

The Bill Blackwood  
Law Enforcement Management Institute

The Negative Effects of NEPOTISM in Law Enforcement

An Administrative Research Paper  
Submitted in Partial Fulfillment  
of the Requirements for Graduation from the  
Leadership Command College

by  
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October, 2002

## **ABSTRACT**

This project examines potential adverse effects on departmental morale caused by hiring, promoting and retaining family members of governmental officials, department heads or supervisors related by blood (consanguinity) or marriage (affinity) to work in the same department or other specific areas of municipal government.

Research indicates that non-enforcement of nepotism policies does have negative effects on employee morale within a law enforcement agency and other areas of municipal government. The lack of strict adherence to nepotism policies appears to be more pronounced in agencies with fifty (50) or fewer employees. Further, indications show that by strict and proper adherence to nepotism policies, a positive work environment will be created. This in turn builds respect for administration in the agency and produces a positive reputation for that agency throughout the law enforcement community.

Minimal information relating specifically to nepotism issues in law enforcement could be located. However, numerous articles referred directly to nepotism issues in private business, institutions of higher learning, departments of correction, probation and parole, were found.

It is concluded that, law enforcement agencies have a duty to provide professional service to the communities they serve. Strict adherence to existing nepotism policies fosters a positive working environment whereby the law enforcement agency and its employees can maintain the ethics and integrity necessary to keep morale at the highest level possible.

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## **Introduction**

There appears to be, at least tacitly, general acceptance of certain degrees of nepotism, either by consanguinity (blood relative) or affinity (relative by marriage), throughout the law enforcement community. Therefore the purpose of this proposal is to determine whether nepotism in law enforcement agencies creates a negative effect on the ethics, integrity and morale of an agency.

Municipal, county and state law enforcement agencies should be, to the best extent possible, void of strong external and internal influences created by local politics. Some cities have adopted nepotism rules in line with the legislative Texas Vernon Civil Statutes (1999). However, in some agencies, nepotism exists even with city policies strongly regulating or strictly prohibiting nepotism. Cities have also defined and interpreted nepotism to benefit their own purpose. Operational difference exists between departments regulated by State Civil Service, Local Government Code Chapter 143 (1999), and those that are not civil service. In these instances, the definition of nepotism is not changed. It is, however, manipulated to produce the needed effect for the defining organization. These definitions also differ from department to department within a governing body with the final decision-maker sometimes becoming a policy violator. When this occurs, family members are allowed to operate with free reigns, usually at a negative cost to morale.

By allowing nepotism to exist in law enforcement agencies, regardless of existing nepotism policies, conflicts and hostilities occur between management, their family members and other employees. This can and does create a tense and sometimes hostile working environment. When the nepotism violator is a top administrator of the

department or city, ethical standards change and integrity is sacrificed to accommodate the affected family member(s). Public trust becomes diminished when a law enforcement agency shows arrogance by openly violating written policies. Once the ethics and integrity of any organization are abandoned, the professional reputation of that department and the entire city becomes tarnished. This can be seen when an agency with managerial problems, due to nepotism, advertises at another agency receiving less pay. Those officers at the second agency would say, "I wouldn't work there for any amount of money. "

This project will examine the adverse effects to the morale of a law enforcement agency caused by hiring and allowing family members of governmental officials, department heads or supervisors, either related by blood or marriage to work at the same department or within specified areas of local government.

This project will make comparisons of nepotism policies of the civil service and non-civil service law enforcement agencies in the Dallas/Ft. Worth metroplex area. This informal telephone survey will also include nepotism policies for the entire governmental entity of those agencies. The survey will also inquire as to whether the local entity and law enforcement agency has the nepotism policy in place for charter compliance only or if it is rigidly enforced. Other survey items to be asked will determine how certain family relationships at work affect that individual when they are to be reprimanded or face other forms of punishment for policy infractions verses how any other member of the agency is reprimanded for a similar infraction.

It is hypothesized that nepotism does create a negative effect on the ethics, integrity and morale of law enforcement agencies, its governing body and the community

as a whole. It is further hypothesized that proper enforcement of existing nepotism policies within law enforcement agencies and their governmental entities will create a positive work environment while non-enforcement of those policies will hamper operations, produce a negative work environment and create diminished respect and trust from the professional law enforcement community.

The implications of the research is that law enforcement agencies and their governmental organizations should strive to maintain high ethical standards and preserve the integrity necessary to ensure the continued trust of their employees, their governmental entities and the citizens they have chosen to "Serve and Protect".

### **Literature Review**

The definition of nepotism is "Patronage or Favoritism based on family relationships" (Webster's New Dictionary, 1990). City nepotism policies are based generally on State statutes enacted by the legislature, offering general or "blanket" provisions. Regulations are outlined for individuals related to public officials to gain employment within a municipal government. These regulations also provide definitions of family relationships by degrees of consanguinity (blood relative) or affinity (relative by marriage) and define the degrees of consanguinity or affinity (Texas Government Code 1999). These statutes do not provide specific regulations adaptable to city needs regarding employment of relatives working in the same department or city. There are no guidelines for individuals employed by an agency that marries while both are employed at the same agency. Therefore, cities must adopt nepotism policies addressing issues with no perception of discriminatory hiring practices against any applicant. To avoid potential litigation, nepotism policies "should be uniformly applied so that it does not

have a discriminatory effect on any protected class of employees" (Green, M.Z. 1998). Nepotism policies should contain written justification for its existence. If the policy goal is prevention of favoritism claims, conflicts of interest, sexual harassment, or economic inequity, this must be clearly articulated. Blanket nepotism policies can be avoided by simply restricting employees from supervising relatives (Farber, 1996). Cities should also review current practices to ensure that individuals are not denied opportunities for employment, advancement, or benefits based on any anti-nepotism rule or practice (Ventura County Community College District, CA, 1979). The City of Balch Springs has updated its City Charter to fully address all nepotism concerns. The policy was designed to prevent the perception of favoritism by other employees by not allowing family members to participate in a supervisor/subordinate relationship. Where policies are in place and these types of relationships are allowed to exist, it usually causes a negative impact on employee work performance and the working environment created by a conflict of interest through violation of nepotism policies (Balch Springs, Texas 2000, May).

Many cities have similar nepotism policies in place; with some policies more stringent than others. Some cities have existing nepotism policies, which are not rigidly enforced. Law enforcement agencies generally follow nepotism policies adopted either by city charter or by a city personnel manual. When nepotism policies are in place but not strictly enforced, a question arises as to the law enforcement agency's ability or even its willingness to function with a high sense of integrity. The City of Myrtle Beach, South Carolina's has a nepotism policy that states "two or more members of an immediate family shall not be employed in the same division, or where one occupies a

position which has influence over another's employment, promotion, supervision, salary administration and other related management or personnel administration" (Myrtle Beach, 1996). This type of nepotism policy is specific in its intent and leaves little room for non-enforcement and avoids the possibility of creating a hostile work environment for other employees.

Several lawsuits filed against employers regarding their agency's nepotism policy has been recorded. One such lawsuit was filed against the Goodyear Tire and Rubber Company. This case provides a good example as to what happens when current nepotism' policies are not properly enforced. An employee of the Goodyear Tire and Rubber Co., Hortencia Portilla, began working at the Port Lavaca location in 1965. Ms. Portilla's brother was reassigned to this store as manager in 1969. After many years of working under her brother's supervision, Goodyear Tire Co. informed Ms. Portilla that she must either transfer or be fired. Unable to transfer because of her husband's job and 20 plus years of employment, Ms. Portilla was fired. Ms. Portilla filed suit and was awarded \$600,000 in damages by a jury (Read 1997) (Goodyear Tire and Rubber v. Portilla).

Another lawsuit filed regarding an employer's nepotism policy is "Boaden v. State of Illinois, 642 N.E. 2d 1330 (4th Dist. 1994)". The suit stated that two state troopers, male and female, assigned as partners in the same patrol cruiser, informed the captain of their impending marriage plans. They were told that the State had an unwritten anti-nepotism policy prohibiting spouses from working together "in the same squad car and patrolling the same area at the same time" (Green, M.Z. 1998). Both troopers were offered several options relating to squad assignment changes. The male trooper selected a different squad assignment on a different shift. "After they were married, the couple



filed charges with the Illinois Department of Human Rights based upon marital status discrimination." "The court found that the State Police's anti-nepotism policy did not discriminate against the state troopers based upon their marital status" (Green, M.Z. 1998). All nepotism policies should be in writing and clearly articulated so the question of a person or company's integrity does not become suspect in any way.

In 1980, an Ad Hoc Subcommittee on Management Oversight of the House Committee on Corrections, Probation and Parole found major nepotism problems existing within the Florida Department of Corrections. Corrections personnel testified that nepotism and family favoritism continued to be major problems within the Department of Corrections. Employees and their family relationships showed strong connections during scheduling and management decisions. These "family ties" can and does sometimes lead to inmates being used illegally in violation of State law (Criminal Justice Abs. 1995). Nepotism policies, when ignored or circumvented, can create morale problems throughout a department and sometimes leads to serious abuses of power when left totally unchecked.

In some smaller cities or counties, a common practice is to hire relatives as employees making it difficult to enforce existing nepotism policies. For example, in Putnam County, West Virginia, county commissioners attempted to correct past nepotism problems within the county by establishing a policy "barring the hiring of anyone related by blood or marriage to any employee of county government" (Ehrenhalt, A 200 1). The policy was difficult to enforce because of past hiring practices. It was learned that "no one was entirely sure just who at the courthouse was related to whom". Officials had to devise a method to "determine where the lines of consanguinity ran"(Ehrenhalt, A 2001).

The real problem came when a "county police applicant was refused because his father worked at the sheriff's office"(Ehrenhalt, A 2001). The law was challenged in state court and the county lost. "A circuit judge ruled that an outright hiring ban on hiring of relatives could be justified only if the two would be working in close proximity. Keeping someone off the payroll simply because a nephew or cousin had an unrelated county job was found to be discriminatory." In compliance, Putnam County wrote a new policy (Ehrenhalt, A. 2001).

Sioux City, Iowa, is yet another example of nepotism policy abuse by local governments in small communities. The city received complaints that "a few families were monopolizing the job vacancies in key city departments, such as police and fire" (Ehrenhalt, A. 2001). The city had a very stringent anti-nepotism policy. Firefighters argued that the policy destroyed "some legitimate family traditions in which son followed father or brother followed brother". Fire departments on the East Coast, having several generations of firefighters in the same department, were cited as examples. "Many of the firefighters in Sioux City never got over what they regard as a gratuitous insult, even after the law was softened slightly in 1997". However, the original anti-nepotism policy passed by the city council "did have the desired effect of breaking up the family payroll fiefdoms" (Ehrenhalt, A 2001).

### **Methodology**

Are there negative effects to the morale of a law enforcement agency when existing nepotism policies are not strictly enforced? The resulting answer should show that overall morale will suffer when existing nepotism policies are not consistently and strictly enforced.

A second and equally important question is: Regardless of existing policies, are the ethical decisions and integrity of a law enforcement agency affected by allowing nepotism to exist? The expectant answer is that ethical decisions and the integrity of an agency will be adversely affected when nepotism is allowed to exist unchecked.

A telephone survey was conducted with police departments in cities with populations of 15,000 to 200,000 and all being located in the Dallas/Ft. Worth metroplex area. The departments ranged in size of personnel from 30 to 200 employees and consisted of both civil service and non-civil service structures. The responding agencies were able to give answers to the majority of questions in the survey but failed to give detailed responses to specific inquiries (Morris 2002).

The information obtained will be categorized in both types of agencies, that being the ones with nepotism policies and those without nepotism policies. It will also be taken into account as to whether an agency operated as a civil service or non-civil service department and if each had existing nepotism policies were in place or not. Of those agencies with nepotism policies, the information will be separated into policy enforcement or non-enforcement. Information regarding problems created by family members working together in a law enforcement agency or other departments within the city, regardless of an existing nepotism policy, will be reviewed and compared for similarities from agency to agency.

## **Findings**

All departments surveyed had nepotism policies in place. Most departments surveyed were Civil Service, Local Government Code Chapter 143. Two civil service departments did not strictly enforce their policy with one department experiencing

several problems. The size of the departments could have been a causative factor for problems experienced from non-enforcement of their policies. The department that experienced no problems contained 100 plus employees. The smaller department that reported problems contained less than 50 employees. It can therefore be concluded that no differences existed in the enforcement of nepotism policies for civil service and non civil service agencies.

Collected data will now be broken down into two categories: those departments that enforce existing nepotism policies and those that do not. The survey results of those departments enforcing nepotism policies will be examined first.

Of the agencies surveyed, only one agency did not allow family members to work together. Both large and small departments maintained similar policies germane to family members working together. In all agencies, family members are allowed to work for other departments within the city. Only one agency did not allow family members of city department heads to work in the same department. When family members were allowed to work together, one employee could not be supervised by the related department head.

Only one agency had an existing written policy, which was strictly enforced, not allowing employees to continue working together after marriage. All other surveyed agencies permitted the marriage as long as neither spouse supervised the other spouse. Employees are allowed to live together without being married and continue to work for the agency.

One department allowed family members to work together in the same division and same shift while another department allowed family members to work in the same

division but not the same shift. All other departments surveyed allowed the family members to work both the same shift and the same division. Those departments allowing family members to work together did not allow one employee to supervise the other.

Only one department surveyed reported having any problems with family members working together. The problems encountered dealt mainly with promotional issues with family members in the same division. Problems also existed when disagreements in personal lives carried over into the workplace, which in turn had a negative effect on co-workers. Even though this was a small agency, there was not enough data collected to support a theory that departmental size played any role in the problems encountered by co-workers from the family members personal issues outside the workplace.

Survey results of departments not enforcing nepotism policies will now be examined. As previously indicated, only two departments did not enforce existing nepotism policies. The large department allowed family members to work together in the department. The small department previously allowed family members to work together but the practice has been discontinued. Both departments allow family members to work in other areas of the city. The large agency allowed family members of police or city department heads to work for the police department but did not indicate whether one could supervise the other. The small agency allowed family members of other city department heads to work for the police department but indicated a cessation of the practice due to the problems it created throughout the city.

Both departments allow employees to continue working together after marriage but are not allowed to supervise their spouse. Family members in the small department

were not allowed to be in the same division or work the same shift. However, the large department allowed family members to work the same division and/or shift.

No problems were reported in the large agency when family members worked together at the police department or if family members worked for other city departments. The small agency experienced problems when family members at the department were not held to the same standards of accountability as other employees. The employee generally had free reign in the department and treated the entire department anyway he pleased. Problems were also encountered when police department employees had family members in positions of perceived authority in other city departments. These problems consisted of special favors provided from department head to department head to care to help the police department employee through an attitude of "you wash my back and I'll wash yours".

### **Discussion**

The non-enforcement of existing nepotism policies can create different and difficult problems for law enforcement agencies. A complaint was filed by Police Captain Sam Granato against Corpus Christi, Texas, Police Chief: Pete Alvarez, "accusing Chief Alvarez of violating state nepotism statutes by transferring Alvarez's son and nephew, both uniform officers, to positions with increased benefits. The complaint alleges that Alvarez transferred his son to the Organized Crime Unit, which reports directly to the Chief." "The Chief selects officers for assignment to the unit, which offers benefits such as a take home vehicle, a clothing allowance and unlimited overtime." "The complaint also questions the transfer of Chief Alvarez's nephew to the Criminal Investigation Division with similar benefits" (Howard, 1999). Even with the authority to

hire and assign personnel to specific jobs, Police Chiefs are not immune from violating nepotism statutes simply by virtue of their rank.

Additional problems are created for employees when higher manager's relatives are forced on them. "My boss has hired his daughter to work with me as a deputy. At 23, she has no relevant experience and no particular qualifications for the role. Her salary is ridiculously high and it's coming out of my budget. On top of all that, I constantly have to drop what I'm doing to help her with her work. Should I say something to my boss?" (Bullmore 2001). This situation is difficult for any employee regardless of his relationship with the boss. Morale will certainly suffer if the daughter is allowed to stay and discipline by another employee might prove a difficult task.

Always consider all possible legal ramifications when adopting and/or enforcing nepotism policies. "In cases where relatives did not cause a problem at work but were fired merely because of an anti-nepotism policy, courts in some states found the employees had been discriminated against on the basis of marital status" (Risser 1997). However, "when relatives bring their personal problems to work and it affects their performance or the performance of others, clearly you can coach, counsel, warn and ultimately terminate their employment"(Risser 1997).

## **Conclusions**

The purpose of this project is to examine the adverse effects to the morale of a law enforcement agency caused by hiring and allowing family members of governmental officials, department heads or supervisors, either related by blood or marriage to work at the same department or within specified areas of local government. By allowing nepotism to exist in law enforcement agencies, regardless of existing nepotism policies,

are there adverse effects to the morale of the agency? Secondly, how are the ethics and integrity of a law enforcement agency affected by allowing nepotism to exist in the agency regardless of existing nepotism policies?

It was hypothesized that nepotism does create a negative effect on morale, ethical decision making and the integrity of law enforcement agencies, its governing body and the community as a whole. It was further hypothesized that proper enforcement of nepotism policies would create a positive work environment and build respect within the agency and produce a positive reputation for the department within the entire law enforcement community.

The research concluded that non-enforcement of nepotism policies had a negative effect on the department and in some cases, the entire city government. It was concluded that when smaller departments ignore existing nepotism policies serious problems occur with the morale of personnel. These findings directly support the hypothesis that strict enforcement of nepotism policy, regardless of department size, does result in employees being treated fairly whereby morale, ethical decision making and the integrity of the department does not suffer due to nepotism problems.

Survey data was collected by telephone interview with one individual from each department. Some information regarding nepotism practices is limited due to the lack of survey participants within the respective agencies. Even with the limited number of employees interviewed, it is not believed to have a direct effect on the outcome of the survey.

Police officers have a responsibility to the citizens that they serve. They must strive to be ethical and perform their duties with integrity. A law enforcement agency



must ensure that they, as an agency, uphold the ethics, integrity and morale of the department.

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## NEPOTISM SURVEY

Department:

1. Is your department Civil Service, Local Government Code Chapter 143?
2. Does your city have a nepotism policy?
3. If the city has a nepotism policy, is it strictly enforced?
4. Are family members allowed to work for the department?
5. Are family members of police department employees allowed to work for other city departments?
6. Are family members of city department heads (P.D. and or City) allowed to work for the police department?
7. If employees marry while employed by the police department, are they both allowed to continue working for the department?
8. If family members are allowed to work at the department, are they allowed to work in the same division, shift, etc.?
9. What type of problems are created when family members are allowed to work at the department?
10. What type of problems are created with family members working for the police department and have relatives working for other departments within the city?