate and graduate programs would fail in preparing an individual for the skills and knowledge needed to police today's communities. The report concluded that agencies should establish standards for training.

TPCA BP (2018) states "police agencies are held accountable both by their community and by the courts for their actions. Employee's actions are guided by clearly written policy, by adequate supervision, and by training" (p.30). While the Texas Commission on Law Enforcement (TCOLE) sets minimum state requirements for training, recognition standards ensure employees get required training and proper documentation is completed and kept. The program sets training requirements for all levels of the agency. There is training for the chief administrator, supervisory, and the line level which includes civilian personnel. The program requires regular on-going training for specialized units such as emergency response team or SWAT, hostage negotiators, and background investigator.

One of the most important programs an agency has is its field training program. Field training introduces new employees to the agency. It is here the newly-hired employee learns how the department conducts business on a daily basis. New employees will be submerged into a culture that speaks much louder than the policy manual. This program sets the tone for how the employee will act for the remainder of his or her career. It is crucial that the chief administrator is tuned in to the policing

philosophy in which they are teaching. TPCA BP requires that an agency has a program where those involved are properly trained, and that there is a review process of the program.

The President's Task Force report (2015) also suggested that agencies need to develop a comprehensive program to recruit, hire, evaluate, and promote quality employees that possess the characteristic and traits needed to be an effective police officer and public servant. Hiring diversity is extremely important. An agency that reflects its community increases understanding within the agency. Diverse people bring diverse personalities and experiences. Communities want to be policed by a sub-community of their own, not by an outside force. TPCA BP understands that employees are the agency's most valuable asset within the agency. It knows that the success of the agency depends on attracting and selecting the most capable and competent employee's that society has to offer.

The program realizes the selection of employees must be non-discriminatory, job-related, and administered in a fair and consistent manner. Continual evaluation of employees is also necessary to ensure consistent direction of employee's efforts toward agency goals. The program requires that agencies have a written employee selection procedure that is administered in fair and consistent manner. Research has shown that agencies that participate in an accreditation process had a greater gender diversity for police departments (Schuck, 2014).

The procedure must include a thorough background investigation. The program requires that during an employee's career they must receive at a minimum a yearly evaluation. Evaluations are intended to provide feedback to the employee as to where

he or she is successful, areas that need improvement, and to establish goals and ambitions. The program requires the agency to provide training for supervisors that conduct evaluations. This ensures supervisors understand the evaluating process and how to conduct performance discussions. The agency must have written directive that describes the components of the promotional process, which may include any applicable qualifications, announcements, any testing procedures, grading, and any appeal process. Promotional processes must also be administered in a way that is fair and consistent for all employees.

COUNTER ARGUMENTS

Opponents of TPCA BP or other accreditations often believe the program does not provide the officer or the agency with liability protection. Best practices are generally accepted practices and do very little to protect the organization as a whole (Scism, 2017). There is inherent risk associated with law enforcement. Things do not always turn out as agencies desire and people can sue for just about anything. According to Scism (2017), risk management is a process used to mitigate risks by analyzing trends, establishing controls, and actively overseeing often predictable behaviors or actions.

The TPCA BP program does just that. The program requires annual reports on use of force, pursuits, property and evidence, and accident and injuries (2018). Each of these reports are intended to search for trends, incorporate and adjust controls where needed, and to be proactive upon discovery of delinquent conduct or results. Agencies can mitigate those inherent risks by being and taking proactive steps to try and avoid bad outcomes.

Accreditations and adhering to standards do offer protection against lawsuits (Harvey, 2013). Implementation of industry standard policies can reduce the risk of legal liability and enhance an agency's ability to defend against lawsuits. Officers following well-developed policies reduce the risk of injury and are less likely of being held personally liable in civil court for their actions. The failure to implement and follow established procedures can leave the agency and the officer liable for their actions.

Other opponents of TPCA BP may believe it is not worth the investment. Some opponents are under the impression that it takes a fulltime employee to implement and maintain the TPCA BP Program. A vast majority of agencies do not seek accreditation or recognition status because it is difficult, expensive, and labor-intensive (Hougland & Wolf, 2016). Their perspective can be understood when articles are published like the one stating it took Cleveland Clinic Police Department three years to achieve its accreditation ("Cleveland Clinic," 2011). Working towards one goal for three years is a long time. It can make an agency begin to second guess the decision based on the amount of time and resource it is taking to accomplish the goal.

While it does take time and money to reach the recognized status through TPCA BP, research shows that accreditation and complying with industry best practices is the benchmark of professionalism (McCabe & Fajardo, 2001). By adhering to industry best practices, the industry begins to shift from an occupation to a profession. According to research conducted by Gingerich and Russell (2006), employees among all ranks belonging to an accredited agency are significantly more inclined to adopt the vision, mission, and values of the agency.

RECOMMENDATION

Texas law enforcement agencies should strive to comply with TPCA BP standards to build trust and legitimacy with the public. Trust is essential to the agency's ability to police its community. People are more willing to comply and cooperate with police when people feel the officer's power is legitimate. Legitimacy is conveyed when people feel officers are acting procedurally fair. It is important to realize that procedural justice has an internal and external component. Officers that feel they are valued and perceive fairness within the department are more likely to treat the community with dignity and respect.

Agencies should strive to comply with TPCA BP standards to establish and maintain comprehensive policies and oversight. Agencies should establish and maintain clear and concise policies that reflect modern day best practices and the community's expectations. To foster credibility with the community, agencies should operate within policies in a fair and consistent manner. Agencies should strive to be transparent and welcome citizen overview where possible.

Policies should provide clear direction on how the department expects employees to conduct themselves on and off duty. Policies should give direction to employees so conduct and decisions reflect as fair and consistent as possible. Policies should require clearly established rules of behavior and ethics so that everyone is held to the same best practice standard.

Agencies should strive to comply with TPCA BP standards to ensure today's police officers receive the necessary training they need to be successful. Today's officers need to be equipped with a higher level of skills and knowledge to effectively

and efficiently handle and resolve today's complex issues. Every department should develop a comprehensive training program for new and experienced officers. Areas of training that need to be addressed include community policing and problem-solving, bias awareness, scenario-based, crisis intervention, procedural justice, mental health, and cultural responsiveness.

Agencies should strive to comply with TPCA BP standards to help combat the workforce shortage that the vast majority of law enforcement agencies are facing. Agencies should develop a comprehensive program to recruit, hire, evaluate, and promote quality employees that possess the characteristics and traits needed to be an effective police officer and public servant. Research has shown that agencies that participate in the accreditation process had a greater gender diversity for police departments (Schuck, 2014).

Although some opponents claim best practices and accreditations do very little to protect agencies and officers in and against lawsuits, this is simply not the case for agencies adhering to TPCA BP standards. Implementation of industry standard policies can reduce the risk of legal liability and enhance an agency's ability to defend against lawsuits. Officers following well developed policies reduce the risk of injury and are less likely to be held personally liable in civil court for their actions. The failure to implement and follow established procedures can leave the agency and the officer liable for their actions. Accreditations and adhering to standards do offer protection against lawsuits (Harvey, 2013).

Other opponents claim the time it takes to achieve and maintain accreditation and best practice standards is not worth the investment. Research shows that

accreditation and complying with industry best practices is the benchmark of professionalism (McCabe & Fajardo, 2001). By adhering to industry best practices, the industry begins to shift from an occupation to a profession. According to research conducted by Gingerich and Russell (2006), employees among all ranks belonging to an accredited agency are significantly more inclined to adopt the vision, mission, and values of the agency.

Adhering to TPCA BP standards has internal and external benefits. Agencies that commit to following best practices establish a work place that promotes fairness, consistency, and professionalism. It also commits to the community that it wants an open and trusting relationship, one that has the public's best interest in mind in every contact.

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