

**The Bill Blackwood
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Utilizing Police Training to Reduce Citizen Complaints



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ABSTRACT

Most citizen complaints stem from two phenomena: a substandard work product, otherwise known as poor employee performance, and employee misconduct, also known as ethical failure. The author believes that training is the most appropriate vehicle for preventing both of these types of behavior. It is recognized that employees are at various levels of maturity at any given time and that the training applied should be commensurate with each individual's current needs. Tenure, as well as demonstrated proficiency, will drive the type and intensity of the training. Also, it is acknowledged that officers who are engaged in specialized functions of law enforcement, such as crime scene investigation, advanced accident investigation, homicide investigation, etc., will require higher levels of training for consistent satisfactory performance, more than is needed for routine patrol or detention operations.

Similarly, the author believes that willful misconduct can be ameliorated by ethics training. Ethics training is not a substitute for a moral compass; however, the goal of this training is to influence employee behavior by helping him/her recognize ethical dilemmas and by providing the tools needed to make correct decisions. Another important aspect of ethics training is to make employees mindful of the consequences of immoral or unprincipled conduct. The writer is encouraged that training is the correct avenue for achieving these performance levels because it has already been demonstrated that higher levels of academic learning can be correlated with substantially lower levels of citizen complaints, fewer sustained complaints, and reduced seriousness of complaints and punishment.

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INTRODUCTION

The author believes that high levels of training in critical areas of police performance will lead to increased levels of customer service and reduced levels of officer misconduct, thereby substantially reducing the number of citizen complaints. When all parties involved are satisfied with police services, there is no complaint to be screened, investigated, or acted upon. Complaints of any nature are disruptive to the law enforcement agency, whether sustained or not. Whenever substandard performance or intentional misconduct has occurred, the corrective action to follow is usually damaging to the employee(s) involved. Agencies must expend valuable resources to perform investigations, review cases, and issue disciplinary sanctions. Filing a complaint can be an agonizing experience for an individual. The person may feel anger, astonishment, humiliation, or disbelief that the incident has occurred. The individual may fear retaliation by the subject officer or by one of his coworkers. The person may also wonder whether the complaint is a waste of time or if it will do any good. The avoidance of complaints altogether, through higher levels of customer satisfaction, is the best possible outcome for all concerned.

Without on-going training in critical areas of performance, employees will lack formal guidance on how to execute their duties in a manner consistent with departmental goals and objectives. Competency in a job requires not only the will to do it correctly, but the knowledge of how to do it best. The prevention of acts of misconduct is also at issue. No amount of training can prevent all unethical behavior; however, it is believed that helping the employee recognize questionable circumstances and providing them with the thinking tools to make the correct decision when the time

comes will reduce the probability that malfeasance will occur. All levels of the hierarchy need scheduled on-going training in vital areas in order to carry out their responsibilities in the most efficient and effective manner possible.

There is evidence to suggest that college educated officers are more likely to have higher levels of job performance (Hayeslip, 1989) and get along with peers than their non-college educated counterparts (Madell & Washburn, 1978; Weirman, 1978). They are also more likely to take a leadership role within their department. They are also found to be more malleable, less rigid, take fewer sick leave days, receive fewer injuries, and have fewer traffic accidents than their non-college educated cohorts (Trojanowicz & Nicholson, 1976). Research has also shown that college educated officers have a wider range of interpersonal skills, a greater ability to scrutinize situations and exercise discretion self-sufficiently, exhibit a stronger sense of moral behavior, and possess a more favorable group of personal values conducive to law enforcement (Kappeler, Sapp, & Carter, 1992).

Although it is understood that education is somewhat dissimilar in nature to training, it is the author's position that there is sufficient evidence that attitudes and subsequent behavior can be modified through instruction. Education is not the same as training, but it does involve instruction. Education lays a foundation for the processing of information and training seeks to modify behavior through a stimulus of events within one's immediate environment. With sufficient levels of training, it is believed that the embracement of the agency's values and the aversion of unwholesome conduct are more likely to occur.

POSITION

Criticism of police can never be wholly eliminated. In fact, some criticism of law enforcement may be an indicator that the police force is actively combating crime as it is charged to do. However, substantiated complaints are never favorable for any agency. The type, amount, and frequency of complaints are the true gauge of whether an agency has become dysfunctional. Criticism of the police “may lower employee morale, increase cynicism, and increase the reactivity of officers” (Dugan & Breda, 1991, p. 165). This can prove to be a self-fulfilling prophecy in which the ill-thought of department may enter a defensive “survival mode” in which it becomes less enthusiastic about its profession, less trusting of the public, and irresponsible in its decisions and police actions.

Citizen complaints are very expensive in terms of man-hours to screen, document, investigate, and adjudicate. When they evolve into lawsuits, the costs skyrocket, especially in those cases in which there is a finding of guilt. In (*Monell v. City of New York Department of Social Service*, 436 U.S. 658 (1978), (*Monroe v. Pape*), 365 U.S. 167 (1961) was overturned, ending the doctrine of extending “absolute immunity” to local governments (as cited in Thomas & Means, 1990, p. 30). Under Monell, any conduct which is deemed to be customary or regular practice has the force of law or policy (as cited in Thomas & Means, 1990). The best way to dissuade unsavory behavior is through training. Not only will it most likely alter behavioral patterns, it also has the side benefit of documenting said training, which also protects the local governmental body.

Suffice it to say that the reduction of complaints against police personnel is in the best interest of all parties involved. The author's position is that a well thought-out strategy of critical training is the best way to address this concern over the life of the employee's career. A matrix of minimum training for agency personnel should be tracked and followed in order to accomplish this goal.

Police brutality has been a major concern of citizens' since the 1960's. The Rodney King case and its associated aftermath accentuate the consequences of misconduct by officers. Officers who are chronically exposed to acts of violence or are repeatedly called upon to use force to effect arrests may be subject to "maladaptive reactions" in the long run (Abernethy & Cox, 1994, p.59). Anger, hostility, and aggression may soon be the result if left unchecked. Anger management training has proven to be a useful tool in combating the ill effects of overexposure to acts of violence by officers. This type of training does not eliminate anger in these stressful moments; however, it does allow the officer to redirect and channel that energy in more healthy ways (Abernethy & Cox, 1994).

There is indication that a good measure of racial bias and discrimination within police agencies is wholly unintentional, yet its effects are still felt by minority citizens or fellow officers affected by these acts through lack of knowledge. Training is the best remedy for these concerns. Training will bring to light the perspective of minority citizens and officers alike and make the trainee aware of what they might say or do that is offensive or against policy (Bolton, 2004).

Police function in a diverse legal environment. Everything they do must be supported by statutory law, case law, and local ordinances. Not only must they know

these laws, but they also have a sworn duty to enforce them. A certain level of legal competency must be attained and maintained in order to execute these duties.

Sporadic legal update classes are hardly sufficient when one considers that virtually every day, new laws and appellate court rulings are forthcoming, which all have relevance to every officer's duties. Regular and routine legal updates are needed, especially for line officers who are primarily charged with conducting investigations and enforcing the law on a daily basis. According to Gallagher (1990), "Provisions should be made for on-going, in-service legal training for all officers, covering court decisions, new statutes..." (p. 25).

Ethical conduct is an area of concern that should not be taken lightly. Police administrators and first line supervisors are keenly aware of the "police subculture" that exists within every agency. Every officer is under tremendous pressure to follow the norms of the group in order to be accepted or suffer the informal consequences (Jones & Carlson, 2001, p. 42). Overall, the public has a fairly high opinion of law enforcement. They believe that most officers are "honest, concerned, faithful to duty, have a high degree of integrity, perform their job in the best interests of society" (Barker & Carter, 1994, p. 40). However, public opinion can drop dramatically against the police whenever clear and convincing evidence is released through the media, citing instances of severe misconduct (Barker & Carter, 1994). Ethical instruction cannot mend an individual who is devoid of morality. It does, however, "teach the reasoning process for arriving at moral decisions" (Delattre, 2006, p. 161). Making each officer aware of a wide range of moral issues that he/she could be confronted with and providing the most ethical stance to take will arm the employee with the tools needed when the decisive moment arrives.

As with all training, the best hope is that it will alter future courses of action and, at the least, document that an earnest effort was made to assist the employee to make righteous decisions.

In a recent analysis of data, one agency found that half the complaints were for “harassment, rudeness, and excessive use of force”, and almost none of the officers involved in these complaints had received any training in “verbal skills, interpersonal relations, conflict resolution, defensive tactics or control/restraint techniques” (Nowak, 2002, Abstract). Ironically, in this same study, officers who received the greatest number of complaints did receive training in “Clandestine Lab First Responder, Communicable Diseases, In-Service Firearms, and Oleoresin Capsicum” and others that would have little hope of dissuading rude, harassing, or abusive behavior complaints (Nowak, 2002, p.16). It would seem that agencies focus on competencies and certifications rather than the types of behavior which can be used to avoid complaints and performance shortfalls (Nowak, 2002).

As first responders, law enforcement officers must be ready for anything on any day. Officers must be ready for school shootings, rage killings, workplace violence, hostage situations, etc., with very little time, if any, for preparation. The average SWAT team response time is 45 minutes to an hour. This accentuates that first line officers and their immediate supervisors must be well trained on the most up-to-date tactics. The Advanced Law Enforcement Rapid Response Training (ALERRT) is a great example of how recent changes in offender behavior can require police to equally change their tactics to counter their actions (Gaines, 2008). Agencies owe it to their

officers to provide them with realistic and frequent training in order for them to deliver the level of training that saves lives and property.

There are generational issues that must be addressed as well between employees. Traditionalists (1900-1945), Baby Boomers (1946-1964), Generation X (1965-1980), and Generation Y (1981-1999) all have tremendous differences in their values and the way they behave on the job (Sprafka & Kranda, 2003). Significant historical events, changes in technology, and demographic differences have forged each generation into what it is. Some generations are more focused on following instructions given, while others require the reasons for those instructions before they can act upon them effectively. Likewise, some generations look forward to retirement from the same company that they started with so many years ago, while others are prepared to leave the current organization if a better opportunity arises. Some generations do not require knowing where the company is going, while others very much demand to know its short-term goals and long-term vision (Carlisle, 2009). Because workplace cohesion and cooperation are so vital to achieving the goals of the organization, not the least of which is customer satisfaction, it requires a proactive stance be taken in educating each generation about the large and small differences between them.

In addition to the aforementioned areas of concern, proactive training is needed in driving skills (routine patrol driving, driving to calls for service in regular and emergency mode, and pursuit driving), career development (from graduation from the academy, to completion of the field training program, to middle and senior years as an employee), health and wellness (with a requirement for regular check-ups and a

physical readiness program), and report writing and documentation. Likewise, personnel assigned to specialized areas, such as the crime scene unit, traffic enforcement division, criminal investigations, etc., should receive additional training respective to their work areas. It also proposed that all supervision receive regular training in management and leadership.

COUNTER POSITION

It might be said that the proposed training program will have no positive effect to improve performance and reduce misconduct. This is not a likely outcome. People are primarily creatures of habit. According to Hale (2009), people “have a limited memory and suffer from perishable skills that, if not reinforced, will culminate into mistakes and errors in judgment that have devastating effects for the individual officer, the organization and society as a whole”(p. 3). It has already been shown that there is a correlation between higher levels of education and higher performance levels (Hayeslip, 1989). Training is a more direct and simplified version of education. Employees who are properly trained and who follow that training should not violate policy, the law, or a code of ethics.

It might be said that the proposed training program is too expensive and is not cost-effective. These training modules should be able to be completed utilizing a train-the-trainer concept, thereby minimizing the cost of such training. By utilizing in-house training, the only incurred expenses would be as the instructors go for training outside of the academy, and they would bring that instruction back at a much reduced rate of expense. When compared against the cost of screening complaints, conducting investigations, adjudicating cases, administering corrective action, and the appeals

process, training man-hours as compared to those wasted dealing with complaints pales by comparison.

It might be said that the proposed training program provides a false sense of security. This should not be the case as it is not meant to take the place of a robust hiring process, effective leadership and management, or a complete and fair complaint resolution process. The training itself will not change any of the other processes within the department, other than it is expected to reduce the workload of supervisors, investigators, and rid the employees of needless stress and worry from preventable complaints. Training still can and should be used as part of the remedial process. The enactment of this program will not disturb anything we already have in place.

RECOMMENDATION

The true purpose of in-service training should be to modify current and future behavior through a series of stimuli that move the employee away from lower levels towards higher levels of performance and conduct. The goal of a law enforcement agency should not be merely to provide its employees with basic certification and competency levels but also to assist them in striving for excellence, while meriting and maintaining the public's trust through ethical behavior. Training not only aids an employee by sharpening his/her skills, but it also can help instill values.

The loss that incurs whenever a complaint is lodged against an individual employee, the department itself, or the city or county that supports it cannot be overstated. The damage can come in the form of lost man-hours, public trust, credibility in court, lawsuits, lost criminal cases, and disruption of work environment, which, in turn, causes a loss in productivity by those affected. Poor performance can cause the loss of

valuable evidence, missed opportunities in a high-profile case, loss of prosecution against a guilty party, dissatisfaction by the public, and poor morale among employees. Severe poor performance can lead to disciplinary action and termination of employment. An ethical failure, depending upon the severity, could also lead to filing of criminal charges against the employee. The stakes could not be higher for the agency and the employee. Employees deserve to have the best possible chance for success in the form of training.

The author proposes that every certified officer receive universal training in areas that are common to all on a regular basis. Specialized training should be given to those who need it for their respective areas as noted above, to include supervisors and command staff members. This training should not be looked upon as merely furnishing the necessary requirements for certification, competencies, and risk management, but rather as a proactive measure with positive connotations. The author proposes using a perpetual schedule based on tenure and need. Under normal circumstances, an employee within his/her first five years of employment would undergo universal training on an annual basis. Employees with greater than five years of employment, but no more than 15 years of employment would undergo universal training on a biennial basis. Employees with greater than 15 years of employment, would undergo universal training on a triennial basis. The thought process is that junior employees need the skill sets and indoctrination much more than their mid-level and senior counterparts. Specialized training frequency requirements would be set by the individual work area which the training pertains to, with the exception of leadership/management training which would be held annually for all supervisors. Increased amounts of training in any

area or individual employee would be permissible based on need as determined by competent authority.

A sample training schedule has been attached to this document in the appendix section. This training list can and should be modified if the specific agency has differing needs. However, the basic functions of a law enforcement agency cannot be ignored and those areas which are prone to generate citizen complaints for want of customer service or ethical behavior should always be included. Specialized training will certainly vary from agency to agency and depend upon size and levels of specialization. There should be no negative connotation associated with the attendance of training since everyone will undergo the training according to a set schedule. It is believed that the training would be viewed as a positive experience since it only seeks to improve the skill set of the employee and inspire ethical conduct to earn and keep the public trust. The final result should reduce complaints overall, due to higher levels of performance and improved customer satisfaction.

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APPENDIX

Sample Training Schedule

Universal Training	Hours
Ethics	16
Interpersonal Skills	8
Health and Wellness	8
Professional Development	8
First Responder Training	16
Driving Skills	8
Policy and Legal Update	8
Report Writing/Documentation	8
Total	80
Specialized Training	Hours
Leadership/Management	16
Advanced Crime Scene	16
Advanced Criminal Investigations	16
Advanced Accident Investigations	16
Total (only one category)	16
Grand Total per Cycle	96