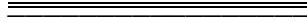
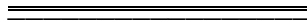


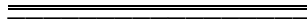
**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**Law Enforcement Agencies Should Have Professional Standards**



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



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## **ABSTRACT**

This study discusses why law enforcement agencies need professional standards and policies. Law enforcement agencies should have professional standards because policies are the guiding principles that ensure the integrity of the department through investigating allegations of employee misconduct through the internal affairs process, management of the accreditation process, hiring standards, and training. The methods used for this research include the review of books, articles, research papers, and journals. The research talks about the purpose of professional standards, which is to ensure the integrity of the organization; ensure that policies are current with legal requirements; and to hold officers to a higher standard of conduct, personally, and professionally. Professional standards come from the policies and procedures that police departments adopt as their guiding principles.

This is important to law enforcement because without current policies to follow, there would be widespread public distrust, and accountability would suffer drastically. Additionally, there would not be a process to discipline or terminate personnel, hiring standards would be limited to state law, and training would suffer severely. Liability would also be increased because of negligent retention and hiring issues, and officers may be more prone to violate people's civil rights because of a lack in training. Corruption would increase without processes for accountability. In conclusion, by creating professional standards policies and procedures and having standards of conduct, professionalism, along with hiring standards and retention, would improve. Officers would be far less likely to involve themselves in misconduct, and accountability would increase.

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## INTRODUCTION

Professional standards are the backbone of every law enforcement agency in the nation. Professional standards and policies are responsible for protecting the integrity of the organization by providing unbiased internal investigations, developing and researching policies, addressing hiring standards, and addressing training needs of the agency. Every police officer across the nation has taken an oath to serve mankind, safeguard lives and property, protect the innocent, and respect the human rights of everyone. However, despite the sworn oaths officers have taken and policies and procedures that agencies have adopted, corruption and discipline problems are still prevalent and must be addressed to maintain a respected, trusted, and ethical police agency. It is essential that law enforcement agencies build community and departmental respect and trust within their organizations by creating policies that are fair, consistent, and impartial.

Every officer within an organization has a duty to the department they represent and an obligation to themselves to represent the organization and community in a professional manner. It is also essential that when policies fail, the agency has policies to quickly and efficiently conduct internal affairs investigations and deliver the appropriate disciplinary actions. It is equally important that professional standards units address the training and hiring needs through set policies based on current best practices and standards. This research focuses on the importance of having professional standards that guide the agency's vision and holds every member of the organization to the same standards of conduct. Law enforcement agencies should have professional standards because policies are the guiding principles that ensure the

integrity of the department through investigating allegations of employee misconduct through the internal affairs process, management of the accreditation process, hiring standards, and training.

## **POSITION**

The term professional standard comes from the word professionalism. In a study by Carter and Wilson (2006), a group of police officers were asked what professionalism meant to them. The responses from the group varied, including civil rights protections, equal rights, respect for policy and procedures, and courage. These answers all reflect professionalism and the moral and ethical values of a professional. Carter and Wilson (2006) also stated that:

By definition, professionalism involves belonging to a profession and behaving in a way that is consistent with professional standards. A profession is an occupation that requires extensive training and the study and mastery of specialized knowledge. It usually requires accreditation, certification, or licensing. It has a specific code of ethics and it holds members accountable (para.5).

Administrators across the nation see value in professional standards policies and recognize that professional standards are the guiding principles in law enforcement agencies across the nation. Professional standards hold personnel accountable and require agencies to develop policies and procedures that set standards for management of the internal affairs process, management of the accreditation process, training, and hiring. Policies are written to give guidance to agencies. There are different ways to develop and implement policies. Many agencies seek guidance from outside sources, and some use policy committees to develop accredited policies for

their respective agencies. Whatever the method an agency chooses to use in their development, it is important to begin with an end in mind.

Policy committees tasked with policy development should keep in mind the department's mission and vision. Policies should be organized and written clearly and remain consistent with legal requirements. The process should include staff input and recommendations. Implementation of a new policy should always include training, and all personnel should be allowed to discuss the policy and have it explained to them (Orrick, 2005).

Professional standards divisions and department policies are formed under the authority of the Chief of Police and the officers assigned to professional standards divisions. These personnel are responsible for ensuring departmental compliance with established policies and procedures (Charleston WV Police Department, n.d.).

Professional standards and policies are just as important in small towns across the nation as they are in large metropolitan areas; however, rural agencies have faced many more challenges than the larger more urban areas. Small agencies generally have limited resources to provide for a professional standards division; however, professional standards are still attainable. Wilcox (2004) provided an example of a small department in German Township, Ohio that employed full-time officers and nine reserves. The agency obtained accreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA) process. This agency's leaders recognized that having accredited polices meant they had a better legal defense for their actions, quality of service provided to the citizens was increased, and the cost of insurance was reduced (Wilcox, 2004). Metzger (2010) provided an example of the Sylvania Township

Police Department, a medium size department in Ohio, which sought accreditation through the CALEA accreditation model as well. The chief chose accreditation because the process would demonstrate to the department that goals were being met and to provide quality service was being provided to the citizens (Metzger, 2010).

Any agency seeking accreditation is able to look to the CALEA. In Texas, there is a process by which an agency can obtain accreditation through the Texas Police Chiefs Association (TPCA). CALEA is a national model, and TPCA is a model designed for Texas law enforcement agencies. These accreditation processes are similar in many ways. One example of their similarities lies in that both the CALEA and TPCA models put emphasis on professional standards and accountability. Under the CALEA model, an agency must comply with 459 different policies, and under the TPCA model an agency achieves recognition status when they comply with the current best practices according to the standards. The benefit of obtaining recognition status gives credence to the policies and procedures that are implemented by police chiefs (Hawkes, 2009). However, administrators who choose to adopt policies should keep in mind that policies should reflect the current industry standards and be supported by state laws and current practices. Professional standards and policies are used as a guide to lead the agencies and defend the agency against misconduct. Abraham Lincoln said, "Nearly all men can stand adversity, but if you want to test man's character, give him power." Police are given great powers and authority. The police have the authority to stop and question citizens, the authority to arrest and seize property, and, at times, the right to use force to obtain their objectives (Hawkes, 2009).

## COUNTER POSITION

Without professional standards and policies, public trust can be severely diminished when agencies fail to listen to the needs of the public and policies fail to hold officers accountable for their actions. In Albuquerque, New Mexico, the police department failed its stated mission, and the citizens did not trust the police. The mission of the Albuquerque Police department was to insure investigations by the internal affairs unit were conducted in a manner conducive to public confidence, good order, discipline, and good management practices. The police department failed to accomplish their mission, and the public began questioning the integrity of the organization. Due to police misconduct in the Albuquerque Police Department, the public said they felt they had no avenue to voice their concerns. Additionally, because of bias and lack of communication between the community and the police department, the community stated they were not aware that they could voice their complaints and concerns to agency administrators and internal affairs (Welcome to the City of Albuquerque, n.d.). This example of a policy failure within the professional standards division of the Albuquerque Police Department shows how important it is to be transparent with the public in order to gain their trust. Regardless of what happened in that particular incident, understanding where the failure occurred could help identify problems and enhance community relations.

Internal affairs are important functions under the professional standards umbrella, and may be the number one reason agencies across the U.S. to have professional standards divisions to begin with. Corruption is unfortunate, and the necessity to have a professional internal affairs unit to oversee internal investigations



will always be there. There are many different reasons a police officer may find themselves talking to internal affairs. For example: an officer may be the subject of an internal investigation from citizen complaints or use of force incidents.

One of the first internal affairs cases in the U.S. to hold any precedence was the Lexow Commission inquiry of 1894. In this case, officers were being paid off by illegal gambling establishment owners. This case was the Becker scandal of 1912, where a police lieutenant hired a gunman to kill a gambler who was giving tips to the local prosecutor about police payoffs. In the 1930s, the Seabury investigation exposed vice officers “shaking down” prostitutes for money. In the 1950s, a Brooklyn bookmaker enlisted officers as the “muscle” of his 20 million dollar a year operation. All of these cases give light to the current model of internal affairs and professional standards and show its importance. Although, in some cases, police agencies have lost sight of public perception, professional standards and internal affairs are integral parts of the organization, and without them corruption would be widespread (Baker & McGinty, 2010).

Funding is another area where police departments are suffering across the U.S. Limited or loss of funding can have a negative impact on the professional development of an organization. Training in some small agencies is already limited due to the reduced amount of resources they have. Such agencies rely heavily on state funding to help offset the cost of state mandated training. In the Texas 2010-2011 state budget, there was \$11,997,108.00 set aside to be dispersed to Texas law enforcement agencies for training (“Texas House budget”, 2011). In the 82<sup>nd</sup> Legislation, during the years of 2012-2013, no money was budgeted to assist law enforcement with state mandated

training. These cuts were made in an effort to balance the state budget. These cuts will have a negative affect on rural law enforcement agencies that already have budgetary problems. The result will mean some police officers will train less, further resulting in more complaints and lawsuits that will have a negative impact on the profession. Regardless of what cuts are made at the state level, agencies are going to have to come up with ways to provide training, or the result may be more civil rights violations and lawsuits. Training not only better prepare officers, but proper training can reduce complaints, build better community relations, and enhance officers' knowledge and safety. Proper training increases an officer's chance of winning a confrontation.

According to guidelines set in the 1989 Supreme Court Case ruling *City of Canton v. Geraldine Harris*, police departments may be held liable for failure to train. In this particular case, Geraldine Harris was arrested by the Canton, Ohio police department. Harris was transported to jail in a police van. When the officers opened the rear door, they found Harris sitting on the floor. The officers asked Harris if she needed medical attention, and she made an incoherent remark. After being brought into the station for the booking process, Harris slumped to the floor twice. The officers left Harris on the floor to prevent her from further injuring herself and never summoned any medical attention. After approximately one hour of being in custody, Harris was released and transported to the hospital by an ambulance provided by her family. Harris was diagnosed with severe emotional ailments and was hospitalized. Harris was released a week later and received medical treatment for an additional year. In this case, the Supreme Court said the case would be judged on "deliberate indifference," and ruled in favor of Harris because the department failed to train their personnel in

noticing the effects of the medical condition Harris was displaying. The court offered two examples of deliberate indifference. The court stated that a violation of constitutional rights as a result of failure to train would result in deliberate indifference, and an organization that identified patterns of misconduct and failed to provide remedial training would also constitute deliberate indifference (McNamara, 2006).

In addition to training cuts and problems in internal affairs, many police agencies are adding problems by lowering hiring standards, which can result in negligent hiring lawsuits. In Los Angeles, California, Chief Bratton commented in the LA Times that the Los Angeles Police Department would be lowering its hiring standards. Chief Bratton commented in this article that the department is lowering its standards and would end the department's zero tolerance marijuana use policy, and make it much easier to hire people with credit problems. The changes in policy sparked debate among the officers, with some fearing lowered standards that would create potential for more misconduct and corruption and others questioning whether these people could be trusted (Lee, 2005).

The Dayton News Source also reported that the City of Dayton, Ohio is lowering their testing standards for new recruits. The department has been in desperate need of replacing retiring officers. This lowering of standards has sparked debate among the ranks. Concerned police unions have stepped forward and raised concerns that lowering the standards has created officer safety concerns ("Civil service board," 2011).

Mediocrity is unacceptable in the law enforcement profession. Even though standards differ across the nation, one thing remains: when administrators lower minimum standards, agencies create liability. Allen (2003) reported that the City of New

Orleans Police Department experienced severe corruption problems due to relaxed recruiting standards. In this study, the New Orleans Police Department Professional Accountability Bureau, cited that low pay and a residency requirement caused problems in attracting candidates. As a result, the New Orleans Police Department lowered their hiring standards to attract candidates. This resulted in the hiring of candidates that subsequently caused major disruptions due to corruption issues. Not only are there legal concerns that can lead to criminal conduct, agencies open themselves up to lawsuits for negligent hiring and retention issues as well (Allen, 2003).

## **CONCLUSION**

In the law enforcement profession, there are going to be complaints and corruption. In a police organization, it is every member's responsibility to ensure the integrity of the organization they represent through professionalism. This might not be possible without preventative measures in the form of policies and procedures that hold people accountable to moral values and ethical choices and decisions.

Police leaders across the nation recognize the importance of professional standards and the development of better policies and procedures that hold people accountable for their actions. Police departments base their department principles on moral values, ethics, professionalism, and their vision. Without these standards of conduct, law enforcement would be as it was in the times of the Wild West, and public perception would be diminished along with public trust.

All law enforcement agencies have some form of policies and guiding principles to give guidance and direction. When administered properly, policies and guiding principles protect the agency and its staff. The fact is that it is not possible for every

agency to write and re-write policies or apply for agency accreditation; however, it is important that every police officer and every police administrator use sound judgment and make ethical choices because one bad officer can have a negative impact on the entire profession.

Law enforcement has historically been thought of as a blue collar trade, but standards have increased over the past decades and public opinion has changed. Police officers are given great power, and those powers should not be mistreated. As history has shown, no matter what is done, corruption will still creep in from time to time, and policies and laws will continue to change. Strong policies that have been written in accordance with current standards are the most valuable tools to deal with disruptions and problem employees, and when this occurs, policies allow for appropriate discipline or termination.

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