

**The Bill Blackwood
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**Positive Disciplinary Practices for
Law Enforcement Agencies**



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ABSTRACT

Law enforcement agencies typically use traditional progressive disciplinary practices policies. This traditional approach generally results in punitive disciplinary actions such as reprimands, days off without pay and ultimately termination of the employee (Shane, 2012). The paper explores the negative impact traditional progressive discipline has on moral and the strain it places on human resources.

Positive disciplinary practices will provide training and education, to correct the officer's unwanted behavior, saving many jobs and reducing the financial strain of replacing the lost employee. Positive disciplinary practices are generally able to rehabilitate an employee as opposed to punishing an employee (Grote, 2006). Gaining commitment over compliance is worth the risk an organization would take with such a policy. Rehabilitation will make room for policy review and the exposure of training issues. The rehabilitation process would likely result in changes in policies to help other employees avoid the same pitfalls, ultimately adding another avenue for quality control.

It is recommended departments gather stakeholders and review existing disciplinary policies. The review of policy would likely benefit all public service employees as the changes are made to the disciplinary procedures. Costs to change disciplinary practices are mitigated by the retention of well-trained motivated employees.

When it is all said and done, agencies should adopt positive disciplinary practices to change unwanted employee behavior. This practice is more than saving human capital and far more than just numbers. It is saving the well-being of the individual's family and self-worth, while benefiting the department, governing body and the citizens they serve.

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INTRODUCTION

Law enforcement organizations are known for their paramilitary, hierarchical structures. The structures work well when addressing crises, such as a multi-vehicle crash, active shooter or a hostage situation. Command staff and front line supervisors do not have the luxury of asking questions and coming to a consensus in emergency situations. Obedience to the policies, rules and direct orders must be immediate, in order to preserve life and property. As well as the paramilitary structure works during emergencies, it is not conducive to the development of organizational cohesiveness but rather creates an adversarial relationship between the organization and the employee (Cruickshank, 2013). The strain created by such rigid rules and regulations, in many cases, leaves the employee, in fear of being removed from the organization for even the smallest of infractions.

In order to understand this paper there are three terms needing to be defined. The first term is *Discipline*: According to the Merriam- Webster Online Dictionary discipline is defined as, “training that corrects, molds, or perfects the mental faculties or moral character” (n.d.). The second term is *Alternative Discipline*: Is any form of discipline that replaces the traditional disciplinary practices such as written reprimands, days off and even termination. It is a way to resolve work place issues without actually punishing the employee (“Alternative Discipline Guide,” 2014). Finally, *Progressive Discipline* is anecdotally accepted as punishment for infractions to policy and or law. This would generally be in the form of verbal and written reprimands, suspensions with and without pay, and termination of employment. In general it is negative reinforcement in order to bring correction to an unwanted behavior.

Dealing with disciplinary issues is not new, in the early 1800, the birth of the industrial age, brought new challenges to management. Not only did corporations struggle to staff the work place, they struggled to keep them there and motivated. Leaving the agrarian society and moving into the industrial age challenged workers who were now required to stand in one place and perform one particular task. Workers were now answering to a manager instead of a family member. Wren and Bedeian suggests motivating people is not a new thing and application of technics to motivate is the only thing that has changed up through the present day of management. "Positive inducements (the carrot), negative sanctions (the stick), and efforts to build a new factory ethos became the methods for providing motivation and discipline." (2008, p. 47)

Many agencies have adopted a progressive disciplinary practice in order to deal with unwanted officer behavior. This progressive practice generally starts with a verbal warning, then a written warning, days off without pay and finally termination. This progressive discipline, on the surface, is certainly more just than leaders' arbitrary assignment of punishment (Shane, 2012). This makes the punishment fairer across the organization. A key element here is punishment, negative reinforcement of a policy or rule violation. This procedure does not generally account for the rehabilitation of the offender, it simply punishes the offender in hopes to gain conformance to the rules.

Law enforcement organizations need positive disciplinary practices that rehabilitate and retrain officers in need of behavioral corrections. Positive discipline retains a better-educated and organizationally-committed officer, ready to protect and serve the community (Grote, 2006). In a time where budgets are tight and the

competition for qualified workers is at an all-time high, law enforcement agencies should use positive disciplinary practices to correct an officer's unwanted behavior.

POSITION

Law enforcement agencies should use positive disciplinary practices in order to create an employee-centered culture which, in turn, maintains high morale and sends clear messages to employees - they are valued (Lynch, n.d.). This is especially important in law enforcement agencies that are already challenged due to being paramilitary, or line-structured management (West Virginia State Police Academy, 2018). The paramilitary organizational structure is conducive to creating an adversarial relationship between the organization and employees (Cruickshank, 2013; Grote, 2006). Positive disciplinary practices reinforce the value of employees as they continue the assimilation into the organization. High morale is maintained by correcting mistakes with training, coaching, and mentorship. This is most important in the early stages of assimilation into the agency. In the police academy, cadets are trained to understand, mistakes can cost people their lives and then their job. In recent years, the overemphasis on media coverage of officers' wrong doing gives the impression the officers could be sued, imprisoned or killed if they make even the smallest of mistakes. This continued stress and pressure could lower morale if it is not placed in context to the performance of the actual job. Once they graduate and move on to their agency, field trainers should change the officer's focus to rewarding and reinforcing correct behaviors, emphasizing new success or skill acquired (Amabile, 2011; West Virginia State Police Academy, 2018).

Having undergone training for nearly a year, with the focus on attention to detail and situational awareness, the department can now begin laying out the disciplinary expectations, putting emphasis on improving the officers' skillset and team dynamics, with positive reinforcement of accepted behavior. The deliberate positive reinforcement through coaching and mentoring, during early training shows a new employee they are a long term investment and valuable assets to the department. Purposeful coaching and rewarding successes through the positive disciplinary practices strengthens the thought processes of retention, education and training (Nica, 2013).

Even after decades of development in the theory of management, modern era employers still fail to recognize Maslow's work in the theories of motivation. "According to Maslow, individuals are motivated to satisfy five categories of inborn needs: physiological, safety, love, esteem, and self-actualization" (Wren and Bedeian, 2008, p. 340-341). According to Maslow, taking a person's money is not a motivator, in fact, it may threaten the most basic of the needs, physiological, and safety. Providing an employee training and developing a personal improvement plan feeds the highest of the needs, esteem and self-actualization. To maintain high morale, law enforcement agencies should use positive disciplinary practices to correct an officer's unwanted erroneous behavior, shifting the culture of the department to one that promotes officer loyalty to the organization.

Law enforcement agencies who use positive disciplinary practices increase employee productivity. Agencies are customer service organizations tasked to protect and serve the public within their respective jurisdictions. The public pays for those services and have expectations of what that customer service looks like (Northrop,

2012). Measuring the productivity of a particular employee can be challenging. This paper recognizes employees both sworn and non-sworn, have different responsibilities and productivity would have to be considered on an individual basis. For the purposes of this paper, productivity is defined as the totality of ones performance as it is related but not limited to the tasks, responsibilities or duties assigned to a certain individual (Abughosh, 2015).

Positive disciplinary practices encourage creativity, by allowing employees to make mistakes. If employees are allowed to make mistakes and are not punished but rather trained to make up the deficiencies, they are more likely to take risks and think outside of the norms. In the context of positive disciplinary practices, it must be assumed that the organization created a culture facilitating a reward system for approved or acceptable behavior such as working hard (Amabile, 2011). This is not to say a mistake or unwanted behaviors are ignored. Quite the contrary, mistakes and unwanted behaviors are met with positive reinforcement, like mentorship, additional training and coaching.

When an employee enters the organization, they look around and begin to assess the cultural norms. If the employee perceives the cultural norm to be creatively friendly and pleasurable, then they will begin to step out and take risks, explore creative ways of accomplishing goals, and completing tasks. When the employee is rewarded for those accomplishments they are perpetually motivated to do even more. In contrast, when the employee perceives the culture to be rigid and unforgiving, they will lay back and try not to draw attention to themselves. When an employee makes a mistake while taking a particular initiative performing a task they were not trained for and are

reprimanded, the displeasure of that discipline will discourage future initiative. These pleasures and displeasures are described as a forgiving or unforgiving climate that affects cultural behaviors (Guchait, Lanza-Abbott, Madera, and Dawson, 2016). To ensure an agency's employee feels welcomed and part of the team, it is imperative it adopts positive disciplinary practices.

COUNTER POSITION

Law enforcement agencies that resist using positive disciplinary practices to correct an officer's unwanted behavior, rely on the belief that fairness and consistency can be accomplished through traditional progressive discipline. These agencies have adopted a disciplinary matrix that ensures an employee's compliance to the rules and policies enacted by the department. The publishing of the matrix and clearly written policies advocating the punishments listed are believed to be enough to maintain strict adherence to the wanted behaviors. As stated on the Texas Work Force Commission's (TWC) website, employees should have due notice and understand why they are being punished or terminated ("Easy Mistakes," n.d.). Agencies may be concerned with due process and officers' rights being bypassed without having a rubric to follow and consistent disciplinary history to support punishments during arbitration or mediation ("Easy Mistakes," n.d.; Shane, 2012).

The security of an agency to have a structured progressive disciplinary process is certainly a positive for the agency, but, only elicits conformance from the officer who typically adheres to the regulations out of fear of punishment. The punishment may be fair and consistent (Shane, 2012), but does it rehabilitate and retrain the officer. The punishment does not necessarily correct the behavior, it simply causes the punitively

corrected recipient to change the behavior by fearing future negative sanctions. Positive disciplinary practices rehabilitate and retrain officers in need of behavioral corrections. This practice retains a better educated and organizationally committed officer, ready to protect and serve the community having learned from their mistakes, becoming an example for others to follow (Guchait et al., 2016, p. 381).

An officer who receives behavioral correction through a positive disciplinary procedures is more likely to comply with the policies and procedures because he/she desires to work with the department and uphold the values and mission. The fact that the department is willing to invest in and educate the offender and then reinstates him/her, reinforces a forgiving social culture (Guchait et al., 2016). It is far better to have an employee who wants to obey the rules than one who has to obey the rules (Amabile, 2011). The corrective steps taken to retrain or rehabilitate an officer's behavior could in fact reveal policy and training failures. Following the positive disciplinary procedures allows for the department to look at common practices as the source of the unwanted behavior versus arbitrarily blaming the employee.

Agencies who oppose implementing positive disciplinary practices also believe costs for training employees on how to implement the new procedures is too high during a time when many budgets are constrained. Retraining supervisors on the techniques and procedures needed to develop new positive disciplinary practices would draw even more attention to the already-scrutinized budgets. Cities are already spending more on police services than any other time in history and the use of those funds are being closely monitored (Friedman, 2017; Neuhauser, 2017). It is not enough to lose a supervisor for a week or two, but the department would also need to pay for the training,

hotel, and food. With the implementation of traditional, progressive disciplinary practices in place there is no need to change the current practice adding training costs to the budget. As previously mentioned, the use of a disciplinary matrix is sufficient to maintain employee conformance to required policies and procedures.

Positive disciplinary practices do not require significant changes in training budgets, in fact, agencies can partner with other non-governmental organizations (NGO) who would gladly come to the department and provide training for free. The City of La Porte Human Resources Department provides free training to departments throughout the city. This training includes evaluations, coaching, and mentoring employees. This training can be done while supervisors are on duty and still available to answer calls for service. The Leadership Command College (LCC) provided through the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT) is one such NGO that provides free training law enforcement executives and leadership. LEMIT provides free training in several leadership related topics (<http://www.lemitonline.org/>).

In addition to the resources mentioned, there are other free online course providers, such as PoliceOne, who offer free training on leadership. Many law enforcement officers' associations like the Texas Municipal Police Officers' Association (TMPA) or the Combined law Enforcement Associations of Texas (CLEAT) offer free training focused on coaching and mentoring employees all of which train supervisors on techniques used in positive disciplinary practices.

The thousands of dollars and extended time replacing a fired or disgruntled employee is far greater than spending a little more money to retrain, educate, and retain that employee (Merhar, 2016). After using more positive disciplinary practices the

retained, rehabilitated employee is better than he/she was before the behavioral issue (Grote, 2006). The months of overtime paid to cover a lost employee while the department seeks to fill the spot is far greater than a few weeks of additional training to retain an employee.

RECOMMENDATION

All law enforcement agencies should change their traditional, punitive, progressive disciplinary practices. The superior alternative for the employee, department, and community they serve is to adopt a forward-thinking, positive disciplinary practice, benefitting all stakeholders. Research shows the use of traditional disciplinary practices allows for compliance of employees, but falls short of gaining commitment. Grote believes the use of positive, disciplinary practices, discipline without punishing, demonstrates the company truly cares about the employee (2006). This communicated care, causes the employee to want to do better and generally will allow for self-rehabilitation. Cultivating an employee-centered, forgiveness-based environment allows the employee to be part of the solution and not just a target of punishment (Guchait et al., 2016). This practice also ensures the employee his/her best interest is being sought. This will also show how the department made every effort to retain the employee and did not quickly and harshly terminate someone who simply made a mistake. The Texas Workforce Commission (2015) clearly states due process should be followed and clear documentation provided before the termination of an employee. Using positive disciplinary practices, requiring coaching and training lays the ground work for the release of employees who would ultimately choose to go against the culture and refuse to change their behavior.

Research supports the implementation of positive disciplinary practices. This could be worked out through a change in a department's policy or brought through meet and confer processes in use by many agencies. It would benefit the law enforcement agency and the governing body to form a disciplinary practices committee to study the feasibility of changing their way of controlling employee behaviors. The study of adopting the positive disciplinary practices could benefit all public service employees, not just the law enforcement agency.

A thorough review of existing policy compared to future changes could be conducted by agencies who wish to implement positive disciplinary practices. It is recommended the agency seek the input of various stakeholders, such as the employee associations, CLEAT, TMPA, and the governing body's attorney(s). After all stakeholders have a chance to address their concerns, it is likely a new policy could be developed and implemented. The new policy could be contractual in nature allowing for future changes to the policy should it prove to be too cumbersome or inefficient. The governmental body could negotiate the terms of the policy or both sides allow the policy to simply expire by contract and return to the agency's previous practices. The inquiry would not cost the city any additional funding; therefore, making the cost benefit a win-win (Friedman, 2017; Neuhauser, 2017).

Believing traditional progressive disciplinary practices are fair and no change is needed was rebutted showing the overwhelming benefit of saving an employee. Positive over traditional practices promote an employee-centered culture, focuses on rehabilitation, education and retention of the employee that is in need of behavioral modification. The issue of the costs associated with taking on new policies and

procedures was mitigated by the use of NGO and comparison to losing an employee due to termination. Retaining an employee is far more cost-effective than letting an employee go (Amabile, 2011).

This white paper shows positive disciplinary practices are generally able to rehabilitate an employee as opposed to punishing an employee. To gain commitment over compliance is worth the risk an organization would take with such a policy. Rehabilitation will make room for policy review and the exposure of training issues. The rehabilitation process would likely result in changes in policies to help other employees avoid the same pitfalls, ultimately adding another avenue for quality control (Grote, 2006). When it is all said and done, agencies should adopt positive disciplinary practices to change unwanted employee behavior. This practice is more than saving human capital and far more than just numbers. It is saving the well-being of the individual's family and self-worth, while benefiting the department, governing body, and the citizens they serve.

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