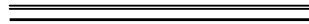


**The Bill Blackwood
Law Enforcement Management Institute of Texas**



**Guiding Principles:
Principle Based Decision Making**



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



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ABSTRACT

This white paper examined the theory that law enforcement's continued reliance on antiquated general order policy manuals to address behavior-based rules lacks efficacy in modern application. Often, the conduct expectations explained through rules grew only in response to an undesired behavior, which was theorized to result in a lack of trust between officers and administration. With the understanding that law enforcement behavior expectations are rooted in three accepted mores: legal, moral, and ethical, it emerged that extrapolating those from the abundance of rules and using a values-based foundation would provide a simplified code of conduct, or guiding principles. Police departments in the current climate have shown great willingness to modify most aspects of policing in response to community-driven initiatives and would be well served to find a complimentary balance in the management of internal personnel, as illustrated within this paper.

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INTRODUCTION

The expectations placed upon police officers have never been greater than they are today. Ashley (2000) stated, "Advancement in technology, more frequent litigation, and heightened public expectations generated by media coverage, have underscored the need for a change" (p. 7). Today's law enforcement environment demands a great deal from police officers. The change is needed to assure officers are adapting to keep all members of society safe. Officers are required to make critical decisions in a quick and accurate manner. Fitch (2008) summarized it by stating, "During any given encounter, officers must be able to quickly engage in critical thinking and do so while managing a myriad of variables" (p. 65). Officers must be aware of not only the dynamics of each situation, but they must also manage technology and differing use of force options.

Additional considerations for officers are intra-departmental and citizen reactions and whether or not their chosen actions fall within the scope of department policy. Decisions must be made with split-second precision and acute clarity. Hesitancy, questioning the latest policy change, and debating whether an officer is compliant with such, is not a luxury for officers on the street. To increase an officers survivability rate, Sonnenberg (1998) stated, "Officers need to have the ability to rely on static and ingrained sets of principles and values in order to be successful" (p. 13).

General orders and policy manuals are relics of the past. As police work has changed and fears of liability have increased, general orders have become little more than a shield used by administrators to protect them from the consequences of improper actions by their own officers. Policies frequently change. As Grove (2007) noted,

“Many times, policies are reactively changed in an attempt to address an officer’s undesired behavior” (p. 8). From the officer’s point of view, this is not only viewed as a lack of trust in ability, but also as yet another directive from detached administrators. As a result, officers resent administrators and do not believe they accurately consider the realities and challenges faced by the officer today. What is worse is that this method fails to bring depth and growth to an officer’s decision-making process. This method, at best, only adds to the list of unacceptable behaviors.

Many police departments have core value statements included in general order manuals. However, in practice, they typically provide nothing more than a page preceding the rules. This should not be. Values should serve as the foundation for appropriate decision making. Value statements should be the basis from which solid decisions are made. The culture of law enforcement as a profession, not only enforces, but often sets the example of ethics and morality in society. A year long study, conducted by Neal Trautman, Director of The National Institute of Ethics noted, “One major finding was that the amount of time devoted to ethics training did not appear to be consistent with how important the needs were, based on the responses” (Trautman, 2000, p. 2). Trautman (2000) also “recognized demand for expanded training hours, more quality training resources and greater involvement with ethics training at all levels of the organization” (p. 3).

Officers come into contact with a lot of people and serve as a role model. Fitch (2008) noted, “Police serve the community and influence everyone they come in contact with” (p. 70). Police should do everything in their power to instill guiding principles in society. Guiding principles start within the individual, then through the department, and

then throughout through society. Fitch (2008) further acknowledged, "The goal is to make guiding principles become guiding behaviors" (p. 68). Once guiding behaviors become second nature, a reduction in morally negative choices that bring discredit to the law enforcement community and society will be seen. One theory is quoted by Frank Outlaw as "Watch your thoughts, they become words, watch your words, they become actions, watch your actions, they become habits, watch your habits, they become character, watch your character, it becomes your destiny" (as cited in Dodson, 2008, p. 20)

Guiding principles should be used because they create a culture that is positive, self correcting, and contagious. These principles provide officers with the clear and concise foundation necessary for appropriate decision making. Guiding principles play a vital role in forming the judgment officers will need in order to be successful in a fast-paced and challenging environment.

POSITION

When a person makes the decision to become a law enforcement officer, he is drawn to the thought of making a difference in society. The first step is to complete the application process, which usually includes a basic written test, physical agility test, background check, polygraph, and oral interview. If hired, the feeling of being a cut above the rest is immediately felt as he realizes his accomplishment in comparison to those who did not succeed in the hiring process. The training begins and can last up to a year. The year is filled with exposure to numerous and various tools, the most important being the feeling of empowerment. The officer then is released from training empowered and feeling like he can move boulders. According to Sonnenberg (1998),

“The ability to self think and solve problems excites the new officer” (p .12). Garner (2005) indicated, “Community policing tells them to recognize problems and take the initiative to solve the problem with a long term solution. The officers will become part of a culture and adapt his behavior from that” (p. 3). The culture needs to be a positive one that constantly reminds the officers what is ethical and in line with the department’s goal and vision.

Guiding principles are a short, concise way to define ethical and moral behavior. Guiding principles should be based upon established societal ideals of ethical behavior, legal propriety, and morally responsible choices. The natural progression into response principles would lay a solid foundation of easily understood and acceptable reactions expected by the department. Arguably, many disciplinary actions occur not for technical error or genuine mistake, but for unacceptable behavioral responses. Rather than overloading an officer with situation-based, reactionary directives, a much simpler approach then becomes using guiding principles: whether the decision is right or wrong, and whether it is ethical, legal and moral. In reality, that analysis is already the basis for each hardline rule. With that realization, departments would actually have more discretionary control as reactionary policy would no longer be necessary. Any situation, no matter how novel, can be judged against those basic “right or wrong” ideals. This Zig Ziglar quote best summarized it: “When one bases his life on principle, 99% of his decisions are already made” (as cited in Dodson, 2008, p. 20).

Organizational culture is comprised of many facets. Perhaps the most foundational of all these are core values. From core values come guiding principles. In turn, guiding principles provide the framework and model for appropriate decision

making. This framework leads to a greater degree of success both in the short and long run. On the street, officers are required to make quick decisions and have near-instant recall from a large amount of information. Officers with less experience and training often hesitate, resulting in a longer time to process information and form a conclusion. Guiding principles/guiding behaviors provide a short list that is built into the officers values. When officers act in accordance with guiding principles, improved judgment and fast-acting recall frequently produce favorable outcomes for all parties involved. Grove (2007) stated, "While small procedural errors are always a reality, officers are not commonly terminated over them" (p. 9).

The uses of general orders, which provide situation-specific policy, are seemingly reactive to past problems or bad habits. Over time, these policy manuals become stuffed with confusing modifications and additions. According to Bens (2006), "General orders become synonymous with micromanagement and administrative instability and remove the feeling of empowerment and discretion from officers" (p. 91). General orders do have a place in law enforcement; however, general orders are appropriate for technical direction. General orders should avoid addressing the conduct of officers. This is because they are usually only utilized to define misconduct after a violation has occurred. This is not the answer for promoting a culture that will thrive in a positive manner. However, all too frequently, general orders devote an introductory page to the department's vision and mission statements and follow with entire sections of directives detailing how an officer is expected to behave. Often these behaviors encompass not only his on-duty conduct, but the officer's off-duty life and personal behaviors.

Combining statements that address the ethics and morality of department members with the technical aspect of law enforcement has failed. This is evidenced in the frequent termination of officers' careers due to misconduct. Terminations have a significant impact on officers, the department, and the community as a whole. In June 2000, a 16-month study was completed by The National Institute of Ethics. Trautman (2000) reported the following from surveying 1,016 recruit officers and 2,698 fulltime officers. These officers were asked about the existence of a Code of Silence. Seventy-nine percent stated they believe the Code of Silence is applied on a regular basis. Of those surveyed, 52% were not disturbed of the behavior. The culture of an organization is contagious, so it is best to have a strong positive culture to lead good behaviors. The following quote is an example of how one's action can infiltrate other's action and corrupt an organization's vision: "The Code of Silence breeds, supports and nourishes other forms of unethical action" (Trautman, 2000, p. 3).

COUNTER POSITION

The idea of guiding principles is often resisted because it is firmly believed that general orders are the foundation of the organization. General orders are thought to remove the grey from an officer's ability to make decisions and provide consistency throughout the department. Ethics are listed and defined in the general orders. According to Peterson (1979), "Most believe the society and culture in which a person was raised formed their values in the early stages of life" (p.139). Officers need a manual to guide them that carries a strong foundation from which to work. General orders force officers to take the same actions as others that have been successful in the past. Past solutions have worked, and there is no need to change what has been

done. General Orders provide legal backing that has been approved by the city attorney or legal counsel. If an officer acts in accordance with general orders, he is generally protected from liability. When an officer acts outside of the general orders, he is placing himself and the department in jeopardy of legal ramifications. Once an officer has been hired, field training verification is quickly conducted. This process teaches and reinforces the established general orders of the department. Once the verification is complete, the officer is deemed competent by not only the state but also by the local authority: the department.

Another reason why guiding principles may not have been implemented is that departments believe general orders are necessary to address the technical issues a police department will encounter. High risk, low frequency items must be addressed and are routinely covered appropriately by general orders. However, law enforcement agencies cannot create general orders that address every situation. Officers have different life experiences and perspectives through which they will see things differently. Principles are reflections of truth, meaning that they are natural laws or fundamental truth. They do not provide the kind of structure officers need in order to make the caliber of decisions necessary to avoid lawsuits. Ashley (2000) stated, "A lack of policy does not cause lawsuits, improper action leads to lawsuits" (p. 3). Rules and policies provide a solution to the same problem repeatedly while evolving to meet society's needs.

Fitch (2008) explained, "The culture of an organization has the most impact or influence on an agency" (p. 67). Policies and training do not influence behavior as much as the culture. The movement from rules to value based decision making is a

culture change that is directly related to empowerment and accountability. Rules are used to control the lazy and produce work. Rules attempt to control people's actions. Principles inspire actions and validate gut feelings of understanding. Principles do not need to be memorized like rules and allows officers to operate with gut level understanding.

For guiding principles to be effective, agencies have to follow up with actions that match the words. Due to the structure and general practice of micromanagement by supervisors, the principles will not be able to penetrate the culture and trickle down through the ranks. The fear of change will lead to resistance that will form communication gaps. The ability to measure the effectiveness of guiding principles is left to whomever interprets it. The potential confrontation, misunderstanding, strong personalities, and lack of trust will set the principles on the side line. General orders are an effective way to keep order and discipline within the ranks.

However, police departments are militaristic in character; they have command structure, a ranking system, and a unique culture. Ashley (2000) stated that culture encompasses "values, norms, beliefs, and expressive symbols" (p. 2). The sub-culture within law enforcement is strong on tradition. Officers adapt to the culture they work in. Traditions and lessons learned are passed down from generations. The culture of police work developed a set of shared beliefs and opinions. The pressure for new officers to conform to the culture has the ability to alter ones beliefs and values over time. Garner (2005) concluded, "Overtime, an officer can feel that his contribution to reduce crime is not effective and become more tolerant of behavior that was previously identified as less favorably" (p.,3).

CONCLUSION

The role of a police officer in today's society has vastly changed in a relatively short timeframe. Greater expectations, community involvement, and technology have forever altered the landscape of law enforcement and added greater responsibility to the job. Each officer is expected to embrace change and modify behavior in response. However, police administrators have failed to adapt their methods of management to promote the very behaviors now required. By using a system of guiding principles that are inclusive, empowering, believable, and practiced within a department, administrators become leaders in more than name only.

Top-level department leadership would have greater success by developing an action plan to solicit input from each officer regarding what he or she holds to be solid values necessary in police work. There must be a willingness to share with each officer the end goal of scrapping the conduct rules. The reasons why those rules are no longer effective must also be shared. Finally, administrators must desire and embrace a new way to lead the department that allows for contributions at all levels.

Rather than continuing the status quo, departments must choose to evolve their management methods and take a more practical approach. Removing all manner of conduct based rules and responses from policy manuals and creating a simple, yet inclusive framework of values and principles will still allow the department to hold the individual responsible for his actions. Having a static base of rules pulled from what are already considered positive societal norms and framed within appropriate legal parameters will not lessen the scope of control administration has on department members. It will, however, prevent further mental encumbrance to the increasingly

complex duties and expectations placed on police officers, as well as instill a sense of trust in the officers' decision making abilities.

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