

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**Standardized Training Program for
Newly Promoted Supervisors**

**A Leadership White Paper
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ABSTRACT

First line supervisors across Texas are not trained properly. Oftentimes, one sees newly promoted supervisors, who are more than capable for the job, fail in managing their subordinates. First line supervisors are often promoted officers who excelled in their previous duties but fail when promoted to supervisor. These supervisors lack the management skills required to properly fulfill their newly ascribed role. This problem has a major effect on not only officers in the field but also the city and citizens within said city due to possible lawsuits resulting from the failed management of officers by first line supervisors.

The Texas Commission on Law Enforcement should implement a standardized training program for newly promoted supervisors in which management skills are the main focus, so first line supervisors may then properly manage, delegate, and train their officers. The use of law enforcement magazines, journals, and online databases will aid in the argument for a standardized training program. Newly promoted sergeants would benefit greatly from a training program that would teach them how to properly and effectively manage their officers. When a city has properly trained officials the damage caused by lawsuits in which the city must pay is greatly reduced. The morale among officers and upper management is greatly improved when sergeants are capable and confident within their role as supervisors and are adequately able to manage. Using a military template greatly assists when creating a model for a standardized program for first line supervisors. Overall, supervisors are not properly trained and are therefore, causing the city to pay in lawsuits for their negligence. The use of a military-like training program would seek to solve this prevalent problem.

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INTRODUCTION

Law enforcement agencies across Texas fail to properly train the first line supervisors and set up officers and themselves as well as the city for failure. Any type of supervisor, whether that person be a corporal, sergeant, lieutenant, captain or chief, may be held liable for failing to properly train subordinates. A poorly-trained supervisor may have devastating effects on the city or town by forcing the city or town to pay for lawsuits filed under 42 U.S.C.A. § 1983, which the importance of this Title will be discussed later.

Often times, an agency will promote an officer who scored well on the test, performed well on the physical assessment test, and performed well when dealing with everyday duties. However, the officers were not hired solely on their leadership capabilities and are left uncertain and undertrained. The above-mentioned officers lack the leadership skills required to perform the responsibilities of the new position and therefore lead them to fails as supervisors.

Sharp (2009) stated that failing to train for management skills leaves the agency with a new supervisor who possesses the skills to do the job but not the skills to properly manage other employees. This situation causes a breakdown in communication as well as job performance between the new supervisor and upper management as well as the new supervisor and subordinates. Sharp (2009) continued to state that the newly promoted sergeant, although an outstanding officer, could be overwhelmed with the new responsibility and job duties of a supervisor. The ability to evaluate the performance of others can be different and outside of knowing how to do a job (Sharp, 2009).

A former patrol officer and now uncertain sergeant may struggle with the increased responsibility and new job duties that accompany the promotion. This uncertainty leads the supervisor to question their ability to perform to the standards set by management and leads to the complete undermining of their self-confidence. An uncertain new supervisor in a head position of a shift of established officers can defeat the entire promotion process (Sharp, 2009). Therefore, the Texas Commission on Law Enforcement Standards and Education should reform their current course to a standardized program in which employees are trained for the management and leadership skills and knowledge to properly perform their job. This course will be mandatory for newly promoted supervisors to complete within one to two months of promotion. Upon implementation of this course, the agencies should see an increase in productivity, work ethic, and general morale. This course is extremely necessary and highly important for the progress and well-being of any agency throughout the state of Texas. Failure to implement such a program will lead to inefficiency, mistakes, and possibly large cases of neglect and wrongdoing throughout said agency.

POSITION

There are significant differences in the way the military trains and the way the public trains. The studies in this area have an important limitation; they have focused almost exclusively on the perspectives and activities of "senior" and "upper-level" managers while largely ignoring those on the front line - the "first-line supervisors" Howell's (2009) research and all data were collected by the Center for Supervisory Research at James Madison University. In his survey, the center received responses from 8,000 supervisors in 564 different organizational units covering 37 states. Three

hundred and fifty-eight of these participants were first-line supervisors in public organizations. Howell (2009) posed the question in his research, "Does public management differ from private management at the level of the "first-line supervisor?" (para. 4). The patterns of the results in Howell's (2009) study support a negative response to this question, but with one important exception. The exception relates to "training employees for improved performance" (Howell, 2009, p.4). Howell (2009) said that he found in his study that public sector supervisors reported spending significantly more time "training employees" than did private sector supervisors. The finding evidences this: in terms of "most time consuming activities", the private group ranked training 5th in importance whereas the public group ranked this only 12th in importance (Howell, 2009, p. 4). This is a surprising finding, in that the private sector is known to have higher employee turnover rates and an assumed greater need for training new hires. While a surprising finding, it nonetheless parallels what the military does on a daily basis. The military trains its supervisors- non-commissioned officers- corporals and up through staff sergeant by sending them to a specific training module that fits that particular stage in their advancement.

Reading Howell's (2009) research ties into law enforcement by seeing that the public and private sectors have the same problems. They focus on the higher management to make sure they receive proper training. Requiring them to have a degree in business administration, public administration, or criminal justice does this. The first-line supervisor suffers because they receive the least amount of training (Howell, 2009). Even though the upper management may be highly trained in all aspects of human resources by obtaining their degree, one wonders whether this

translates into the training of lower level management and first line supervisors. This leads one to questions the amount of liability that can fall on an improperly trained first line supervisor. This leads to the next questions of the kind of liability possibly being faced if the first-line supervisors are not properly trained. The newly promoted supervisor may fail and receive poor performance evaluations if he/she is not receiving on-going training throughout their career as supervisor.

COUNTER POSITION

When first line supervisors are not trained, there develops a possibility of lawsuits. Means (2008) stated that lawsuits brought under state law (for negligence, as an example) vary somewhat from state to state on when a supervisor can be held liable for the actions of a subordinate. Most lawsuits against police, however, involve claims of federal constitutional misconduct and are brought under 42 U.S.C.A. § 1983. These actions are commonly referred in legal shorthand simply as Section 1983 lawsuits. It is well understood that in a Section 1983 lawsuit, policies and/or customs of bad supervision in hiring, training, and discipline can cause municipal liability. However, the personal liability of supervisors themselves is a somewhat different issue.

While the Supreme Court has not spoken directly to this issue, lower courts have. They have created a sort of deliberate indifference standard similar to the one used by the Supreme Court for municipal liability cases. Following in the next sentence is a brief survey of how some high federal courts have gone about determining whether or not a police supervisor should be held personally liable for the violation of constitutional rights by an officer under his supervision. In *Shaw v. Stroud* (1994), the Fourth Circuit United States Court of Appeals listed three elements necessary, in its view, for a finding of

supervisory liability. The first element is that the supervisor had actual or constructive knowledge that his subordinate was engaged in conduct that posed a pervasive and unreasonable risk of constitutional injury to citizens like the plaintiff. The second element is the supervisor's response to that knowledge was so inadequate as to show deliberate indifference to or tacit authorization of the alleged offensive practices; the third element was that there was an affirmative causal link between the supervisor's inaction and the particular constitutional injury suffered by the plaintiff. Showing a pervasive or unreasonable risk of harm requires evidence that the conduct is widespread or has occurred at least on several different occasions. Continued inaction in the face of documented widespread abuses creates a clear case of deliberate indifference by supervisors, according to the Fourth Circuit.

The First Circuit United States Court of Appeals set four requirements for proof of supervisory liability in the case of *Camillo-Robles v. Hovos* (1998). The first is allowing a situation to take place that was of a grave risk of harm. The second is the supervisor's actual or constructive knowledge of that risk. The third is his/her failure to take easily available measures to address that risk and the fourth is an affirmative connection between the supervisor's conduct and the subordinate's volatile act or omission. According to the First Circuit Courts, they said that notice is a salient consideration in determining the existence of supervisory liability. Nonetheless, supervisory liability does not require a showing that the supervisor had actual knowledge of the offending behavior. The supervisor may be liable for the foreseeable consequences of such conduct if he would have known of it but for his deliberate indifference or willful blindness.

The Tenth and Third Circuits, among some other lower courts, require personal direction or actual knowledge and acquiescence for proof of supervisory liability. See the cases *Baker v. Monroe Township* (1995) and *Lankford v. City of Hobart* (1996) for examples. Other courts hold that a reckless disregard of apparent risks is sufficient even though there was no proof of actual or constructive knowledge. See the case *Rascon v. Hardiman* (1986) for this reasoning.

The Second Circuit sets three standards for supervisory liability. The first is the supervisor, after learning of the wrong, failed to remedy it. The second is the supervisor created a policy or custom under which the unconstitutional practices occurred or were allowed to continue, and the third is the supervisor was grossly negligent in managing subordinates who caused the illegality (Means, 2008). Whatever else can be said about the test or standard for proving supervisory liability, lower courts seem to agree that it requires more than mere negligence. The hurdle for plaintiffs, however, is higher than that for evidence see *Daniels v. Williams* (1986). In *Braddy v. Florida Department of Labor and Employment Security* (1998), the Eleventh Circuit says, “The standard by which a supervisor is held liable in her individual capacity for the actions of a subordinate is extremely rigorous” (Means, 2008, p. 2).

Failure to train can also be a basis for individual supervisory liability. See for example, *Sutton v. Utah State School for the Deaf & Blind* (1999) where the Court of Appeals stated, “where a supervisor’s failure to train amounts to deliberate indifference to the rights of persons with whom his subordinates comes into contact, the inadequacy of training may serve as the basis for Section 1983 liability” (Means, 2008, p. 3). It is clear that many lower courts intend to impose liability on the individuals who create

policies and customs. The court also holds the municipality accountable. With that said, remains the fact that wherever there is liability to the municipality there would also be corresponding personal liability exposure to supervisors, from first-line to chief.

Clearly, the same involved-officer testimony that aids the plaintiff's municipal liability claim in which an officer says "this happens all the time, and if there is anything wrong with that, nobody ever told me," also would aid the plaintiff's claim against individual supervisors. The liability fates of individual supervisors and of the municipality itself are inevitably closely linked. The likely reason there are not more claims against individual supervisors is that if the plaintiff can get to individual supervisors, the governmental entity has fallen also. This happens to be the situation that the plaintiff's attorney wanted most in the first place. Nonetheless, it is appropriate that supervisors at all levels have a sense of when and if they might find themselves personally liable for the actions of their subordinate officers.

Naturally, where supervisors are named as defendants in a lawsuit, the potential for conflicts of interests among defendants and therefore the need for separate lawyers from the municipality and possibly from one another multiplies considerably, adding potential layer upon layer of costs. All of this suggests the importance of municipal policy makers and lower level supervisors being on the same page proactively (Means, 2008).

As leaders progress through changes within their departments, they must also learn to train their newly promoted supervisors. While doing research on this topic, a question was asked by an unknown reader in *CorrectionsOne Magazine* (Klugiewicz, 2008). The reader's question started off by stating that they recently had taken on a new

chief and as a result, they started to lose those senior officers who held the department together. The reader also says that they have two very young and very junior officers working with no senior staff to show them the way, which makes for a dangerous and scary environment. The reader asked about similar situations regarding senior staff leaving when a new chief is hired on and what can they do to ease the transition and make it to where senior supervisors stick around to help train the junior officers.

Captain Peter Jaskulski of Milwaukee County Sheriff's Office (2008) responded in Klugiewicz article by saying that "Many agencies are facing changes in leadership and changes in the work force. One can bury your head in the sand or you can meet the challenge and become part of the solution" (Klugiewicz, 2008, p. 2). Jaskulski (2008) also mentioned that the dangers of ignoring these changes can lead to operational deficiencies that if left alone, can take years to correct. Klugiewicz (2008) mentioned the fact that changing leadership usually signifies a new vision for the agency. This vision needs to be clearly communicated throughout the agency. Once communicated, the leadership from top to bottom must understand how to enact the vision and motivate the agency to reach its goals and objectives in fulfillment of the vision. All too often, the vision is set and the methods used by the supervisors to achieve the vision are flawed. This creates a barrier within the agency. By preparing and educating the supervisors both new and existing, the transition becomes much easier (Klugiewicz, 2008).

The loss of experienced staff, whether it is supervision or line staff, has to be aggressively addressed. Jaskulski (2008) said that he often uses the following analogy to explain the dangers of losing experienced staff, "When an officer does not

know what to do in a particular situation, they seek guidance. If there is no one there to guide them properly, they enroll themselves in MSU University — 'Make Stuff Up University'" (Klugiewicz, 2008, p. 2). Because there is no one there with the knowledge to guide him or her in the right direction, they make something up. All of a sudden this becomes the normality and it begins to run rampant throughout the agency. Left unchecked, it becomes a cancer that grows and negatively affects the agency. The agency's vision must be clearly understood by all of the staff. The supervisors must be trained and educated in how to enact the vision. It does not matter who was promoted, they must be given the tools to do their jobs effectively.

Just because someone was promoted to sergeant does not mean that he or she necessarily knows how to supervise people. Agencies should provide training for their supervisors to better prepare them for the job. The line staff must also receive the training and education needed to do their jobs. Some agencies utilize mentoring and field training programs to train and educate their new officers. However, it should not end there. Supervisors have a responsibility to train and educate their staff with the idea that the staff will someday be a supervisor. This is a challenge, but it can be done. As public employees, there is a responsibility within the agencies to provide the best service possible (Jaskulski, 2008). Klugiewicz, senior advisor for *CorrectionsOne* and *PoliceOne Magazine*, also responded to the question listed above. Klugiewicz (2008) responded by saying that this is an ongoing and growing challenge for both police and correctional agencies. More and more of the veteran (seasoned, experienced, knowledgeable) staff members are moving to another shift, retiring, or moving on to another agency or career. This leaves a huge void in both line staff and

supervisory leadership. This is not a local phenomenon but a national and maybe even international issue (Klugiewicz, 2008). In order to address this problem the focus needs to be on not today alone, but on how to prepare for the future because the problem is not going away. In order to prepare for this "changing of the guard", there needs to be cross training of personnel in different job functions and developing programs to prepare the line staff, first line supervisors, mid-level managers, and command staff for new job responsibilities (Klugiewicz, 2008 p. 2).

One way to specifically deal with line staff, first line supervisors, and mid-level managers, is to allow newly transferred or promoted staff members to work with existing staff members in their specific job function prior to taking the job on alone. Another suggestion is to properly train these newly transferred or promoted staff members prior to taking over their new role and duty. Another good idea is to create a line staff/supervisor Field Training Officer (FTO) program to allow for closely monitored supervision and mentoring of newly transferred or promoted staff members, so that they are given the best possible chance for success and efficiency.

There is, of course, a cost to doing any or all of these newly transferred line staff/new supervisor assistance programs, but look at the consequences of when first line staff and supervisors are expected to be completely ready and capable of adequately performing tasks without and specific training. When the line staff member or supervisor fails from being inadequately trained, the real liability remains with the agency. Therefore, the cost of initial training is necessary for the agency to avoid further costs that arise from improperly trained supervisors. It is important for the

agency to invest in these programs so as not to fail their supervisors and by extension, officers and citizens.

Klugiewicz (2008) continues his discussion by mentioning an agency he is familiar with that likes to ask this question when a line staff member or supervisor has performed poorly: "How have we, as an agency, failed this officer?" (Klugiewicz, 2008, p 3). In asking this question, they are asking if they have given their staff member the training, policy, and supervision that he or she needed to do the job properly. But, if they have not failed the officer, it must be the officer's fault and that officer must be held accountable for his or her actions (Klugiewicz, 2008).

Klugiewicz (2008) continued his discussion by telling a story of a time where he talked to a gentleman by the name of George Button. George Button was the lead trainer for the Hong Kong Police Department Training Academy. Klugiewicz (2008) said that Button expressed how shocked he was that America police departments promote an officer to a sergeant's position, and with no training, and expect him or her to do the job properly. Klugiewicz (2008) went on to talk about how George Button said when an officer was promoted to a sergeant's position that officer was taken off the street for six months, sent to training, and came back to the street with his mind re-made: "He now thought like a sergeant, acted like a sergeant, was trained like a sergeant, and could be expected to function like a sergeant" (Klugiewicz, 2008, p. 3).

The analogy applies equally to a line staff member. Properly trained and supervised personnel perform better. The implementation of a training course and making it mandatory for newly promoted supervisors would increase productivity, morale, and worth ethics. The course will be mandatory to attend within one to two

months of being promoted to ensure a supervisor starts their position capable and confident.

RECOMMENDATION

The military has, for the most part, set the standard in leadership training. When one evaluates the military's model for leadership training, one can see that there is some type of training for newly promoted NCO's regardless of their branch. For instance, in the United States Marine Corps, once one is promoted to the rank of corporal, one is required to attend a Corporal's Course. The same goes for newly promoted sergeants. Both courses teach leaderships skills that are needed to succeed in the environment in which they work. The Sergeant's course teaches and promotes critical thinking, as well as teaching new ways of looking at potential problems they may face ("Sergeants Course," n.d).

The Sergeants Course (n.d.) provides Marine Corps Sergeants and Sergeant selectees with the knowledge and skills necessary to assume leadership roles of greater responsibility. A standardized training program for newly promoted supervisors in law enforcement will put an emphasis on leadership and management skills. Graduates of the Sergeants Course (n.d.) will have enhanced knowledge and skills necessary to successfully act in the role of Small Unit Leader. They will be able to confidently lead and prepare their Marines. Their skills are enhanced to have a greater knowledge of the counseling program, personnel administration, as well as improved verbal and written communication skills.

As a Sergeants Course (n.d.) graduate, they will have a greater awareness of their responsibilities to maintain their personal readiness and the readiness of their

Marines. They will have the knowledge and skills necessary to navigate by land during day or night, call for fire, medavac a casualty, and communicate using a variety of communications equipment. With these skills, Sergeants will have the confidence and ability to conduct security environment.

As one can see, the training is all the same in regards to leadership skills, dealing with personal issues, and communication skills. Without these very important skills, which are taught and not learned, newly promoted supervisors will fail. If the upper management fails to recognize the importance of this, then they too have failed their department and cannot hold their newly promoted supervisor accountable. This falls in line with the argument of this paper, developing a standardized training course is crucial so that newly promoted supervisors are ready to face the challenges they will in no doubt encounter. If newly promoted supervisors are not exposed to some of the issues that will come up, they will soon fail and start making decisions that may result in lawsuits.

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