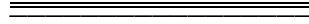
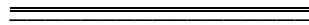


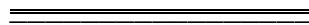
**The Bill Blackwood
Law Enforcement Management Institute of Texas**



Professional Conduct Through Documentation



**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



**By
Sean Ford**

**Sunset Valley Police Department
Sunset Valley, Texas
May 2015**

ABSTRACT

In the law enforcement realm, administrators are often inundated with complaints from the general public regarding officers' actions or the perceptions of those actions. Complaints are costly as well as a consistent morale issue for departments. The need to educate and familiarize new officers regarding the expectations and processes involved in professional conduct and complaints is evident. If American law enforcement agencies made it a priority to either include this in the police academies or as a module during the field training portion of the new hiring and probation phase, it is probable that there would be an evident decrease in the complaints received on new officers by command staff.

Staffing a training module would require some commitment to the theory and goals in order to accomplish the mission. Best-case scenario would have the ideology materializing during the first or second month of the police academy. Training cadets on the need and expectation of professional conduct within the department would require instructors who truly believe in the statement. Additional training would be applied in practical settings while under the field training officers.

There would be significant impact experienced by command staff officers for several reasons. The cadets and probationary officers would be less likely to offend if they have the prior knowledge of the department's views and expectation clearly addressed and stated during the training. Also, officers would have an understanding of the severity of all complaints and the considerable issues involved with the investigation and potential career impacts. Overall, acknowledging the problems and increased concern is the first step, much like Canada's response to their law enforcement

complaint issues. Once acknowledged and a plan is put in place, the department can begin to provide the needed resources to change the aspect and view point for all parties involved in a positive and productive manner.

TABLE OF CONTENTS

	Page
Abstract	
Introduction	1
Position	3
Counter Position	9
Recommendation	10
References	12

INTRODUCTION

Police departments' worldwide struggle with the issues related to officer misconduct. Moreover, departments often must find a balance between enforcement and training through verbal attention, to actually investigating, documenting and finally disciplining for violations that occur. There has been arguably an evident rise in the creation of internal affairs unit or professional conduct units over the last 10 years primarily due to the media and public scrutiny placed on every action taken by law enforcement agencies. Almost all of the larger agencies, over 100 officers, have a professional conduct or internal affairs unit. Research indicated that departments of relatively smaller size, seem to only deal with complaints when they come in as a serious violation, by assigning a supervisor to investigate without a clear process established on internal affairs and the documentation needed (Martin, 2011).

When looking at the design related to the necessity of documentation on an officer's conduct throughout their career, several areas must be evaluated. The documentation process must encompass all things related to the officer's specific behavior traits or actions. Documentation is essential for future use related to performance evaluations, performance plans and future promotion. The use of documentation should be specific to the issue or topic at hand. Opinion should not be associated with proper documentation related to police officer misconduct. It is imperative for documentation to be fact-based and specific to the issue, not relative to personal emotions or opinions. Some believe that documentation can be a way of informally targeting officers that certain supervisors or administrators wish to hinder in

their careers. Ultimately, those tasked with this position of authority must hold high ethics and integrity.

The importance of police accountability through professional standards is essential for the ethical progression of the agency (Wyatt-Nichol & Franks, 2009). Insuring that all members of the Department are aware of the standards expected and required is just as important to the mission of the agency. All police officers should be provided specific instruction through training and policy on the applicability of professional standards in the Department and the importance of the process for accountability. Providing training and an insight into the Department's reasoning for internal affairs and/or professional conduct standards will assist in educating the employees on why there is such a large weight placed on holding officers accountable for their actions (Wyatt-Nichol & Franks, 2009). As with any core value or assignment, the training provided assist in opening the officer's eyes as to the extensive scope that police officers and agencies are under while performing their jobs and the reasoning behind agency documentation of issues related to accountability.

Across the nation and even the world, law enforcement agencies experience the same issues of both policy violations and outright legal violations by law enforcement officers. Professional conduct related issues are not solely a problem for US officers. A study performed in Sweden directed the attitudes of new police officers and the training regarding the expectations police training that directly involved their professional conduct (Karp & Stenmark, 2011). Within the article, the author illustrates the need for clear-cut direction thru the new officer's training. Within the training that the Swedish law enforcement conducted, Karp & Stenmark stressed the importance of the

empirical model created to 'contribute to a deeper understanding of police officer's individual and collective attitudes' related to the day-to-day practice in the police profession.

Law enforcement agencies must recognize the training and comprehension deficiency within their own departments and facilitate the training for all new officers hired on why there is such an importance placed on professional conduct and the needed documentation of any misconduct of behavior issues. The support must be apparent from the chief administrator down through the lowest ranking officers for a true effective change in cultural behavior. Many issues arise from merely the 'unknown' mistakes by new or inexperienced officers. Placing mandated training into the workforce could assist in lowering both the occurrences of misconduct and also the negative impacts associated with the professional conduct investigations by supervisors or internal affairs. Law enforcement agencies should proactively and consistently use documentation regarding disciplinary issues as a matter of record to enhance the agency, while also supporting the officers.

POSITION

Providing the policy, expectations, and process in a training format that is easily understood for officers would assist in eliminating future confusion or assumptions when bad behavior is documented. Organizational leadership should take proactive stances to avoid confusion and lessen morale issues when an officer is disciplined through negative documentation of their actions. Providing real world examples and illustrations of what classifies as behavior that would not be permitted and subsequently cause the officer a negative documentation impact should be a priority for the administration and

department.

Huberts and Kaptein (2007) cited various types of violations within the Dutch police force. The article that was written in the *International Police Strategies & Management Journal* was titled, "A study of the impact of three leadership styles on integrity violations committed by police officers," and actually was very direct in regards to corruptive-based issues. The article cited the varying types of integral (ethical) violations that would be discussed and brought to the officers in an open discussion to train on. Some of the topics discussed as a potential for inclusion were violence against citizens or suspects, internal corruption, conflicts of interest, misconduct while off duty, and sexual harassment.

There was a common trend of importance placed by the Dutch police forces on educating and training their officers to not violate the integrity issues cited. By educating the officers on those types of violations, there was an apparent avoidance by officers to commit any violations related to those categories. Danish police administrators who are believed to be with high integrity were often chosen to teach the new cadets in the Netherlands about integral violations. The importance of these areas could not have been relayed without the exceptional dedication of the team of modeling managers for the conceptual strategy.

The managers for the police department that were chosen to train other police officers had to set positive examples for employees, be able to sanction the misbehavior of others, and be authentic in their ability to discuss and confront openly certain issues with integrity or dilemmas (Huberts & Kaptein, 2007). Ensuring that officers follow the direction they are provided can be accomplished several ways. Training in the area of

accountability and the process of insuring that accountability is met is vital to the success of the organization. Those tools were provided in a well-rounded forum for all officers to observe and understand so that it may prevent them from ever being in violation.

Documentation is vital for insuring that the accountability factor is fairly evaluated, as well as recorded for any future use in professional organizations. Agencies may use a specialized unit such as professional conduct or internal affairs. These units must be comprised of individuals that are highly motivated to document the entire investigation including those areas that are difficult for the officers to investigate or determine an outcome for. Finding the qualified individuals is essential and increasingly important for the agency.

Most noteworthy is a system that is already in use in the military. Currently at the Brooke Army Medical Center, there has been an initiative underway for several years, created and led by the military command staff. Kemp and Thompson (2008) describe in detail the ethical plan as seen at the Brooke Army Medical Center. The program directly relates the importance of strong ethics in medicine and the practices of the medical students from their university training to their full careers. The article explains the importance of educating the students as to the core ethical values of medical staff and the need for strong enforcement of those expectations. The training course, which could be used specific to law enforcement, begins in the first realm of the medical education program. The emphasis is placed into the program and openly supported by the military staff from the lowest ranking officer to the Generals. This concept could be placed into the law enforcement academy instruction, field training programs, and/or the

actual hiring processes, therefore insuring that all personnel are exposed to the training and rigid expectations of the law enforcement ethical codes. .

In addition, in a New York Times newspaper article featured a story on the Chairman of the Joint Chief of Staff, General Martin Dempsey (Shank, 2013). The article reflected on the conduct issues found in the military and the apparent need for open training on ethical foundations and continued review or evaluation of all peers. General Dempsey believed it to be imperative that all personnel receive training and constant review of their ethical behavior. This ideology could easily be transferred into the realm of law enforcement, with the strong support coming from the Chief of Police.

Recorded documentation is vital for insuring that accountability within the department is fair and precise when indicating the violation and what is/was expected of the employee. All documentation must be clearly written, descriptive, and specific to the allegations. Often, those chosen to lead an investigation in the internal affairs unit are described as extremely dedicated to the black and white and readily document all interviews and interaction they may have with the subject officer. The information obtained during an internal affairs investigation or professional conduct review is essential in both the career of the subject officer and the life of the law enforcement entity. Documentation found and recorded can either assist and/or be future detriment to an officer's career. This statement may not be any more relevant then when discussing the Brady doctrine. The Brady doctrine is designed to insure that the state witnesses such as a police officer are vetted prior to their testimony. This doctrine permits the defense attorney access to a majority of an officer's personnel and disciplinary files. All personnel records should be released to the prosecutor's officer or

court of record so that it may be sent to the defensive team to review prior to trial.

Many times, an officer's previous history and experiences are called into question after there is a Brady Doctrine inquiry.

The Brady doctrine is very clear on the expectation of agencies and courts to provide all information regarding an officer's history of integrity. The best way to effectively prevent Brady violations and other forms of 'misconduct' (law enforcement conduct)... is internal regulation (Scheck, 2010). Internal regulation requires detailed information regarding any investigation or misconduct on the part of any officer. This information must be documented effectively so that if and when called to court, the defense and prosecutorial sides have knowledge of any integrity violation ever alleged or sustained against the state witness. The documentation must be readily placed with the case file and used to determine the findings of the case. Within the article, Scheck speaks to the need for a professional integrity program in any government entity, but especially in the judicial and law enforcement realms. He argues that having an integrity unit not only assist with actual issues at hand, but he believes, most importantly that the unit establishes a clear mission of expectations that alerts those around the agency, that misconduct is not allowed. The unit's history of investigations also set standards for future problematic employees and assist in the creation of quality assurance through management systems. This can be directly related to law enforcement's professional conduct units or an internal affairs division.

Regardless of the information being supportive or against the officer, documentation is essential for ethical direction of any organization. Regardless of who is being investigated, it is the responsibility of the leader for the unit to review and insure

that the information has been provided in the proper factual format, free of any bias or pre-dated internal feelings. Documentation must include the exact allegation(s) that have been presented to the agency to be investigated (Podgers, 2012). There should not be any additional issues brought into the investigation that are not directly related to what has been alleged. By keeping these lines clear, it presents a formatted expectation of the investigators so that the subject officer can understand as to what will be occurring through the process. It also provides a clear mission to the investigative side of the unit, to document all information to include adverse evidence.

It is the ethical responsibility of an administrator and their agency, to facilitate a system within the agency to proactively police its own personnel. In an article written in 2007 for a police journal, it was specifically noted that agency leadership had a moral and ethical expectation to manage their own officers through checks and balances. When an administrator is organizing and managing an agency, his or her ideology must involve “conceptual clarity about the distinction between integrity, ethics and corruption is important” (Huberts, Kaptein, & Lasthuizen, 2007, p.4). The importance of a leader is spoken about throughout the article, mainly concerning the need for ethical strength in leadership to insure that there is no confusion about the expectations of conduct for those who work in a public office.

In Quebec, Canada, the need for ethical leadership is very apparent. In 2008, Alain and Gregoire wrote an article for *Policing and Society*. In the article, they specifically addressed the professional “socialization of young police officers and how they deal with the ethical dilemmas they encounter” (Alain & Gregoire, 2008, p.173). Leaders in the Quebec academies are essential for providing the training referenced in

the article. The leadership's responsibility is to insure not only that the police cadets are trained for police situations such as arrest and pursuit driving, but also to make sure that they are well-versed in exposures to scenarios and situations that pose ethical boundaries or challenges. Leadership exposes recruits to varying methodology so they can have as much first hand experiences similar to what they will be dealing with once on their own as a police officer (Alain & Gregoire, 2008). Within the article, it discusses the apparent understanding that leaders in the organization have for the importance of the program and its ethical challenges.

The importance of professional conduct review and documentation must be truly supported by the leadership within the organization, at all times. This is most evident when leaders provide such intense exposure to the new officers and cadets as described in the Quebec policing article. Ethical leadership is obviously of importance to the top commanders in the Quebec law enforcement agencies (Alain & Gregoire, 2008). Any time a leader is willing to appropriate training time for a specific reason, shows the bar is set high for that specific topic. Any chief administrator should know that a strong ethical foundation is required for an agency to acquire respect from those within the agency and more importantly, those in the public spectrum.

COUNTER POSITION

As with anything, there are opponents to the theory that all law enforcement agencies should document all issues concerning professional conduct or ethical violations. Those against the idea of mass documentation feel that the use of documentation by administrators on all issues of discipline are counter-productive and cause a morale issue. Many believe that the use of documentation in files cause

officers to have negative effects to their careers and often they are targeted by supervisors or administrators that are trying to cause the officer issues in the future. The practice is known in the industry and sometimes called “blackballing” an officer or stacking a file (<http://www.icsworld.com>).

Also, opponents to the theory of intensive documentation related to integrity violations state that there is no need for such detailed information to be placed in the employee file. Some officer unions strongly believe that the extensive documentation and ultimately the internal investigation, cause extreme morale issues within the agency. When officers feel that every time that they make a mistake the department and its supervisors are quick to start an investigation, they start to feel unsupported by those they work for and those they work with.

Officers must understand that in the current time they live in, with the constant impact of media and public perspective issues, agencies are expected to police their own. Unfortunately, this requires agencies to use documentation to regulate and insure that if ever asked, there is proof things were looked into. The impact of public perception is very important in society. It is often forgotten that public perception is the true judgment of society. If an agency loses the respect from the public, it will be an uphill battle for any future issue to be handled.

RECOMMENDATION

All departments and those agencies subject to public scrutiny, should document all issues involving employees and integrity. Documentation must be done within an ethical foundation under the highest degree of integrity. Supervising staff and those charged with the investigation or inquiry into an alleged issue of integrity or ethical

violations, must also be those of the highest character and moral standings. The officers within the organization must have a complete understanding of the process involved in the professional conduct unit or internal affairs unit. This can only be accomplished with adequate training and a commitment to providing the procedures for the process. Without clear expectations and understanding of the information pertaining to the process, future trouble might arise. The importance of documentation is not only crucial during the process of identifying the ethical violations, but also incredibly important to be carried through the career of the officer within the agency.

REFERENCES

- Alain, M., & Gregoire, M. (2008, February). Can ethics survive the shock of the job? Quebec's police recruits confront reality. *Policing and Society: An International Journal of Research and Policy*, 18(2), 169-189.
- Huberts, L., & Kaptein, M. (2007, April). A study of the impact of three leadership styles on integrity violations committed by police officers. *Policing: An International Journal Of Police Strategies & Management* , 30(4), 587-607.
- Karp, S., & Stenmark, H. (2011, January). Tradition and change in the training and professional lives of police officers. *Police Practices & Research*, 12(1), 4-15.
- Kemp, K., & Thompson, J. (2008, October). Ethics training for military medical trainees: Brooke Army Medical Center. *Military Medicine*, 173(10), 968-974.
- Huberts, L., Kaptein, M. & Lasthuizen, K. (2007, May). *A study of the impact of three leadership styles on integrity violations*. Retrieved from <https://www.ncjrs.gov/pdffiles1/Digitization/221486NCJRS.pdf>
- Martin, R. (2011, May). An analytical look into police ethics. *FBI Law Enforcement Bulletin*, 80(5), 11-17.
- Podgers, J. (2012, November). A new look. *ABA Journal*, 98(11), 24-25.
- Scheck, B. (2010, June). Professional and conviction integrity programs: Why we need them: Why they will work, and models for creating them. *Cardoza Law Review*, 31(6), 2215-2256.
- Shank, T. (2013, April 14). Conduct at issue as subordinates review officers. *New York Times*, p. 1-4.

Wyatt-Nichol, H., & Franks, G. (2009, January). Ethics training in law enforcement agencies. *Public Integrity*, 12(1), 39-50.