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Accountability

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ABSTRACT

In today's society, policing still has incidents where officers are looked upon unfavorably. To speak with the officer, the department, or the community, each could yield a different opinion. Many of the results could revolve around the same issue though, that supervisors are failing to hold officers accountable for their actions or inactions. As a police supervisor, one should always keep in mind that what someone does as a supervisor reflects on everyone. Every police officer has a supervisor, and every supervisor has individuals to lead and guide. Leaders in policing should hold officers accountable for their actions and inactions. In this paper there will be a review of research material regarding police accountability. It will be shown that failing to hold officers accountable could result in civil and vicarious liability, promote a negative representation of the department, and does not provide any motivation to work.

Arguments will be explored regarding supervisor accountability creating issues because it is a form of micromanagement, creating a rigid work environment, and low morale.

The rebuttals of these counter positions will prove that officers seek accountability and structure. The research will conclude that administrators should develop and follow fair policies to assist in the transparent department.

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INTRODUCTION

Laws have been around for centuries and police were developed to implement those laws. As police agencies began to transform, it was obvious that an internal order would be needed to maintain the goal of enforcing the laws. In looking at a farmer, baker or grocery store owner, each had a person who was responsible for making sure the daily tasks were completed. If that person was gone, then they may or may not be able to continue in producing their product. If they had a helper, or someone under them that could maintain the purpose, then they could hold this person accountable for completing those daily tasks. As the military was created, it was apparent that an entire army could not rely on one man alone, so further people would be needed to hold everyone accountable for the mission.

When the military organization grew, so did the need for accountability and maintaining their purpose. They began their hierarchy with a top-level official. It was obvious that the top, maybe a colonel, general, or admiral could not be at every battle or every location his soldiers were at. With that, they would need people under them to relay their strategies, plans, and goals. An additional level, possibly captains and lieutenants, would take this information to implement, but there could not possibly be enough to convey to hundreds or even thousands of soldiers. Once again, military developed a lower rank or on the line supervisors, sergeants and corporals, to maintain direct on the front line to continue communication of what the top supervisor wants to employ. As this rank and file system appeared to assist the military, policing began to mimic their organization in creating a similar hierarchy. Although many departments utilize different structures and titles, most are set up with the military in mind. As a

hierarchy, or chain of command, is developed, these personnel are responsible for holding people accountable for their actions, or inactions in relation to the departments' purpose.

Accountability has a broad range of definitions, depending on the person and profession asked. In policing, a supervisor may provide one meaning, such as responsible, when speaking of holding a subordinate accountable. An officer may provide a different explanation when speaking of being held accountable. They may use the word "blame" when speaking of being held accountable by a supervisor and possibly an entirely separate one for holding a co-worker responsible. Regardless of the definition, its purpose is the same. People need to answer to the decisions they make. In policing, making a wrong decision could result loss of people's freedom or even someone's life. If leaders fail to hold their people accountable, the results could be detrimental to the organization.

In this paper, the writer will provide positions and counter positions regarding if officers should be held accountable by their supervisors. Some chiefs point out by not holding officers responsible it creates a civil and vicarious liability for the department. In addition, it can create a negative representation not only to the public, but to future employees. Also, a lack of accountability provides no motivation internally to work, which leads to a deficient work environment. In countering those positions, some would argue that accountability is a form of micro management, provides too rigid or a work environment, and creates low morale; however, the fact is that holding officers accountable provides a better service for their department, the community, and to the

officers. Leaders in policing should hold officer accountable for their actions and inactions.

POSITION

When police officers hear the term accountability, they often deem the word the same as discipline. Although discipline may be required at times, the fact is accountability is more about an individual's responsibility. Police supervisors have a responsibility to the officer, the department, and to the community to see that missions and goals are met every day. The longer a police supervisor is in this profession, they are able to see firsthand the changes and issues from not holding officers accountable. This writer's position is that it is imperative to hold officers responsible because a lack of accountability will prove to be detrimental to the department and to someone's career.

Police officers must be aware of this risk and fairly uphold the law while performing their job. As a police supervisor, their risk increases not only for civil liability but also vicarious liability. If an officer receives allegations regarding a violation of someone's rights, chances are that the agency and their supervisors will be included as they failed to do anything to avoid the situation (King, 2005). The federal statute Title 42, United States Code, Section 1983 is often where these allegations can fall under. The federal courts see it as the department and supervisor's vicarious liability if they knew there was an issue with this officer, yet they failed to act on it (King, 2005). This could be anything from a failure to discipline or a failure to train. This does not include general mistakes, as we are all human; however, this does place the burden of proof on the plaintiff to show that the department and/or supervisor knew, but failed to act (King, 2005). This is also tied into negligent retention. Negligent retention occurs when a

supervisor or agency knew the officer was unable to perform the duties as required by law and policy, yet they continued to allow them to do so (Sharp, 2009). To agree to or even tolerate the officer performing at an unacceptable level puts everyone at risk to be made an example by a federal court.

Communication is a key part to being a good leader, and is an asset in accountability. Usually when a mistake is made, a fellow officer will be the first to see it; therefore, having an open line of communication with their fellow employees and supervisor is imperative so they can discuss the issue at hand (Sharp, 2009). The statement, "To err is human" is a valid statement that supervisors must remember. This is where holding people accountable begins. As they make a mistake, it is the supervisor's responsibility to discuss that mistake with the officer and determine together how we can avoid this occurring again. Again, the supervisor is not necessarily looking to have the situation result in disciplinary issues. If the mistake or problem continues, then further evaluation is needed. Possibly is more training required to improve the behavior, or is it time for progressive discipline (Sharp, 2009). Depending on the seriousness of the situation would be the determining factor. In order for agencies and supervisors to hold officers accountable they must have set policy and procedures, training and follow-ups that help everyone determine where that officer is at. Most importantly, they must abide by these in order to serve the officer, the department, and the community. Simply having these in place does not relieve anyone from court. Civil liability does not require direct involvement of the situation to be held accountable for the law-suit (Unkelbach, 2005).

A police officer's job is to protect and serve. Police officers protect the innocent and victims from criminals and serve the citizens; however, when the community believes these goals are no longer being achieved, law enforcement must investigate to determine why. When citizens feel their complaints have not been addressed, or they believe a supervisor dismissed them without even talking with the officer, they may determine the department lacks accountability. If the police hold criminals accountable as a daily part of their job, then supervisors should be doing the same, as accountability is nothing new in this profession (Hudson, 1971). The community knows that power must be given to officers to enforce the laws of this state and nation; however misusing these powers are quickly recognized and pointed out by the public (Hudson, 1971).

News of a bad experience with an officer can spread faster than getting food poison at a restaurant. No administrator wants a negative representation of their department as city council might take that into consideration when re-evaluating for continued employment. As they hold a power over a chief, the citizens hold a power over the department as a whole. Police have been viewed in many different lights over the years. From a career to a profession, the power an officer holds is generally recognized by all citizens. How that officer utilizes that power is also quickly noted. When supervisors fail to act accordingly and hold officers accountable, citizens will draw to their own conclusions. They may seek into the courts for litigation, but often times this is costly and becomes drawn out too long to see any results (Hudson, 1971). Citizens recognize that departments have policies and supervisors to make certain that the department acts in a respectful and responsible manner; however, when

accountability fails to take place some believe that a change is needed, such as a citizen review board, which could put the needed measures into place (Hudson, 1971).

Citizens often do recognize the difficulty of law enforcement's job and the quick thinking skills it requires (Serpas, 2008). It is often the follow up, or lack thereof, that results in the negative representation of the department. Serpas (2008) discusses "accountability-driven leadership" and how it can result in many desired outcomes with a focus on the community. Often times those who complain are focused on the task the officer performed, such as issuing a ticket, instead of preventing felonies (Serpas, 2008). Accountability-driven leadership can be utilized to show the complainant how crime has reduced in the area the officer issued the citation in, resulting in not only a reactive measure, but a proactive approach (Serpas, 2008). Demonstrating to the city's citizens that the police department officers will be held accountable and focus on the mission and goals of the department will reduce the probability of negative representation.

When a department and its supervisors fail to hold officers accountable for their actions or inactions, it can provide no motivation for an appropriate work environment. When officers had the choice to be a supervisor who holds people accountable or to be liked by their fellow officers, even they chose accountability (Mulder, 2003). With these results, as supervisors, they should be performing their job as needed, but so many still put a focus on being liked which puts accountability further down the scale (Mulder, 2003). So, if a supervisor puts their effort into winning supervisor of the year by getting everyone to like him/her, the chance of all the work getting completed begins to decline. As officers know that this sergeant will let the officers sleep on duty or take a two hour

lunch, the motivation to complete reports is not there. Officers know that the sergeant will not say anything, because he wants everyone to like him.

When looking at what motivates people to work, Psychologist Abraham H. Maslow created the hierarchy of needs in 1943. McLeod (2007) researched Maslow's theory and noted everyone has two needs; basic and growth. These needs were divided among five stages. As further research was performed by Maslow in 1970, he determined that further levels were needed to create a total of eight stages (McLeod, 2007). Maslow noted esteem, cognitive, and self-actualization as a part of the stages (McLeod, 2007). Esteem has a range of points from accomplishment to responsibility, both of which are a part of policing and accountability. As cadets, we have a great deal of cognitive development that takes place. Once a person become police officers, the process of self-actualization can begin. The focus is on the key word "can" as Maslow noted that few people achieve that goal, but everyone wants to (McLeod, 2007). Maslow further notes that in order to accomplish self-actualization it is about "taking responsibility and working hard" (McLeod, 2007, p. 21). This supports the fact that people desire to work, but without accountability, they may fail to do so.

Being a police officer is a job that requires a great deal of self-accountability. Officers are left alone for hours at a time to make decisions in the best interest of themselves, the department, and the community. A problem arises when an officer knows there is no one besides him/her to hold them accountable. If their leaders are not holding them accountable, then why should the officer hold themselves accountable (Trautman, 2003). Creating a department where self-accountability is desired by employees, helps eliminate the "us versus them" mentality (Trautman, 2003). This

facilitates supervisors in performing their job and generates an employee's desire to do theirs. As a police chief, if the leader is seen setting the example of holding them self-accountable first and foremost, the officers will recognize that. From there, that example should follow directly through the chain of command. Leaders should be showing officers how to put pride in their work and how to treat others with respect (Trautman, 2003). This will provide officers with an empowerment that creates "increased job satisfaction" (Gove, 2007, para 1). Again, a lack of officer accountability will lead to a lack of motivation to perform their job, which can be detrimental to a department.

COUNTER POSITION

Accountability may still have a negative response by many officers or even supervisors. Some may argue that accountability is a form of micromanagement. They would argue that it creates too rigid of a work environment and that it creates a low morale. With these counter positions, this writer proposes rebuttals to each that will confirm that leaders should hold officers accountable.

Everyone desires to be liked and respected, but as a supervisor, priorities must be determined. Employees may appear that they do not like or respect their supervisor for holding them accountable, they may deem them as a micromanager stating they are too controlling. When micromanagement does occur, it can create an atmosphere of "big brother" is always watching and the motivation to work is greatly affected (Gove, 2008). Having a supervisor check on an officer four and five times during a few hours to see how a project is going would make officers feel as if they are being micromanaged. If the officers know how to do the job and are responsible enough to be given the task,

then they believe they should be left to complete it. Although supervisors want to avoid the stigma, many officers state they have been micromanaged during their police career (Gove, 2008). The truth is, we have no way of knowing if this is true or a misrepresentation or misunderstanding.

Micromanagement is often confused for accountability. Officers believe that when a supervisor is holding someone accountable, it is just their way of micromanaging. When a supervisor observes and reviews their officers' work, it is not micromanagement; it is for accountability (Gove, 2008). This misunderstanding or representation could be from that supervisor's personality, their method in providing feedback, or a lack of communication in general (Gove, 2008). Previously mentioned was a supervisor who had checked on the officers four to five times in a few hours. The officers felt they were being micromanaged, when in all actuality, the supervisor has to submit a time sensitive report on the results, and wanted to stay connected as to what was going on. If the supervisor failed to communicate that to the officers, their thoughts would be that he/she is a micromanager.

The fact is that accountability is not micromanagement in any form. A supervisor must distinguish that the officers know how to do the job and are responsible enough to do it (Bieber, 2011). The only way a supervisor can know that the task can be completed, is by following up with that officer. For the supervisor to reach the goal of accountability, they must follow up, and then positive reinforcement can be provided (Bieber, 2011). When a supervisor provides an employee with empowerment, they must monitor to see that it is the right amount given, at the right time (Gove, 2008).

Providing an accountable atmosphere is the only way to see a department reach and maintain their goals.

As the misrepresentation of accountability continues, some will dispute by stating accountability makes for too rigid of a work environment. Supervisors often do not want to be known as “that guy” who no one wants to work on their shift. They will supervisor very minimal and avoid any conflict with their subordinates (Fitch, 2011). If they do hold someone accountable for an action or inaction, they very well may fail to follow-up the next time it occurs in fear of being too strict (Fitch, 2011).

With the technology of today, an officer cannot make a traffic stop without wondering if they will end up on YouTube or CNN. Providing structure and guidance is not creating a rigid work environment. When an officer does well, they should be rewarded and when do they not, they need to be held accountable (Fitch, 2011). This is a part of correcting poor performance and making a better police department. If a supervisor fails to monitor and an officers makes a wrong decision, it could lead to consequences that are more serious. When expectations are laid before the officers and goals are being met throughout by the actions of the command staff, an officer will want to hold themselves accountable (Fitch, 2011).

If asked why productivity and officer initiated activity is low, an officer will often say, “Because morale is low”. When asked why morale is low, they will say, “Because they are always on us about something”. Once an officer is asked the status of an investigation, a simple question can be taken out of context. That officer may go to five other officers and say that the sergeant is riding his case about this burglary. Yet he fails to mention that the burglary is from a city council member and the officer has not

followed up on the lead that was given to him three weeks ago. From that officer's initial statement, the negativity spreads like wildfire into a downhill spiral of low morale. When morale is low, it is the duty of the leaders in the organization to determine why and how to change it (Stainbrook, 2004).

Accountability should be seen as a positive challenge for leaders. Many believe what inspires officers to work is related to money and great equipment, and although that does not hurt, other factors are in to play (Stainbrook, 2004). In actuality, what matters to most to officers are their leaders. Having someone provide them knowledge, skills, and positive feedback means more than the in car computer (Stainbrook, 2004). As previously mentioned in Maslow's hierarchy of needs, self-actualization is about "taking responsibility and working hard" which officers want to do (McLeod, 2007, para 21). They look for structure and accountability, as they want to succeed in this profession and in life.

RECOMMENDATION

As seen throughout, police supervisors should hold their officers accountable as it leads to a successful department. Failure to hold officers accountable could result in civil and vicarious liability, provide a negative representation of the department, and leaves no motivation to work. Although some may argue that accountability is a form of micromanagement, one can clearly see that accountability is far from it. Others may believe accountability creates too rigid of a work environment, but providing structure is what officers seek. Finally, some believe that accountability creates a low morale, when in fact failing to hold people accountable and lack of structure is the base line for low morale. Officers seek self-actualization in achieving their life goals.

Administrators need to provide fair policy and procedures that are understandable to all staff levels (Brave & Peters, 1994). The policies should provide protection for the officer, the department, and the community. For officers to follow these policies and procedures, they must be enforced by all supervisors at all times (Brave & Peters, 1994). An administrator should not have a policy if they are not willing to implement and hold officers accountable (Brave & Peters, 1994). By providing supervisors with training such as Leadership Command College (LCC), they can expand their knowledge and capability to hold officers accountable properly (or in a proper manner). For administrators to review policies annually and compare to the Best Practices recognized by the Texas Police Chief's Association, it would keep them ahead of the curve. Overall, supervisors holding police officers accountable benefit the officer, the department, and the community, which in the end, is everyone's goal.

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