

BILL BLACKWOOD LAW ENFORCEMENT  
MANAGEMENT INSTITUTE OF TEXAS

A COMPARATIVE ANALYSIS OF THREE TRAINING METHODS

A RESEARCH PAPER  
SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR  
THE GMI DESIGNATION

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## INTRODUCTION

There is a need with the La Marque Police Department (LMPD) to reevaluate its training needs and system of training. This research will examine these training approaches in an attempt to discover an approach best suited to Departmental needs. It is possible that the process best suited to LMPD might have some transferability to other departments of similar size.

Law enforcement must demonstrate that continued confidence is justified, and one way is through effective education and training that prepares officers to do their jobs with integrity, skill, and professionalism.<sup>1</sup> The past and future of training in law enforcement are very important in evaluating the training needs and training systems the department will choose. The profession of law enforcement is rapidly growing and changing to meet the demands of the society. The departments that can stay abreast and lead in training and training ideas will be the departments that best meet the goals of serving community.

There are three training methods currently available and all three methods are in wide use throughout the State of Texas. The first method is to start a regional, college, or agency training academy. The second method is to start an in-service program. The third method is to use regional, college, agency, or in-service training academies.

The Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) has rules and regulations governing the creation and implementation of regional, college, agency, and in-service training academies. Application for one of these academies must be made to TCLEOSE and then reviewed. Once TCLEOSE approves the application then an academy license can be granted.

The La Marque Police Department has a very limited training budget and personnel training needs. Creating a training division, with one of more personnel assigned, at this time is not a feasible alternative. LMPD has 25 full time police officers, 13 reserve police officers, and a support staff of seven civilians. There is a patrol division with 17 personnel, investigative division with four personnel, and an administrative division with three personnel. The department's budget is approximately 1.3 million dollars and the training budget is 7,300 dollars. The satellite television system requires 3,800 dollars of the 7,300 dollars of the training budget that leaves 3,500 dollars for department training.

The Department subscribes to the services of the Law Enforcement Television Network (LETN). This satellite television system runs Monday through Friday 24 hours a day. The system has programming that is geared for law enforcement and is testable. Training programs usually run approximately 24 minutes and there is a pretest and a post test. TCLEOSE gives one hour of training for every session and corresponding test. We use this system to supplement our current training program and we currently use other regional, college, agency, and in-service academies, but these do not completely address the needs of our Department.

## **The Need For Training**

Law enforcement training is now becoming one of the fastest growing liability areas within public agencies in the United States. For years law enforcement training was considered a low budgetary item and if the agencies did not have the money, training was not provided. Only in recent years has the situation begun to turn around due to the lawsuits that the agencies are facing. Million dollar lawsuits are in fact, being won because of the failure of police agencies to adequately train departmental personnel.

As times change and society becomes more complex, so do practices and procedures for police officers.<sup>2</sup> August Vollmer, often referred to as the father of law enforcement education, was the first American police executive to call for the help of university educators in developing job-related police training programs.<sup>3</sup> Such a radical departure from the usual apprenticeship or on-the-job training for new police officers did not go unnoticed.<sup>4</sup> After World War II, both law enforcement education and training mushroomed and zone schools were organized to provide training facilities for law enforcement officers in small cities, towns, and counties, making basic training available to virtually every new police officer.<sup>5</sup> This furthers the goal often espoused by both educators and criminal justice practitioners of upgrading the professionalization of criminal justice personnel.<sup>6</sup> Over the past several decades a number of national advisory commissions composed of leaders in the field have recommended more formal education and training for practitioners and potential practitioners as a mean of achieving this goal.<sup>7</sup>

The National Advisory Commission on Criminal Justice Standards and Goals stated in 1973 that every police agency should, by 1975, provide for annual and routine training to maintain effective performance throughout every sworn employee's career.<sup>8</sup>

This training should be designed to maintain, update, and improve necessary knowledge and skills.<sup>9</sup>

The Texas Commission on Law Enforcement Officers Standards and Education (TCLEOSE) is the State of Texas' regulatory agency for standards and education for all law enforcement officers in the State. TCLEOSE legislation was enacted in 1965 by the 59th Texas Legislature. It wasn't until 1969 that the 61st Texas Legislature granted TCLEOSE the authority to require minimum qualifications for peace officers. The reason the agency was established was the realization that training for police officers was very crucial and was a problem in Texas. The 61st Texas Legislature put a commission together to study the problems and put together a guideline for all peace officers to follow. The Commission put together a set of standards that all law enforcement agencies in the State had to follow. It set minimum standards for basic law enforcement training, continuing education, and levels of long term proficiencies.

In basic academies at this present time a minimum of 560 hours of training is required. The following courses must be taught in the preliminary law enforcement program:

- Family Code
- United States Constitution
- Bill of Rights
- Code of Criminal Procedures
- arrest, search, and seizure
- firearms
- emergency medical care
- traffic direction and control
- crowd control
- courtroom demeanor and testimony
- Penal Code
- community relations
- basic investigation
- field note taking

- report writing
- use of reports
- preparation for patrol
- communications
- crime prevention and public service
- preventive patrol
- traffic law enforcement
- Alcoholic Beverage Code
- Dangerous Drugs and Controlled Substances Act
- civil law and process
- law enforcement driving

The academies must keep accurate attendance records, note taking and note keeping skills, and frequent exams to insure that the cadets are well rounded and perform the basic police duties. After the academy training program the recruit must pass a state exam. The minimum score on that exam is 70 %.

Current continuing education standards for Texas Peace Officers require 40 hours of in-service training over two years. Training must also include family violence, sexual assault, child abuse, child neglect, cultural diversity, cultural awareness, racial sensitivity. The two year period starts from the officer's appointment date or from February 1, 1989, which ever is the latest date.

The long term certifications are intermediate, advanced, and master peace officer. The Intermediate Peace Officer Certificate is awarded after an individual meets one of the following combinations of points and peace officer experience:

- 20 points and eight years experience
- 40 points and six years experience
- 60 points or an associate's degree and four years experience
- 120 points or a bachelor's degree and two years experience

The officer must complete courses in child abuse prevention and investigation, crime scene investigation, use of force, and arrest, search, and seizure. The Advanced Peace Officer Certification is awarded after:

- 40 points and 12 years experience
- 60 points or an associate's degree and nine years experience
- 120 points or a bachelor's degree and six years experience
- a post-graduate degree and four years experience

Finally the Master Peace Officer Certification is awarded after:

- associate's degree or 60 points and 20 years experience
- bachelor's degree or 120 points and 15 years experience
- master's degree or 165 points and 12 years experience
- doctoral degree or 200 points and 10 years experience

Of course, there are many other regulations that TCLEOSE has established to further promote the professional image of Texas Law Enforcement.

Police agencies across Texas all have different requirements for in-service training. The agencies make sure that the officers meet the state requirements but anything beyond that the officer may do on his or her own. The agencies have to be concerned with budgets and generally just allocate for the TCLEOSE requirements. Officers who obtain more training hours generally attend classes on their own.

Because police are called upon to perform an enormous variety of tasks for society, they must exercise discretion and good judgment, often in crisis situations. Most importantly, they must carry out their duties with uncompromising integrity and respect for the communities they serve. Sound and effective training can go a long way toward developing this standard of professionalism, which can be a lasting basis for continued citizen confidence and the hallmark of a new age for law enforcement.



### **Method One: Initiating a Academy, College, Regional Academies**

Basically, there are three primary forms of training directed to the needs of police agencies in Texas. To operate under state policy all academies must complete an application to TCLEOSE that is signed by the chief administrator or head of the organization exercising administrative control over the academy.

The first of these forms, agency academies, must also submit a resolution of support from the governing body of the sponsoring organization. They must provide a proposed startup and operational budget and a proposed course schedule to show that training will be conducted on a continuing basis. The agency must also show evidence that an advisory board has been appointed and they must provide a resume for each board member. Board minutes must be provided to show the decisions have been made by the board in all areas required by the Commission. The agency academies must also provide the name, social security number, and the resume of the proposed training coordinator and any academy staff instructors, and a list of instructors who are scheduled to teach the submitted proposed course schedule. The Commission requires that Departments have at least 50 full-time paid peace officers and or county jailers under appointment, to qualify as an agency academy.

The second and third training forms, college and regional academies, have to follow a different set of procedures. College academies are conducted by an institution coordinated by the Texas Higher Education Coordinating Board and a regional academy is conducted or sponsored by a regional planning commission or council of governments (COG) board. The Commission will only issue one regional license within each regional planning commission or council of governments' area. The college and regional academies

must show that they meet the requirements of the Americans with Disabilities Act (ADA) and maintain those standards for the duration of the license.

The three different training academy forms must provide a physical location and a description of the proposed training facility. They must provide a comprehensive training needs assessment justifying the need for an additional academy in the regional planning commission or council of governments' area where the proposed new academy will be located. The needs assessment must include at a minimum a description of whom the academy will serve, including the identity of each law enforcement agency, the number of officers the academy expects to train annually from each agency, and the basis for the academy's expectations.

All need to provide a schedule of tuition and fees if any will be charged. The three different training academies must provide a description of existing law enforcement training programs in the proposed service area and evidence justifying the need for an additional academy. They must also provide the number and types of courses that will be offered and what specific training need(s) are not currently being provided by licensed academies in the regional planning commission or council of governments' area. The applicant must show proof of notification by certified mail to all licensed academies within the regional planning commission or council of governments' area of their intent to apply for academy license and what specific training needs are not currently being met within the region.

TCLEOSE may want to conduct a pre-license inspection of the academy's facilities and instructional material. The Commission may appoint an inspection team composed of persons with experience in the field of law enforcement education and training. To pass a pre-licensing inspection an academy must have and maintain a classroom that is

sufficiently air conditioned and heated, well lit, free of noise and other unreasonable distractions, and of sufficient size for the number of students to be served. They must have instructors and adequate instructional resources to conduct effective training, adequate and convenient restrooms, break room, and parking area. They must also have an adequate and convenient law enforcement reference library for student and staff use, and must have access to an all-weather accessible firing range suitable for the course of fire required in the basic peace officer course with safety rules clearly posted, and adequate restrooms and first aid equipment on the premises.

The chief administrator or head of the organization exercising administrative control over the academy, and the proposed training coordinator must appear before the Commissioners to respond to any questions before any final action will be taken on the application. A training coordinator must hold a valid instructor license and must be paid and assigned on a full-time basis. The training coordinator must be a full-time paid employee of the agency or institution. If the coordinator has additional job responsibilities other than the academy, an additional professional staff member must be assigned full-time as part of the academy training or educational staff.

#### Arguments favoring a La Marque Police Academy

The La Marque Police Department, if it chooses, could start an agency academy. The academy along with the advisory board would have input of the training needs of our agency. The training could be with all department personnel or selected instructors from the surrounding agencies. The agency would have the option to do strictly departmental training or open the training to the surrounding agencies. And if the later were the case then the advisory board could set a compensation rate for the training courses. Schedules could be adjusted to minimize the money paid out to our personnel as long the Articles of

Agreement are complied with. The Articles of Agreement is the collective bargaining contract between the City of La Marque and the La Marque Police Association.

Before La Marque could establish its academy, a registered letter has to be sent to the other licensed academies in the planning commission region. The letter must outline the intention to apply for an academy license and what specific training needs are not being met within the region. The Commission shall have the privilege of inspecting the academy site and facilities. The facilities must meet the ADA requirements. Our agency would have to assign a person to serve as training coordinator. For La Marque that would mean hiring a new person to fill the spot vacated by the training coordinator. The actual cost would be approximately \$ 26,000. A secretary should also be hired to assist with all the documentation. The salary of the secretary is approximately \$ 16,000. The hiring of trainers, departmental and surrounding agencies, would cost approximately \$ 5,000. The total cost would be approximately \$ 47,000.

### **Method Two: Initiating an In-service Training Academy**

The next training method is to initiate an in-service training academy. The Commission may, in the discretion of the executive director, enter into an agreement with a law enforcement agency, a law enforcement association, or alternative delivery trainer to conduct training for license holders. Any such agreement is limited to those terms expressly included in the agreement or incorporated by reference and must be dated and in writing on a Commission form, signed by the executive director, signed by the chief administrator or head of the sponsoring organization, and signed by the training coordinator responsible for the administration of training.

An agreement may approve a specific course(s) and the number of times it will be offered annually. These contracts are perpetual, but may be terminated for cause within ten days by written notice on the part of either party of the contract. An agreement may incorporate by reference a law, rule, or any other document. However, any waiver, exception, or deletion must be expressed.

The executive director may terminate an agreement if no training is conducted within each calendar year unless the chief administrator has petitioned the executive director for a waiver, and the waiver has been granted. The executive director may suspend an agreement, until compliance, for any violation of its terms or of any commission rule or law. Any party may terminate upon written notice to all other parties, received by either the executive director, the coordinator, or any other named person or office.

The agreeing agencies, associations, or alternative delivery trainers must provide a comprehensive needs assessment to the executive director justifying the need for an

agreement. The needs assessment must include as a minimum the names of the licensed academies located in the council of governments or regional planning commission area of the requesting party. The agreeing agencies, associations, or alternative delivery trainers must provide a description of the existing law enforcement training programs in the area. Must also explain what specific training need(s) are to be addressed by the proposed agreement contract, and the number and types of courses that will be offered during the first quarter of the executed contract.

The agreeing agencies must also appoint and maintain an advisory board. They must also follow the requirements set by the advisory board. The agencies must select a training facility that meets all academy inspection requirements, if applicable, select any instructional material, equipment, or resources necessary for the course. The agencies must also forward for approval, upon the executive director's request, at least one copy of the learning objectives of each course covered by the agreement. The agencies must appoint and maintain the appointment of a qualified training coordinator and insure the training coordinator discharges any responsibilities required by law, rule, or agreement.

The agreeing agencies, associations, or alternative delivery trainers must also select and monitor the performance of qualified instructors. They must admit to classes any license holder Although that is subject to any reasonable limitations or preferences required by the advisory board. They must also insure effective training and distribute learning objectives to each student before the course are taught. They must teach or insure that each course is taught according to the instructor guide and or learning objectives provided or approved by the Commission. They must keep records of all agreement training for at least five years and proctor any required examination and insure fair, honest results. Unless expressly waived by the agreement, an advisory board for agreement training must discharge the responsibilities of such boards as required by law or

rule. The training coordinator for an agreement must discharge the same responsibilities as an academy training coordinator and must hold a valid instructor license.

By entering into any such agreement, the Commission preapproves specific training that will be fully credited by the Commission. Each student will be given credit for the hours of the course of in-service training or to the agencies as in-service training provided by the agencies. Credit will not be given if the training was not conducted in compliance with the agreement or the advisory board. Or the training coordinator, or instructor substantially failed to discharge any responsibility required by the rule. Once the agreement has been executed, the agreement trainer may be evaluated periodically by the Commission as determined by the executive director. The evaluation may be accomplished by the Commission staff or by the training professionals selected and trained by Commission staff.

#### Arguments favoring the creation of a La Marque Police In-service Academy Program

An in-service training academy for the La Marque Police Department would mean that our training could be agency specific. The training needs of our agency could be met with our own personnel and our own facilities. The number of courses taught to our agency would again depend on the training needs of our department. Also, outside instructors could be used to supplement and give our personnel exposure to other ideas. Still we could use the regional, academy, or college academies in the area to supplement the in-service training. To minimize the cost personnel's schedules could be adjusted. The Articles of Agreement must be met in the adjusting of those schedules.

Under this proposal arrangement, the training coordinator would have a lot more responsibility and work. He would be responsible for all the training requirements that TCLEOSE has established in its rules. The training coordinator position should be a full

time job. The advisory board would have to be chosen and maintained and a meeting held once a quarter to approve a training calendar for the next quarter. The advisory board would initially have to authorize a training needs assessment and establishes the direction the training would follow. The advisory board would have to be kept informed of any problems with the facility, materials, or any injuries. The cost of a full time training coordinator is approximately \$26,000. The cost of outside instructors is approximately \$ 1,000. The total cost would be \$ 27,000.



### **Method Three: Utilizing Regional, College, Agency, and In-service Academies**

The third method of training is to utilize all the other training methods previously discussed in this paper. By using the regional, college, agency, or in-service academies an agency could easily send personnel to training classes. There are many ways to set this type of system up.

As a planning process, La Marque Police Department gathered all the available training calendars from local training academies. We then post all those training calendars up in a central location and have the personnel put in bids for the available training. The bids are turned in to the training coordinator. The training coordinator then goes through the request and determines if that personnel actually needs that particular training. The training coordinator then checks the availability of the training was and the personnel were signed up. The bids were then sent up the chain of command to the chief for approval. If the training was approved the personnel were informed and the work schedule was then adjusted. If the training was denied then the personnel were informed and the seat canceled in the training class.

#### **Arguments favoring the use of regional, college, agency, and in-service academies**

There are many good points to this system. The budgets of small agencies are strict and the training budgets are small. The agencies could send more personnel to more training courses and get outside exposure to other ways to handle situations. The actual ranges of training courses are wide and specialized. The training could really have an impact on the specialized sections of our department and further the personnel's knowledge. As in the prior cases, the personnel's schedules could be adjusted to minimize to cost factors, as long as the Articles of Agreement are followed.

The main reason for not sending personnel out for training is that it isn't agency specific. Some training courses are agency specific and may not apply to our agency. Another reason might be that the agency doesn't have any quality assurance about the training and as a result it is poor quality. If the training is inadequate, then the academies or agencies would have to be contacted and a complaint made. If there was no action taken then the only recourse would be to contact TCLEOSE and make a complaint. Then TCLEOSE may make some type of administrative sanctions against that instructor or academy. A further problem could be classes that are farther away and personnel may have to stay at a hotel. If the training is close enough officers could drive home. Both of those reasons (per diem and travel cost) could cut into the training budget significantly.

## Summary

The First Circuit Court of Appeals upheld a jury verdict against a city for its failure to train its police department adequately, leading to the use of excessive force against the plaintiff by two police officers.<sup>10</sup> The Wierstak decision points to the importance of proper training and investigation of complaints about the conduct of the police.<sup>11</sup> Inaction in either of these areas may lead to agency liability.<sup>12</sup> Official policies that become the subject of lawsuits under 42 U.S.C. § 1983 may be the product either of affirmative acts by the agency or the failure of the agency to act.<sup>13</sup> The allegation of inadequate or improper training of police officers is frequently the basis of a "failure to act" claim.<sup>14</sup>

The Supreme Court's principal holding in *City of Canton* is that inadequate police training may result in the imposition of municipal liability under 42 U.S.C. § 1983 only where the failure to train amounts to a deliberate indifference to the constitutional rights of persons with whom the police come into contact.<sup>15</sup> Training or the lack of training can be a nightmare for any agency. Most cities and counties with their minimal budgets have barely the funds to run the agencies. So they do the best they can with what is available.

In conclusion the three forms of training are widely used throughout the state of Texas. Agencies use any where from one of the forms of training to all the forms of training. The actual forms of training that are used depend on different factors. Those factors are budgetary and personnel constraints. If the agency has the money and personnel, they could feasibly start their own academy. If the agency has the money but not the personnel, then they could start an in-service academy. Finally, if the agency has no money for training and no personnel to teach them, then they send their personnel out for the training.

The conclusion reached for my agency is that we have the classroom space already that meets all ADA and TCLEOSE requirements. The actual budget for the startup could run for less than a \$ 1000.00 and that would just be a one time cost. The yearly budget could be \$ 800.00 a year for supplies and equipment. My agency has six licensed instructors and four of them have experience. All the instructors have agreed to help with the instruction in the academy.

There is one problem that could be foreseen. The training coordinator is also a patrol sergeant. The time that is spent in his patrol supervision duties could seriously effect the quality of the job done as training coordinator. If a system could be put into place that would help him to effectively manage his time that both jobs are done well then the in-service academy could work.

In doing this research it has really hit home how important training is to a peace officer and the agencies. TCLEOSE holds the agencies and the peace officer responsible for not meet the required courses and the two year requirement. There are numerous training classes throughout the state and the courses aren't that expensive. I can't see why some agencies or peace officers would want have that indifference to training. Training is the only way to bring professionalism to law enforcement. To give the citizens of this state the best peace officer is to gain that status of being a professional, the best of the best. A peace officer who wants to survive in the 21st century will have to gain that status.

### Endnotes

<sup>1</sup>Edwin Meese III, "DOJ's Role in Law Enforcement Education & Training" The Police Chief, November 1987, 10.

<sup>2</sup>Perry, Tim. Basic Patrol Procedures, Seattle, WA: Palladin Publishers, Inc., 1984: 13.

<sup>3</sup>Kenneth E. Christian, Steven M. Edwards, "Law Enforcement Standards and Training Councils: A Human Resource Planning Force in the Future," Journal of Police Science and Administration, Vol. 13, No. 1, 1985: 1.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

<sup>6</sup>Ronald Tannehill Galan M. Janeksela, "Role and Task Analysis: An Effective Tool for Manpower Development and Curriculum Development in Law Enforcement Education," Journal of Police Science and Administration, Vol. 12, No. 1, 1984: 19.

<sup>7</sup>Ibid.

<sup>8</sup>Sheehan, Robert, and Cordner, Gary W. Introduction To Police Administration, 2nd. Ed., Ohio: Anderson Publishing Co., 1989: 227.

<sup>9</sup>Ibid.

<sup>10</sup>Victor E. Kappeler, "Municipalities and Police Agencies as Defendants: Liability for Official Policy," American Journal of Police, Vol. X, No. 1, 1991: 4-5.

<sup>11</sup>Ibid.

<sup>12</sup>Ibid.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid.

<sup>15</sup>Geoffrey P. Alpert, William C. Smith, "Beyond City Limits And Into The Woods: A Brief Look At The Policy Impact Of City Of Canton V. Harris And Wood V. Ostrander," American Journal of Police, Vol. X, No. 1, 1991: 19.

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