



CJI Management Briefs



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The ***Criminal Justice Institute*** provides management and supervision, forensic science, and computer education and training, as well as research services and technical assistance to Arkansas' law enforcement and criminal justice community.

This quarterly newsletter is designed to provide current, timely and useful information to improve the management, leadership and performance skills of supervisors.

Your comments and suggestions are solicited and welcomed.

You are encouraged to make copies of this publication and distribute them to others in your agency.

Educational and Training Issues

Every law enforcement administrator is mindful of the benefits of having an agency that can boast of seeking out and obtaining meaningful instruction and training. Administrators truthful with themselves, however, reluctantly admit that education and training are expendable line items when the budget has to be pared down due to revenue shortfalls. A very essential component of departmental function is sacrificed, oftentimes with no real search for alternative actions.

The attitude prevails that the educational and training pursuits can be put off to another time when there are sufficient resources. Many excuses can be offered for not allowing department members to attend an educational opportunity. The instruction is too expensive, the shift is short of personnel or the individual requesting to attend has a secret agenda. The list could go on and on.

Many trends have been developing in recent years concerning litigation initiated against law enforcement agencies. Cases of brutality catch the public eye in the media but the basis for most civil litigation is the negligence theory. The issue in negligence is not that the officer engaged in injurious conduct that was malicious in nature. The issue is that the officer produced injury or damages as a result of failing to perform his or her duty with due care. Sadly, a large denominator relating to failure to perform correctly is access to proper instruction and training.

Professional litigants have been exploring this avenue to the courts regularly. They are not impressed with the

myriad of excuses that can be offered by administrators for not obtaining adequate education and training for their personnel. The citizens of the community, and the laws imposed upon governmental agencies, expect the employees of law enforcement agencies to receive the requisite knowledge and skills necessary to adequately perform their duties. The agency must prepare itself.

Fostering an Atmosphere of Education

Law enforcement agencies resent having to play catch up or having to occupy a reactive role. Any agency worth its salt certainly doesn't like to have its actions, as well as its resources, controlled and dictated by an uncompensated lawsuit settlement.

A much better stance is to be proactive in nature. And it is better to be cognizant of the dangers of the agency not being properly prepared to perform its duties. Fear of litigation should not be the main catalyst for seeking educational opportunities.

The potential for encountering litigation aside, an agency has the responsibility to provide the best and most current instruction and training possible simply because it is the right thing to do. Officers under your guidance are expecting to be provided with the skills and information necessary to perform their duties. Law enforcement is a fluid profession where pivotal changes in the law occur on a daily basis. This alone necessitates constant education and training.

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What is needed in the agency is an atmosphere of learning that sends the message that the department is sincere in securing and facilitating educational and training opportunities. This has to be a "top down" attitude where it is evident that the entire agency is committed to upgrading its capabilities.

Leading by Example

As in other vital supervisory and leadership functions, leading by example sends the clearest message that the agency administration is committed to seeking out and taking part in vital educational processes. It is hard to sell the necessity of upgrading skills and capabilities if the administration gives the appearance that it has neither the time, nor the inclination.

Everyone in the agency, from middle managers to the newest hired officer or employee, is watching upper management to see what level of commitment it has to education and training. Granted, a great amount of time is allotted to performing the essential tasks of management but time must be taken to hone one's skills and knowledge base. The watchful eyes of the agency will take note of the chief or the sheriff attending a course, or passing up a golden opportunity to do so.

Again, it is the right thing to do and will invariably prepare the administrator more fully. To properly administer an agency, the leadership core has to stay on top of the changes impacting law enforcement. Current management and leadership literature illustrates that the agency head doesn't have to be the most knowledgeable person to be a good leader. A viable knowledge base does lend a great deal of credibility to the position, however.

Recognizing Advances

The surest way to foster an atmosphere of education is to recognize the efforts of individuals in their quest for information and knowledge. This goes further than the placement of a course completion certificate in the officer's personnel file. It involves a personal pat on the back and the reinforcement that education and training is essential to the effective functioning of the department.

Facilitate Learning

Fostering an atmosphere of education is not sufficient by itself. To insure that the law enforcement agency is making every effort to stay on top of the current issues impacting it, a certain amount of facilitation is necessary.



Search Out Useful Curriculum

The agency has to constantly monitor its personnel and make meaningful assessments as to what type of education or training is most pertinent or the most needed. The day of providing training for training's sake is no longer applicable. The courts are more interested in the content of the training, not the number of hours that were involved.

There are many sources of good, quality educational and training opportunities. Some are offered for a fee, while others are provided tuition-free

for the law enforcement practitioner. Cost is a concern, but there are times when paying a course fee is justified. The old adage that "you get what you pay for" fits here. Do not discount a course of instruction that is free, however, without fully investigating its merit.

Federal law enforcement agencies such as the Federal Bureau of Investigation or the Law Enforcement Coordinating Committee of the United States Attorney's Office offer quality courses of instruction. There may be small fees assessed but they are generally minimal. Oftentimes an agency can take advantage of the hospitality of a larger agency in its vicinity. The sharing of the course costs may be expected and may result in the tuition being spread out more and reduced as a result.

Other tuition programs are presented by entities such as the International Association of Chiefs of Police, the Institute of Police Technology and Management in Florida or the Southern Police Institute in Kentucky to name a few. They utilize quality instructors with impressive instructional backgrounds.

Without sounding like an advertisement, the Criminal Justice Institute of the University of Arkansas System offers a diverse curriculum in such areas as management, supervision and leadership, forensic science and crime scene investigation and computer applications. These courses are offered tuition-free as a result of legislative support and grant awards.

Obviously, the above listing is not all-inclusive. The point is illustrated that there are numerous venues in which to pursue educational and training opportunities. Each should be investigated as to their applicability to your agency's current needs.



Equity in Accessibility

The leadership core of any agency must work in concert to insure that the access to educational and training opportunities is spread around equitably. It should not be used as a showing of favoritism nor should it be used as a source of punishment. There is too much at stake, from a liability standpoint, to engage in departmental politics by using education and training as spoils.

In a similar vein, the administration must be watchful to prevent certain individuals within the law enforcement agency from "hogging" all of the courses for their own selfish interest. Some officers are adept at being in the right place at the right time and appear to be in a classroom an exorbitant amount of time. You don't want to stifle initiative but you want to be equitable with the classroom opportunities.

Speaking of initiative, a number of

your officers may be pursuing degrees at local institutions of higher learner. A law enforcement administrator may have to be innovative in shift scheduling to accommodate such an officer. The intent is to be as flexible as possible and not hamper their ability to attend these vital courses.

Certain courses may be required for an officer to obtain higher levels of certification. Attempts could be made to fund the tuition costs associated with these courses. Again, budgetary restraints may prohibit this type of expenditure but money may become available if the request is made.

Summary

Law enforcement agencies are the most visible arms of any governmental entity and as such are a ready target for litigious attorneys. The very nature of law enforcement, with officers having to make split decisions in milliseconds, requires that administrators make every attempt possible to provide the necessary education and training required.

They must do so by providing an at-

mosphere of education that becomes second nature within the agency. The best way to project an atmosphere of pro-education is to ensure that top administrators illustrate this desire by attending pertinent courses of instruction, as they are available. Everyone within the agency must recognize the importance of the attendance of crucial courses.

Law enforcement administrators must facilitate the educational and training opportunities. This takes time and effort as well as resources. Innovation will be the watchword. From a personal observation, it always struck me as being funny that my shift could schedule officers as being off for deer season but would be hard pressed to allow an officer to attend a crucial course offering. The key is to provide the opportunity in an equitable fashion, without favoritism.

There is a growing amount of law enforcement instruction becoming available. It requires investigating out which are the most cost effective and which are the most germane to your agency's current needs.

BOOK REVIEW

By: Don Kidd

***The Rights of Law Enforcement Officers* (3rd Edition, 1996) by Will Aitchison, by Labor Relations Information System, 3021 N.E. Broadway, Portland, Oregon 97232-1810.**

While the law enforcement manager and supervisor worries about lawsuits being filed under 42 U.S.C. § 1983 for deprivation of Constitutionally protected rights, the sad truth is that approximately 50 percent of the lawsuits involving law enforcement deal with employment rights—the police suing the police. Will Aitchison is a Portland, Oregon attorney who has, over the course of his career, represented over 100 law enforcement and firefighter labor organizations in five western states. Aitchison has served as an arbitrator, judge, expert witness and consultant on matters pertaining to the rights of law enforcement officers. He has written numerous articles as well as books on the *Fair Labor Standards Act*, *A Model Law Enforcement Contract*, and *Factfinding and Arbitration*.

Mr. Aitchison has written an excellent book on the rights of law enforcement officers. While designed for the lay person, the book contains the supporting case law and statutory citations to make it a reference tool for attorneys. This book does not take a generalized approach to the subject matter. This book is directed specifically at the law enforcement environment and virtually all of the 1,799 cases discussed specifically arise out of the law enforcement setting.

The first section of this book deals with collective bargaining that may not be of interest to some Arkansas law enforcement personnel. The remaining sections of this book deal with law enforcement discipline, procedural rights in the disciplinary process, the law enforcement officer's right to privacy, freedom of speech, freedom of association rights, political activity, rights of law enforcement officers to bring civil suits, the Fair Labor Standards Act, Employment Discrimination, Rights of Disabled Officers, and Worker's Compensation and the Right to a Safe Working Environment.

This is an excellent book that can provide legal guidance to the law enforcement supervisor and manager in many difficult areas. While there is no substitute for sound legal advice, this moderately priced book is an excellent tool for the law enforcement professional. It is an excellent reference guide to consult when having to make difficult decisions involving personnel.

FAMOUS QUOTATIONS:



“The roots of education are bitter, but the fruit is sweet.”

-Aristotle-

“Never let formal education get in the way of your learning.”

-Mark Twain-

“We can get over being poor, but it takes longer to get over being ignorant.”

-Jane Sequichie Hifler-

“Knowledge is the food of the soul.”

-Plato-

“In every man there is something wherein I may learn of him, and in that I am his pupil.”

-Ralph Waldo Emerson-

“He that teaches us anything which we knew not before is undoubtedly to be revered as a master.”

-Samuel Johnson-

“Nurture your minds with great thoughts. To believe in the heroic makes heroes.”

-Benjamin Disraeli-

“Wisdom is the principal thing: Therefore get wisdom. And in all your getting, get understanding.”

-Solomon (Proverbs 4:7)-

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