

The Bill Blackwood
Law Enforcement Management Institute of Texas

Are Supervisors Effectively Trained to Meet the Current Demands
of the Modern Philosophy of Law Enforcement?

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

By
D.S. Hoffman

University of Houston-Clear Lake Police Department
Houston, Texas
July 2003

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Abstract

Increased training has been mandated to assist police officers in acquiring a higher degree of knowledge. The current philosophy of Law Enforcement, Community Oriented Policing, requires that Law Enforcement Officers be trained to meet the demands of society. Yet, a problem may exist in comparison to the level of supervisor responsibility to that of supervisory training. Therefore, it is questionable whether supervisors receive sufficient preparation in the field of supervisory training, particularly management skills, compared to the level of supervisory accountability.

The expectations of supervisors under the current Community Oriented Policing philosophy are extensive. The continuing changes in society increase expectations of supervisors. These expectations are also clarified consistently by court rulings, which supervisors are held responsible for understanding. The question at hand is whether law enforcement supervisors currently receive effective supervisory training to meet the present law enforcement philosophy. Through a questionnaire distributed to a variety of police departments, data collected indicates that supervisors do not receive effective supervisory training to meet contemporary law enforcement standards and expectations.

Introduction

It has been a growing concern that police officers should be required to have a higher level of education through continued training. Increased training has been mandated to assist police officers in acquiring a higher degree of knowledge. Aristotle said, "We are what we repeatedly do, excellence then, is not an act, but a Habit"(Covey, 1989, p. 46). A habit, whether good or bad, is a learned behavior acquired through repetition. Steve Covey, author of *The 7 Habits of Highly Effective People*, defines habit as "consistent unconscious patterns... of the intersection of knowledge, skill, and desire" (Covey, 1989, p. 46-47). Logic says that the level of these three characteristics will determine the quality of effectiveness.

The current philosophy of Law Enforcement requires that Law Enforcement Officers be trained to meet the demands of society. Yet, a problem may exist in comparison to the level of supervisor accountability to that of supervisory training. It is questionable whether supervisors receive sufficient preparation in the field of supervisory/management training as it relates to supervisory accountability. Black's Law Dictionary defines "accountability" as the state of being responsible or answerable - see also *liability* (pg.19).

Supervisors are held accountable not only for their own actions but also the actions of their subordinates. They are held accountable for the officers' skills or lack of skills, and the public's expectations of the officers' behavior and their abilities to meet the community's needs. The supervisor is also held accountable for the officers' ability to meet the basic performance requirements of the department. Furthermore, the courts may hold the supervisor accountable for the subordinates' behavior when they fail to meet the courts outlined expectations. Hence, the question must be examined whether supervisors currently receive effective supervisory training to meet the present law enforcement philosophy.

The methods of research used to analyze this inquiry will consist of an examination of literary data in areas of supervisory responsibilities. This information will be compared to surveyed data obtained in reference to departmental supervisory training and education taken from a selection of different sized police departments. In addition, analysis of recommendations from additional entities will also be taken into account. The intended outcome is to support the need for annual supervisory training in order to meet the expectations of a progressive law enforcement profession.

The implications of this research to law enforcement may indicate that the current structure of management is outdated

and ineffective, thus, not meeting the current expectations of the modern leadership style.

Review of literature

The current philosophy of law enforcement is at least two decades strong in Community Oriented Policing. John Mathews (1995), author of *Community Policing: Implementing the Philosophy* states that community policing requires both a philosophical shift in the way that police departments think about their mission, as well as a commitment to the structural changes this new form of policing demands. Among the fundamentals of Community Oriented Policing is education. A strong emphasis is placed on the importance of educating the community in order to build the necessary level of trust needed to succeed at the goal. Not only are supervisors held accountable for participating in this community educational process but they are also responsible for promoting the education of their subordinates "and help facilitate this organization metamorphosis while at the same time insuring that all basic police services are being rendered and all of the voluminous policies and procedures are being adhered to by the officers" (Mathews, p.62). Therefore, supervisors must be first and foremost leaders; "they must possess the skills to move people in a positive direction, even when the path is

uncomfortable or unknown. Not to embrace these skills is to risk less than satisfactory results" (Humphrey, p.4).

The expectations of supervisors under the current Community Oriented Policing Philosophy are extensive. Management functions consist of planning, organizing, staffing, leading, and controlling as discussed in *Management Skills and Applications* by Leslie W. Rue and Lloyd L. Byars (p.6). Decision making and problem solving are just a beginning of a long list of required skills needed for a successful supervisor. Mathews stated that Community Oriented Policing promotes creativity in problem solving by officers - supervisors should encourage creative problem solving ideas among their officers. New and innovative approaches to problems may result in better resolution methods or procedures (Mathews, p.63). In order for supervisors to guide their staff in a positive direction, supervisors must understand the concept of problem solving. Problem solving is "the process of determining the appropriate responses or actions necessary to alleviate a problem. It necessarily involves decision making since all problems can be attacked in numerous ways and the problem solver must decide which way is best" (Rue & Byars, p.62). However, this is just one of many of the needed skills for an effective supervisor.

Many more skills also contribute to a supervisor's success. Experience, education, and training are just a few of the

obvious. To be successful, a supervisor must be adept at learning from work experience. Yet, that is not enough. Calhoun Wick and Lu Leon state in *The Learning Edge* that no one enters management ranks with all the skills and knowledge needed to succeed (p.4). The rate at which we learn is what separates the high achievers from those struggling in the rear. Through learning we extend our capacity to create (p.7). Therefore, learning is a continuous process and should always take priority if success is the objective. To be successful, a supervisor's growth must be better than his peers (Wick; Leon, 1993).

Defining the necessary skills of a supervisor is not a new concept. The continuing changes in society increase expectations of supervisors. Furthermore, "one of the most important things to understand is that the process of supervision, dealing as it does with human beings and their relationships, is subject to all the changes in behavior patterns that occur in the society itself"(Brock & Rankin, p.5). Therefore, departments have an obligation to develop and train their employees to their maximum potential in order to meet the expectations of society. The Institute for Training in Municipal Administration wrote the following in August of 1958: "calling for talent and training, the supervisor's role is one for which little municipal training has been offered... yet, the supervisor is in a unique position to exert positive influence

on the production and morale of his work crew. If the group is to perform well the supervisor must demonstrate the ability to motivate the members individually and collectively" (Brock; Rankin, vii). Although written in 1958, the indication for the need of effectively trained supervisors is obviously not a new idea. Recommendations to improve the necessary skills for an effective leader and supervisor continue to increase.

Supervision must be practiced on a solid foundation of knowledge with mastery of a wide variety of skills. It also requires the ability to adapt to the ever-changing requirements of modern management (*International City Manager*, 1984 p.1). Due to society's increased expectations of today's supervisors, the twenty-first century supervisor must have a greater knowledge about a wider variety of issues than past supervisors (Humphrey, 2000). This need for greater knowledge will continually strengthen the need for properly trained supervisors in order to prepare them to meet the challenges of tomorrow.

The need for consistent training is reinforced with the fact that peace officers' accountability is often outlined through court rulings and opinions. Rules are created and clarified everyday. Without steady training in this area the supervisor, department, and community can be left vulnerable to the imposition of civil liability. Many administrators believe that because law enforcement officers fall under official

immunity they are protected as government employees from liability through sovereign immunity. However, if supervisors are not properly prepared, they can fail to meet the necessary requirements.

Official immunity is an affirmative defense that protects government employees from personal liability. Immunity is recognized as a privilege, an act that has been committed, but provides a defense to liability because of the defendant's status (Kionka, pg 391). However, required elements such as proving the act was discretionary and in good faith must be shown to establish official immunity.

Courts rule on matters such as vehicle pursuits and use of force that outline liability issues making it necessary for supervisors to understand the definitions and requirements that are defined by the courts. Understanding the tests used to meet the required elements that establish official immunity is a necessity for supervisors to avoid liability issues for themselves, their subordinates, and the communities, which have entrusted them with public faith.

Case law clarifies expectations in everyday law enforcement issues. They establish requirements that must be met in many pre-determined tests. In *Tex Dep't of Pub. Safety v. Cordes*, 85 S.W.3d 342 (2002 Tex. App) a motorist filed negligence action against the Department of Public Safety when a trooper, in route

to an accident, collided with the motorist, and the motorist suffered injuries. The courts outlined that it must be determined whether the act, a pursuit, was discretionary. The courts define discretionary stating that if an action involves personal deliberation, decision, and judgment then it is discretionary. Actions that require obedience to orders or the performance of a duty to which the actor has no choice are ministerial *Id. citing City of Lancaster v. Chambers*, 883 S.W.2d 650 (Tex. 1994). Ministerial acts are those where the law prescribes and defines the duties to be performed with such precision and certainty as to leave nothing to the exercise of discretion or judgment but where the act to be done invalidates the exercise of discretion or judgment *Id.* The courts then had to determine if the act was performed in good faith, the second prong to its test. Citing *Chambers*, they stated good faith is established when determined that a reasonable and prudent officer, under the same or similar circumstances would have believed that the need to immediately apprehend the suspect outweighed a clear risk of harm to the public in continuing the pursuit (*656). However, to meet this second prong, the nonmovant must do more than show that a reasonably prudent officer could have decided to stop the pursuit. Furthermore, the courts summarized the general considerations for determining whether an officer has acted in good faith: "the seriousness of

the crime or accident to which the officer responds, whether the officer's immediate presence is necessary to apprehend a suspect or to prevent injury or loss of life, and what alternative courses of action, if any are available to achieve a comparable result. Balancing risk and need must be done in light of the particular circumstances of each case" *Supra, DPS v. Cordes*. In *Cordes*, the courts ruled that DPS failed to establish the requirements since the trooper's statement could clarify that if the trooper would have "waited just a second more" then he probably would have seen the other vehicle and not attempted to turn and would have avoided striking a vehicle. *Id.*

Another liability issue is discussed in *Clement v. Plano*, S.W.3d 544 (Dallas, Tex. App. 2000) *no pet*, a use of force case, which was filed by the parents of the deceased involving a Plano, Texas police officer and the officer's chief of police. Officer Nunns was answering a 911 call at a mental health retardation center and shot and killed a 15 year old mentally retarded autistic boy who lunged at the officer with a knife. The Chief of police wrote an affidavit in reference to the incident and assessed the need for the officer to defend himself from the actor. Yet, the courts held that the affidavit did not assess the risk of the actor's actions to the officer. Nor did the chief's affidavit state facts showing the nature and severity of the harm that the officer's actions could cause, the

likelihood any harm would occur, and whether any risk of harm would be clear to a reasonably prudent officer. *Id.* The courts ruled that the affidavit stated legal conclusions rather than facts on the issue of good faith and did not support the required elements. In the courts conclusion it was determined that no summary judgment evidence established good faith as a matter of law *Id.* A summary judgment allows any party to file a motion for judgment in their favor on a claim, counter-claim, or cross claim without having a trial.

Supervisors are held accountable for the knowledge pertaining to the fact that they can be liable not only as a Public Official, but also as a private person. Texas Law Enforcement Management and Administrative Statistics Program reports that supervisors can be sued as private persons if the agency cannot be held liable because of protection given by state laws; if the agency is protected from liability by sovereign immunity, and if what happened was solely the fault of the supervisor and cannot possibly be blamed on the agency (TELEMASP Bulletin, 2002). Supervisors are held accountable not only for their own actions, but for the actions of their subordinates in the eyes of the community. They are expected to mold and mentor their subordinates into efficient and effective high performance professionals in order to meet the needs of the public. Therefore, it is imperative that supervisors receive

proper training that includes current court rulings to protect not only the supervisor from liability but also the department and ultimately the community.

In an attempt to meet the social demands expected of the law enforcement officer, Doctor Craig Campbell completed a career development study on the professionalism of Texas Peace Officers in 1997 on behalf of TCLEOSE (Executive Summary, 1997). The study was developed to understand the career development activities and their impact on Texas peace officers. Although Doctor Campbell recommended further research to establish an effective instrument to assess the professionalism of members of an occupational group such as peace officers, he also recommended policy changes. One the policy changes that he recommended was the amount of college education that should be required for entry into the law enforcement profession. He stated that the standard should be a bachelor's degree and suggested that the effective date for a statewide mandate should be the year 2004 (Campbell, 1997). Campbell's research summarizes Stephen Mathews stating that education without training is empty; training without education is blind. He also suggests that agencies should immediately adopt standards for promotion that require the attainment of certain levels of college and recommends that Sergeants should be required to have 60-hours of mandatory continuing education per year matching

their career specialization. However, Doctor Campbell's executive summary was met with great resistance from law enforcement administrators.

Methodology

The question at hand is whether law enforcement supervisors currently receive effective supervisory training to meet the present law enforcement philosophy. It is believed that research will show that first-line supervisors do not receive effective supervisory training to meet the present law enforcement principles for which they are held accountable. The support for this conclusion will come from a survey taken from a variety of police departments. Line officers, supervisors, and chiefs answered a survey on behalf of their department. Departments that participated are located throughout the State of Texas ranging in the number of commissioned officers from 3 to 5,600. A survey was issued to classmates of the Law Enforcement Management Institute of Texas (LEMIT), emailed to administrators, and across the Texas/New Mexico Section of the International Association of Campus Law Enforcement Administrators list-serve. A total of 55 participants returned the survey. However, five survey responses were not used due to compromised replies. Therefore, the total survey population used was 50. The survey identifies the agency of the responder

along with the size of the agency. A "yes" or "no" answer questionnaire was used consisting of 11 questions pertaining to required education at the time of hiring, promotion, and additional training(See Appendix). Analysis was conducted through data comparison in conjunction with graph comparisons. All percentages have been rounded to the nearest tenth. In addition, an interview was conducted with a representative of the Harris County Association of Chief of Police (HCACOP).

Findings

Questions 1 and 2 of the survey corresponds with the minimum standards for peace officer licensing with the Texas Commission on Law Enforcement Officer Standards and Education, which is located in the Field Assistance Handbook: be a high school graduate; have passed a general educational development (GED) test indicating high school graduation level; or have 12 semester hours credit from an accredited college or university (pg 38). The survey indicates that 42% required at least 12 college credit hours at the time of hiring. Yet only 4% require applicants to have a college degree to be employed with their agency. The remaining did not require college hours for employment as a police officer. See figure 1.

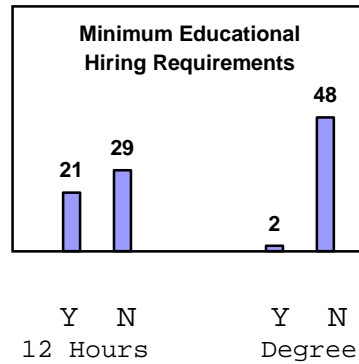
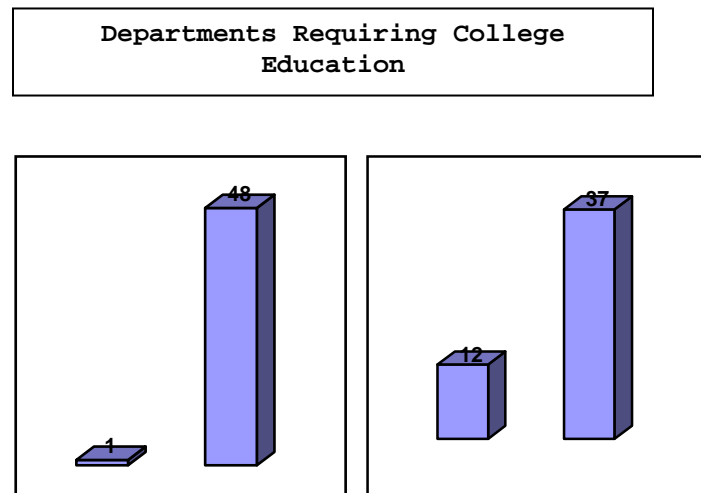


Figure 1

In addition, of the departments applicable, 76% did not require any college credits for promotion to a first-line supervisory position (See Figure 2). The survey further indicated that only 2% of the responding police departments require a college degree for promotion from patrol officer to first-line supervisor (See Figure 3).



The survey implies that a stronger emphasis is placed on experience than education or training. Figure 4 indicates that 45% of the departments surveyed require two years experience before applying for promotion to a supervisory position.

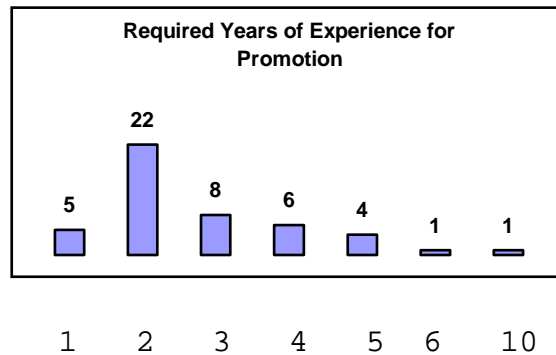


Figure 4

Question seven was in reference to promotion from first-line supervisor to a command staff position, i.e., lieutenant and above. Two responders did not answer question seven. Seven responders stated that question number seven was non-applicable for one of the following reasons:

- *No promotion past first line supervisor,
- *deputy chiefs and chiefs are appointed positions, or
- *sheriffs appoint lieutenants.

34% of the respondents indicate that promotion to a command staff position requires a minimum of two years experience as a first-line supervisor. 15% require four years minimum experience, and 20% indicate five years minimum experience in

first line supervision is required. The columns in Figure 5 are in chronological order through 10.

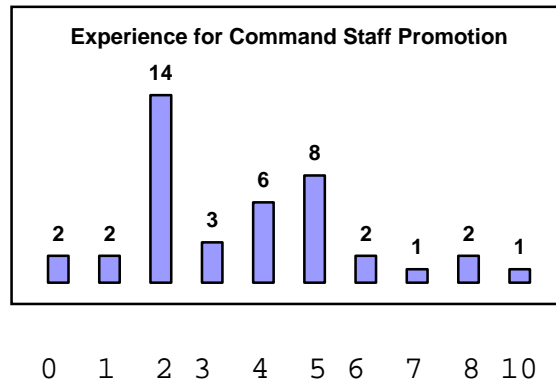


Figure 5

Question eight is directed at the requirement of a degree for promotion to a command staff position. Two respondents responded with not applicable (n/a). 17% of the responses indicate a degree is required for promotion to a command staff position within their department. 83% indicate that no degree is required for promotion to the position of lieutenant and above. See Figure 6.

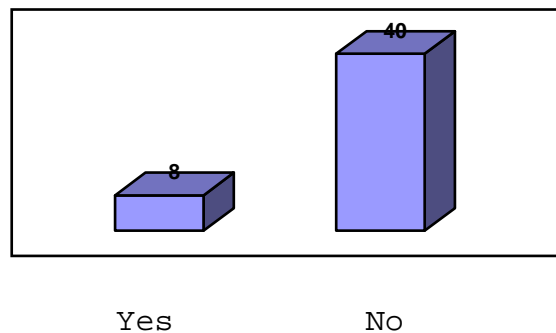


Figure 6

Question nine asked the respondent if their department required additional supervisory training besides a Texas Commission on Law Enforcement Standards and Education (TCLEOSE) mandated supervisory course. 44% acknowledged that there was additional training required besides the TCLEOSE mandated first-line supervisory training, which can be taught in a minimum of 20 hours as stated by the Commission Instructor Guide Course Number 3737. 56% stated that no additional training is required in their department. See Figure 7.

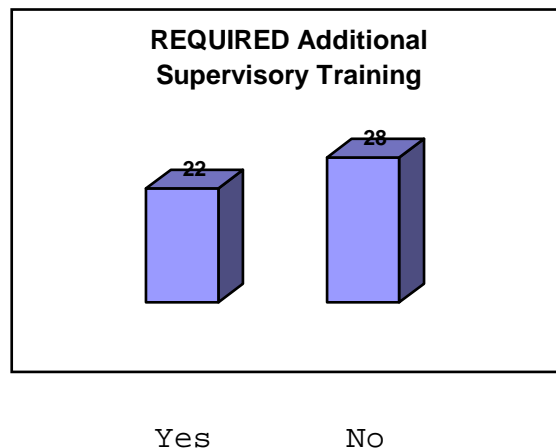


Figure 7

Questions ten and eleven were excluded from the questionnaire due to their relationship involving morale rather than training issues.

Discussion and Conclusions

As previously stated, the current philosophy of law enforcement requires that law enforcement officers be trained to meet the demands of society. Yet, a problem may exist in comparison to the level of supervisory accountability to that of supervisory training. It is debatable whether law enforcement supervisors obtain satisfactory training in the field of management instruction in contrast to that of administrative responsibility. To re-state the question: Do law enforcement supervisors currently receive effective supervisory training to meet the present law enforcement philosophy? Research suggests that the current structure of supervisory training is ineffective, failing to meet contemporary law enforcement values.

Research shows that 84% of the surveyed departments accept a GED in the hiring process and 42% require only 12 college credits for employment, which as previously stated, may be indicative to the state requirements. The survey supports that departments seem to place their priority on experience. 45% require only two years of patrol experience for promotion to supervisor. Only 27% show that education was important to supervision indicating that "some" college credit is required for promotion. This is more than likely a connection to the 12 hours required for employment since only 2% of the surveyed

departments require a college degree for promotion, which shows a strong correlation to Doctor Campbell's study. (The difference from 4% of college degrees for employment to 2% for promotion is due to agency(s) grandfathering non-degreed employees for promotion.) 33% require two years supervisory experience for promotion to command staff, a 4 years minimum requirement in law enforcement. Yet, 83% do not require a college degree for this promotion. These figures also indicate that promotion is based on experience. 44% of the agencies acknowledge some type of additional training. However, this training showed to be within the larger departments. This may be related to the cost of the supervisory training available.

Cost seemed to be a large factor on several issues during discussions of training. In an interview with Police Chief Michael (M.J.) Herbst, Secretary of the Harris County Association of Chiefs of Police, past President and Vice President, and 15 year member, he stated why the HCACOP was so apprehensive about a TCLEOSE attempt to require all peace officers to have a college degree as recommended by Doctor Campbell. Herbst stated, "We believe that officers should have a college degree, but [are] concerned as to how those municipalities/counties and others would find the funding to pay these [degreed] officers." He continued to say that as a chief of a state agency he recognized that funding for salaries would

be a major problem. However, on a more positive note, he added, "individuals with college degrees bring increased knowledge to the entire unit." When asked if he saw any alternative to requiring all peace officers to have a college degree he replied, "Not until a plan of action is developed to assist all police agencies, large and small, with salaries that would match the education" (personal communication, May 12, 2003).

Therefore, supervisors are not effectively trained to meet society's expectations of accountability in law enforcement. In order for supervisors to meet the demands and expectations as leaders in law enforcement they will need the support from their agencies to ensure that they receive the proper training required to meet the anticipation of police excellence. They will need to be considered as important contributing factors to the managerial backbone requiring that they too are included in the necessary development of professionalism. To date, the only requirement for law enforcement supervisors is that they receive the mandatory supervisory training course through TCLEOSE. Furthermore, there is no additional maintenance training required in supervision skills or to keep up with the legal and managerial changes. This degree of training with a lack of required education as supported by this research implies a weak backbone in law enforcement at the supervisory level.

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Appendix

DEPARTMENT SURVEY DEPARTMENT SURVEY

BY: D.S. HOFFMAN

This survey is to analyze information relating to training and education law enforcement supervisors.

I. Name of your Department:

II. What is the approximate number of sworn officers in your department?

1. Does your department accept a GED as being equivalent to a high school diploma in the minimal hiring requirements?

yes no

2. Does your department require at least twelve (12) college credit hours as a minimal requirement in the hiring process?

yes no

3. Does your department require a college degree in the hiring process?

yes no

4. How many years experience does your department require for first line supervisor promotion?

5. Do they require college hours but not a degree for promotion to first line-supervisor?

yes no

6. Does your department require a college degree for promotion to first-line supervisor?

yes no

7. How many years experience as a first-line supervisor does your department require for promotion to Command staff i.e. Lt. and above?

8. Does your department require a degree for promotion to Command staff i.e. Lt. and above?

yes no

9. Does your department REQUIRE additional supervisory training besides the TCLEOSE mandated supervisory course? If so, explain.

yes no

10. Does your department suffer from low morale?

yes no

11. If yes to #10, is it due to inadequate supervisory training?

yes no