

LAW ENFORCEMENT MANAGEMENT INSTITUTE

IMPLEMENTATION OF A
FIELD TRAINING OFFICER PROGRAM
FOR THE
TEXAS ALCOHOLIC BEVERAGE COMMISSION

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PREFACE

This research paper was written primarily to be examined by the staff of the Texas Alcoholic Beverage Commission for consideration of implementing the program.

The paper was also written by the author to enhance the training procedures and image projected by agents of the Texas Alcoholic Beverage Commission.

I would like to express my sincere appreciation for the research material provided to me by the Houston Police Department, Pampa Police Department, Texas Department of Public Safety, San Jose, California Police Department, Canyon Police Department, Amarillo Police Department and the Dallas Police Department.

I would also like to express my appreciation to my wife Millie and my daughter Candy whose help was invaluable in the preparation of this paper.

TO CANDY - MY ROOKIE

TABLE OF CONTENTS

PREFACE	ii
Chapter	
I. INTRODUCTION	1
II. THE TEXAS ALCOHOLIC BEVERAGE COMMISSIONS'S NEED FOR A FIELD TRAINING OFFICER PROGRAM	4
III. DIFFERENCES BETWEEN THE TEXAS ALCOHOLIC BEVERAGE COMMISSION'S FIELD TRAINING OFFICER PROGRAM AND OTHER POLICE AGENCIES	5
IV. FIELD TRAINING PERSONNEL	8
Requirements of the Field Training Officer	
The Selection Process	
Field Training Recruits	
V. FIELD TRAINING OFFICER PROGRAM	12
Week One - Orientation	
Week Two - Five - The Alcoholic Beverage Code	
Week Six - Computer Training	
Week Seven - Eight - Learning Spanish	
Week Nine - Driving Skills	
Week Ten - The Enforcement Manual	
Week Eleven - Firearms	
Week Twelve - Narcotics	
Week Thirteen - Physical Fitness and Self Defense	
Week Fourteen - Local Training Begins	
Week Fifteen - Case Report Writing	
Week Sixteen - Further Training in Paper Work	
Week Seventeen - Surveillance Techniques	
Week Eighteen - Twenty - Inspections	

Week Twenty One - Undercover

Week Twenty Two - Twenty Three - Ghost Stage

VI.	CONCLUSION	19
	WORKS CITED	22

I. INTRODUCTION

Over thirty years ago I began my career in law enforcement. Upon graduation from the police academy I was assigned the midnight to eight a.m. shift.

My partner, a seasoned police officer drove for approximately 30 minutes. He then changed places with me. "Wake me if the Sergeant calls," were the instructions.

At sun-up the Sergeant called and upon changing places with my training officer we met the Sergeant and talked. My training officer and the Sergeant talked that is - I went to sleep. Obviously, I have never forgotten this lesson in training, and of course there was no Field Officer Training Program in place at the time. This is not to suggest that every rookie police officer in a large municipal police agency will be sloppily trained but is just one of many reasons why all police agencies need a good training program.

There is increasing emphasis placed on being knowledgeable in the computer field and in many areas it is almost a necessity to be bi-lingual. A police officer should be expected to maintain physical fitness and to master good driving habits and should be proficient with firearms. All of these requirements demand that every police agency needs to examine and re-examine their training program and update constantly to keep their officers confident in their knowledge, skills and abilities, as they seek to serve the public.

This paper is not being written to be derogatory in any manner or fashion to any member or program of the Texas Alcoholic Beverage Commission. Rather, it is being written with an open mind on the present and future training needs of the agency.

I personally think that the Texas Alcoholic Beverage Commission is one of the best law enforcement agencies in the state and hopefully will remain a prime agency in the future. I believe that to do so our agents must be so trained that they are kept abreast of all developments in the constantly changing world of law enforcement and able to meet the demands made upon them physically and mentally. Good training is critical and failure to recognize and implement where it may be lacking seems absurd.

When a law enforcement agency has a good training program

well-structured, adhered to and staffed with competent individuals it can be shown to cut down on civil suits. Yett¹ states that it is always cheaper to eliminate problems before they become law suits. He goes on to list several points he considers necessary in a good training program to minimize liability.

- A. Training in excess of state mandated minimums.
- B. Training in response to evaluation of needs.
- C. Training by persons qualified to conduct the courses taught.
- D. Training constantly updated and accurate.
- E. Testing to insure mastery of the subject taught.
- F. Additional sessions for persons not able to demonstrate mastery; and
- G. Periodic updating of materials taught and methods used to teach.

Actually, he has nearly described my recommended Field Training Officer program.

Good training² procedures have been part of some police agencies for years. Leonard tells us that the recruit training period is a part of the³ entrance exam process. A problem with the training according to Smith is finding the qualified instructors who are experienced in teaching.

The purpose of this paper; to set out a good Field Training Officer program for the Texas Alcoholic Beverage Commission with the two-fold goal of recruiting and retaining well-qualified individuals and to be a bellweather agency nation wide in the Field Training Officer Program.

1. Charles W. Yett, Civil Liability Under 42 U.S.C. 1983 For Texas Sheriffs, Attorney Generals Criminal Law Update May 1990.
2. V.A. Leonard, Police Organization And Management, (Brooklyn, The Foundation Press 1951) 141.
3. Bruce Smith, Police Systems In The United States, (New York, Harper Row 1960) 283

II. THE TEXAS ALCOHOLIC BEVERAGE COMMISSION'S NEED FOR A FIELD TRAINING OFFICER PROGRAM

There is always a need to enhance the image projected by law enforcement in general. Although Texas Alcoholic Beverage Commission personnel do not wear uniforms; it doesn't take long to pick out an agent. An individual citizen or lounge operator when dealing with an agent should be well aware they are dealing with a professional.

The citizens of the state of Texas have every right to expect that every Texas Alcoholic Beverage Commission agent who carries a gun and a badge is well-trained in every area of law enforcement with a special emphasis on liquor laws. These areas include the laws of arrest, search and seizure, civil liability, penal code and the code of criminal procedure.

One of the goals then of a good Field Training program is to insure that the agent knows what he is doing and can keep both himself and the agency from being sued for lack of training and lack of supervision.

I believe that the Texas Alcoholic Beverage Commission should be a trend-setter in the area of a Field Training Officer program which could be nationally recognized.

III. DIFFERENCES BETWEEN THE TEXAS ALCOHOLIC BEVERAGE COMMISSION FIELD TRAINING OFFICER PROGRAM AND OTHER POLICE AGENCIES

Just as there are some differences in the specific areas and duties involved between police agencies there will be differences in their Field Training Officer programs.

In a municipal police department the primary duties of the police officers are to preserve the peace, control city traffic, work traffic accidents, enforce city ordinances and in general keeping the city safe for its citizens.

In a Sheriff's department, the main duties of the deputy are to maintain a jail, serve warrants and civil papers, patrol the unincorporated areas and insure the areas peace and tranquility.

The Texas Department of Public Safety is charged with the patrol of the highways and interstates keeping them safe by enforcing traffic laws, and working traffic accidents, along with training specialized units to work specific crimes, such as narcotics, intelligence and auto theft.

The Texas Alcoholic Beverage Commission's primary duties are to enforce the liquor laws in a given area. Therefore, the Field Training Officer program will be to train the agents to become experts in liquor law enforcement.

The agent must know the qualifications of an individual for over sixty various permits and licenses. They must know the rules and laws to cancel the permits and licenses.

They must be experts in all fields of bingo now that it has come under the jurisdiction of the Texas Alcoholic Beverage Commission.

They need computer knowledge, an ability to communicate with other ethnic groups in the area and last but not least they should be expert drivers and expert shots. The Texas Alcoholic Beverage Commission⁴ code specifically states that all peace officers enforce the provisions of the Texas Alcoholic Beverage Commission Code; however, most enforcement is left up to the Texas Alcoholic Beverage Commission.

I will recommend that the Texas Alcoholic Beverage Commission Field Training Officer program consists of four weeks of liquor law instruction. This should insure the state that the Texas Alcoholic Beverage Commission Code is being enforced. In my opinion it is imperative that the Texas

Alcoholic Beverage Commission agent have this knowledge and expertise to fully equip him in the performance of his duty.

4. Texas Alcoholic Beverage Code, Section 101.07, 1989, 83.

IV. FIELD TRAINING PERSONNEL REQUIREMENT OF THE FIELD TRAINING OFFICER

The Field Training Officer program that I am recommending will largely depend on the actual Field Training Officer himself. Though McCampbell⁵ found in a recent survey that 64% of all police agencies have a field training program, Germann⁶ tells us that some of the law enforcement community still hold the archaic view that "educated cops are not real cops."

⁷
As the National Advisory Commissions in Criminal Justice Standards and Goals recommends, we must place in management positions personnel with requisite⁸ knowledge and skills clearly established. The Presidents Commission recommends that all supervisory positions should require a baccalaureate degree. They recommended as well a carefully selected and supervised field training.

⁹
Sheehan recommends that the Field Training Officer should be carefully chosen from among those known to be the best officers in the agency. They should be able to demonstrate and instruct the agent-recruit in using his classroom training to work on the streets.

A baccalaureate degree demonstrates that the individual has enough drive and intelligence to obtain a degree. It also reflects that he is able to communicate with others.

The Field Training Officer should have at least four years of experience with the Texas Alcoholic Beverage Commission making him eligible for at least an agent II's position. Four years should acquaint him quite well with the inner workings of the agency.

His evaluation by his supervisors should show no grading down for at least the last 12 months, reflecting that he is not deficient in any of his duties.

He should have a desire to be a training officer and make an application for this position.

The Selection Process

To obtain the finest personnel for the positions of Field Training Officer. I am recommending the following guidelines for the selection process.

After the applications are received in the Austin main office, all applicants must then pass a comprehensive test on the liquor laws. A minimum passing grade shall be established. Henry informs us that federal agencies are not as prone to rely on written tests as are local and state governments, as a basis for promotion. However, a comprehensive knowledge of the liquor law is essential to a Field Training Officer of the Texas Alcoholic Beverage Commission.¹⁰ Mintzberg says that the value of aptitude tests should not be under estimated, but if the desire to be a trainer is there the knowledge is available.¹¹

After passing the written test, the seniority and position of each applicant should be given some weight.

The physical condition of the applicant is also important. The applicant should be able to pass a comprehensive physical exam.

Some kind of psychological tests should be given that perhaps could point up some area likely to give problems. Mackay states that psychological profiles may be enlightening but never binding. After four years, a man's performance of his duties and his inherent personality traits are most likely to be well known by his supervisors and coworkers.¹²

In the area of intelligence, initiative, and leadership each applicant before his interview should be given a problem set of questions to be discussed during the interview. This should reflect the individuals ability to solve problems and to present himself well before a group of people.

This is not a new idea. The Municipal Police Administration recommended this procedure years ago.¹³

The interview board should consists of at least four individuals. First, the Chief of Enforcement, next a member of the Texas Department of Public Safety, another from the Texas Commission on Law Enforcement Officer Standards and Education and finally one member should be a civilian.

After the testing procedures, an eligibility list is drawn up ranking the applicants in numerical order.

After an individual is selected as an Field Training Officer trainee, he should be required to attend the two sepearate management schools at new Braunfels called the Manager of Manager Schools. He should be required to attend the six-week Law Enforcement Management Institutues

school put on by Texas Commission on Law Enforcement Officer Standards and Education. Every year thereafter the Field Training Officer should be given at least forty hours of management training.

Compensatory pay for this education and training should be at last a 10% pay increase to be retained as long as he remains in the Field Training Officer program.

Field Training Recruits

The field training agent recruits will be from two sources. A lateral entry agent will be given the same training as an agent recruit just graduated from a police academy with the basic training requirements.

This is to ensure that all agents whether recent graduates or seasoned lateral entry agents are given uniform comprehensive training by the Texas Alcoholic Beverage Commission agency.

5. Michael S. McCampbell, Field Training For Police Officers, State of the Art, Research in Brief (U.S. Department of Justice, National Institute of Justice - November 1986) 4
6. Frank D. Day, Robert R.J. Gallati, and A.C. Germann, Introduction to Law Enforcement and Criminal Justice, (Springfield: Bannerstore House, 1970) 372
7. Criminal Justice System, National Advisory Commission on Criminal Justice Standards and Goals, 1973, 168.
8. The Challenge of Crime in a Free Society, A Report by the President's Commission on Law Enforcement and Administration of Justice (Washington D.C. U.S. Government Printing Office 1967) 112
9. Robert Sheehan, Introduction to Police Administration, (Cincinnati, Anderson Publishing Co 1989) 137
10. Nicholas Henry, Public Administration and Public Affairs, (Englewood Cliffs, Prentice-Hall, 1975) 204
11. Henry Mintzberg, Mintzberg On Management, (New York, The Free Press 1989) 80
12. Harvay Mackay, Swim With The Sharks, (New York, William Morrow and Company Inc 1988) 200
13. George D. Eastman, Municipal Police Administration, (Washington D.C., International City Management Association, 1969) 188

V. FIELD TRAINING PROGRAM

My recommendation for the Field Training Officer program will establish virgin territory for recruit agents from any police agency in the state. If this program is implemented, it should be a front runner for other police agencies to pattern after and hopefully then will strive to reach the professional peaks in training that the Texas Alcoholic Beverage Commission will embark on. I propose an initial 13 weeks to be spent at the Austin Headquarters Training Division.

WEEK ONE - ORIENTATION

The first week will be orientation. The recruit will familiarize himself with the procedures of each division and their basic function.

Beginning with the bingo division and its functions the recruit will learn how complaints are received and investigated and their paperflow.

The next area should be the License and Permit section. The recruit will observe applications for permits and licenses being processed and notice the amount of time and attention given to each application.

The legal division will be investigated as the recruit learns how this division processes administrative cases, sets administrative hearings and the appeal procedures.

A very important area is the auditing division. The recruit will learn how the tax money is processed through our agency, how the agency keeps up with the importation and exportation of alcoholic beverages and become familiar with the credit law procedures.

Last, time will be spent in the enforcement division learning how they function. The recruit will observe administrative and criminal cases being processed, records checked, and become familiar with the laboratory and the testing of alcoholic beverages.

The goal of the first week will be the recruit becoming conversant with all of the divisions of the Texas Alcoholic Beverage Commission and their area of expertise.

WEEK TWO - FIVE - THE ALCOHOLIC BEVERAGE CODE

The next four weeks will be devoted to teaching the agents the alcoholic beverage code. The agent will be tested weekly and must have a passing grade on the final test.

WEEK SIX - COMPUTER TRAINING

This is a departure from the norm. Most police recruits are not given any instruction¹⁴ at all in this very important field of contemporary education. Nesbitt believes that computer literacy is essential, as we have entered the 'age of information'.

In the future, an understanding of the versatility and limitations of the computer through first-hand experience in a variety of fields will be expected of any students learning process. With the advent of lap top computers and terminals inside of police vehicles, the agents should be given at least one week of training on the basics of computers. Conceivably in the future it will be necessary to schedule more than one week.

The goal of week six is to have the agent acquainted with the workings of a computer and possibly how to program it.

WEEK SEVEN - EIGHT - LEARNING SPANISH

This is also a departure from normal recruit training; however, the Hispanic community continues to enlarge and an agent's ability to communicate is seriously hampered in many area because he lacks the basic rudiments of the Hispanic language. It may eventually be mandatory to speak the Hispanic language to be able to adequately perform the duties of a Texas Alcoholic Beverage Commission agent in some parts of the state.

A bi-lingual agent enhances the image of the Texas Alcoholic Beverage Commission, assists the agency statewide, and makes for greater understanding in breaking the language barrier.

The goal of these two weeks is to impart some knowledge of the language and stimulate a desire to master at least a speaking ability of the hispanic language.

WEEK NINE - DRIVING SKILLS

This week the agents will be instructed in acquiring driving skills which are absolutely essential in contributing to the safety of the agent and also the civilian on the streets. Policemen killed in traffic accidents are becoming ever more numerous, also those involving drivers and passengers of cars not involved in any way except to be in the wrong place at the wrong time. Such a tragic accident involving a rookie police officer in San Jose, California was the initial reason for the first Field Training Officer program in the country. The rookie officer was fired, a

death occurred in the accident and the city and the officer were sued successfully.

Driving under hostile conditions and the techniques of controlling the vehicle under adversity are very important skills to master.

The goal of week nine - to lay a foundation of acquiring driving skills and to learn the agency's pursuit driving policy.

WEEK TEN - THE ENFORCEMENT MANUAL

This week the agents will study the enforcement manual. The manual lists guidelines for career ladder moves, also the reasons for promotion, demotion, termination and the appeals procedure.

The goal for the week is that the agents learn and understand the information in the manual.

WEEK ELEVEN - FIREARMS

This week the agents will be issued weapons and trained in their use. They will learn how to qualify with the various weapons and taught safety procedures in the handling of firearms. The goal for week eleven - the agent becoming proficient in the use of firearms. They must qualify on the firing range and hopefully go on to become expert shots.

WEEK TWELVE - NARCOTICS

This week will be spent in learning the laws dealing with narcotics. Given our national epidemic on the sale and use of illegal drugs our agents need to know how to identify illegal drugs, the violations of narcotics laws and how to identify dealers and users. The agents will specifically be trained toward licensed locations and how to develop informers.

The goal of this week, to develop the agents knowledge of drugs, violations and how to develop informers.

WEEK THIRTEEN - PHYSICAL FITNESS AND SELF-DEFENSE

This week the agents will learn how to defend themselves under hostile conditions and methods of arresting and subduing individuals with the least amount of force.

They will be taught how to improve themselves physically with nutrition and exercise.

The goal is to teach and stimulate the agent into maintenance of a healthy life-style and to master self-defense and arresting techniques.

These thirteen weeks have been spent in Austin at the training

academy. Now, however, the agents will be placed in the region assigned to them. They will be assigned to their first Field Training Officer.

WEEK FOURTEEN - LOCAL TRAINING BEGINS

The four regions will be Houston, Dallas, San Antonio and Odessa. The agents move and meeting with the Regional Director, District Supervisor, their staffs and their Field Training Officer's will be accomplished during this week.

WEEK FIFTEEN - CASE REPORT WRITING

This week the Field Training Officer will assist the agent with case report writing. The agent will learn how to prepare administrative and criminal case reports and what elements need to be proved for various violations. The agent will be taught the procedures of picking up and preparing cases initially made by another police agency and also how to prove a breach of the peace violation.

The goal, to develop the agents skills in developing their cases.

WEEK SIXTEEN - FURTHER TRAINING IN PAPER WORK

The agent will learn how to fill out criminal citations, seizure reports and written warnings. They will become familiar with the various Justice of the Peace offices, corporation courts and county and district courts.

He will begin his hands-on experience in procedures of where and when to file criminal cases, the type of criminal charges to file for various violations and what complaints to file.

The goal - to be sure the agent has assimilated the knowledge presented.

WEEK SEVENTEEN - SURVEILLANCE TECHNIQUES

Filling out search warrants, executing such warrants, probable causes needed to obtain such warrants, finding unlicensed locations selling illegal alcoholic beverages, and learning the most prevalent types of violations. This is the third and final week with the first Field Training Officer.

WEEK EIGHTEEN - TWENTY - INSPECTIONS

After being assigned to the second Field Training Officer the agent will be taught how to inspect various on and off premise locations and violations to look for, observation of beer distributors and liquor wholesalers. The purpose of the training received these three weeks is

that the agent develop his own techniques in inspecting licensed locations and observing for various violations.

WEEK TWENTY ONE - UNDERCOVER

The third Field Training Officer will train the agent for one week entirely in an undercover capacity. The agent with his Field Training Officer will observe for violations of the liquor code in licensed locations and also any reported illegal activity. The goal is to develop the agents sense of what is going on illegally and how to spot violations.

WEEK TWENTY TWO - TWENTY THREE - GHOST STAGE

These two weeks will be spent with the third Field Training Officer observing the agent who takes the lead in all areas of enforcing the Texas Alcoholic Beverage Commission code. The Field Training Officer intervenes only in life-threatening situations or possible injury to the agent.

The goal of these two weeks is for the Field Training Officer to notice any weak areas of training and to let the Field Training Officer ascertain through observation if the agent has a working knowledge of the law.

EVALUATIONS

A daily, weekly, monthly and a final evaluation will be made on each agent by the three Field Training Officer's. The purpose of the daily evaluation is a learning process for the agent so that he can correct any errors or mistakes he has made.

The weekly and monthly evaluations summarize what the agent has been doing and how he is progressing.

There should be some built-in guidelines regarding the evaluations by the Field Training Officer and procedures that the Field Training Officer can use if in his estimation the trainee is not capable of performing the duties of a Texas Alcoholic Beverage Commission agent.

The purpose of the Field Training Officer is not to be negative or discouraging but to find the agent's strengths or weaknesses and help him to overcome the weak area and go on to master the skills and knowledge needed to be a productive member of the Texas Alcoholic Beverage Commission agency.

The three Field Training Officer's responsible for the hands on training of the agent need to communicate with each other on how to fully

develop and train the agent.

At the end of the twenty third week the agent will receive the final evaluations of the Field Training Officer's and be interviewed by the district supervisor and the regional commander. At this point, he will be discharged from the Field Training Officer program as having successfully completed this phase of his training, or in the event of a weak area in the judgement of his instructors allowed to have extra instruction and training in this area or in the event that instructors and supervisory personnel agree, be dismissed from the agency.

Should the agent be discharged from the Field Training Officer program, he is still on probation for the entire year.

At the end of the year all probation agents in the various regions will be recalled to Austin for a forty hour refresher school.

14. John Naisbitt, Megatrends, (New York, Warner Books Inc, 1982)

VI. CONCLUSION

In conclusion, I would like to reiterate that this paper in no way is being written to criticize any program or individual within the Texas Alcoholic Beverage Commission.

It was written with an open mind to enhance the training programs and images projected by the Texas Alcoholic Beverage Commission.

I believe that if this program is initiated, this should help keep down liability suits, ¹⁵del Carmen agrees with this in one of his recent books. ¹⁶McC Campbell states that 30 percent of the law enforcement agencies who have implemented the Field Training Officer Program have reported fewer civil liability cases as a result of their program.

Although the twenty three week training program appears to be lengthy in addition to the 11 or 12 ¹⁷week basic training certification, it in no way compares to the English police recruits who spend 12 weeks recruit training and 21 months on the job training before they are police officers. The German police spend one year in basic training and three years in barrack training before they are police officers.

This recommended training will not only be available to the new agents but can be used to re-train agents that have been hired in the last two to three years.

The bottom line is we can pay now - or we can pay later in Federal Court.

15. Rolando del Carmen, Criminal Procedure For Law Enforcement Personnel, (Pacific Grove, Brooks/Cole Publishing Co, 1987) 414
16. Michael S. McCampbell, Field Training For Police Officers, State of the Art, Research in Brief, (U.S. Department of Justice, National Institute of Justice - November 1986) 3
17. Richard J. Terrill, World Criminal Justice systems, (Cincinnati, Anderson Publishing Co., 1985) 22-64

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