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Assessing The Need For A Change
In Training Policy

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ABSTRACT

Training in the law enforcement community is a very complex issue that directly affects the community. A police officer, not equipped with the knowledge to confront and resolve a given situation, could be a liability to the department and community. The purpose of this research is to give the police chief the documentation needed to make an informed decision on the training needs of the department. Specifically this research focuses on the need to change the current Spring Branch I.S.D. Police Department's policy of training from "whatever source of available" to "in-house training" utilizing instructors employed by the agency. Twenty-six (26) separate school district police chiefs and training coordinators were interviewed to gather their input on their departments' training needs. The Spring Branch I.S.D. Police Department will greatly benefit from a modification in the training policy. Using certified instructors employed by this agency will reduce training costs thus allowing monies budgeted for training to be redirected into other areas.

Introduction

The ultimate goal of the police department training officer or coordinator is to assure that the officers on the street are equipped, as much as possible, with the most current information. The school district police training officer has the added responsibility of assuring that officers are also trained in the statutes that are relevant to a school district setting. Current trends dictate that a new, younger and possibly more violent offender has emerged (Chuck Brawner, Personal Interview, November 1995). These offenders require, in many cases, special handling. It is the school district police officer's duty to be knowledgeable and have the ability to confront those offenders to suppress criminal offenses.

The purpose of this research is to assess the training delivery needs of the school district police officer. Currently, the required in-service training is forty clock hours in length every two years in which twenty hours are legislated topics that are not necessarily occupationally specific (Chapter 415, Government Code, 1994 p.20). This training is typically provided by independent training contractors. The intended outcome of this research is to show the need for a change in the delivery of the twenty hours of occupationally specific training.

The Spring Branch Independent School District Police Department (S.B.I.S.D.), as well as other school district police departments will benefit from this research. Implementation of the information contained, should allow the S.B.I.S.D. Police Department with its specific enforcement problem areas, to train its police officers on-site, using internal training resources. This would allow for the required forty clock hours of instruction, during the twenty-four month period, to be taught by in house instructors as time and schedules permit. This will allow for specific topics to be

addressed, in addition to the mandated courses. It should be noted that it is not this author's intention to circumvent the authority of the Texas Commission on Law Enforcement Officers Standards and Education's role in regulating training. The intention is to modify the current delivery of the Spring Branch I.S.D. Police Department training.

The sources of information used in this research are gathered from interviews with school district police department chiefs and training officers. Excerpts from the Rules & Regulations Manuals of the Texas Commission on Law Enforcement Officers Standards and Education training section as well as the Texas Education Code are included. The liability issue in reference to what is considered "lack of training" will be addressed from civil litigation reference material and civil case law.

Historical Context

Historically, peace officers in the State of Texas entered into in-service training prior to 1989 for the purpose of enhancing their commission status from the basic proficiency status to the Master Peace Officer Certificate. This required a combination of education points and years of service. When the commission rule changed to mandated training courses, the availability of less than 40 hour courses, in those areas, was virtually impossible to locate. This lack of available, occupationally specific courses prompted the training officer of S.B.I.S.D. to settle with what was offered to satisfy the mandate. The Texas Commission on Law Enforcement Officers Standards and Education rules and Regulations, Section Number 221.100 Continuing Education for License Holders, requires that each agency that appoints or employs peace officers, reserve law enforcement officers, county jailers or public security officers must provide each peace officer, reserve law enforcement officer, county

jailer or public security officer it appoints or employs, a continuing education program at least once every twenty-four months. (Chapter 415, Government Code, 1994 p 20) The rule that was enacted changed the way that training was viewed by the law enforcement community and mandated changes that affected police administration through manpower and budget. Since the inception of the Spring Branch Independent School District Police Department in 1986, training has been delivered to the officers which number from four in 1986 to twenty in 1996, in various ways. Considering that the greatest number of officers are assigned to the day shift due to the priorities of the school setting and the least number on the second and third shifts, it was apparent that training and shift coverage was problematic at best. Considering that the current school year runs from late August to the end of May, the optimum training time for the school district police department would be during the summer months or the break in school days during the school year. The problem that arises from this is the availability of training providers for those time periods. Currently, the training officer receives training agendas, by mail, from providers that dictate what courses and when they are available, not when it is in the best interest of the individual department. The summer time officer commitments are also apparent whereas the school district will have numerous facilities entertaining summer time academic functions at numerous locations that require police department presence. All of these aforementioned areas of concerns conflict with each other and affect the trainer's ability to schedule mandated training, much less desired training. In a letter dated July 8, 1994, TCLEOSE chairman, Barbara J. Childress, requested assistance from Texas law enforcement administrators in identifying alternative means of delivering mandated and in-service law enforcement training programs in Texas. She further states that the inaccessibility of quality training of remote and small law enforcement agencies is becoming a serious problem. Chairman Childress also addresses the funding problem of

these agencies along with the staffing and service related problems that occur when officers are out of their jurisdiction while attending in-service training. She concludes by stating that the problem appears to be of crisis proportion and the Commission must maintain the validity and integrity of the training programs (Childress, July 1994)

In response, R. W. Bigger, the former Chief of Police of the Spring Branch Independent School District Police Department, submitted a letter to the Commission, after consulting with his training coordinator. The letter was to the attention of Mr. Edward T. Lane, Director of Special Programs. The response from Chief Bigger was to ease the requirements of agreement training to the individual agency. Chief Bigger suggested that smaller agencies be allowed to hold four, eight, twelve and sixteen hour individual courses that were routinely approved by the Commission. These courses would be taught by licensed officers employed by the agency and attendance and content would be verified by that agency administrator and the agency's training coordinator. This, in Chief Bigger's words, would allow for smaller agencies with scheduling, manpower and funding constraints to train, in the mandated courses, as time allows. The possibility of several smaller agencies to interact to train was also discussed (Bigger, July, 1994). All that was required by the Commission to enact an agreement to train was that agency to appoint an agreement coordinator, adopt an advisory board that includes civilians and enter into an agreement with the Commission (TCLEOSE Rule 211.66). This agreed training will allow S.B.I.S.D. to maintain yearly state mandated training and if time and resources allow, double the minimum training required.

It was apparent from correspondence received by this agency that there was a need for a change in training policy. A survey, conducted for the purpose of this research confirmed this need. A change in the training policy would allow this police department to reach and maintain compliance

with the regulations concerning mandated peace officer training.

Under Commission Rule 211.66, the Commission, through its director, may enter into an agreement with an agency to conduct training. It must be submitted on Commission Forms and signed by a Commission member. The agency must appoint an advisory board that will monitor the training. All subsequent commission rules pertaining to any academy training must be addressed.

Review of Literature and Practice

As part of this research an independent survey was sent to twenty-six police chiefs and/or training officers employed by independent school district police departments. This questionnaire consisted of eight questions. (See Appendix A.) The twenty-six departments polled, employ a total of four hundred and three certified peace officers. It was difficult to determine the actual budgets of these departments from the responses. Some departments are not budgeted separately. Interestingly, most (17) departments either do not or cannot replace officers absent during training with reserves or overtime. Many agencies stated they “just operate short-handed”. Twenty-three departments replied that they did not employ sufficient officers to cover shifts safely while their officers are assigned to training. All departments responded that they would like to see occupationally specific training taught by their staff or an academy in lieu of mandated training. Twenty-one departments desire a change in the Commission rules that would result in easing the requirements for in-house training. In summation, it is apparent that the preponderance of the departments surveyed have insufficient officers to safely cover shifts during training and all departments would like to see changes in the Commission as far as the regulatory matters concerning in-house training.

The comment sections included some interesting responses. Chief Jay Carey, Judson I.S.D. Police Department, states that mandated courses have a place and purpose. However, department administrators should have the ability to address the training needs of their officers (Carey, Nov 1995). Alfred Moore, Chief of Klein I.S.D. Police Department states basically the same sentiment as Chief Carey. Chief Moore also believes he would like to see the Commission establish a curriculum list of available occupationally specific courses. The chief stated further that with the submission and approval of those lesson plans, the courses could be taught by instructors at those departments (Moore, Nov 1995). Wayne Duncan, Chief of Police, Alvin I.S.D. Police Department echoed the sentiment of the majority of the personnel surveyed. Chief Duncan stated he would like for his department to train in-house. This way he could train during in-service days for the district and during the summer (Duncan, Nov 1995). The administrator of the Fort Bend I.S.D. Police Department cites an obvious lack of police curriculum training in the area of the school district police. That chief also considers school district law enforcement a extremely sensitive position (Hinojosa, Nov 1995) The Lubbock I.S.D. Police Department , through its administrator, states that training is a challenge in all departments, but is extremely difficult in smaller ones. He further notes that the availability of quality training is particularly difficult outside of large metropolitan areas and quality training on appropriate topics seems next to impossible (Nichols, Nov 1995). The aforementioned comments from school district police departments are representative of the entire survey. The sentiment appears to reflect the opinions of all departments that change needs to be made either on the Commission level or the local level. This particular document is preparing for the change at the local department level.

Discussion of Relevant Issues

There are four relevant issues that the individual department administrators face when confronting the issue of mandated and in-service training. They are:

1. Failure to comply
2. Manpower
3. Budget
4. Liability

The statute that covers the “failure to comply” section is TCLEOSE Rule 217.9 “Continuing Education for License Holders”. That statute states that the Commission may suspend a peace officer’s license for failure to complete the required continuing education program at least once every twenty-four months (TCLEOSE Close Up, Vol 2, No 1, Nov 95, p 3). When considering manpower allotments, the number of officers required to replace those attending in-service or mandated training must take safety in to consideration. Several of the departments that were surveyed stated while their regularly scheduled officers are attending training, they would attempt to replace them with reserve officers if that particular agency commissioned them. The departments stated that if reserves were not an option and their budgets did not allow for overtime, their shifts remained short.

The budget issue was a concern of the departments due to the fact that their overtime allotments were utilized and kept for catastrophic occurrences, should they occur. With the passage of Senate Bill 1135, by the 74th Texas Legislature, funding for training will be enhanced yearly depending on the size of the department. This figure is not intended to replace the department’s current training budget, merely to supplement that account (TCLEOSE Close Up, Vol 2, No 1, Nov 95, p 3).

The liability aspect involved in the training issue is a more complex and ever encompassing

one. Law Enforcement agencies today face a great challenge in the matter of liability. The actions of officers that are involved in critical incidents affect not only the individual department and the officer but the employing entity itself. In the cases involving the use of deadly force, training was routinely done at the range on paper targets under standardized conditions. The use of academic training in the areas of liability and judgement are rarely seen. Title 42 United States Code, Section 1983 is the statute that addresses the violation issues concerning liability. More specifically, it concerns violations of a person's constitutional rights occurring while the defendant (officer) in the case was acting under "color of law". The case of *City of Canton v. Harris* reflects the court's feelings that police training should be formulated to be task related. If that training is not so formulated, their opinion is that there must be a deliberate indifference to proper training. (Hall 1993) The case in point being made here is that if the allotted training funds and manpower is restricted to minimum amounts, such as forty hours per training cycle, the individual department would only succeed in training its peace officers in the remaining twenty hours of allotted budget funding. If that department must depend on an outside training provider, that department would then be at the mercy of that provider's course curriculum and fee ratings. Thus, the smaller to mid-size department might have to settle with generic training criteria simply to comply with existing statute. If that training was allowed to be done in-house, at that department's leisure, the training could be aimed at occupationally specific in nature and more formulated to the training needs of that officer or agency.

Considering that the key issues somewhat follow the constraints previously outlined, the opportunities for changing the training format on the local level are astronomical. Requesting and receiving approval to conduct agreement training would benefit small and mid-size departments immensely. This statute states that at the discretion of the executive director, he may enter into an

agreement with an agency, academy school, individual or other entity to conduct training for license holders. (Chapter 415, Government Code 1994 p 18) This statute, although allowing for training by agencies that do not employ the number of officers to achieve academy status, allows under certain restrictions and criteria, training to be conducted at that individual agency. These agencies through their licensed instructors, or officers to be licensed as same could, at their convenience, train in the mandated topics and any other occupationally specific courses that would fit their training needs. This could be done at that agency's departmental address if that agency had the training facilities or any suitable local location that was available and approved by the commission. The lesson plans for the mandated courses are already accessible to training providers and the other courses that would greatly benefit those agencies could be formulated to fit the training needs. In the case of this department, training could be provided during those times that the greatest number of available officers are not required on a particular shift and schedules could be rearranged so that all officers are afforded training during those times.

This department currently operates on a minimum training budget and its training coordinator researches and shops for the best available training for the department's dollar. Although the cost of training has decreased and with the passage of Senate Bill 1135, concerning the Law Enforcement Officer Standards and Education in which training dollars are afforded to agencies as previously discussed, the area of manpower replacement while training is being conducted is still paramount in discussing cost analysis. If the department allows for agreement training and approved by the commission, this department could train its officers on all shifts utilizing in-house licensed instructors while all shifts are safely covered by other officers rescheduled during off peak schedule times. This change in training policy would allow for previously allotted training budgets and state funds

(LEOSE) to be used for additional training aids and guest and motivational speakers, if needed.

Conclusion/Recommendations

The purpose of this research is to provide the Spring Branch I.S.D. Police Chief with as much information and documentation to be able to make an informed decision as to the training delivery needs of the Spring Branch I.S.D. Police Department. After reviewing this information, it should be clear that changes are necessary in the Government Code as well as the local level requiring the training of Texas peace officers. As the information provided previously in this document showed, the Texas peace officer views post basic academy training “as needed” and has now become paramount to license retention.

The issue of mandatory training has now brought to the forefront of administration several areas of concern. Those areas are: (1) budget constraints for the payment of overtime and classroom fees, (2) manpower shortages while those officers are attending training, (3) liability that is placed on the department for failing to train those officers in the areas that most concern police departments in high incident situations, and (4) the failure to comply statute that simply states that the commission will suspend an officer’s license for failing to comply with that training mandate.

In conclusion, it is the intent of the outcome of this research that the Spring Branch I.S.D. Police Department, through its Chief of Police, will recognize that a change in its current training regimen is not only needed but required. The department should enter into an agreement with the Texas Commission on Law Enforcement Officers Standards and Education to become an agreement trainer. This agreement, along with its restrictions and limitations, will allow this department to train its officers at a minimum, for their mandated training, and at a maximum will allow for completed

in-service training to remain in compliance with current statutes or rules.

As stated in this document, this training policy will be more cost effective, safer to officers covering shifts vacated by officers in training and address the liability issue while training occurs at peak availability times.

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