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Management in Today's Criminal Justice System

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ABSTRACT

Management in today's criminal justice system requires individuals with broad knowledge and varied abilities. No longer does the experience obtained while moving through the ranks provide the expertise needed to make a good manager. Because the criminal justice system is constantly changing, it needs managers who are flexible enough to change with it.

An overview of the system and the managerial techniques presently being used are looked at, and then an assessment of new approaches are used for comparison. Areas focused on are the understanding of employment laws, managerial liability, record keeping and documentation pertaining to job performance appraisals and disciplinary actions, the supervision of and by women in the criminal justice field, managerial techniques, promotion procedures, and education. Each area was researched from both corporate and criminal justice viewpoints. The criminal justice system is unlike any other business, but to some extent it still has to be run like one. Therefore, it is prudent to use some of the proven effective corporate managerial practices. Options for the most productive and effective methods are emphasized. It is for each agency to ascertain the methods which best fit their individual priorities.

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MANAGEMENT IN TODAY'S CRIMINAL JUSTICE SYSTEM

Introduction

Management in today's criminal justice system requires more than just the ability to coordinate efficiency of a workforce of employees, it also requires an individual who can be a negotiator, a legal expert, an administrator, and a leader. Due to the methods of promotion in the criminal justice system, it is often necessary to train a supervisor to be a manager after he has already become one. Whereas, it is relatively easy to train an individual in legal aspects and procedural systems, it is much harder to teach someone how to be an affective leader with managerial finesse. There are several questions concerning management in the criminal justice system that need to be answered: (1) How much does a good manager really need to know about legalities and employment laws? (2) How can individuals without natural abilities as a manager be trained to function as good managers? and (3) What methods of training can be developed to produce better managers in the criminal justice system?

This paper will examine the above questions along with the personal liability of managers, women in the workforce, and the promotion methods and performance evaluations as they pertain to the criminal justice system.

Employment Laws

Managers or supervisors must be prepared to effectively and legally deal with the problems of their personnel, both as individuals and as a group. Today's employment laws are an ever-changing vision of legislation and court decisions which set precedents. It is difficult for every manager and supervisor to be totally aware of all laws and their many nuances; however, it is imperative that all managers and supervisors be aware of the legal challenges they face when dealing with employees.

Although employment laws are intended to ensure that all employees are treated equally and fairly, especially in the hiring and promotion process, there are also numerous laws that go beyond hiring practices; and govern disciplinary and management authority as well. Four types of employment laws must be adhered to when addressing employee problems: federal law, state law, common law, and individual company policy.

Before examining these four types of employment legislation and policies, it is necessary to understand some of the terminology which is used in reference to these laws and policies. Federal law recognizes certain "protected classes" as being protected from discrimination in hiring

and employment practices:

- Race, color, or national origin
- Citizenship
- Religion
- Sex (includes pregnancy and sexual harassment)
- Age (40 and older)
- Disabilities
- Vietnam Veterans

Discrimination between individual employees becomes illegal when it involves one of the "protected classes." Illegal discrimination also occurs when hiring and promotion practices involve subjective, non-job-related criteria. Special terminology also includes some common acronyms, such as:

- EEOC (Equal Employment Opportunity Commission)
- ADEA (Age Discrimination in Employment Act)
- OFCCP (Office of Federal Contract Compliance Programs)
- ADA (Americans with Disabilities Act)
- VEVRAA (Vietnam Era Veterans Readjustment Assistance Act of 1974)
- IRCA (Immigration Reform and Control Act)
- NLRA (National Labor Relations Act)
- FLSA (Fair Labor Standards Act)
- OSHA (Occupational Safety and Health Act)
- ERISA (Employee Retirement Income Security Act of 1974)
- FMLA (Family and Medical Leave Act)

Other terminology will be explained in context.

Federal Employment Laws

Federal employment laws include Title VII of the Civil Rights Act of 1964. Title VII prohibits discrimination because of race, color, religion, national origin, and sex which requires one of these traits as a condition of employment. Title VII is enforced by the Equal Employment

Opportunity Commission. The Age Discrimination in Employment Act; and the Equal Pay Act of 1963 also are enforced by the EEOC.

The U.S. Department of Labor and the Office of Federal Contract Compliance Programs enforce the Rehabilitation Act of 1973 (Sections 503 and 504) which stipulates that all government contractors and sub-contractors not discriminate against handicapped persons. The American with Disabilities Act, the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Immigration Reform and Control Act, the National Labor Relations Act, the Fair Labor Standards Act, Occupational Safety and Health Act, Employee Retirement Income Security Act of 1974, and the Family and Medical Leave Act of 1993, are all federal employment laws which were designed to protect the safety and preserve the equal employment rights of each individual. Managers as well as employers who are not aware of today's employment laws could face possible legal recourse by employees.

State Employment Laws

State employment laws, for the most part, supplement the federal laws, reenforcing protection for employees. Although every state differs in its laws, state laws typically pertain to non-discriminatory employment practices, time off from work to vote, leave for jury duty, pregnancy and family medical leave, and protection for

"whistleblowers" (persons who report illegal practices within their company).

Common Law

Common law is determined by precedents set by court decisions and accepted as a bridge between statutory and constitutional law. (Black's Law Dictionary, 1991) Managers need to be cognizant of two such accepted common laws: "just cause" and "employment-at-will." With "just cause" the meaning is just as implied; i.e., there must be a just cause for actions taken in management decisions regarding hiring, disciplining, and discharging of employees. The "employment-at-will" practice, which means a person or employee that serves at the pleasure of the employer that hired him or her; has been limited by statute such that no longer can an employer discriminate, discipline, or fire an employee without a legal basis for his or her actions.

Individual Company Policy

The fourth type of employment law is individual company policy including conditions of employment by the individual employer. An example of condition of employment can be illustrated by the Jefferson County Sheriff's Department's condition that each officer being required to obtain at least 60 hours of college credit within the first three years of employment. Because this condition is expressed in written contract form at the point of hiring, no officer can

rightfully claim discrimination should the officer obtain college hours within the time limit and is thus discharged for "just cause."

Such conditions of employment are common in the business world; as well as in the criminal justice system. As long as said conditions are expressed in writing at the time of hiring (or expressed on the employment application) and are equally enforced among all employees, then said conditions are considered binding, unless challenged in court under one of the federal or state employment laws. It is within this context that the "employment-at-will" practice is still enforceable under law. The employee acknowledges, and consents to, certain stipulations of employment laid down by the employer. It is important to remember that such conditions; or stipulations; of employment must not conflict with any of the discrimination laws pertaining to the "protected classes."

Manager Liability

Managers or supervisors; need to be aware of the personal liability that may go along with the job. Usually, when the action taken is within company policy and sanctioned as such, then the company accepts full liability; however, in many cases the company and the individual supervisor can be jointly held responsible in legal suits. Chief Lance Carmouche of the Jefferson County Correctional Facility states, "In the criminal justice system it is

common for supervisors to be named along with departments in grievance suits, especially those involving employment discrimination or unfair disciplinary actions taken by a supervisor" (personal interview, 1995). This is another reason why managers and supervisors need to understand and follow legal employment practices when dealing with employees. It is not only the legal protection of the company which is at stake, but also that of the individual supervisor. When put this way, most managers and supervisors understand the theory of "self protection" and the ramifications of their actions when it directly concerns themselves and not just the company.

According to Rolando V. del Carmen in his book, Criminal Procedure: Law and Practice, "Plaintiffs generally use the "shotgun approach" in liability lawsuits. This means that plaintiffs will include as parties-defendant everyone who may have any possible connection with the case." There are seven basic areas of liability where a supervisor may be held accountable: "negligent failure to train, negligent failure to direct, negligent failure to supervise, negligent hiring, negligent retention, negligent assignment, and negligent entrustment." (del Carmen, 1991) These areas of liability can be directed to individual supervisors or to the company/agency as a whole.

Lawsuits Involving Criminal Justice Agencies

In August 1995, five white Houston Police Department

sergeants filed suit against the city claiming that they were denied higher positions solely on the basis of their race. These officers contend that the chief of police, Sam Nuchia, imposed an unwritten policy giving promotions and job preference to officers of minority groups (Port Arthur News, 1995). This lawsuit will cause Chief Nuchia to defend his internal policies regarding assignment and promotion policies. Considering that the officers are asking \$2.3 million in damages, this suit will be carefully watched by many cities and police agencies across the state.

The El Paso Municipal Police Officers Association was sued for sexual harassment and retaliation by female officer Sylvia DeAngelis in 1987. Officer DeAngelis brought her suit based on anonymous comments printed in the association's newsletter which were addressed toward her and female officers in general. The United States District Court for the Western District of Texas judged in favor of the officer; however, upon appeal, Circuit Judge Edith H. Jones reversed and rendered the lower court's decision. (5th circuit of appeals, case# 938700) Judge Jones found that although the material was tasteless, the jury verdict was not founded since the articles did not create a hostile working environment, alter conditions of employment, cause a breakdown of equal opportunity, nor constitute retaliation against an officer. Officer DeAngelis was supported by her superiors when she complained, she continued to receive

good performance ratings, and she even received a promotion while the articles were being printed. These factors gave sufficient proof that she was not the victim of sexual harassment, hostile working conditions, or employment inequality. The support and backing given to Officer DeAngelis by her supervisors dispelled any legal basis for liability on the part of the association. The First Amendment of the Constitution upheld the right of the association's newsletter for free speech, since it did not cause changes in the employment practices toward, nor the treatment of, female officers. This case is a prime example of how enlightened and properly trained supervisors can prevent working situations from becoming legal situations. Had the Police Chief and others in command not responded supportively to Officer DeAngelis' complaints, then the El Paso Police Department would have been co-defendants with the police officer's association.

In the case of Lesha K. Cuesta v. the Texas Department of Criminal Justice, et al. (5th circuit of appeals; case# 0987218; 1988), a parole caseworker brought Title VII action against a parole officer and the parole board, alleging that the parole officer has sexually harassed her to the point that she was forced to resign from her job. The case was tried without a jury and the court found that the Plaintiff, Cuesta, had adequately proven her contentions under law and therefore was entitled to a judgement against the

defendants. However, although the court found that Cuesta was the victim of sexual harassment, there was no evidence that the harassment caused sufficient duress to have forced her to resign. The court ruled that Cuesta had ample alternatives to remedy the situation other than quitting her job. For this reason, the Plaintiff was awarded attorney fees, a judgement ruling that Defendant Texas Board of Pardons and Paroles promptly removed the "no rehire" status on Cuesta's personnel file, and that if Cuesta should in the future be rehired to her former position, the co-defendant, Ronald Keith Van Dine, would refrain from further sexual harassment or from making any sexual overtures towards Cuesta. Because said sexual harassment was not sufficient cause for Cuesta's resigning her position, the court ruled against awarding back pay to the Defendant, but since she suffered undoubtable psychological harm because of the abuse, she was entitled to try and recover damages through a state law tort claim. For this reason, the court only awarded nominal damages in the amount of fifty dollars (\$50) to be paid Plaintiff by Defendants.

In this case, The Texas Board of Pardons and Parole were held accountable for the actions of an agent (employee), but because no formal complaint was made against Van Dine during Cuesta's employment, they were only nominally liable. The Board has a strong policy against sexual harassment which was supported wholly by upper

management. There was also an effective grievance policy which allowed several options for anyone wanting to file a complaint and be assured of a supportive response. Having capable and enlightened supervisors and an effective and supportive grievance policy does not ensure that victimized employees will turn to them for assistance. However, the fact that help is there is important to the employees who will take advantage of that help, and it does lighten the risk of liability when companies and agencies have followed legal criteria.

Management Technique and Due Process

Because of the many laws and regulations governing employment practices, many managers contend that it is nearly impossible to be in control of their workforce. Especially in law enforcement and the criminal justice system, there is a general feeling among supervisors that they have little discretion in the disciplining and management of their employees. This feeling of having a lack of control comes from a basic misunderstanding of management techniques and a lack of knowledge concerning employment laws. Due to this lack of knowledge, many managers think that they must "tiptoe" around members of the protected classes and that they cannot criticize bad work performance. This is erroneous thinking since employment laws only stipulate that employers must treat all employees on an equal and non-discriminatory basis. Employment laws

in no way prohibit an employer from maintaining an efficient and productive workforce. In fact, because these laws make it necessary that employers clearly define performance standards and relate these standards to their employees, it probably gives managers and supervisors more control over employee performance. (John Cascio, 1995)

Employee job performance can be managed successfully by using management techniques that are clearly defined, adhered to, and enforced under "due process" standards. "Due process," in the context of employment, refers to the process of maintaining discipline regarding job performance. There are six main aspects which comprise a good "due process" system (Council on Education in Management, 1994):

- Communication in the form of a regularly administered, written, job performance evaluation.
- Full investigation into performance or conduct deemed below an acceptable standard.
- Opportunity for employees to be heard before any action is taken.
- A disciplinary process which is graduated, affording a reasonable opportunity for improvement.
- Consistency in disciplinary actions taken.
- An appeals process before an unbiased reviewer or review board.

Documentations of Job Performance and Disciplinary Actions

A regularly-administered, written job performance evaluation is imperative in order for the employee to know what is expected and so that the employer will be able to furnish written documentation to verify job standards and expectations if needed. A job performance evaluation should be thorough but concise, clearly written and in no way

ambiguous. The ratings for such an evaluation should be designed so that there is no doubt on the part of the reviewer, nor the reviewed, as to what is meant by the rating. A proposed Performance Appraisal Report was prepared and written by this author for the Jefferson County Correctional Facility and is attached as a guideline for departmental performance reports.

Should a poor evaluation of performance or conduct be given an employee, it is essential that a full investigation of the circumstances surrounding the performance be conducted. The investigation should be not only thorough, but should also be written and documented. It is best that such investigations be performed by unbiased persons not directly involved with either the supervisor or the employee.

Every employee who has received a poor rating on a job performance evaluation should be allowed to have his or her say concerning the matter. Sometimes there are viable reasons for situations, and unless employees are allowed to voice their side, they may always feel that they have been unfairly critiqued.

Actions taken regarding discipline for infractions of policies should be stair-stepped in severity to coincide with the severity of the infraction or for the number of times the infraction has been committed and not corrected. This graduated form of penalties, when consistently

followed, will ensure a sense of security for the manager and the employee since both will know the consequences for poor performance and unacceptable behavior. When all parties are aware of the standards of performance and conduct, and of the penalties for the infraction of said standards, then fear of the unknown is replaced with assuredness.

As a last step in every disciplinary action, an unbiased review process should be in place. This gives the employee's performance one last opportunity to be unbiasedly evaluated before any disciplinary action is put into effect.

When setting up employment standards and policies, an overall view should be taken into account. Standards should never be arbitrarily set. Considerable time and research should be given to each policy and for the standard of job performance in every category. There should be no question as to what is expected from the employee. If suspension or dismissal should be required, it is imperative that documentation be available to prove the employee knew the expectations of the job required.

The accurate keeping of personnel files, fully documented from the date of employment, must be maintained on each employee. Such personnel files are the most important source of evidence in cases of poor performance, absenteeism, and disciplinary actions recommended and taken.

No one can remember accurately instances which may have taken place weeks, or even months ago, thus personnel files allow for the safe keeping of all evidence and documentation that must be provided for future reference. The ideal personnel file should be so complete that a person totally unfamiliar with the employee or the company could read the file and be able to determine an employee's work performance and attitude. All individual situations should be fully documented and supported by written reports from all participants. What may seem like a lot of unnecessary paperwork is, in fact, crucial evidence to support management decisions regarding disciplinary actions, suspensions, dismissals, and all other employment decisions. Regardless of how well a manager may be able to verbalize his complaints of an employee's job performance, if the complaints are not documented, then the employee cannot be held accountable and any disciplinary action cannot be justified. Of course, if disciplinary action is required on a first offense situation, then there will be no back-up documentation to refer to. A singular incident of blatant negligence or other such severe infraction of work performance does not require file documenting to support suspension or dismissal. There are good causes for immediate dismissal, and these are usually pointed out on employee appraisal reports. Usually, disciplinary actions are carried out by degrees.

When employees consistently perform poorly in their position, then several progressive steps are taken before termination of employment. While those steps vary from employer to employer, most employers include the following progression:

- a behavior and work performance appraisal which puts the employee on notice that there is a problem in a particular area or in several areas.
- a reappraisal, usually within six weeks to three months, depending on how poorly the employee rated.
- written notice that disciplinary action, suspension, or dismissal will result if the problem is not corrected.
- disciplinary action taken or suspension without pay.
- termination of employment.

There is no set guideline for progressive employment discipline, but all steps should be outlined at the time of employment, and all subsequent occurrences must be fully documented and evidenced.

Performance appraisals should indicate the strong points of an employee, as well as the weaknesses. There may be managerial or supervisory turnover, and employees who only have weaknesses and faults documented in their file are falsely presented to new managers or supervisors. Also, when employees see that their good points are recognized, then they are more apt to be open to criticism for their weak points and will more readily attempt to correct them. A managerial technique seldom used is the one utilizing praise and encouragement where merited. Those points where the employee rates high in proficiency should be as much a

part of an employee's file as the areas where problems exist. Most criminal justice system agencies are adamant about detailed records being kept; however, proper documentation, especially regarding personnel files, includes more than just incident reports. Criminal justice supervisors should be encouraged to include more than just the disciplinary situations in their employees' personnel files.

The periodic performance appraisal also affords an opportunity for each employee to sit down with a manager or supervisor and communicate on a one-to-one basis. It is important that an employee feel comfortable in discussing work problems or concerns with his or her supervisor. One of the main causes of stress in the workplace for employees is the feeling that management does not listen to or understand the problems of the work force. (Jeff Theriot, 1995) When communications are not kept open, then misunderstandings and frustrations begin to breed. When communications are not clearly and concisely given, then job performance will suffer because the employee is not certain of what is expected. However, when lines of communications are open and the employee feels comfortable discussing procedures and policy standards, then the employee becomes motivated to excel.

In criminal justice system agencies it is even more important that the employees feel that the managers and

supervisors are willing to back and support them. It is essential that the field work force see management as being behind them. Law enforcement is one of the few work places where even the newest recruit is expected to be able to make quick decisions on his or her own without waiting for a supervisor to direct that recruit. In a way, every officer in the field is a manager, using his or her own discretion when dealing with people and situations. If field employees are used to having the responsibility of being on their own in difficult situations, it is of utmost importance that they feel that their supervisors will support them both fairly and justly. Supervising supervisors requires a "united front" and a talent for keeping the subordinate from feeling defensive.

Supervision of and by Women in the Criminal Justice Field

With the increasing number of females joining criminal justice agencies, special note should be made regarding the supervision of women, and supervision by women. Women seek secure employment for the same reasons that men do. They require the same salaries and benefits to support themselves and their families and are entitled to such under law. At one time, women were paid substantially less than men because it was felt that they worked more for personal reasons than out of necessity. (Vonette McBride, 1995) There are few families that can survive on one income, and there are more and more women who are the sole support for

their families. For these reasons, women join the workforce seeking careers that offer security for the present and the future. They are entitled to equal pay and equal opportunity for advancement. If women are treated as though they must prove themselves beyond their male counterparts, then they will have problems in their job performance. Anyone who feels that he or she must perform at a higher standard than others becomes resentful and often demanding of their cohorts. When they do enter positions of supervision they are sometimes authoritarians who still believe that they must function at a higher level of performance than others. Women are in the workforce to stay, and the enlightened supervisor not only understands that women must be given the same legal opportunities and considerations; but is also aware that many of the women being supervised will one day be supervisors themselves. No one; who professes to be knowledgeable regarding women in the workplace, would ever go so far as to advocate that women and men are exactly the same. The truth is that many women may possess more supervisory qualities than do men. Women may be more sensitive to individual problems, more understanding, and less critical of individuals. They are more detail-oriented and more tactful. They take greater pride in a job well done and appreciate words of encouragement and praise more deeply. At the same time, they are more sensitive to criticism than their male

counterparts and tend to see criticism of their job performance as a personal attack. Women can be as "tough" as men when it comes to making decisions; and are less prone to make snap decisions. Women are generally more organized and possess better written and oral communication skills. For these reasons; and more, women are being elevated to positions of supervision. (Vonette McBride, 1995)

Sexual Harassment

With more women in the workforce, the problem of sexual harassment has come to the forefront in the last couple of decades. However, it is not only women who experience sexual harassment. "The Merit System Protection Board (MSPB) surveyed 23,000 federal employees in 1980: 40% of the women and 15% of the men experienced sexual harassment in the 24 months prior to the survey." (American Correctional Association, 1984). According to Title VII of the Civil Rights Act of 1964, sexual harassment is a form of sexual discrimination and is a major concern of the EEOC. Supervisors must be aware of the sensitivity of this problem and must make themselves aware of the many nuances it may take. When discussing sexual harassment, most people think of the supervisor harassing a subordinate: however, it also takes place between co-workers. Law enforcement has been one place where harassment between co-workers has been prevalent. At one time, the only women in law enforcement were jail matrons and support staff. When women began

filling the same positions as men they were greeted with distrust in their physical and technical abilities. Men were not ready to accept that what women might lack in physical strength they made up for in their capabilities in instinct, technical knowledge, and procedural skills.

Sexual harassment was a large problem for women who ventured into the male-dominated world of law enforcement. However, as women persisted in their dedication and efficiency for their jobs, they began to be accepted on equal footing with their male counterparts. They were no longer the butt of locker room pranks and verbal abuse. It quickly became apparent that women were in the workforce to stay and that sexual harassment would carry heavy penalties for the harasser and for the company that allowed harassment to take place; or did not provide adequate facilities to accommodate both male and female employees. However, just because most agencies are aware of the legal ramifications regarding discrimination and sexual harassment; does not mean that it does not occur anymore. One only has to read the daily papers to see that discrimination and harassment cases are still a part of law enforcement. The latest such scandal has come from the elite Texas Rangers, which only recently accepted women into their ranks. It is a case which promises to be an interesting test of the discrimination and sexual harassment laws since this would be a first ever female Texas Ranger.

It is a fallacy to believe that for sexual harassment to take place a proposition or sexual advancement must be made. Sexual harassment can be situations where risque or off-colored jokes are told in the office in the presence of someone who overhears them and is offended by such. Sexual harassment can also include the displaying of offensive pictures in an area where they are viewed by persons who are offended by their nature and content.

Every accusation; or complaint; of sexual harassment should be handled promptly and thoroughly. To do otherwise would constitute complacency or cover-up on the part of the supervisor. To ignore such complaints, or to let them "ride," indicates condoning such behavior. A speedy and thorough investigation, followed by written documentation, is mandatory to show concern and intolerance of such activity. If such accusations are discovered founded, then immediate disciplinary action must be taken.

Because immediate supervisors are sometimes the source of sexual harassment towards a subordinate, it is most important that policy permit "jumping" the line of command. One cannot expect that if the supervisor is the instigator of the harassment, that the subordinate will feel free to go to that supervisor to report the abuse. Such cases of sexual harassment can result in the perpetrator, the immediate supervisor, and the agency being held liable in a civil suit.

Managerial Techniques

Managerial techniques range from leadership ability to being able to keep properly documented employee files. Because Criminal justice agencies usually promote by the use of written and oral exams, the system often becomes staffed with supervisors who are extremely knowledgeable in procedure but lacking in managerial technique. While qualities of a good supervisor vary with the individual position, in the Criminal justice system there are some managerial techniques which are very important:

- an exacting knowledge of agency procedure and policies, as well as, a working knowledge of legal boundaries in all areas pertaining to the agency including employment laws.
- the knowledge of, and the ability to put into practice, good people skills, such as sincerity, genuine warmth, ability to motivate, ability to praise and criticize properly, leadership, integrity, patience, enthusiasm, courtesy, verbal and written communication skills, humility, and intelligence.
- mediation skills
- ability to give direct and concise commands and instructions.
- decision-making skills.
- ability to instill the trust and respect of subordinates. (John Cascio, 1995)

Successful managerial technique includes the ability to implement all of the above qualities with effectiveness, but without "over supervising subordinates." "Oversupervision is perhaps the most common failing of inexperienced supervisors" (Iannone, 1980). The inability to delegate authority and tasks is an unmistakable indication of either a lack of confidence in subordinates or a lack of confidence

in subordinates or a lack of confidence on the part of managers to be able to relinquish any of their supervisory decision prerogatives. A supervisor who does everything him/herself destroys the morale and initiative of subordinates. Employees do not want to have their job done for them, nor do they want to have anyone looking over their shoulder when they are trying to do their job. Employees who are capable of doing their job, should be allowed to do it without a supervisor at their elbow watching their every move, or even worse, telling them how to make every move. Retired Inspector N. F. Iannone of the Los Angeles Police Department calls oversupervision "snoopervision," saying that it "causes loss of respect for the supervisor, creates suspicions in the minds of employees, fosters rumors, and arouses resentment" (Iannone, 1980, page 58). On the other hand, the effective manager knows how much supervision each employee requires and once giving an employee a direction, allows that employee to carry out an complete the task required.

Delegating power to subordinates is an effective essential tool of management. Within law enforcement agencies, because of the unique position of line officers being a type of "pseudo-manager," such as officer Harry Williams of the Jefferson County Sheriff's Department, it is imperative that every officer be capable of making quick and

competent decisions. The inability to make decisions or to make good decisions can be disastrous for the individual officer, the agency, or the community. Managers in criminal justice agencies must possess confidence in their subordinates' decision-making abilities and in their ability to carry out those decisions.

Supervisors must be able to foresee the training needs of their personnel. Knowing when training is needed is another essential management tool. However, training is not always the appropriate means required for some personnel problems. Just because some employees do not function well in their position, consistently make small mistakes, or seem unsure of themselves, does not mean that they are necessarily in need of additional training or reprimands. Before making that assumption, a good manager should take a careful look to see if any of the following might be the reason for the employee's problem, since "training will have effect when any of these conditions exist:

- Poor supervision.
- Incomplete or inadequate instructions, information, or directives.
- Lack of proper tools, materials, or equipment.
- Poor working conditions.
- Inadequate staffing.
- Conflicting instructions..." (Illman, 1980)

There is no training that can overcome the problems causing an employee by any of these situations. Managers must first evaluate whether a work situation is causing the

employee's poor performance before assuming that the employee is totally at fault. When an employee has been given poor or conflicting instructions, is working under less than adequate conditions, or is having to work extra long hours or on a shift that is not sufficiently manned, then the quality of the employee's work is bound to falter. Managers must be cautious to avoid placing the blame of poor work performance on an employee when circumstances beyond the control of the employee may be at fault. In such cases, putting derogatory assessments in an employee's file; and failing to acknowledge the circumstances under which an employee is being expected to function; can cause long-range morale and disciplinary problems. Adding more stress to an already stressful situation can sometimes be explosive.

To be an effective manager, one must be able to assess a situation from all angles and be open to previously unknown causes of friction or stress upon one's employee's. Knowing the difference between an employee's personal problems and work-related problems is imperative for managers who want to keep good employee's working. Giving reprimands or placing an employee under disciplinary action when the cause of the problem is actually more the fault of management rather than the employee; is a fast means of producing a revolt. The important message here is that many times a poor work performance has causes other than employees themselves. Listening; is an essential skill for

every good manager. Communication with employees is a two-way street that must be kept open at all times.

Impartiality in dealing with employees is an essential managerial ability; however, many times it is an ideal which is hard to achieve. It is true with most work places, but especially true in law enforcement, that supervisors are brought up from the ranks. When promotions are made from the rank and file, those moving into management or supervisory positions enter their new status carrying old relationships and alliances, sometimes making impartiality almost impossible. However, if new supervisors are trained to cope with this likely situation, it relieves a lot of stress which comes with just the anticipation of the problem. Learning to supervise old comrades is one of the hardest jobs a new manager must learn. Whereas no one would try to suggest that old friendships should be served when one reaches supervisory level, it is imperative that there be a definite line drawn over which subordinates, and friendships should not obstruct that impartiality. Good managers know how to talk to their employees. Knowing how to talk to, and with, subordinates gives managers an advantage of tapping into a storehouse of valuable knowledge. When subordinates feel free to speak openly with managers, then an exchange of ideas can be transmitted between management and the work force. How information is exchanged is one of the more important abilities of a

manager. According to Oakley and Krug, telling subordinates what to do and how to do it tends to cause resistance on the part of the subordinate. "The ideas people will support most are the ones they come up with themselves...Asking people for their input encourages both creativity and buy-in." (1991, Page 124-128)

In-service training is to be encouraged for all supervisors and managers. However, unless the managerial techniques which are taught are actually put to use, there really is no productive purpose derived from the cost and time used to provide the training. Managers must be encouraged to use what they are taught, and periodic evaluations should be made on whether managers are attempting to put to use the techniques being taught them. There is no place for "know-it-all" supervisors in agencies which pride themselves on being innovative and up-to-date. Actually, there is no place for a "know-it-all" at any level of an organization. Management technique which consists only of "that's the way it is because I said so," is the most ineffective technique which can be used. Rapport between all levels of an organization should be founded on respect, not bullying. Too many times managers are eager to attend in-service training; but resist practicing what is taught.

Promotion In The System

As mentioned before, promotion in the criminal justice

system varies between two major methods: i.e. the testing method and the merit method. Both methods have their advantages and their disadvantages. Proponents of the testing method argue that this method assures that the most knowledgeable and capable persons will rise in rank. A written test covering pertinent areas of knowledge required for the position is given first. After the written test, an oral exam conducted by a panel of judges is given to evaluate verbal and composure skills. Scores are posted for public viewing, and the final selection is usually at the discretion of the top rank, i.e. the sheriff, chief, of police, etc., providing the selection comes from the highest scores made on the exams. The disadvantages of this method is that persons may score high on the test but may lack the necessary leadership abilities, or persons who have proven their capabilities on the job may not score well on tests. There are some who feel that promoting based solely on testing does not allow for the advancement of persons who excel in "untestable" areas and abilities.

An alternative method is the merit method of promotion. This method of promotion is based on a employees positive accomplishments and job performance. Supporters of this method contend that promotions should always be based on merit as displayed by experience and ability, regardless of whether they are the top scorers on a given test. Critics contend that the merit method of promotions can too easily

be abused by "the good old boy system" and is therefore not an impartial means of selection. It also does not provide a means of insuring that those promoted have sufficient technical knowledge to handle the job.

There is probably no system for promotions that would please everyone, or that is free of fallacy; however, there are other methods that should be considered. One method for possible consideration is one that contains elements from both the oral testing and the merit methods. This method would involve an interview board comprised of three to five officers brought in from a different department or agency. For example, if the sheriff's department is interviewing for promotions, then three to five ranking officers from Harris or Orange County be brought in to sit on the interview board. The board should also contain two officers from the promoting agency which are at least one level of rank above that which is being interviewed for; i.e. if the sheriff's department is interviewing for the rank of sergeant, then the board would contain two sheriff's department lieutenants or higher rank.

The interviewing board would interview officers applying for promotion under the following criteria:

1. Must have at least 18 months service in their present position/rank.
2. Must pass a written exam which covers the technical knowledge required for the position.
3. Must not be under any disciplinary sanctions, nor be on probation.
4. Must not have sick days taken in excess of a

- predetermined number.
5. Must be recommended by at least one superior officer.

After interviewing all qualified applicants, the board would submit up to three names to a selection board for a final determination. The selection board would be comprised of the sheriff, or the sheriff and the deputy chiefs.

This method may not be a perfect solution to the problem of promoting fairly, but it does give a suggestion of trying to balance technical knowledge, skills, experience, and merit.

Conclusion

A successful manager/supervisor in today's criminal justice system requires an individual of varied abilities. Such an individual must have legal knowledge, be a thorough documentarian, be able to judge and motivate subordinates while utilizing skills in listening, communicating, diplomacy, and conflict resolution, and be able to organize and carry-out all phases of an operation. It sounds a little like "super manager," but all areas of management are important to the efficiency and productivity of any organization or agency.

The criminal justice system is constantly changing; laws change, correctional methods change, political attitudes change. Therefore, flexibility is a managerial ability of the utmost importance. A supervisor must be able to adapt to the needs of the present situation; and also be

able to motivate and train subordinates to adjust to those needs. It is no longer enough for a supervisor to have moved through the ranks relying only on past experience. Past experience will not be enough if the old methods, laws, and attitudes have drastically changed. Experience only pays off when it can be used to help the manager find his or her way through new situations.

Today's criminal justice employees are more educated and well trained than any in past history. Many agencies have made it their policy to have educational requirements that include anywhere from a minimum number of college hours to an associates or baccalaureate degree. These college hours are in addition to the required Academy hours which must be obtained. Many agencies have a minimum number of hours which must be obtained yearly through in-service training. All of these educational requirements have resulted in criminal justice system employees having the type of knowledge that tends to broaden the employment options and heighten their awareness of their job duties.

The "good old boy" and rigid written testing methods of promotion are no longer good measurements of leadership ability when communication, conflict resolution, legal knowledge, and superior managerial techniques are required for criminal justice supervisors. Positions of rank must be based on careful and unbiased selection.

Criminal justice supervisors must maintain an attitude

of flexibility and openness to new ideas and techniques if they are to function effectively in their demanding and stressful positions.

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Chief John Cascio
Chief Lance Carmouche

J.C.C.F.
PERFORMANCE APPRAISAL REPORT

<u>EMPLOYEE NAME</u>	(LAST)	(FIRST)	(INITIAL)
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ID RANK OR TITLE

RATING PERIOD	ASSIGNMENT(S)
FROM:	TO:

Employees will be rated in the following categories:

Dependability: The exhibited ability to meet the obligation or requirements necessary to the successful performance of the job assignment.

Initiative: The exhibited desire to improve knowledge, skills, abilities, carry out assignments, and personal characteristics necessary to job assignments.

Judgement & Decision Making: The exhibited competence and capability to reach a reasonable decision and apply the decision in an acceptable manner performance of the job assignments.

Appearance & Demeanor: The exhibited ability to meet acceptable community and Department standards of personal grooming and conduct.

Interpersonal Skills: The exhibited competence and capability to interact with other persons effectively at an acceptable level, necessary to the successful performance of job assignments.

Personal Motivation: The exhibited ability and willingness to contribute toward high morale, productivity, adaptability to necessary change, necessary to the successful performance of job assignments.

Communication Skills: The exhibited competence and ability to verbalize thoughts, phone and/or radio communication, and written communication.

Job Proficiency: The exhibited ability to apply the appropriate knowledge or skill to successfully accomplish the tasks necessary to satisfactory performance of the job assignment.

The employee will receive a rating score which is based on the following:

5	Exceeds Expectations
4	Meets Expectations
3	Needs Improvement
2	Probational
1	Unacceptable

If employee receives even one score of either a 2 or 1, the employee will automatically be place on probation. Probation will last to a minimum of six weeks, at which time, the employee will be reviewed again in the category or categories where they received the low rating.

A. Dependability

1 2 3 4 5

- | | |
|---|-------|
| 1) Punctuality | _____ |
| 2) Use of sick/injury time | _____ |
| 3) Works in assigned areas | _____ |
| 4) Follows thou on assignments in timely manner | _____ |
| 5) Accepts responsibility | _____ |
| 6) Keeps supervisors informed | _____ |
| 7) Ability to follow instructions | _____ |
| 8) Accountable | _____ |
| 9) Dependable with peers | _____ |

COMMENTS: _____

B. Initiative

1 2 3 4 5

- | | |
|---|-------|
| 1) Begins/seeks out work without supervisor | _____ |
| 2) Recommends, develops & utilizes methods for work improvement | _____ |
| 3) Strives toward self-improvement | _____ |
| 4) Volunteers for extra assignments | _____ |
| 5) Assists fellow employees without being asked | _____ |
| 6) Works without close supervision | _____ |

COMMENTS: _____

C. Interpersonal Skills

1 2 3 4 5

- 1) Ability to work with others
- 2) Ability to control bias/prejudice
- 3) Ability to control emotions, reactions to criticism, verbal abuse and stress
- 4) Follows chain of command
- 5) Accepts responsibility without passing blame
- 6) Shares recognition for work done jointly
- 7) Effectively exchanges work information

COMMENTS: _____

D. Personal Motivation

1 2 3 4 5

- 1) Adaptability toward procedures, programs, assignments, special assignments
- 2) Expressed enthusiasm for work assignment, environment, personnel, management
- 3) Behavior is conducive to high morale
- 4) Responds positively to constructive criticism
- 5) Receptive to supervision
- 6) Work area neat/organized

COMMENTS: _____

E. Appearance/Demeanor

1 2 3 4 5

- 1) Maintains appropriate uniform/dress
- 2) Projects professional image
- 3) Alert and professional in dealing with public
- 4) Personal hygiene
- 5) Displays self confidence
- 6) Conduct reflects favorably on Department

COMMENTS: _____

F. Judgement/Decision Making

1 2 3 4 5

- 1) Makes sound logical decisions
- 2) Makes timely decisions
- 3) Ability to prioritize tasks
- 4) Ability to identify problems
- 5) Decisions conform to Department policy, state law, etc.

F. Judgement/Decision Making - Continued

1 2 3 4 5

- 6) Ability to determine appropriate action _____
- 7) Use of discretion & flexibility when carrying out job tasks _____
- 8) Recognizes need for supervisory intervention _____
- 9) Ethics used in decision making _____
- 10) Applies decisions without supervision _____

COMMENTS: _____

G. Communication Skills

1 2 3 4 5

- 1) Speaks clearly _____
- 2) Listening and comprehension _____
- 3) Written reports are grammatically correct with correct spelling _____
- 4) Written reports are neat and legible _____
- 5) Written reports are thorough/accurate _____
- 6) Effective use of police radio/telephone _____
- 7) Authoritative manner _____
- 8) Communicates effectively with people of diverse backgrounds _____
- 9) Ability to reduce tension _____

COMMENTS: _____

H. Job Proficiency (Non-Supervisory)

1 2 3 4 5

- 1) a. Interacts on professional level w/inmates _____
b. Obtains useful information from interviews _____
- 2) Has knowledge of the safe and proper use of departmental equipment _____
- 3) Has knowledge and application of all written directives _____
- 4) Develops and adequately utilizes sources of information _____
- 5) Productivity level _____
- 6) Accuracy of work _____
- 7) Application of job knowledge & experience _____
- 8) Community relations _____

COMMENTS: _____

SUPERVISORY COMMENTS:

EMPLOYEE COMMENTS:

Rating Supervisor's
Signature: _____

Date: _____

Employee's
Signature: _____

Date: _____

Department Head's
Signature: _____

Date: _____

MBO

Area to Be Corrected: _____

Actions Taken: _____

Area To Be Corrected: _____

Actions Taken: _____

Area To Be Corrected: _____

Actions Taken: _____

I _____ FULLY UNDERSTAND THAT I WILL
RECEIVE ANOTHER EVALUATION IN A MINIMUM OF SIX WEEKS TO DETERMINE
MY DISPOSITION.

OFFICER'S
SIGNATURE: _____

RANK: _____

DATE: _____

RATER'S
SIGNATURE: _____

RANK: _____

DATE: _____