

LAW ENFORCEMENT MANAGEMENT INSTITUTE

THE FIELD TRAINING OFFICER
A FEASIBILITY STUDY FOR THE TEXAS
ALCOHOLIC BEVERAGE COMMISSION

BY

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TO MILLIE

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I. INTRODUCTION

The law compels many professions to meet certain criteria and pass certain tests before the trainee is "turned Loose" on an unprotected public.

Most professions have apprentices who are trained and instructed by experienced personnel. The apprentices are required to have "hands on" training under the eye of their supervisor before they are considered qualified to practice their profession.

Doctors, dentists, nurses, lawyers, teachers, the list goes on of those who train and learn under supervision. A teacher spends numerous hours in the classroom "student teaching" under supervision before the school system considers them qualified to teach. The hairdresser has to put in many hours under a supervisor and then pass tests in Austin before being awarded a license to practice.

Consider the poor public if it were otherwise. A dentist might read all about dentistry and proceed to practice on his patients with no previous experience or supervision.

However, consider the poor student when trained by the method of the swimming instructor who picks up the unsuspecting learner, pitches him into the water and tells him "swim or drown."

In no other area save that of the medical and health profession is it more vitally important to have adequate training and supervision than in law enforcement.

One of the most critical stages of a police career is the adjustment period from the academic world to the "Real World" atmosphere.

No longer role-playing or second-guessing, split-second decisions must be made based on good judgement and experience.

A proper Field Training Officer program should alleviate several major problems for police agencies and very importantly instill confidence in the police by the average citizen.

II. THE FIELD TRAINING OFFICER PROGRAM

A History of the Field Training Officer

Germann¹ states that the early settlers of the United States had a tendency to form the same type of civil government found in England.

They developed the office of Sheriff and the constable of the watch to keep the peace. They also made both offices elective and for short period of time.

The advent of paid day and night police began to occur around 1833.

Unfortunately, spoilers in the guise of politicians picked their own police force, sometimes using them in vendettas against their opposition.

McC Campbell² revealed in his report that the Wickersham Commission formed in 1931 found in its survey of 383 municipalities, that 80% had no formalized recruit training.

Smith³ says that in 1960 there were approximately 40,000 separate police agencies in the United States and the majority of these agencies consisted of 3 men or less working on a part-time basis. Many of them were untrained, unsupervised, undisciplined and poorly equipped.

In 1967 the President's⁴ Commission made several important recommendations. These provided that the police recruit must have good moral character, must pass psychological tests and the ultimate goal, all recruits should have a baccalaureate degree.

As these recommendations began to be implemented one area was still seriously lacking. The police recruit was not receiving the extensive field training so desperately needed.

Research by McC Campbell⁵ revealed that the concept of a Field Training Officer was dormant until 1972. An on duty San Jose Police recruit was involved in a traffic accident. A passenger in the other vehicle was killed and the policeman seriously injured. The city subsequently dismissed the officer. A review of the personnel records revealed serious inadequacies in the departments recruit training and

evaluation procedures.

From this tragic traffic accident involving a police recruit of the San Jose Police Department came the concept of Field Training Officer. Several police agencies all over the United States have patterned their own program after that of the San Jose California department.

Reasons for the Field Training Officer Program

Legal

Following the civil war, congress passed several statutes intended to create private causes of actions to redress violations of constitutionally protected civil rights.

The 14th amendment emerged during the post civil war days and the Federal Government was now the guarantor of basic federal rights against the state power.

Under the statute 42USC1983 Federal Courts were opened to private citizens. Meadows⁶ cites three requirements for a plaintiff to establish a course of action under 42 USC 1983. First, there must be a constitutional deprivation of rights, second, the rights must be taken under color of law. Third, the deprivation must have resulted in injury to the plaintiff. Also judgements can be taken against the individual officer as well as the agency. To establish this there must be link between the policies of the city and the unconstitutional conduct of the officer. Most 42USC1983 suits are filed against the agency and the individual officer. Most police staff members are at least vaguely familiar with 42USC1983 actions.

State police officers have some immunity when their agencies are sued stemming from the 11th amendment, however they can still be filed on individually.

Several cases are on file wherein the plaintiffs filing against city and county agencies and their officers are being awarded large sums of money.

The case of Grandstaff⁷ vs. city of Borger resulted in \$1,350,000 being awarded to the family. Officers were in the process of trying to apprehend a fugitive when a rancher came on the scene and got out.

of his pick-up. He was shot and killed by an officer.

⁸
In Brower vs. County of Inyo, the Supreme Court ruled there was cause for action to recover for a death which resulted from a police roadblock using an 18 wheeler truck and police car lights which blinded the individual and caused him to hit the truck.

⁹
Meadows study mentioned two cases in which the agencies were held liable. In the city of Amarillo vs. Langely (1983) 2 motorcyclists with passengers ran a red light. While a police officer gave chase, another police vehicle was used to block the motorcyclists. A crash with serious injuries resulted.

The second case concerned an officer in pursuit of a kidnapper. The officer accidentally shot and killed an innocent bystander. The court ruled that the officer's firearm training was inadequate in scope.

Then there was the case involving an officer who was hand ¹⁰cuffing a suspect when his pistol discharged. In Wilson vs. Beebe (1985) the Federal Court ruled that the officer was negligent in the manner in which he attempted to handcuff the plaintiff. However, the court ruled that the officer had not violated the civil rights of the plaintiff. In state court the plaintiff did obtain a judgement of \$2,569,638 against the police officer for negligence.

In the cases mentioned here faulty training, lack of training, or failure to supervise can be cited as contributing factors.

¹¹
In summary, Grant covered five points that if followed could help protect an agency or an individual from liability.

1. Know the law, especially the Supreme Court rulings.
2. The department has to have policies and procedures that must be followed.
3. Must be sure the training is accomplished.
4. Must have good supervision on the streets.
5. Document everything.

¹²
Professional
McCampbell states that law enforcements lack of training and professionalism was recognized as far back as 1931 when the Wickersham ¹³Committee addressed the problem. Again in 1967 the Presidents

Commission on Law Enforcement recommended numerous training standards.
14
Eastman suggested minimum hours of training and in service training.

Where and when these training standards are applied they upgrade the agency, gains the respect of the public, increases the confidence of the officer and enhances the professional credentials of Law Enforcement as a whole.

1. Frank D. Day, Robert R.J. Galltl, and A.C. Germann.
Introduction to Law Enforcement and Criminal Justice (Springfield: Bannerstore House, 1970) 58-59

2. Michael S. McCampbell, Field Training For Police Officers: The State of the Art (U.S. Department of Justice, National Institute of Justice 1987) 5

3. Bruce Smith, Police systems in the United States, 2 & Rev Ed (New York, Harpers and Brothers) 22

4. The Challenge of Crime In A Free Society, A Report by the Presidents Commission on Law Enforcement and Administration of Justice (United States, Government Printing Office, Washington D.C. 1967) 109-110

5. Michael S. McCampbell, Field Training For Police Officers, State of the Art, Research in Brief, (U.S. Department of Justice, National Institute of Justice - November 1986) 1-5

6. Robert Meadows, "Police Liability For Negligent Training Under 42USC1983 Actions, Field Training Officer Quarterly, 3rd Quarter 88, 1-4

7. Grandstaff v City of Borger 767 F 2d 161 (5th cir 1985)

8. Brower v County of Inyo, 57 LW 4321 (1989)

9. Meadows, Police Liability, For Negligent Training under 1983 actions, 2

10. Wilson v Beebe 770 F 2d 578 (6th Cir 1985) Grant Lecture

11. Robert J. Grant, "Civil Liability" Lecture Texas A&M University January 1990.

12. McCampbell, State of the Art 9

13. Challenge of Crime In A Free Society 123

14. George D. Eastman, and Esther M Eastman, Municipal Police Administration (International City Management Association, Washington DC 1969) 183-84

III. LAW ENFORCEMENT AGENCIES IMPLEMENTING FIELD TRAINING OFFICER PROGRAMS

State Police Agencies

1. The Texas Department of Public Safety initiated the Field Training Officer Program 9-1-89. They have 2500 sworn personnel and have between 200-250 Field Training Officers.

2. The Texas State Technical Institute-Amarillo implemented the Field Training Officer Program in 1988 and they have 5 sworn personnel and 1 Field Training Officer.

3. The Capitol Police - Austin implemented the Field Training Officer Program in 1988 and they 58 sworn personnel and 6 Field Training Officers.

4. The University of Texas-Austin Police implemented the Field Training Officer Program in 1988 and they have 75 sworn officers and they have 3 Field Training Officers per shift.

5. The University of Texas-Arlington Police implemented the program in 1984 and they have 19 sworn personnel and 6 Field Training Officers.

City Police Agencies

1. The Amarillo Police Department implemented the Field Training Officer program in 1982 and they have 250 sworn personnel and 43 Field Training Officers.

2. The Canyon Police Department implemented the Field Training Officer Program in 1987 and they have 14 sworn personnel and 5 Field Training Officers.

3. The Pampa Police Department implemented the Field Training Officer program in 1988 and they have 18 sworn personnel and 3 Field Training Officers.

4. The Cedar Park Police Department implemented the Field Training Officer program in 1989 and they have 12 sworn personnel and 3 Field Training Officers.

5. The Lubbock Police Department implemented the Field Training Officer program in 1981 and they have 307 sworn personnel and 23 Field Training Officers.

IV. COMPARISON OF STATE AND CITY POLICE AGENCIES
IMPLEMENTING FIELD TRAINING OFFICER PROGRAMS

Comparisons

A list of ten questions was made up and was responded to by all the State and City Police Agencies mentioned in this report. All interviews were conducted over the telephone. Listed below are the 10 questions asked and the statistical information.

1. Who assigns the Field Training Officer?
Patrol Lieutenant - 3; Sergeant - 1; Chief - 2; Supervisor and chief - 2; Shift Commander - 1; Captain - 1
2. Does the Field Training Officer receive any special training and if so how much?
5 said no; 5 - yes; 1 - 8 hour school; 2 - 40 hour school; 2 - 3 day school
3. Does the Field Training Officer receive any type of compensation and if so what kind?
3 - said no; 7 said yes; 2 receive \$75.00 a month; 5 receive comp time.
4. Does the Field Training Officer get graded by the recruit?
6 - said yes; 4 - said no;
5. How often does the Field Training Officer grade the Trainee?
5 said daily; 2 said end of program; 1 said weekly; 2 said 30 days
6. Is your department accredited?
3 said yes; 7 said no
7. Does the same Field Training Officer stay with the same trainee for the duration of the training?
5 said yes; 5 said no
8. How long is the trainee under the direct supervisor of the Field Training Officers?
11 weeks - 2; 8 weeks - 1; 6 weeks - 1, 4 weeks - 1, 2 weeks - 2; 90 days - 1; 20 hours - 1; 90 days - 1
9. How many trainees does one Field Training Officer become responsible for at the same time?

All said 1

10. Does the Field Training Officer get retrained for training skills and if so, how often?

8 said no; 2 said yes: 1 - continuous training, 1 - every update

V. DISADVANTAGES AND ADVANTAGES AND RECOMMENDATIONS OF
FIELD TRAINING OFFICER PROGRAM IF IMPLEMENTED BY
TEXAS ALCOHOLIC BEVERAGE COMMISSION

Disadvantages

1. The trainee could develop stress while Field Training Officer consistently observing his performance.
 2. Less production as the Field Training Officer works with trainee.
 3. More expense - Field Training Officer should have higher pay.
 4. Lack of manpower in all departments to provide for Field Training Officer.
 5. Personality clashes
 6. Unfair evaluations
 7. Getting qualified Field Training Officers
- While a teacher must learn how to teach in 4 to 6 years, an Field Training Officer training program is usually 40 hours.

Advantages

1. Helps to find and eliminate the undesirable trainee.
2. Helps to protect the agency against False Equal Employment Opportunity liability claims.
3. Benefits the organization to have better trained, better qualified personnel.
4. Projects a more positive image to the general public.
5. Helps the trainee adjust from the classroom to the street.
6. Keeps the training uniform throughout the agency.
7. Decreases personnel complaints against the trainee.
8. Integrates the trainee into the group.
9. Decreases the chances of rookies working together.
10. Increases the knowledge and experience of the trainee in real-life situations that might not come up in the classroom.
11. The Field Training Officer is there to instruct and make judgement calls.

RECOMMENDATION

As people become more aware of their constitutional rights, their access to the Federal Courts, as they seek redress on civil rights violations, it seems that the advantages of an Field Training Officer program in all law enforcement agencies, including the Texas Alcoholic Beverage Commission would be apparent to all.

A plan could be drawn up formulating the cost factors, such as the number of Field Training Officer's needed, the areas where the training would take place and selection of personnel.

An interview board to determine the best candidates to become Field Training Officers should be selected.

Requirements for an Field Training Officer should be 1. A minimum of 4 years experience; 2. A four year degree; 3. Pass a battery of tests designed to eliminate undersirables; 4. A minimum of 2 to 4 weeks Field Training Officer training to be updated annually.

The Field Training Officer training program should have immediate access to the most recent United States Supreme court decisions regarding agencies and officers who have lost in court due to improper training and procedures.

There should be an ongoing development of procedures by the agency and used in training that would be successful when tested by litigation in court.

The Field Training Officer should if not compensated monetarily for his expertise and knowledge, be granted compensatory time.

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