

**The Bill Blackwood
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Progressive Discipline in Law Enforcement Organizations

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ABSTRACT

Law enforcement organizations have a legal obligation to ensure that their officers are acting appropriately, within the scope of the law. Conduct of law enforcement officers is regulated by department policy, department procedure, and statutory laws from all levels of government. When officers violate policies or statutes, administrators have a responsibility to ensure that corrective action is taken to curtail deficient behavior. In doing so, law enforcement organizations should utilize a progressive discipline policy in correcting employee disciplinary infractions. Agency policy should also have safeguards to prevent unintended negative consequences during the disciplinary process.

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INTRODUCTION

Law enforcement officers are public servants tasked with carrying out the function of public safety. As stakeholders, the general public has a reasonable expectation that their public servants remain professional and courteous while performing their duty. Improper performance of duty or discourteous service is generally deemed as improper and unacceptable by both the public and law enforcement organizations as well. This is evident by the presence of the many citizen oversight committees and public interest organizations that exist to address improper law enforcement conduct (Swanson, Territo, & Taylor, 2012).

There is a definite link between police integrity and leadership. In fact, the maintenance of discipline is a function of administration. While there has been much research conducted over the years in the area of employee discipline, there has been little research found that focuses specifically on discipline within law enforcement organizations. The data generated by this research suggests that law enforcement organizations should adopt and utilize a progressive discipline policy in correcting employee disciplinary infractions.

Law enforcement organizations, among other organizations, are social structures which are forced to control the behaviors of its staff. There are studies that indicate that the best methods of controlling deviant behavior are through the use of punishment and reward. Atwater, Waldman, Carey, & Cartier (2001) stated “discipline and punishment are unfortunate facts of organizational life” (p. 249). Administration of discipline, according to Ball, Trevino & Sims (1994) is a common managerial behavior (p. 299). Arvey & Ivancevich (1980) agree and state that despite the unpleasant connotations,

punishment is a common phenomenon in organizational settings (p. 123). The research indicates that the issue of organizational behavior is applicable to the field of leadership; in fact, leadership research overwhelmingly shows that the control of behavior is a critical issue for managers (Fukami & Hopkins, 1993, p. 665) and is therefore a leadership issue.

The most common tool utilized by law enforcement administrators to gain compliance is referred to as progressive discipline. Progressive discipline is a series of progressively harsher punishments that are given for continuous deviant or deficient behavior. At the lowest level, it could be something as simple as a verbal counseling. If subsequent violations occur, the punishments become harsher (reprimand, suspension without pay, reduction in rank and termination of employment). While the goal of progressive discipline is to obtain compliance, there has been little research to date studying the effects of progressive discipline specifically within law enforcement organizations.

Some researchers proclaim that the application of progressive discipline is valid and fulfills its objective. Still other researchers conclude that the application of progressive discipline is counterproductive. After review of previous research, the question still remains unanswered - in the specific context of law enforcement organizations, does the application of progressive discipline correct deficient behavior and does it produce negative unintended consequences.

POSITION

The research conducted supports the position that law enforcement organizations should a progressive discipline model when addressing employee

disciplinary issues. This research is grounded in two theories that pertain to employee discipline. The first is Procedural Justice Theory. First introduced in 1975, Procedural Justice is defined as “the perceived fairness of the process by which outcomes are achieved” (Cohen-Charash & Spector, 2001, p. 425). The effect of positively perceived procedural justice indicate better trust in organizational management, increased job satisfaction, and less employee turnover intention (Rubin, 2009). Determining the procedural justness of a disciplinary event is an individual perception and takes into account many elements of the event. The procedural elements of a disciplinary event are very important in determining perceptions of justness. They also play a key role in determining the amount of trust between the recipient and the authority figure in a disciplinary transaction. While it is entirely possible to have a positive disciplinary outcome, research finds that people can still feel dissatisfaction with the event and resentment towards the authority figure if their perception is that the process utilized was unjust Lind & Tyler (1988). Conversely, if the process is perceived to be fair, perceptions of a negative disciplinary outcome will be more acceptable to the recipient (Lind & Tyler, 1988).

The role of Procedural Justice Theory is paramount to an organization's success. Fairness perceptions serve as mechanisms that determine if people will remain in an individual work mode or switch their psychological orientation to group mode (Lind, 2001). When people make their initial determinations of justness, they use subjective rules, termed fairness heuristics (Rubin 2009), as a measure to determine if they will act as part of a group or as an individual. Fairness heuristics are used to determine if an event utilized consistent procedures, if the information presented was accurate,

unbiased, and ethical (Leventhal, 1980). When an individual deems procedural justice to be fair, Procedural Justice Theory dictates that a person will identify with the group, adopt the group concepts, and will be motivated to work as a part of the group rather than as an individual (Tyler & Blader, 2003).

Ball et al, (1994), list actions that administrators engage in while administering discipline which are the key factor in the perceptions of just or unjustness. In fact, their research list ten areas which administrators should be cognizant of during the administration of discipline. They are: providing a clear reason for the discipline, allowing the recipient to present his/her side, allowing the recipient to call witnesses, allowing the recipient to have a degree of influence over the outcome, conducted in a private setting, discipline is appropriate for the violation, treat the recipient with dignity and respect, presenting a genuine effort to gain compliance, employ a professional demeanor, and give clear expectations for future behavior. With any punishment model, the question of individual perception of just and unjust punishment and its effects on subsequent job performance should be a consideration in determining the effectiveness of the punishment administered. Answering the question of what constitutes just and unjust punishment is always an individual perception of the punishment recipient (Atwater et al., 2001, Ball, Trevino, & Sims Jr., 1994; Watson & Pennebaker, 1989; Fruby, 1986; Deutsch, 1985; Homans, 1961).

The findings of Ball et al, (1994) suggest that it would be in the best interest of administrators to be cognizant of how discipline is administered in the interest of recipient perception. However, if we are to conclude that simply measuring if progressive discipline has curtailed subsequent deficient behavior, specifically when

measuring repeat violations of the same acts, then regardless of perception of punishment being just or unjust, all of the research referenced in this paper suggests that punishment will curtail future violations but also list possible unintended negative side effects.

The second theory supporting this position is Distributive Justice Theory, which is defined as “fairness of outcomes such as pay, rewards, and promotion” (Choi, 2011, p. 187). In other words, Distributive Justice Theory, like Equity Theory, suggests that the perception of justice is derived by comparing outcome/input ratios with those of others (Colquitt et al. 2006; Adams, 1965). Unlike Procedural Justice Theory, which has greater influence on attitudes towards the organization, Distributive Justice Theory has greater influence on attitudes concerning outcomes of organizational decisions (Tremblay, Sire, & Balkin, 2000).

Choi (2011) concluded that out of all organizational justice theories, Distributive Justice Theory is the one most strongly associated with job satisfaction, trust in management (not to be confused with trust in the supervisor), and employee turnover intention (p. 211). This is not to say that Procedural Justice Theory does not contribute to these attributes, they do, however the research conducted by Choi suggests that Distributive Justice Theory plays the strongest role in these attributes.

This research examines two counter arguments that suggest that the utilization of progressive discipline should not be utilized. The first argument is simply that progressive discipline does not curtail future deficient behavior on the part of the employee. The second argument is that if utilized, progressive discipline will have negative unintended consequences in future performance. However, there is additional

research that refutes both arguments and supports the belief that law enforcement organizations should adopt and utilize a progressive discipline policy to be utilized in correcting employee disciplinary infractions that focus on obtaining future compliance and eliminates the potential for negative effects.

COUNTER ARGUMENTS

The research of Ford & Blegen (1992) uses the terms offensive punitive action, which is the unprovoked implementation of punitive action and defensive punitive action which is used in defense to an offensive punitive action. In conducting this research, Ford and Blegen used the concept of Bilateral Deterrence Theory. Bilateral Deterrence Theory focuses specifically on power processes in bargaining exchanges and examines the power relationship of both conciliatory and hostile negotiation tactics in two-party bargaining. This theory, according to Ford and Blegen (1992), assumes two fundamental assumptions. First, "conflicts have a social structural foundation; that is, divisive interests are linked to positions in social hierarchies, which are occupied by individuals and groups, who then represent the interests in social interaction" (p. 353). The second assumption is "bargaining actors are decision makers who have the latitude to interpret and consider their structurally based interest and to make choices about how to respond to conflict" (p. 353).

The research of Ford and Blegen (1992) concluded that the use of offensive punitive actions produced a conflict spiral which contributed to on-going conflicts during the negotiation process. In a disciplinary setting with employer/employee relations, there is a direct correlation between offensive and defensive punitive action as compared to the perception of just and unjust punishment, as researched by Ball, Trevino, & Sims Jr.

(1994). Though there is a correlation between offensive and defensive punitive actions to just and unjust punishment, the concept of Bilateral Deterrence Theory does not apply directly to that of disciplinary incidents between employer and employee as this specifically relates to negotiations.

Utilizing the findings of Ford and Blegen, Molm (1994) conducted a research experiment designed to test the effectiveness of coercive strategies in social exchange (not specific to negotiations). Her findings suggest that punishment that is strong and consistent produce the highest frequency of reward exchange and the least negative affect towards the supervisor. Molm argues that negative effects of punishment are from its limited or inconsistent use rather than of its ineffectiveness (Molm, 1994). The research of Molm (1994) negates the findings of Ford & Blegen (1992) when applied in disciplinary settings and support the argument for progressive discipline.

Unlike researchers that support the use of punishment, there are those that suggest that it should be avoided because of the potential impact on behavioral side effects (Arvey & Ivancevich, 1980; Luthans & Kreitner, 1985; Organ & Hamner, 1982; Skinner, 1953). Skinner (1953) stated that punishment has limited positive results which are soon washed out by the numerous undesirable side effects. Different researchers that oppose the use of punishment have based their conclusions on a list of possible negative outcomes, or side effects. Their conclusions for negative side effects include anger, physical avoidance of or escape from work, defiance, resistance to authority, aggression, and revenge (Ball et al., 1994; Luthans & Kreitner, 1985; Skinner, 1953). Anger and aggression are especially important as research suggests, people are likely to become aggressive when they believe someone has unjustly tried to harm them

(Greitemeyer & Weiner, 2008; Berkowitz, 1989). Research by Fitness, (2000) & Allcorn (1994) concluded that over half of all incidents of employee anger and aggression are a direct result of the perception of unjust treatment.

Chelliah and Tyrone (2010) stated that progressive discipline can have significant detrimental effects on the employ as well as the employer. Atwater et al. (2001) states that progressive discipline could have negative side effects to include undesirable emotions, aggressive behavior, and fear towards their supervisor.

The belief that discipline should not be used on employees has been recognized from the 1970's through the early 2000's as conventional wisdom (Arvey & Ivancevich, 1980; Arvey & Jones, 1985; Cole, 2008a, 2008b). While some may believe that conventional wisdom is improper for employee disciplinary events, recent research challenges this premise. Regardless of the position, virtually all research recognizes that while there can be positive outcomes derived from the application of progressive discipline there is also the potential for negative performance and organizational citizenship behavior outcomes associated with its use.

Axelrod & Apsche, (1983) and Guffey & Helms, (2001) each recognized that the application of progressive discipline had positive and negative effects. Their conclusions are that contingent punishment is very effective when used in conjunction with contingent reward. Guffey and Helms, (2001) cite two advantages of the progressive discipline model. The first advantage is that the utilization of progressive discipline impresses upon the employ the seriousness of the violation. Second, its use allows the employee additional opportunities to correct his performance prior to having their

employment terminated. While these seem reasonable, what they do not account for are the processes or procedures used by the disciplining supervisor.

Ball et al, (1994) while researching perceptions of fairness in relation to future performance, concluded that perceived harshness of punishment was negatively related to perceptions of subsequent performance outcomes. According to this research, for subsequent performance to improve, the recipient has to perceive that the punishment matches the infraction and that the punishment must be consistent with what others, who have committed the same violation, have received. The recipient's evaluation of the level of harshness is the determining factor for punishment effectiveness. Their research found negative performance outcomes resulting from punishment manifest in subsequent violations of stated policy, procedure, job description, or any other specified requirement of the job when applied in a manner that is perceived by the recipient as unjust. Negative performance outcomes can be mild, such as taking an additional five to ten minutes on a given break, to something more severe such as a blatant disregard for a given policy (Franklin & Pagan, 2006).

RECOMMENDATION

Based upon the research, there are two issues that law enforcement organizations need to address. The first is the circumstances with which discipline is administered. As stated in the research, the consistent application should always be a factor utilized by law enforcement administrators. Discipline, in itself, does not cause negative consequences. Rather, it is the inconsistent application of the discipline that is a factor (Molm, 1994). Considering this, it is paramount that administrators should have a strict policy for progressive discipline. Further, all supervisors that have a

responsibility to oversee the distribution of discipline should be required to utilize this policy and there should be in place a mandate requiring them to take action immediately whenever an infraction is committed.

The second issue is the potential for negative consequences that may avail themselves post-discipline. In the agency disciplinary policy, the practices and procedures for administration of discipline, as referenced by Ball et al, (1994), must also be incorporated into the policy. All personnel that are tasked with disciplinary oversight must be trained on providing a professional setting, a calm demeanor, and clearly stated expectations for future performance.

Adoption and utilization of an effective progressive disciplinary policy should address the immediacy of enforcement, require that clear and achievable performance goals are stated, and should also address a distribution process that is designed to be cordial, professional and presented in a non-confrontational manner. Further, law enforcement agencies, in the interest of creating fairness and consistency, should consider the inclusion of a disciplinary matrix their policy whereby potential infractions are stated along with the consequences for violating a given infraction. A policy of this nature, if properly utilized and managed, ensures that future disciplinary infractions are not committed and helps to eliminate negative consequences that potentially arise when the discipline is perceived to be unjust.

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