

Tennessee Criminal Justice Standards and Goals Project

NCJRS

OCT 4 1976

ACQUISITIONS

RURAL LAW ENFORCEMENT

36760 C-3

Tennessee Law Enforcement Planning Commission, 1975

## PREFACE

This volume is one of eight reports adopted by the Tennessee Law Enforcement Planning Commission as goals and objectives for the criminal justice system in Tennessee. The development of the goals and objectives herein resulted from the award of Law Enforcement Assistance Administration (LEAA) discretionary funds to the Tennessee Law Enforcement Planning Commission. The Commission utilized the services of Midwest Research Institute, Kansas City, Missouri, for the coordination and operation of the goals and objectives effort.

The opinions and recommendations in this report are those of criminal justice practitioners and citizens of Tennessee. As goals and objectives are implemented, experience will dictate that some be upgraded, some modified, and perhaps some discarded. Practitioners and citizens will contribute to the process as the goals and objectives are tested in the field.

It is the hope of the Tennessee Law Enforcement Planning Commission that these goals and objectives will become an integral part of criminal justice planning throughout Tennessee and be utilized as a guideline for future program implementation.

## TABLE OF CONTENTS

	<u>Page</u>
Introduction . . . . .	1
Action List. . . . .	6
Goal Areas	
Part I - Administrative	
1. Police Function . . . . .	15
2. Police Planning and Budgeting . . . . .	30
Part II - Operations	
3. Community Crime Prevention. . . . .	38
4. Crime Detection and Apprehension. . . . .	44
5. Alternatives to Physical Arrest . . . . .	70
6. Specialization. . . . .	76
7. Professional Assistance and Support Services. . . . .	96
8. Mass Disorders and Unusual Occurrences. . . . .	107
Part III - Personnel and Equipment	
9. Recruitment, Selection and Career Development . . . . .	116
10. Training and Education. . . . .	139
11. Employee Benefits . . . . .	151
12. Equipment . . . . .	156
13. Internal Discipline Procedures. . . . .	163
14. Police Organizations. . . . .	171

## INTRODUCTION

Tennesseans, like other Americans, are growing more and more concerned about the problem of crime. That concern has developed because of the constantly increasing crime rate.

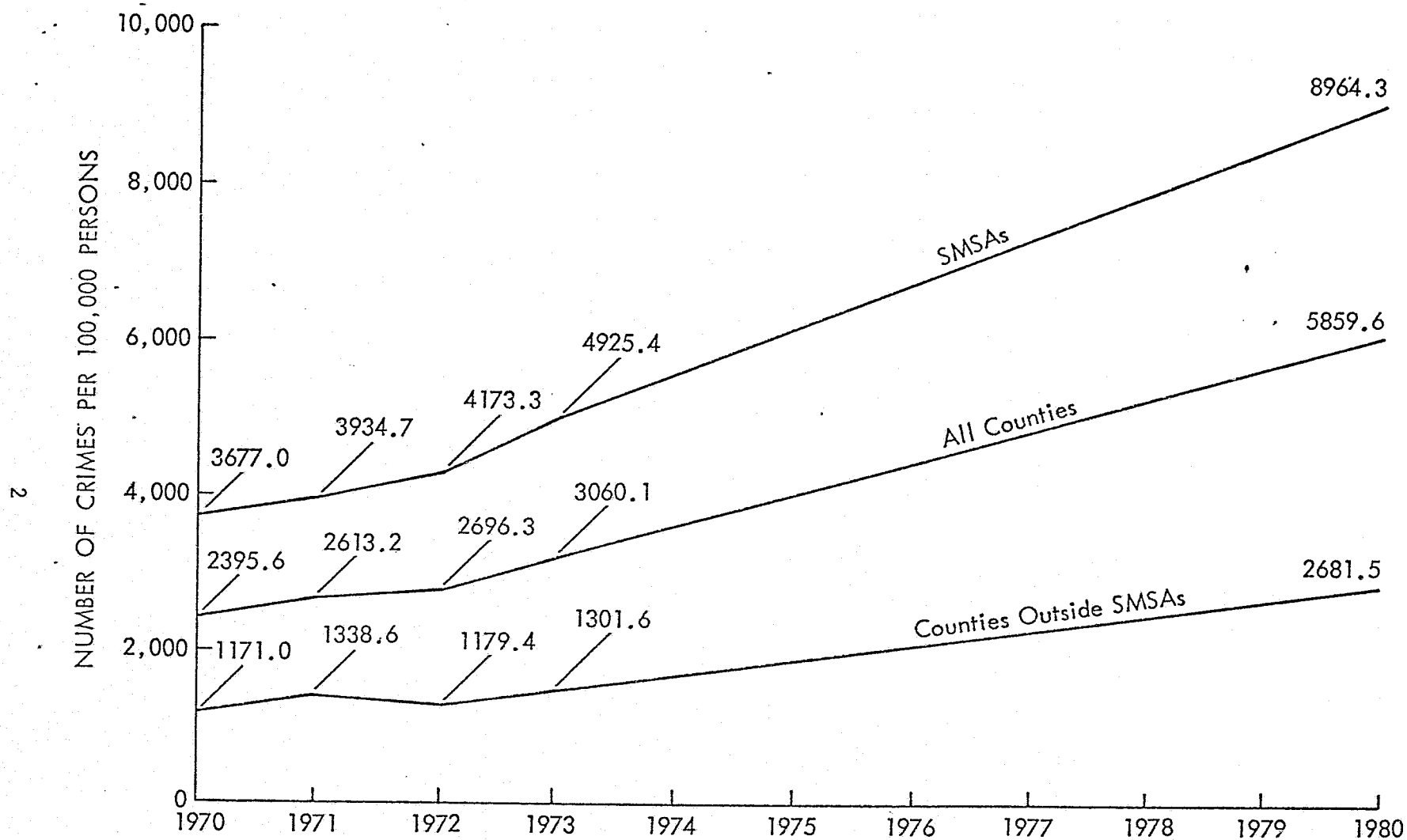
Crime rates are measured in terms of the number of crimes reported per 100,000 people. A group of the most serious crimes that are used by the FBI in determining crime rates are known as index offenses. Included in index offenses are the crimes of murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft and auto theft. In 1970, the crime rate for index offenses in Tennessee, according to FBI statistics, was 2,395.6. That is, for each 100,000 people in the state there were 2,395.6 index offenses reported during the year. By 1973, the rate had increased to 3,060.1, a jump of 28 percent. Tennessee's rate was not high when compared to the national average which was 4,116.4 in 1973, but it was certainly too high from the point of view of the citizens in this state.

Not only have crime rates been increasing rapidly in recent years, but unless far more effective measures to fight crime are developed, we can reasonably expect them to continue to increase. Using as their base crime rates for the years 1969 to 1973, the staff of the Tennessee Law Enforcement Planning Agency predicted crime rates in each county for each year until 1980. Figure 1 shows the results of the prediction. The number of index offenses per 100,000 population in the state as a whole is expected to reach 5,859.6 by 1980, an increase of 91 percent over the 1973 rate. In certain counties designated by the Census Bureau as Standard Metropolitan Statistical Areas (SMSA's),<sup>1/</sup> the crime rate has been higher and is expected to remain higher than in the rest of the state. In 1973, for instance, the rate in SMSA counties was 4,925.4 compared to 1,301.6 in the rest of the state. While that fact may give some comfort to citizens in the less populous counties, it should be pointed out that during the rest of the 1970's the crime rate is expected to increase more rapidly in the rural than in the urban areas. By 1980, the SMSA crime rate is expected to be 82 percent higher than it was in 1973. For counties outside the SMSA's, the rate is expected to be 106 percent higher. If these predictions are accurate, they mean that the level of crime in the rural areas of the state in 1980 will be as high as it was in the urban areas in 1972.

---

<sup>1/</sup> The four SMSA's in Tennessee are Knoxville (Anderson, Blount and Knox Counties), Chattanooga (Hamilton County), Memphis (Shelby County), and Nashville (Davidson, Sumner, and Wilson Counties). Additional counties were added to each of these SMSA's in 1973. In order to assure that the crime statistics would be comparable with previous years, however, the figures for 1973 and after were recomputed to include only those counties that had previously been in the SMSA's.





Source: FBI Computer and TLEPA Projections

Figure 1 - Actual Index Crime Rate 1970-1973 and Predicted Rate for 1980 in All Counties, SMSA's, and Counties Outside SMSA's

Projections are made on the basis of past experience. That does not mean that they will be accurate. They will be accurate only if the important factors affecting whatever is being measured and projected remain the same. In recent years the notion that we must launch a "war on crime" has become commonplace, and many policies and programs, including the establishment of the Law Enforcement Assistance Administration in Washington and the Tennessee Law Enforcement Planning Commission and Agency in Tennessee, have been motivated by the desire to prosecute that war vigorously. If the war is successfully fought, the predictions of future crime rates may turn out to be inaccurate. Whether that war can be successfully fought is a difficult question. Crime is a complex social phenomenon that does not have any one, simple cause. The crime rate will be affected by everything from the success of our public school systems in helping children to acquire an education that will enable them to find a job, to the attempts of correctional agencies to rehabilitate sentenced offenders.

Despite many disagreements among experts on the causes of crime and the best way to reduce crime, there is probably one thing on which all would agree. As long as there is a war on crime, it is the police who must stand on the front line in that war.<sup>1/</sup>

This report presents the conclusions reached by the Tennessee Law Enforcement Planning Commission concerning the best ways to improve the quality of police services in Tennessee. The work of police agencies is not only important and often dangerous but complex and difficult. Suggestions for means to improve the delivery of police services cannot, therefore, focus on any narrow set of proposals. The TLEPC has addressed a wide ranging series of proposals covering administrative problems, operations, and personnel and equipment.

Suggesting means to improve police services is made more difficult by the great variety of police agencies in the state. Programs that might be of great help in a large metropolitan department, for instance, might not be sensible or even possible to achieve in a sheriff's department in a small county. The TLEPC recognizes that a distinction must be made between urban and rural departments. Therefore, two reports on law enforcement have been prepared, one for urban agencies and one for rural, defined as a department with under 50 sworn personnel. Each of the two reports deals with the same set of problems, but different approaches are suggested in some cases for large and small departments.

---

<sup>1/</sup> The term "police" is used throughout this report to designate all law enforcement agencies whether police departments, sheriff's departments, or the Department of Safety.

The proposals for improving police agencies are presented in the form of a workbook designed to facilitate revision and updating of the proposals in future years. At the beginning of the report there is an action list that serves two purposes. It is a table of contents for the main body of the report. It also shows at a glance the key proposals, the agency responsible for implementing them, and the priorities assigned to them by the Law Enforcement Planning Commission. The priorities assigned by the Commission will have important consequences in future years because, as is explained below, they will influence the funding of grant proposals. It is important, therefore, for agencies using this report to understand the meanings of certain terms and of the numerical priorities assigned by the Commission.

#### Definition of Terms

Goal                    A statement indicating a general direction or trend that is desired.

Objective              A specific program and a date by which that program is to be at least partially in effect.

#### Priorities:

1 Must                This is an objective that must be met by agencies seeking funds from the Commission. Each agency must meet all of the number one priorities applicable to it at any given time before it will be granted funds for objectives having lower priorities. The agency is expected to achieve the objective by the year indicated. In that year it will not receive any funds for programs with a priority of less than one unless it has met all of the number one priorities for that and previous years. Agencies will not be penalized for failing to meet a priority one objective: (1) if that failure was due to a failure by the General Assembly or the Tennessee Supreme Court to take action required to carry out the program; (2) if the agency applied for funds to assist it in meeting the priority but did not receive a grant because the Commission was financially unable to fund the request. In the body of the report, the word "must" is used in stating each objective that was given a priority of one.

With respect to proposals for legislation or for action by agencies that do not seek Commission funding, a priority of one means "very strongly recommended."

2 Should Strongly recommended--not a "must" but will be considered for funding ahead of objectives with lower priorities. In the body of the report the work "should" is used in stating objectives with a priority of two.

With respect to legislative proposals or actions by agencies that do not seek Commission funds, a priority of two means "strongly recommended."

3 Should  
Consider Recommended for consideration - included as an objective which has merit under specific circumstances. In the body of the report, the words "should consider" denote a priority of 3. EXCEPTION: A priority of 3 for objectives relating to correctional agencies denotes a need for research to be at least partially completed by the date indicated.

4 May  
Consider For consideration--included for information purposes only. Indicated by the words "may consider" in stating the objective.

Following the action list is the main body of the report. It is organized in the same order as the goals and objectives in the action list. Most objectives have attached to them a list of "strategies" which are various ways in which the objectives might be achieved and which should be considered by the agencies concerned. The goals, objectives and strategies are further explained and discussed through introductions to each goal and commentaries on each objective or set of objectives.

Most objectives or sets of objectives also have a "source" indicated. The source is the original written proposal from which the objective was taken. The objective may be in a form identical to the original source or may have been modified to meet the needs and conditions of Tennessee. In some cases no source will be listed because the objective was developed in a task group meeting or by the Commission itself and does not have an original written source. Also included are lists of references which can be used to obtain more information about the problems and issues addressed by particular objectives.

Personnel in police and related agencies should be able to look at the action list, see what objectives require their action by what year, and look up the more detailed statement in the body of the report. The development of these proposals has emphasized not only what is desirable but what is workable and practical. Therein lies the strength of this document.

LAW ENFORCEMENT - ACTION LIST ABBREVIATIONS

L     - Legislature (General Assembly)  
SG     - Tennessee Supreme Court  
Gt     - Trial level or lower courts  
DA     - District Attorney General  
DC     - Defense Counsel  
Df     - Public Defender  
LE     - Law enforcement agencies: police departments, sheriffs departments,  
          Department of Safety  
BA     - Tennessee Bar Association  
LG     - Local government, generally county court  
JSC    - Judicial Standards Commission

# RURAL LAW ENFORCEMENT ACTION LIST

<u>Goal and Page Nos.</u>	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	<u>Beyond '81</u>
1. (15)	<u>GOAL: DEFINE AND EVALUATE THE POLICE FUNCTION</u>							
1.1 (17)	Each police agency <u>must</u> develop written policies, objectives, priorities, and procedures covering the various functions of the agency and its component parts.	LE		1				
1.2 (22)	Each police agency <u>should</u> develop written policy statements that publicly establish the limits of police discretion, provide guidelines for its exercise within those limits, and eliminate discriminatory enforcement of the law.	LE		2				
1.3 (25)	Each police chief executive <u>should con- sider</u> adopting a written policy state- ment acknowledging the role of the news media and establishing liaison between the agency and the media.	LE		3				
1.4 (28)	Each police agency <u>should</u> establish a for- mal inspection system to evaluate the ef- ficiency and effectiveness of agency oper- ations.	LE			2			
2. (30)	<u>GOAL: IMPROVE PLANNING AND BUDGETING PROCESS</u>							
2.1 (31)	Each police agency <u>should</u> participate in co- operative planning with all other govern- mental subdivisions of the jurisdiction when such planning can have an effect on crime, public safety, or efficient police operations.	LE			2			
2.2 (34)	Each police chief <u>should</u> familiarize him- self with all means by which the agency can derive all possible benefits from local funding, city-state-federal revenue sharing, grants and the use of bonds.	LE			2			

RURAL LAW ENFORCEMENT ACTION LIST (continued)

Goal and Page Nos.	Description	Agency	'76	'77	'78	'79	'80	Beyond '81
2.3 (36)	Each police agency <u>should</u> annually evaluate its staff services, in terms of adequacy and cost-effectiveness, to determine whether or not they would be more effective if they were combined or secured from other law enforcement agencies through interagency agreements.	LE		2				
2.4 (36)	Each police agency <u>should</u> establish a cost accounting system which records costs of agency programs.	LE			2			
3. (38)	<u>GOAL: IMPROVE POLICE-COMMUNITY CRIME PREVENTION</u>							
3.1 (39)	Each police agency <u>should</u> establish joint police-community crime prevention programs.	LE				2		
3.2 (42)	Each police agency <u>should consider</u> obtaining the active involvement of parents, teachers and professional organizations in educating youth as to the ill effects of drugs and providing alternatives to drugs.	LE				3		
4. (44)	<u>GOAL: IMPROVE EFFECTIVENESS OF LAW ENFORCEMENT AGENCIES IN COMBATING CRIME</u>							
4.1 (49)	Daily 24-hour police services <u>must</u> be provided for all parts of the state.	LE			1			
4.2 (51)	Every police chief executive <u>must</u> seek to continually enhance the role of the patrol officer.	LE		1				
4.3 (54)	Every police agency <u>should consider</u> the feasibility of a team policing system.	LE				3		
4.4 (56)	Every police chief executive <u>must</u> develop written policy governing agency action in juvenile matters, including detection, deterrence and prevention of delinquent behavior and juvenile crime.	LE			1			

RURAL LAW ENFORCEMENT ACTION LIST (continued)

Goal and Page Nos.	Description	Agency	'76	'77	'78	'79	'80	Beyond '81
4.5 (59)	Every police agency <u>should</u> assign civilian personnel to those positions that do not require exercise of police authority or the special knowledge, skills and aptitude of the professional police officer.	LE		2				
4.6 (62)	Police reserve officers <u>should</u> be employed to supplement the regular force of sworn personnel and increase community involvement in local police service.	LE		2				
4.7 (66)	Response time on emergency calls - from receipt of call to message radio transmission - <u>should</u> not exceed 2 minutes (1 minute by 1978) nor 6 minutes (4 minutes by 1978) on non-emergency calls.	LE			2			
4.8 (66)	Police communications systems <u>must</u> be developed that will provide rapid means for: a. reporting crimes b. dispatching and coordinating police units	LE		1				
4.9 (66)	All phone calls to police communication centers <u>must</u> be recorded.	LE			1			
5. (70)	<u>GOAL: INCREASE ALTERNATIVES TO PHYSICAL ARREST BY EXPANDING THE USE OF CITATION AND SUMMONS</u>							
5.1 (71)	The Tennessee Law Enforcement Planning Commission recommends to the General Assembly that it <u>consider</u> adopting legislation authorizing the use of citations and summons in lieu of arrest in specified situations.	L		3				
5.2 (71)	If the General Assembly authorizes citations and summons in lieu of arrest, as is recommended in Objective 5.1, then by 1978, each local police agency <u>should</u> formulate in writing procedures for the use of summonses, citations and arrest warrants.	LE			2			
5.3 (73)	Legislation to permit search with citation under specified conditions.	L		1				



RURAL LAW ENFORCEMENT ACTION LIST (continued)

Goal and Page Nos.	Description	Agency	'76	'77	'78	'79	'80	Beyond '81
6. (76)	<u>GOAL: PROMOTE SPECIALIZATION AS A POLICE TOOL</u>							
6.1 (77)	Each police agency <u>should</u> have the capacity to conduct thorough criminal investigations.	LE			2			
6.2 (80)	Each police agency <u>should</u> insure its capability to conduct effective vice operations. These operations should be capable of reducing the incidence of vice crimes and related criminal activity.	LE			2			
6.3 (83)	Each police agency <u>should</u> establish and maintain the capability to gather and evaluate information and to disseminate intelligence in a manner which protects every individual's right to privacy while it curtails organized crime and public disorder.	LE			2			
6.4 (85)	Every police agency <u>should</u> acknowledge the direct relationship between narcotic and drug offenses and other criminal activity, and <u>should</u> have available a narcotic and drug investigation capability based on that acknowledgement.	LE			2			
6.5 (87)	Each police agency <u>should</u> encourage the establishment of narcotic drug abuse public awareness programs by community social service agencies.	LE					2	
6.6 (90)	Every police agency <u>should</u> insure coordination and the continual exchange of information between officers assigned to narcotic and drug enforcement, vice enforcement, intelligence, criminal investigators and uniformed patrol.	LE					2	
6.7 (91)	Every police agency with more than 15 sworn personnel <u>should</u> develop juvenile investigation capabilities.	LE					2	
6.8 (92)	Every police agency <u>should</u> provide all juvenile officers with specific training in preventing delinquent behavior and juvenile crime.	LE					2	
6.9 (94)	Every police agency, which has established specialties <u>should consider</u> an annual, formal review of each specialty to determine its effectiveness in helping to achieve agency goals and objectives.	LE					3	
7. (96)	<u>GOAL: EMPHASIZE THE USE OF PROFESSIONAL ASSISTANCE AND IMPROVE THE QUALITY OF SUPPORT SERVICES</u>							

RURAL LAW ENFORCEMENT ACTION LIST (continued)

<u>Goal and Page Nos.</u>	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	<u>Beyond '81</u>
7.1 (98)	Every police agency <u>should</u> establish liaison with professionals outside the police service who have expertise that can contribute to effective and efficient performance beyond the capabilities of agency employees.	LE			2			
7.2 (101)	Every police agency <u>should</u> acquire the legal assistance necessary to insure maximum effectiveness and efficiency in all its operations.	LE			2			
7.3 (104)	Every police agency <u>should</u> establish a standardized system for secure and efficient storage, classification, retrieval and disposition of items of evidentiary or other value.	LE			2			
8. (107)	<u>GOAL: DEFINE AND IMPLEMENT PLANS FOR DEALING WITH MASS DISORDERS AND UNUSUAL OCCURRENCES</u>							
8.1 (108)	The development of local contingency plans <u>should</u> include procedures for regulation of the use of police resources in controlling unusual occurrences.	LE			2			
8.2 (113)	Every police chief executive <u>should</u> establish formal training programs to deal with unusual occurrences.	LE					2	
9. (116)	<u>GOAL: UPGRADE RECRUITMENT AND CAREER DEVELOPMENT OF LAW ENFORCEMENT PERSONNEL</u>							
9.1 (117)	The TLEPC <u>strongly recommends</u> legislation empowering a state commission to develop and enforce mandatory state minimum standards for the selection of police officers.	L				2		
9.2 (124)	Every police agency not having enough qualified applicants with appropriate college backgrounds <u>should</u> develop a recruitment program to fill that need.	LE					2	

RURAL LAW ENFORCEMENT ACTION LIST (continued)

Goal and Page Nos.	Description	Agency	'76	'77	'78	'79	'80	Beyond '81
9.3 (127)	The General Assembly and local governments <u>should consider</u> establishing a formal salary structure based on a systematic classification of all law enforcement positions.	L, LG			3			
9.4 (131)	Local governments <u>must</u> expand classification and pay systems to provide greater advancement opportunities within the patrol ranks.	LG		1				
9.5 (133)	Formal career development programs <u>should</u> be established in all law enforcement agencies.					2		
9.6 (137)	Every police chief executive <u>must</u> assume administrative control of the promotion and advancement system to insure that only the best qualified personnel are promoted or advanced.	LE					1	
10. (139)	<u>GOAL: UPGRADE TRAINING AND EDUCATION OF LAW ENFORCEMENT PERSONNEL</u>							
10.1 (141)	The TLEPC <u>strongly recommends</u> legislation mandating minimum basic training for every sworn police employee within 2 years of employment.	L		2				
10.2 (143)	Every police agency <u>must</u> provide full-time sworn employees, during the first year of employment, with additional formal training, coached field training and supervised field experience.	LE	1					
10.3 (146)	Every police agency <u>should consider</u> allowing all sworn personnel to participate voluntarily in at least 40 consecutive hours annually of formal personnel development activity, while on duty and at full pay.	LE		3				
10.4 (149)	Every police agency <u>should consider</u> the affiliation of police training programs with academic institutions. All training courses for college credit should be academically equivalent to courses that are part of the regular college curriculum.	LE	3					

RURAL LAW ENFORCEMENT ACTION LIST (continued)

Goal and Page Nos.	Description	Agency	'76	'77	'78	'79	'80	Beyond '81
11. (151)	<u>GOAL: STANDARDIZE BENEFITS FOR ALL LAW ENFORCEMENT PERSONNEL</u>							
11.1 (152)	Every police agency <u>should</u> establish a health care program that provides for the particular health care needs of its employees and their immediate families.	LE		2				
11.2 (154)	The TLEPC <u>very strongly recommends</u> that the legislature provide an actuarially sound statewide voluntary police retirement system designed to facilitate lateral entry. The system <u>must</u> require a minimum of 25 years service for normal retirement and a mandatory retirement age of 60.	L		1				
12. (156)	<u>GOAL: PROVIDE AND IMPROVE LAW ENFORCEMENT EQUIPMENT</u>							
12.1 (157)	Every police agency <u>must</u> provide a full uniform and equipment complement for every police officer.	LE			1			
12.2 (160)	Fleet safety <u>should</u> be insured.	LE					2	
13. (163)	<u>GOAL: ESTABLISH FORMAL INTERNAL DISCIPLINE PROCEDURES</u>							
13.1 (164)	Every police chief executive <u>should</u> implement positive programs and techniques to prevent employee misconduct and to encourage self-discipline.	LE		2				
13.2 (166)	Every police agency <u>should</u> designate personnel to conduct investigations of complaints. Personnel should be responsible to the police chief executive.	LE		2				
14. (171)	<u>GOAL: IMPROVE EMPLOYEE-AGENCY RELATIONS</u>							
14.1 (172)	Each police agency <u>should consider</u> establishment of uniform procedures that govern employee organizations and interpersonal relations.	LE				3		

RURAL LAW ENFORCEMENT ACTION LIST (continued)

<u>Goal and Page Nos.</u>	<u>Description</u>	<u>Agency</u>	<u>'76</u>	<u>'77</u>	<u>'78</u>	<u>'79</u>	<u>'80</u>	<u>Beyond '81</u>
14.2 (176)	The TLEPC <u>very strongly recommends</u> legis- lation prohibiting police employees from participating in work stoppages or job action.	L			1			

## 1. GOAL: DEFINE AND EVALUATE THE POLICE FUNCTION

### Introduction

The police in Tennessee are not separate from the people. They draw their authority from the will and consent of the people, and they recruit their officers from them. The police are the instrument of the people to achieve and maintain order; their efforts are founded on principles of public service and ultimate responsibility to the public.

To a police officer, public service is more than a vague concept. When people need help, it is to a police officer that they are most likely to turn. He responds--immediately--without first ascertaining the status of the person in need. It does not matter if that person is rich or poor; he need not meet complicated criteria to qualify as a recipient of aid or as a potential client.

Although the police service is a formal element of local government, it is responsible to the people in a more direct way. The specific goals and priorities which the police establish within the limits of their legislatively granted authority are determined to a large extent by community desires. These desires are transmitted to the police through the community and the governing body of the jurisdiction in which the police operate. For example, elements of the community might urge increased patrols around schools, stricter enforcement of parking regulations in congested areas, or reduced enforcement activities against violations of certain crimes. The priorities established by police agencies in such cases are often influenced more by the wishes of those policed than by any other consideration. The police officer is accountable to the people for his decisions and the consequences. The success of his mission depends to a great extent on the support of the people.

A very high percentage of police work is done in direct response to citizen complaints. This underlines the frequently unrecognized fact that members of the public are an integral part of the criminal justice system; in fact, the success of the system depends more on citizen participation than on any other single factor.

The police are the criminal justice element in closest contact with the public; as a result, they are often blamed for failures in other parts of the system. In like manner, public confidence in the criminal justice system depends to a large extent on the trust that the people have in their police.

The police, the criminal justice system, and government in general could not control crime without the cooperation of a substantial portion of the people. In the absence of public support, there would be little that an army could not do better than the police.

Despite the mutual dependence of the police and the public, both inside and outside the service there is little agreement on the role of the police. The objectives in this section are intended to stimulate police agencies to review and evaluate their various functions and to take steps to promote the effectiveness and efficiency of police programs. Only when police agencies have a clear conception of their role will they be able to inform the public about the police role and the services that the public can expect to receive from their local law enforcement officials.

1.1 Objective. By 1977. each police agency must develop written policies, objectives, priorities and procedures covering:

1. the services to be provided;
2. the goals and objectives of the agency and each of its units;
3. the role of the police generally and of the patrolman specifically;
4. the limits of authority; and
5. those areas of operations in which guidance is needed to direct agency employees toward the attainment of agency goals and objectives.

#### Strategies

1. The police policies should be developed by the police chief executive, based on policies of the governing body that provides formal authority for the police function.
2. The police chief executive should acknowledge the basic purpose of the police is to maintain public order and control crime.
3. The police chief executive should identify those crimes on which police resources will be concentrated.
4. The police chief executive may determine if some government services (not essentially police functions) have a relationship to the objectives established by the police agency, determine the budgetary cost of the services, and inform the public of the effect that provision of the service by the police will have on the ability of the agency to continue its present level of enforcement services. If such services do not have a relationship to agency objectives, the police chief should resist such services becoming a duty of the agency. If the service must be provided by the police agency, it should be placed in perspective with other agency services and considered according to priority.
5. The police chief executive should determine the scope and availability of other government services and develop the department's ability to make effective referrals to those services.
6. The police chief executive should be held fully responsible for the operations of his department.



7. The police chief executive should be given full control over the management of the department. Legislators, civil service commissions, and employee associations should not restrict the flexibility that is required for effective management.<sup>1/</sup>
8. The police chief executive has the responsibility to exert leadership in seeking to improve the quality of police service and in seeking to solve communitywide problems of concern to the police.
9. The position of the police chief executive should be recognized as being among the most important and most demanding positions in the hierarchy of governmental officials.
10. The police chief executive should actively involve all agency personnel in the policymaking process along with other agencies which are affected by the policies.
11. Police agencies should develop short- and long-range goals and objectives to guide agency and unit functions.
  - a. Goals and objectives should be consistent with the role of the police, responsive to community needs, reasonably attainable, flexible, quantifiable and measurable.
  - b. Police agencies should provide for maximum input both within and outside the agency in the development of their goals and objectives.
  - c. Goals and objectives should be published and disseminated to provide uniform direction of employee efforts and should be periodically reviewed.
  - d. Police agencies should annually study and revise established agency objectives and priorities in connection with budget preparation.

<sup>1/</sup> TGA 8-840, 858 creates a Civil Service Board for the sheriff's department in each county adopting the act. All employees in the department, except the sheriff, his secretary, chief deputy, and the jail cook are under civil service.

12. Agency policy should acknowledge that:

- a. The limits of police authority are prescribed by law;
- b. There are times when force must be used, but that no situation justifies the use of unreasonable force;
- c. Police must be accountable to the community; and
- d. Procedures for responding to complaints, suggestions, and requests regarding police services and for the formulation of policies should be provided.

13. Police chief executives should establish and disseminate to the public and every agency employee, written policy acknowledging that police effectiveness depends upon public support and cooperation.

14. Police agencies should take steps to insure that every officer has an understanding of his role.

- a. Officers of basic rank should be involved in developing policy regarding the police role.
- b. Middle managers and first-line supervisors should receive training in the police role.
- c. Methods of routinely evaluating individual officer performance should take into account all activities performed within the context of the defined role.

#### Commentary

A police officer's workday includes a variety of situations that range from periods of relative calm to intense pressure. Because of the nature of police work, the police officer often sees people at their worst and seldom at their best. As a result, what he sees and hears during his daily encounters with the public are bound to affect how he views his role. If the police agency does not provide the officer with guidelines on what it expects of him, he is very likely to form his own ideas, perceptions and expectations of his proper role. Unfortunately, the police officer's personal idea of his role cannot always be expected to be consistent with the official role informally adopted by his agency.

As a result, the policy must be formally determined by the local police chief executive. He is also responsible for formulating the agency's objectives, priorities, policies and practices in agreement with the law, the needs of local government and the public. The role agreed upon then must be passed on to each officer through the development of written policy. However, police officers' attitudes cannot be changed simply by changing written policy. It is most effective and sensible to ask police officers, at all levels, to help define their agency's official police role.

Establishing the role of the police is only a part of an even greater responsibility of the police agency--that of formulating agency goals and objectives that pertain to the overall operation of the agency. To this end, a realistic appraisal of the problems encountered or anticipated by the agency is necessary to the establishment of agency policy, goals and objectives.

Every police agency requires both long- and short-term goals and objectives. Many problems which the police agency wishes to solve require many years of effort, while others lend themselves to a more rapid solution. Furthermore, goals and objectives will be the most effective if they are reasonably attainable; but they should not be easily attainable. Challenging goals and objectives are often times more advantageous because if they are impossible to reach, the result may be discouragement and reduced effort.

Another important consideration is that goals and objectives should be measurable. This makes standards, goals and objectives more specific and usually leads to a more detailed analysis of what specific factors lead to their establishment.

Finally, no goal or objective, no matter how well founded or how well written, will be of value to the agency unless it is published and disseminated among agency personnel who will be responsible for its achievement. Each employee must know what the goals and objectives are; he must understand them or at least have them available for referral in times of doubt.

Although the primary purpose of the police is crime prevention through law enforcement, in certain cases the police must provide nonenforcement services. However, the idea of a flexible police role does not require police agencies to accept duties that are basically unrelated to law enforcement. Instead, police agencies must restrict themselves to providing services that meet their basic objectives of maintaining public order and protecting constitutional guarantees.

Written policy defining the police role, priorities for the delivery of police services, and performance guidelines should be provided to all officers and made available to the public. In addition, police administrators should develop new means of informing the public about the police function and the citizen's role in controlling crime. However, no two communities are ever alike. For example, the news media have a legitimate need for information about police activities; and furthermore, they offer an excellent way to inform the public about the nature of police tasks and problems. Because of this, policies should be incorporated into the overall agency policy that define the relationship between a police agency and the news media. Public education and information programs must be tailored to the needs of individual communities.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 1, pp. 12-16, Washington: Government Printing Office (1974).

#### References

1. TGA 8-840, 848.
2. American Bar Association Project on Standards for Criminal Justice, Standards Relating to the Urban Police Function, tentative draft, March 1972.
3. Eastman, George (ed.), Municipal Police Administration, Municipal Management Series, Washington, D.C.: International City Management Association (1969).
4. Fisk, James G., "Some of the Dimensions of the Issue of Police Discretion," unpublished discussion paper, University of California, Los Angeles, Institute of Government and Public Affairs (1972).
5. Reiss, Albert J., The Police and the Public, New Haven: Yale University Press (1971).
6. Sterling, James, Changes in Role Concepts of Police Officers, Washington, D.C.: International Association of Chiefs of Police (1972).
7. Wilson, James Q., Varieties of Police Behavior: The Management of Law and Order in Eight Communities, Cambridge: Harvard University Press (1968).

1.2 Objective. By 1976, each police agency should develop written policy statements that publicly establish the limits of police discretion, provide guidelines for its exercise within those limits, and eliminate discriminatory enforcement of the law.

### Strategies

1. The police chief should establish policy that:
  - a. Guides the exercise of discretion by police personnel in using arrest alternatives.
  - b. Defines the limits of discretion by police personnel in conducting investigations;
  - c. Governs the exercise of discretion by police personnel in providing routine peacekeeping and other frequently needed police services;
  - d. Formalizes procedures for developing and implementing the written agency policy; and
  - e. Provides guidelines for its exercise of discretion within those limits, and that eliminates discriminatory enforcement of the law.
2. Inspection and control procedures should be adopted to insure that officers exercise their discretion in a manner consistent with agency policy.

### Commentary

Law enforcement officers exercise considerable discretion. The decisions they make largely define the limits of the criminal justice process and have a profound effect upon the overall administration of justice, particularly upon individuals. Police discretion is paradoxical. It appears to flout legal commands, yet it is necessary because of limited police resources, the ambiguity and breadth of criminal statutes, the informal expectations of legislatures, and the often conflicting demands of the public.

The existence of police discretion has often been denied by police administrators and its legitimacy withheld by legislators, but it can no longer be ignored. The police are professional decisionmakers who exercise discretion in resolving conflicts that threaten public order.

Through his decision to search, to arrest, or to do nothing, an officer has a profound influence upon the lives of those with whom he has official contact. Yet the guidelines he must rely on to make those decisions are largely developed not by his agency but by a judge far removed from the immediate situation.

Courts generally are more concerned with the right of individual defendants than with the effect their decisions will have on law enforcement operations. While those decisions in the aggregate may define the limits of police authority, they are rarely structured to provide significant guidance to officers in the infinite variety of complex situations that might in some way be affected by a particular court decision.

Police agencies should analyze court decisions and translate them into policy statements that define police authority and provide guidelines for the exercise of discretion. By establishing such guidelines, police agencies provide for uniformity of decisions and action, and eliminate unnecessary discretion.

Because the exercise of police discretion is part of police authority, police agencies must not fail to establish policy guidelines which define the limits of police discretion. If they do not, officers are forced to exercise their own discretion based on their understanding of the law and their perception of the police role. Errors in judgment are bound to occur when discretion is exercised by the individual officer, but clearly defined policies that establish the limits of discretion can minimize such errors.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 1, pp. 21-28, Washington: Government Printing Office (1974).

#### References

1. Burger, Warren, Chief Justice of the United States, "Address to Graduates of the FBI National Academy, 11-3-71," FBI Law Enforcement Bulletin, January 1972.
2. Caplan, Gerald, "The Case for Rulemaking by Law Enforcement Agencies," Law and Contemporary Problems (1972).
3. Comment, The Right to Nondiscriminatory Enforcement of State Penal Laws, 61 Colum. L. Rev. 1103 (1961).
4. Davis, Kenneth Gulp, Discretionary Justice, Baton Rouge: Louisiana State University Press (1969).
5. Goldstein, Herman, "Administrative Problems in Controlling the Exercise of Police Authority," Journal of Criminal Law, Criminology and Police Science, 58:160 (1967).

6. Goldstein, Joseph, Police Discretion Not to Invoke the Criminal Process: Law-Visibility Decisions in the Administration of Justice, 69 Yale L. J. 543 (1960).
7. La Fave, Wayne, The Police and Nonenforcement of the Law--Part I, 1962 Wisc. L. Rev. 104 (1962).
8. La Fave, Wayne, The Police and Nonenforcement of the Law--Part II, 1962 Wisc. L. Rev. 179 (1962).

1.3 Objective. By 1977, each police chief executive should consider adopting a written policy statement acknowledging the role of the news media and establishing liaison between the agency and the media.

Strategies

1. Each agency could promote an aggressive policy of presenting public information rather than merely responding to occasional inquiries.
2. The news media relations policy should be included in the agency training curricula, and copies of it provided to all agency personnel, media representatives, and the public. This policy should acknowledge:
  - a. The right of the press to obtain information for dissemination to the public;
  - b. The agency's responsibility to respond to inquiries from the media, subject to legal restraints and the necessity to preserve evidence, to prevent interference with police investigations and other operations, and to protect the constitutional rights of persons accused of crimes;
  - c. The agency's responsibility to seek the cooperation of the media to delay publication--rather than imposing censorship or unilateral news moratoriums--when immediate reporting of certain information may be detrimental to the community, to victims of crime, or to an investigation; and
  - d. The mutual benefits to the police agency and the media when relations between the two are characterized by candor, cooperation, and mutual respect.
3. The news media relations program should provide regular liaison between the agency and the media through an officer or unit, depending upon the size of the agency and the nature and frequency of local news media demands.
4. Every police chief executive should establish a means of local, regional, or state accreditation of legitimate news media representatives or of recognizing accreditation by other agencies to assist media representatives in receiving police cooperation.



5. Every police chief executive, in cooperation with the media, should prepare a written policy establishing the relationship between his agency and the news media during unusual occurrences.

#### Commentary

Policies that define the relationship between a police agency and the news media should be established cooperatively. Policy should recognize explicitly that the responsibility for protecting the constitutional guarantees of fair trial and free press is shared equally by the police and the media.

As long as individual freedom is protected in all cases, agency policy should mandate that the media have the right to receive information upon request. There should be a basic presumption that individual employees are under an obligation to supply information upon request unless there are specific reasons why this would be improper. Policy should express respect for the news media, their role in a democratic society, and their value to effective police service.

The United States Supreme Court held in *Sheppard v. Maxwell* (384 U.S. 333, 1966) that prejudicial pretrial publicity in the form of extrajudicial statements by witnesses, police, and other criminal justice practitioners may prevent a fair trial. So-called gag orders have been issued by trial judges in a number of sensational criminal cases. Even in routine cases, the rights of defendants may be prejudiced inadvertently unless officers understand guidelines for nondisclosure.

While encouraging field officers to respond to press interviews, written policy should caution officers not to release information that would be detrimental to an investigation or prosecution when responding to inquiries regarding criminal matters. Such policy should contain explicit guidelines developed in cooperation with the local news media. In this way, a balance is struck between individual and public rights, and a more harmonious relationship is fostered between police and media.

A policy of candor aids cooperation when the police must ask the media to delay publication of information that might threaten the safety of a kidnap victim, hamper the investigation of a serious crime, or exacerbate a volatile situation. The media has generally adopted a policy of self-restraint in such cases. Police agencies should make prior agreements with the media to insure the greatest possible degree of uniform cooperation when a need arises.

Police agencies should not impose unilateral news moratoriums or censorship even if immediate reporting of certain information could have detrimental consequences. A memorandum of understanding, however, such as that adopted in Kansas City, Missouri, between the police and the news media should be sought by every police agency. Under that agreement, a news moratorium may be activated by the police to delay publication of information that may tend to increase public tension, or that initially may hamper effective police prevention or control of a problem. Once activated, the moratorium is announced over a newswire teletype circuit followed by the dissemination of full information every 15 minutes until the moratorium is canceled. The moratorium lasts a maximum of 2 hours unless a specific, detailed request to the contrary is made by the police department.

A police agency's media relations policy should be included in its training curriculum, and copies of it should be provided to all agency personnel, media representatives, and the public. Additionally, the news media should have access to agency training materials and participate in training where appropriate.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 1, pp. 44-46, Washington: Government Printing Office (1974).

#### References

1. Barber, Carter, "Magna Carta for Media-Police Relations Developed in Pasadena, California," Police Chief, September 1970.
2. Carlman, Leonard M., "A Police/Press Manual," Police Chief, March 1972.
3. Davis, Edward M., "A Press Relations Guide for Peace Officers," Police Chief, March 1972.
4. "Fair Trial/Free Press Guidelines," Police Chief, January 1972.
5. International Association of Chiefs of Police, Press Relations Guide for Peace Officers, Washington, D.C.: International Association of Chiefs of Police (1972).
6. Robertson, Phil, "Teamwork Between Press and Law Enforcement is Mutually Beneficial," Journal of California Law Enforcement, January 1969.

1.4 Objective. By 1978, each police agency should establish a formal inspection system to evaluate the efficiency and effectiveness of agency operations.

#### Strategies

1. Every police agency with fewer than 50 personnel, and in which the chief executive cannot conduct his own inspections, should assign responsibility for staff inspections to an employee who performs related duties but is neither responsible to supervisors of the units being inspected nor responsible for the operations of such units;
2. Staff inspections should include inspection of materials, facilities, personnel, procedures and operations. A written report of the findings of the inspection should be forwarded to the chief executive; and
3. Where possible, the rank of the employee responsible for staff inspections or that of the employee in charge of the inspections unit should be no lower than the rank of the employee in charge of the unit being inspected. There should be no more than one person between the inspecting employee and the chief executive in the chain of command. The person conducting a staff inspection should be a direct representative of the police chief executive.

#### Commentary

The police chief executive is responsible for establishing and maintaining a system of inspection to obtain the information he needs to direct and control the police agency. Although the ultimate responsibility for inspection and control rests with the police chief executive, it should be carried out continually at all levels of command and supervision.

The goal of inspection and control is operational efficiency and effectiveness. Although infractions uncovered during the process of inspection should be handled according to agency policy and the particular circumstances, inspection and control should not be viewed as a disciplinary process. It should be a fair, impartial, and honest appraisal of employee efforts. The inspection procedure should help those inspected to do their job better. The inspector or inspection party should have a positive, constructive attitude; they should not instill fear and distrust in the inspection process.

### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 2, pp. 57-60, Washington: Government Printing Office (1974).

### References

1. Dade County Public Safety Department, Staff Inspections Procedural Manual, Dade County, Florida: Dade County Public Safety Department (1969) (unpublished).
2. Dallas Police Department, Inspections Division Procedures Manual, Dallas, Texas: Dallas Police Department (unpublished).
3. Gregory, J. L., "Performance Control," The Police Chief, October 1970.

## 2. GOAL: IMPROVE PLANNING AND BUDGETING PROCESS

### Introduction

Law enforcement, like any broad-scale, complex endeavor, requires planning and organization.

The police operate 7 days a week, 24 hours a day. As a result, there is an unusual amount of activity for which plans must be made. Yet because of the unpredictable nature of the work, planning is more difficult. Emergencies occur when least expected. A police agency must be prepared for anything; that means it must plan for everything.

The police effort is difficult to measure. Effective comparisons with other agencies are all but impossible. Each agency works under different conditions in different circumstances. The focus of police work changes from month to month as new problems arise and old ones are brought under control.

Work schedules, paydays, patrol assignments, and uniforms are all part of planning. The decision a police agency must make is not whether to plan, but rather how much to plan, in what detail, and how far ahead. Planning should not be so detailed that the effort and cost outweigh the benefit.

The business that plans effectively generally succeeds, makes a profit, and rewards its shareholders. The police agency that plans effectively, generally operates efficiently and rewards its community with effective and dependable police service.

A police agency that fails to plan ahead is forced to operate from day to day, adjusting to new demands as new demands arise, but never undertaking long-range projects to upgrade police service. The agency may appear effective, but could be much more effective if it charted its course. Such an agency delivers less than maximum police service and shortchanges its community.

Planning and budget formation cover much the same ground. No budget can be realistically assembled without a thorough understanding of agency plans; on the other hand, no plans can be made without budget support.

Police agencies are limited in their ability to affect the amount of funding available to them. However, through a sound planning and budgeting process, they can make sure that those funds that they do have are used as efficiently and effectively as possible.

2.1 Objective. By 1978, each police agency should participate in cooperative planning with other criminal justice agencies and governmental subdivisions of the jurisdiction when such planning can have an effect on crime, public safety, or efficient police operations.

Strategies

1. Every local governmental entity, in all matters of mutual interest, should provide for police planning with that of other governmental subdivisions of the jurisdiction.
2. Every police agency should assign responsibility for such planning. This assignment should include at least the responsibility for joint planning, when applicable, with other criminal justice agencies such as the District Attorney's office and the courts as well as with those units of local government that make decisions affecting police operations; for instance, in the areas of finance, personnel, purchasing, etc.
3. Every police agency with fewer than 50 personnel should assign responsibility for administrative planning and coordination of all planning activities of the agency.
  - a. If the magnitude of the agency's planning task justifies a full-time employee, one should be assigned; and
  - b. If it does not, this task should be assigned to an employee with related duties.
4. Every police agency should assign responsibility for maintaining close interagency planning.
  - a. Interagency planning should be engaged in by police agencies that are geographically close, that regularly operate concurrently within the same jurisdictional boundaries, that participate in a plan for mutual aid, or that logically should participate in any combined or regional police effort.
  - b. Each police agency should assign responsibility for planning and cooperation with the law enforcement planner for its Development District.

## Commentary

Many activities of the police agency affect and are affected by the activities of nonpolice agencies and subdivisions of government. These activities may be either administrative or operational, they may or may not be public safety oriented, and they may be 24 hours a day or only between Monday and Friday from 8 a.m. to 5 p.m.; but many are sufficiently interrelated with those of the police agency that they require some degree of cooperative planning.

The police agency and officials in charge of financial decisions have reciprocal concerns. It is important that the police agency conform to established accounting methods and provide needed financial information. In turn, officials responsible for finances must provide expenditure account classifications and facilitate interfund transfers to the police agency. The police agency must also cooperate with other officials who make purchasing decisions. The police agency must comply with bidding regulations and furnish adequate requests for proposals, invitations to bid, and firm specifications. Again, those charged with purchasing must select vendors from whom service as well as price can be obtained, and must award bids in time to forestall delays in deliveries. Police, personnel, and civil service must coordinate recruitment, entrance requirements, promotions, and sometimes pay or fringe compensation. Planning concerns such reciprocal interests, and police participation in planning assures that police needs are presented and understood.

Another obvious need is for cooperative planning between local criminal justice agencies. Step-by-step processing of defendants through the criminal justice system contributes to the common but unfounded belief that, except for appearances as witnesses, the police function ends when a criminal complaint is issued. This belief interferes with efforts to improve the effectiveness of the criminal justice system as a whole. The concept of a criminal justice system requires that the police have a greater influence on the overall processes than merely serving as the system's intake point. For instance, information from the police regarding such matters as the effect of crimes upon the victims and the likelihood of future crimes by an arrested individual or convicted offender should be made available to and utilized by other criminal justice agencies for reference in making screening, diversion, plea negotiation, sentencing, and parole recommendations.

Cooperative planning with other agencies can also help to solve problems that police agencies encounter. One example is in the area of court procedures. In nearly every criminal case, testimony is needed from police officers who are subpoenaed like other prosecution witnesses. There is a substantial waste of police resources when officers must wait for hours to testify, if at all. Another time-consuming task police of-

ficers, particularly investigators, face is the formal procedure connected with the arraignment of prisoners. In many cases, investigators responsible for arraigning prisoners contribute no additional information to the reports prepared by arresting officers. In fact, additional information is rarely requested by the prosecutor or the court.

Many police agencies have acted to minimize the waste of resources by assigning court liaison officers to be responsible for arraigning all felony prisoners in a particular court after prisoners have been delivered to the court by investigating officers. Court liaison officers should also be responsible for maintaining a working relationship with the court and the assigned prosecutor for insuring that all pertinent papers are prepared and in court at the time of arraignment, and for supplying the court with any requested information. Through the development of cooperative procedures with prosecutors and courts, liaison officers may also help reduce the amount of time required for the issuance of arrest and search warrants.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 5, pp. 122-128, Washington: Government Printing Office (1974).

#### References

1. Davis, Richard M., "Police Management Techniques for the Medium Size Community," The Police Chief, July 1970.
2. Eastman, George D., and Esther M. Eastman, Municipal Police Administration, Washington: International City Management Association (1971).
3. Kansas City Police Department, Unit Manual for the Planning and Research Unit, Kansas City, Missouri: Kansas City Police Department (1971) (unpublished).
4. Key, Charles R., and Miles R. Warren, "Kansas City: Long-Range Planning Program," The Police Chief, May 1972.
5. Leahy, Frank J., et al., A Literature Review of Police Planning and Research, Hartford, Connecticut: Interim Report to the Connecticut Research Commission, Hartford, Travelers Research Center, Inc., October 1968.
6. Leonard, V. A., Police Organization and Management, Brooklyn: The Foundation Press (1964).
7. Midwest Research Institute, Computer Operated Police Planning System, Kansas City, Missouri: Midwest Research Institute (1971).
8. Pomeroy, Wesley A., "New Trends in Police Planning," The Police Chief, February 1971.



2.2 Objective. By 1978, every police chief should familiarize himself with all means by which the agency can derive all possible benefits from local funding, city-state-federal revenue sharing, grants and the use of bonds.

### Strategies

1. No police agency should enforce local ordinances for the sole or primary purpose of raising revenue, and no income arising from enforcement action should be earmarked specifically for any single enforcement agency.
2. Every police agency should use grants under explicit conditions to fund planning and experimentation in all phases of police service.
  - a. Functional responsibility for the procurement of grants from federal and state agencies and foundations should be made the specific responsibility of a police agency employee designated by the chief executive.
  - b. Grants should not be sought to initiate long-range programs unless the jurisdiction will commit itself to continued funding on successful completion of the funded portion of the project.
  - c. Any employee assigned to grant procurement should be given appropriate training.

### Commentary

A municipal or county police agency has little influence on the income of its jurisdiction, nor should it have such influence. Nevertheless, the police chief executive should be thoroughly familiar with all the means by which his agency may benefit from local funding, city-state-federal revenue sharing, grants from government agencies and foundations, and bonds. Such knowledge is necessary because a police chief executive is not simply a crime fighter or a policeman of special and superior rank. He is also a business manager who should accept full responsibility for fiscal management of his agency. Moreover, he is a fiscal planner, responsible for developing the future expenditure requirements for personnel, equipment, facilities, and programs necessary to accomplish his agency's goals and objectives.

The ethics of a police chief executive's profession require that neither he nor his agency become involved in procurement of funds.<sup>1/</sup> For example, he should not permit enforcement action that has as its primary purpose the increase of agency financial resources. Both a municipality and its police agency, must commit themselves to the sound ethical position that control or regulatory functions are their primary concern and that revenues derived from them are incidental only. While patterns of revenues from these sources will develop and must be included in revenue estimates, they should not be manipulated on the basis of police agency income need. They should be a by-product of regulatory control policy, nothing more.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 5, pp. 143-145, Washington: Government Printing Office (1974).

#### References

1. President's Commission on Law Enforcement and Administration of Criminal Justice, Task Force Report: The Police, Washington: Government Printing Office (1967).
2. Smith, R. Dean, Organization, Washington: International Association of Chiefs of Police (1967).
3. Wilson, O. W., and Roy G. McLaren, Police Administration, New York: McGraw-Hill (1972).

<sup>1/</sup> TCA 6-2124 provides that fines for violation of a city ordinance shall be paid into city treasury. TCA 8-812 directs the county sheriff to deliver all fines and penalties collected by him to the clerk of the court from whom he received the execution. TCA 5-801, 804, 805 provide that funds collected through fines and penalties shall be applied to the use of the county where they originate. TCA 40-3206 provides that fines from criminal cases shall accrue to the state where the defendant is indicted for a felony and where the fine is imposed for a violation of the banking laws; otherwise the fines go to the county.

2.3 Objective. By 1977, and annually thereafter, each police agency should evaluate its staff services in terms of adequacy and cost-effectiveness to determine whether or not they would be more effective if they were combined or secured from other law enforcement agencies through interagency agreements.<sup>1/</sup>

Strategies

1. Every police agency that maintains cost-effective staff service should offer the services to other agencies if by so doing it can increase the cost-effectiveness of the staff service.
2. Every police chief executive should identify those line operations of his agency that might be more effective and efficient in preventing, deterring or investigating multijurisdictional criminal activity if combined with like operations of other agencies. Having identified these operations, he should:
  - a. Confer regularly with all other chief executives within his area, exchange information about regional criminal activity, and jointly develop and maintain the best organizational means for regional control of this activity; and
  - b. Cooperate in planning, organizing, and implementing regional law enforcement efforts where such efforts will directly or indirectly benefit the jurisdiction he serves.

2.4 Objective. By 1978, each police agency should establish a cost-accounting system which records costs of agency programs.

<sup>1/</sup> TCA 12-801, 809 provides for interagency agreements between county and city law enforcement agencies in counties up to 30,000 population to contract for police service.

### Commentary

To assure adequate support for all line operations of the police agency, every police chief executive must evaluate all staff services within the agency and provide for a periodic review of these services. Such an evaluation should be made whenever there appears to be a deficiency or a new need, and routinely at least once each year. The annual evaluation can be integrated into the annual budgeting process.

The evaluation should determine the effectiveness of each service and how much it costs the agency to provide it. The agency's cost should be compared to the cost of alternative ways of obtaining the service, such as by contract or consolidation. When an agency finds a staff service can be obtained more economically by those means, the police chief executive should do so.

Every police chief executive--following the same guidelines used to evaluate staff services--should evaluate all line services. A small police agency should consider obtaining some services through a larger agency. Such services may include supplemental patrol service and help in conducting criminal investigations. Every line operation that can be used multijurisdictionally should be identified and these operations coordinated with other agencies.

Every agency that determines that its services are cost-effective should offer those services to other agencies. In some cases, this will reduce the cost of the service even further. When it does not, the offer should still be made. Police agencies are interrelated; what helps one indirectly helps all others. However, if sharing a staff or line service with other agencies increases the cost of the service, or reduces the effectiveness of the service, or places a strain on the home agency, the service should not be offered, of course.

### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 5, pp. 108-116, Washington: Government Printing Office (1974).

### References

1. Carson, Dale, "Consolidation: The Jacksonville Experience," The Police Chief, March 1969.
2. Carson, Dale, and D. K. Brown, "Law Enforcement Consolidation for Greater Efficiency," FBI Law Enforcement Bulletin, October 1970.
3. Davis, Richard M., "Police Management Techniques for the Medium Size Community," The Police Chief, July 1970.

### 3. GOAL: IMPROVE POLICE-COMMUNITY CRIME PREVENTION

#### Introduction

Crime is not only a police problem; it is a social problem that can never be resolved by the police or the criminal justice system alone. Crime will continue to plague the nation unless individual members of society assume greater responsibility.

Efforts to improve relations between the public and the police have been most successful when the two have joined together in common causes. When the policemen who patrol a neighborhood meet with its residents to discuss crime problems in the area and jointly to develop solutions to them, there is a fundamental exchange of understanding.

Members of the public can become personally involved to the limit of their time and energy. They can simply attend meetings and point out problem situations, or they can actively work to eliminate problems in many other ways. For example, 60,000 women are now actively working in the Indianapolis Anti-Crime Crusade, which was founded 10 years ago. These women have helped to keep thousands of children in school; helped to get thousands of new street lights; set up a court watcher program to check on court efficiency; and followed through on needed legislation for courts, police, and corrections. The crime rate in Indianapolis was down 11.8 percent from the previous year at the end of May 1972; the year-end crime rate was 10.7 percent less in 1971 than in 1970. Twenty-five major cities in the United States now are using the pattern established by the Anti-Crime Crusade, and more than 500 smaller cities have joined the program.

There is much that each person can do to reduce crime without even attending a meeting. He can lock his doors and windows when he leaves home. He can install better door and window locks and make a list of personal property serial numbers. He can call the police if he sees an unfamiliar person in his vacationing neighbor's back yard. He can, in these and other virtually effortless ways, protect himself and his neighbors against crime.

Effective crime prevention, however, cannot be left solely to either the police or the public. Both must join in a community effort to fight crime.

3.1 Objective. By 1979, every police agency should establish joint police-community crime prevention programs.

Strategies

1. Every police agency should assist actively in the establishment of volunteer neighborhood security programs that involve the public in neighborhood crime prevention and reduction.
  - a. The police agency should provide the community with information and assistance regarding means to avoid being victimized by crime and should make every effort to inform neighborhoods of developing crime trends that may affect their area.
  - b. The police agency should instruct neighborhood volunteers to telephone the police concerning suspicious situations and to identify themselves as volunteers and provide necessary information.
  - c. Participating volunteers should not take enforcement action themselves.
  - d. Police units should respond directly to the incident rather than to the reporting volunteer.
  - e. If further information is required from the volunteer, the police agency should contact him by telephone.
  - f. If an arrest results from the volunteer's information, the police agency should immediately notify him by telephone.
  - g. The police agency should acknowledge through personal contact, telephone call, or letter, every person who provides information.
2. Every police agency should establish or assist programs that involve trade, business, industry, and community participation in preventing and reducing commercial crimes.
3. Every police agency should seek the enactment of local ordinances that establish minimum security standards for all new construction and for existing commercial structures. Once regulated buildings are constructed, ordinances should be enforced through inspection by operational police personnel.
4. Every police agency should conduct, upon request, security inspections of businesses and residences and recommend measures to avoid being victimized by crime.

## Commentary

Crime prevention can be interpreted in several ways depending upon the type of criminal behavior to be prevented. In some cases, it refers to the resolution of social, psychological, and economic conditions that lead to the desire to commit crime. In others, it concerns the elimination of the opportunity for crime through the presence of police patrols and "hardening the site" to foil commission of crime.

While ultimate success or failure may well depend upon elimination of the conditions that foster crime, the presently overburdened criminal justice system may be relieved by placing obstructions in the way of potential criminals. In addition, investigations can be aided by using the best methods of identifying criminal offenders and the property they steal.

This commentary discusses programs to involve the public in a nationwide effort to reduce crime through security measures that thwart criminals. Site hardening programs must be widespread to be effective. If only one house in a block has security locks, a burglar simply breaks into another house: the loss to society is the same.

In many places, police agencies have involved the public in crime prevention efforts through neighborhood security and neighborhood watch programs. These programs are designed to encourage people to report suspicious circumstances in their neighborhoods to the police.

Many neighborhood security groups have adopted a program pioneered by the Monterey Park, California Police Department in 1963. Since the adoption of "Operation Identification," there have been only 25 burglaries in more than 5,000 participating households. In the remaining 6,000 homes in Monterey Park, there have been nearly 1,000 burglaries in the last 3 years alone. The agency buys electric marking tools and lends them to persons to mark their personal property with either their state driver's license number or their Social Security number. The agency provides decals for exterior windows to identify participants, as well as forms for listing factory serial numbers of personal property.

Efforts by police agencies to reduce crimes against business establishments have traditionally consisted of warnings--once information is received or a trend is developed--to the particular businesses that may be victimized. Police agencies also frequently initiate chain-call warning systems operated by business men to alert others to shoplifters or bad check passers operating in the area.

All banking and lending institutions whose depositors are federally insured are required by federal law to maintain so-called bait money in their cash registers. Serial number lists have provided necessary evidence in identifying and convicting apprehended robbery suspects. Police agencies should encourage all robbery-prone establishments to keep a supply of such easily identifiable cash.

In several areas crime prevention officers routinely advise burglarized businesses on security measures to avoid further crimes. They conduct inspections of residences and businesses upon request. Programs such as these are within the capability of all police agencies, and are an excellent means of immediately improving relations between the public and the police.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 3, 66-69, Washington: Government Printing Office (1974).

#### References

1. Ferretti, Alfred, "City Starts Burglary-Prevention Program," New York Times, July 21, 1972.
2. Landers, Jim, "Etching Pen Branded with Controversy," Washington Post, July 27, 1972.
3. "National Crime Prevention Institute," Crime Control Digest, p. 4, April 9, 1971.
4. Oakland, California, Oakland Police-Fire and Insurance Coordinating Committee Model Burglary Security Code Minimum Standards.
5. U.S. Chamber of Commerce, Marshalling Citizen Power Against Crime, Washington, D.C. (1970).
6. Wolf, Daniel L., "Neighborhood Security Program," Signal One, 3:3, Spring 1971.



3.2 Objective. By 1979, police agencies should consider obtaining the active involvement of parents, teachers, and professional organizations in educating youth as to the ill effects of drugs and providing alternatives to drugs.<sup>1/</sup>

Commentary

Drug abuse experts now recognize that it is often necessary to equip youngsters to deal more effectively with life, so they will not resort to drug use. The burden for accomplishing this rests primarily with families and schools. There is need, therefore, to focus on increasing parental child-rearing effectiveness through various kinds of counseling. Where parents themselves have problems, these should be addressed as early as possible, before youngsters have begun school or, better yet, before the child is born.

Similarly, there is need for schools to develop family life curricula that are not focused on drugs alone. The emphasis here should be on enhancing self-understanding, intrafamily relationships, and the role of the family in society. If schools deal with these subjects from the earliest grades, drug use and abuse would become just one more area to be understood and thereby would be stripped of its more sensational aspects.

Educational emphasis would be placed where it belongs--on the development of at least three essential kinds of skills: (1) intrapersonal skills, or the child's awareness of personal feelings and the ability to deal with them; (2) interpersonal skills, that is, the ability to relate to others and communicate effectively with them; and (3) coping skills, that is, the ability to solve problems without the need to fall back on alternatives such as drug use.

None of these steps can be carried forward easily, but it is clear that they must be pursued. Fortunately, there are a number of programs, designed for use in high schools, colleges, and the general community, that attempt to achieve similar results and are more easily implemented. These lean heavily on the use of peers or specially trained coordinators and staff who can relate to young people on a confidential basis.

1/ TCA 49-1901 provides that public elementary schools shall include as part of courses, instruction on the nature of alcoholic drinks, narcotics, and smoking of cigarettes and their effects on the human system.

### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Community Crime Prevention, Chapter 4, pp. 105-107, Washington: Government Printing Office (1974).

### References

1. Delone, H. R., "The Ups and Downs of Drug Abuse Education," Saturday Review of Education, November 11, 1972.
2. Lennard H., et al., Mystification and Drug Misuse, Jossey-Bass (1971).
3. Nowlis, H., Drugs on the College Campus, Doubleday, Anchor (1969).

#### 4. GOAL: IMPROVE EFFECTIVENESS OF LAW ENFORCEMENT AGENCIES IN COMBATTING CRIME

##### Introduction

Available information about the nature and extent of the crime problem in Tennessee illustrates the crucial significance of improving the efficiency and effectiveness of the police, in particular, the patrol officer. The data provided here are limited to showing recent trends with respect to crimes, clearances, and police manpower levels.

The magnitude of the crime problem in the state is illustrated in Figure 2 which shows the growth of all index,<sup>1/</sup> violent and property crimes in Tennessee from 1968 to 1973. During that period the number of index offenses as a whole increased by 46 percent, violent crimes by 68 percent and property crimes by 43 percent.

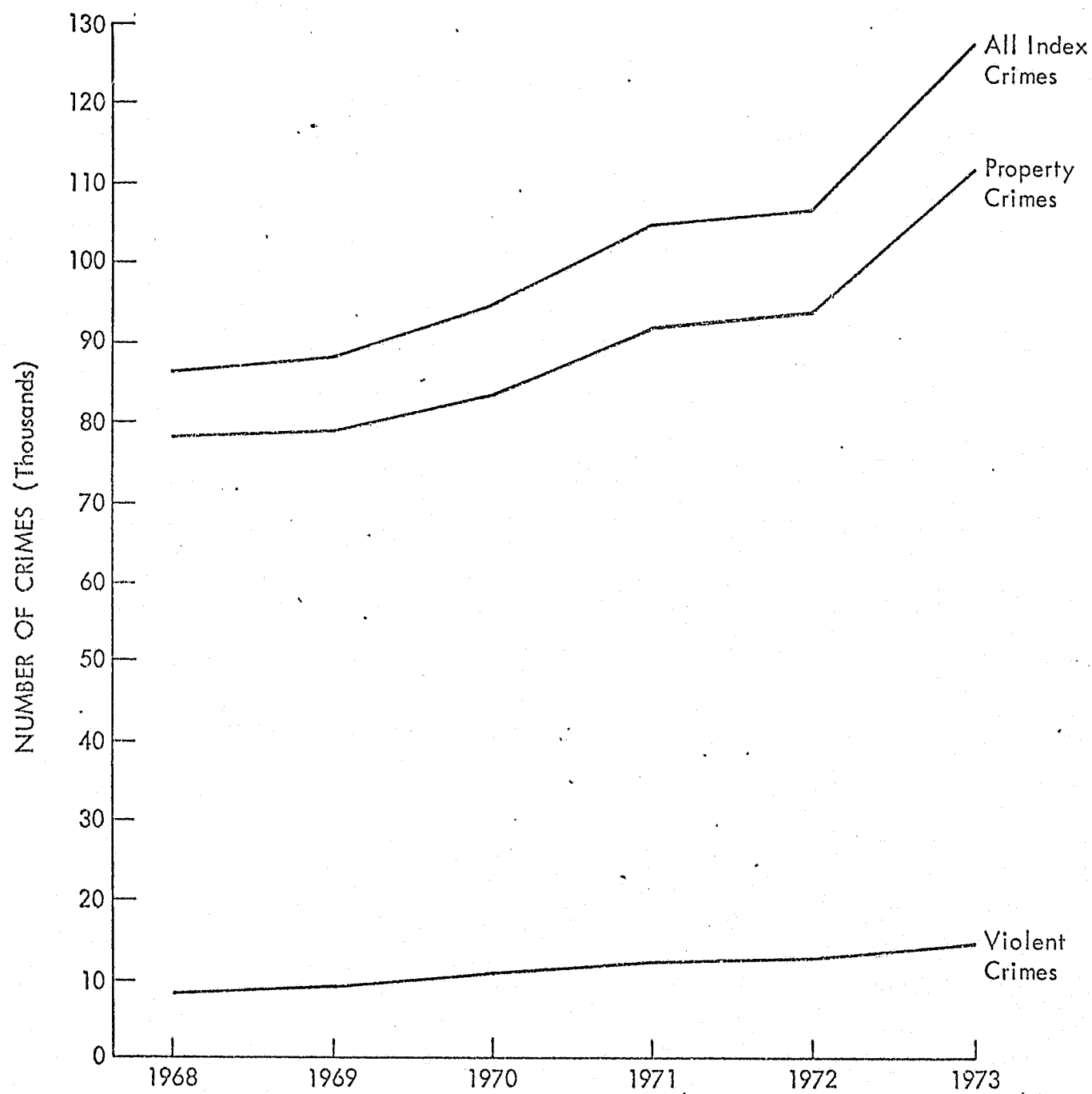
Figure 3 shows the number of full-time equivalent police employees per hundred index crimes from 1969 through 1973. The ratio of police employees to crimes can be viewed as a rough measure of the resources available to police agencies in combatting crime. The ratio of law enforcement manpower to crime remained relatively steady from 1969 through 1972, but the large upsurge in known crimes in 1973 reduced the ratio from 6.4 to 5.7 employees per 100 index crimes.

One measure of the effectiveness of law enforcement agencies is clearance rates, i.e., the percentage of crimes that are cleared by arresting one or more individuals for that offense.<sup>2/</sup> Figure 4 shows that only about 20 percent of all index crimes occurring in Tennessee from 1969 to 1973 were cleared by arrest, and the rate for property crimes was generally under 15 percent. Law enforcement agencies were much more successful in clearing violent offenses, however, with an average of over 60 percent cleared during the period from 1969 to 1972. The clearance rate for violent crimes dropped sharply to just over 50 percent in 1973, when the number of index offenses in the state rose sharply,

---

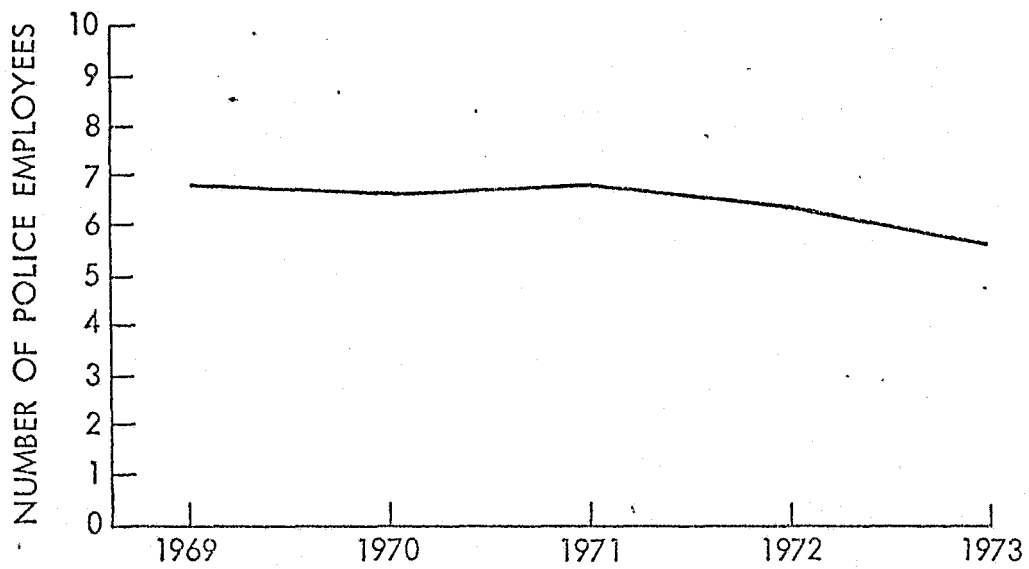
<sup>1/</sup> Index crimes are: murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft and auto theft.

<sup>2/</sup> Clearances should not be confused with "crimes solved" since the arrested person may not actually have committed the crime. In addition, caution must be used in evaluating the crime-solving capability of the law enforcement agencies in the state on the basis of clearance data because clearance rates are not reported by all agencies. Consequently, the data on clearances are incomplete and may not be indicative of clearance rates in the state as a whole.



Source: FBI Computer

Figure 2 - Number of Index Offenses (Total, Violent and Property)  
in Tennessee, 1968-1973



Source: FBI Computer and annual volumes of  
Expenditure and Employment Data

Figure 3 - Number of Full-Time Equivalent Police Employees Per  
Hundred Index Crimes in Tennessee

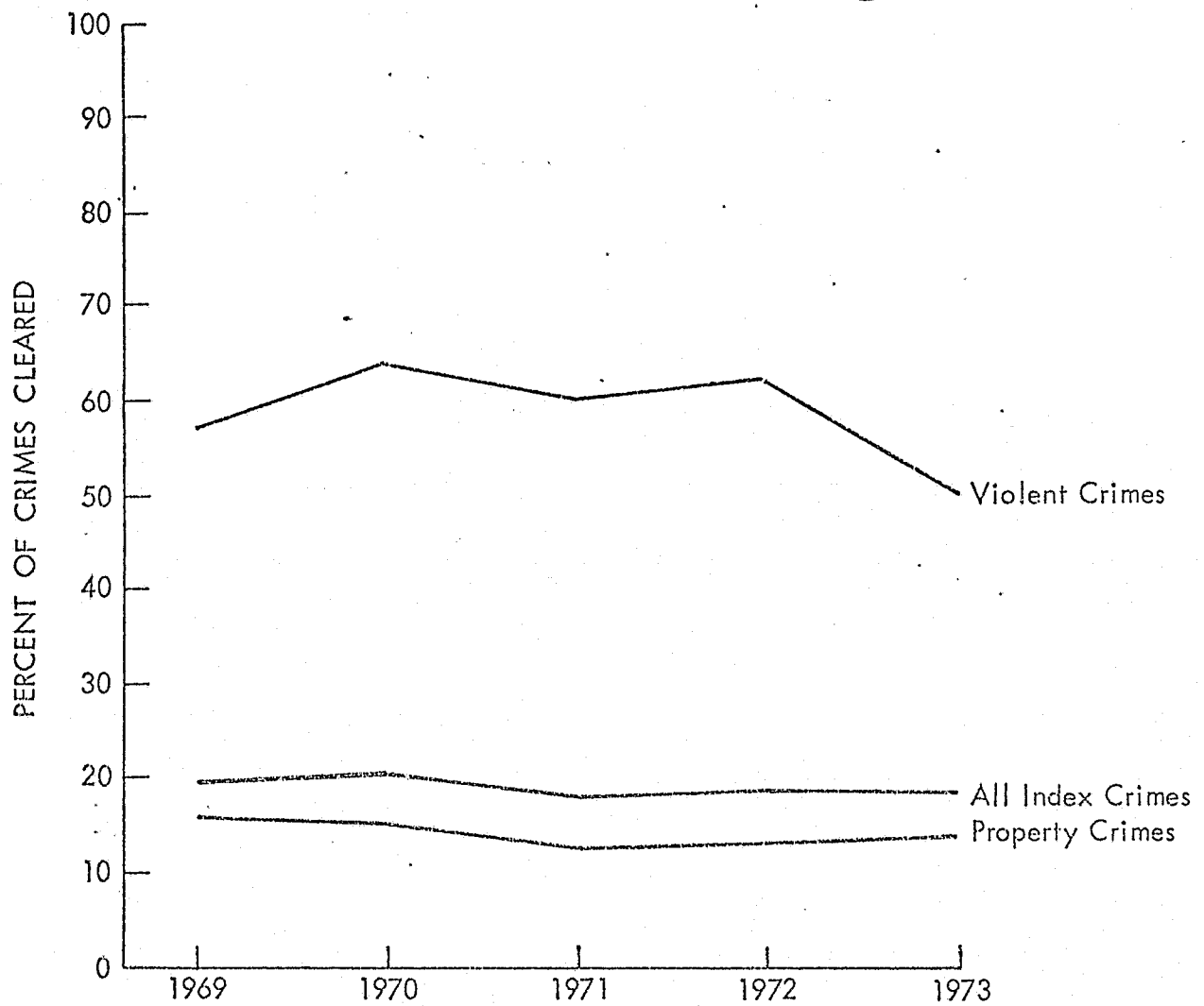


Figure 4 - Clearance Rates for All Index, Violent and Property Crimes  
in Tennessee, 1969-1973

indicating that police agencies were overtaxed by the sudden jump in crime. The available clearance statistics show that clearance rates in Tennessee, although somewhat below the national average for property crimes, have been markedly better than average for violent crimes.

This section (Goal No. 4) while not attempting to touch on all potential means of improving effectiveness, is concerned with nine proposals which should increase the capabilities of the police agency to meet its responsibility in protecting society. These proposals will be presented individually as objectives with appropriate comments on each.

4.1 Objective. By 1978, 24-hour-a-day police services must be provided for all parts of the state.

Commentary

It is essential that the public have access to the police at all times--24 hours a day, 365 days a year. It is equally essential that police respond to emergencies at all times. Nevertheless, some areas remain in which the police agency cannot be contacted directly during certain hours of the night or on certain days and there is no provision for contact in case of emergency.<sup>1/</sup>

Regardless of the nature of the area served, police agencies should arrange for public access at all times. If a police agency can respond to emergency calls 24 hours a day, but does not have personnel to receive calls on that basis, it should make arrangements with the nearest police agency for a 24-hour answering service or with a telephone answering service that screens and relays calls.

Under such a system, priorities must be established. Requests for service that qualify as emergencies should be relayed for immediate response; other calls should be held for response at a later time. Several large police agencies have set priorities for off-hour calls and restrict response to certain types of calls to daytime hours. Members of the public can reach the police at any time and receive rapid response to emergency situations, and they are informed when they can expect response to nonemergency situations.

When the police agency is unable to provide 24-hour emergency response and the government cannot take care of it, one alternative is to arrange for the service through mutual agreement with the nearest police agency that can. This may require an agreement between cities, a city-county agreement, or even a city-state agreement.

<sup>1/</sup> According to the TLEPA 1975 survey, 295 (84 percent) of the law enforcement agencies in the state have dispatching services available to them 24 hours a day.



The General Assembly must insure that intergovernmental cooperation is possible by passing legislation permitting agreements between governments and agencies at all levels. Local government must insure that any agreement it enters into is advantageous. Combining police services should mean better service at less cost. but many factors must be considered before an agreement is made. Among these are the size of the agency, the geographic area to be served, population density, the other agencies involved, and the legal responsibilities mandated to each level of government by state law.

Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 5, pages 104-107, Washington: Government Printing Office (1974).

4.2 Objective. By 1977, every police chief executive must seek to continually enhance the role of the patrol officer.

Strategies

1. The police chief executive should:

- a. Provide distinctive insignia indicating demonstrated expertise in specific field activities;
- b. Insure that all elements within the agency provide maximum assistance and cooperation to the patrol officer;
- c. Implement a community information program emphasizing the importance of the patrol officer in the life of the community and encouraging community cooperation in providing police service;
- d. Provide comprehensive initial and in-service training thoroughly to equip the patrol officer for his role;
- e. Insure that field supervisory personnel possess the knowledge and skills necessary to guide the patrol officer;
- f. Implement procedures to provide agencywide recognition of patrol officers who have consistently performed in an efficient and commendable manner;
- g. Encourage suggestions on changes in policies, procedures, and other matters that affect the delivery of police services and reduction of crime;
- h. Provide deployment flexibility to facilitate various approaches to individual community crime problems;
- i. Adopt policies and procedures that allow the patrol officer conduct the complete investigation of crimes which do not require extensive followup investigation, and allow them to close the investigation of those crimes; and
- j. Insure that promotional oral examination boards recognize that patrol work provides valuable experience for men seeking promotion to supervisory positions.

## Commentary

There is no more important police function than the day-to-day job of the patrol officer. The success of the police agency depends on it, and every effort should be made to attract and retain highly qualified patrolmen. But the policies of many police agencies encourage the best patrol officers to seek other assignments. These agencies make no provisions for officers who desire to advance and earn more pay while remaining in the patrol function.

In most police agencies, no distinction is made between the duties and responsibilities of the patrol officer with 1 year of service and the officer with 15 years. As a result, a highly qualified, well-motivated officer feels he should seek a position with more responsibility and status.

Although important, salary alone will not make patrol service attractive to first-rate personnel. The patrol officer needs to feel that his role is important in accomplishing the agency's goals and objectives. Competent patrol officers should be granted greater responsibility, and it should be indicated by a distinctive uniform insignia. Appropriate insignia also should be awarded to officers qualified as part-time specialists. An insignia enhances an officer's pride in his uniform and confidence in himself. It makes his status known to the public and to other officers.

Police chief executives should consult regularly with patrol officers in developing means to reduce crime and increase police efficiency. No one is as close to the problems on the street as the field officer; he can be a rich source of crime reduction suggestions. Furthermore, he is acutely aware of the immediate effects of the methods he employs and can often suggest ways to improve them.

## Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 8, pp. 195-198, Washington: Government Printing Office (1974).

## References

1. Eastman, George (ed.), Municipal Police Administration, Municipal Management Series, Washington, D.C.: International City Management Association (1969).
2. President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, Washington, D.C.: Government Printing Office (1967).

3. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, Washington, D.C.: Government Printing Office (1967).
4. Rogers, John G., "Policeman of the Year," Wisconsin State Journal, Parade, September 26, 1971.
5. Sterling, James, Changes in Role Concepts of Police Officers, Washington, D.C.: International Association of Chiefs of Police (1972).

4.3 Objective. By 1979, every local police agency should consider the feasibility of a team policing system.

#### Strategies

1. Every police agency should research the team policing concept to determine its value to the agency. This research should include:
  - a. Evaluation of the structure and effectiveness of various forms of team policing applied by other agencies of comparable size and resources;
  - b. Assessment of the resources necessary to implement various team policing systems.
2. Every police agency should test and evaluate applicable forms of team policing prior to formal implementation. Testing should be conducted:
  - a. To minimize disruption of ongoing agency operations;
  - b. To measure effectiveness in achieving predetermined objectives and goals.

#### Commentary

What is team policing? Essentially it is assigning police responsibility for a certain area to a team of police officers. The more responsibility this team has, the greater the degree of team policing. For instance, team policing that has investigative authority is more complete than team policing that does not. Teams that have authority to tailor programs and procedures to the needs of their areas go even further.

The basic idea is that the team learns its neighborhood, its people, and its problems. It is an extension of the "cop on the beat" concept, brought up to date with more men and modern police services. It lessens the danger of corruption of a single officer in a single area.

Total team policing can be defined as: (1) combining all line operations of patrol, traffic, and investigation into a single group under common supervision; (2) forming teams with a mixture of generalists and specialists; (3) permanently assigning the teams to geographic areas, and; (4) charging the teams with responsibility for all police services within their respective areas. Most team policing systems have not taken

this total approach; they have limited operation to a small area within the agency or have concentrated on reorganizing only the patrol function without including investigative personnel or other specialists in the team.

Certain structures and goals are common to all team policing programs. Structurally, they all assemble officers who had previously functioned as individuals or two-man teams and assign them shared responsibility for policing a relatively small geographic area. The common goal is improved crime control through better community relations and more efficient organization of manpower.

A beneficial reason for using the team policing approach is that it encourages what is called "professionalism." That is, the patrolman or deputy is considered the basic unit in the department. Things happen that force him to make many decisions on his own. His daily work also gives him a wealth of "street knowledge" and other information. A team is a professional group. Each of the members can share his knowledge, which may be useful to all other members of the team. He can also contribute problems which the members can discuss in team meetings or informally so that all the team members might be better prepared to handle similar cases in the future. A sound police organization should help the officer to develop good judgment and in turn utilize the officer's knowledge of local problems to develop reasonable programs that are responsive to the needs of the public.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 6, pp. 154-161, Washington: Government Printing Office (1974).

#### References

1. Banton, Michael, The Policeman in the Community, New York: Basic Books (1964).
2. Cann, W., "4/40-Basic Team Concept," Journal of California Law Enforcement, October 1972.
3. Cordrey, J., and G. Pence, "An Analysis of Team Policing in Dayton, Ohio," Police Chief, August 1972.
4. Davis, Edward M., "Professional Police Principles," The Beat, December 1969.
5. Murphy, R., and L. Phelps, "The Team Patrol System in Richmond, California," Police Chief, June 1969.
6. Sherman, L. W., "A Comparative Survey of Team Policing," Paper prepared for the Police Foundation.

4.4 Objective. By 1978, police chief executives must develop written policy governing agency action in juvenile matters, including detection, deterrence, and prevention of delinquent behavior and juvenile crime.

Strategies

1. Law enforcement officers should be separated from the detention decision in dealing with juveniles.1/
2. When a juvenile is taken into custody the officer should in the following order:
  - a. Notify parents;1/
  - b. Warn child of right to counsel and to remain silent.2/
3. Extrajudicial statements not made in the presence of parents or counsel should be inadmissible in court.
4. Juveniles should not be:
  - a. Fingerprinted and/or photographed without the consent of the court.3/
  - b. Routed through adult booking procedures.
5. Juvenile records should be maintained physically separate from adult case records. Safeguards should be developed to protect confidentiality of juvenile records when such records are placed in a computerized information system.4/

1/ TCA 37-215 directs a person taking a child into custody to either release child to parents or guardian, bring child to court or court-designated detention or shelter care facility, or if appropriate take child to a medical facility. Parents or guardian to be notified with reason for taking child into custody.

2/ TCA 37-227 provides a child charged with a delinquent act need not be a witness against himself. Further provides that an extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding, shall not be used against him.

3/ TCA 37-253 provides that no child shall be fingerprinted or photographed in the investigation of delinquent acts without permission of the court.

4/ TCA 251, 252 provides that records of a juvenile proceeding shall be open to inspection only by: court, parties to proceedings, agency or institution supervising or having custody, other interested parties with legitimate interest, and with permission of the court.

## Commentary

Written juvenile policies and procedures in each law enforcement agency should require constant planning, implementation, program evaluation, and refinement based on changing community needs.

These procedures must incorporate legal methods of discovering situations, activities, and environments that are harmful to juveniles' development, in order to detect and deter conditions that may lead to delinquent behavior. Legal procedures for apprehension and detention of juvenile offenders should also be included. This written policy and procedure should cover at least the following:

- \* Exerting every possible effort toward discovery of potential delinquents and conditions conducive to delinquent behavior;
- \* Working closely with other agencies to remove or control environmental conditions conducive to creating juvenile problems;
- \* Advising and assisting all agencies and organizations concerned with juvenile problems when the police agency is not directly involved in the activity;
- \* Using preventive patrol techniques in areas where there is potential for juvenile problems;
- \* Conducting thorough investigations into delinquency problems that lead to the commission of juvenile offenses. This includes apprehension and prosecution of adults who contribute to, or are involved in, delinquency problems;
- \* Detecting and apprehending juvenile offenders as prescribed by existing laws and procedures. There should be guidelines for the release of juveniles into parental or guardian custody, or their detention;
- \* Follow-up as needed in the referral of the offender, obtaining the necessary legal process and obtaining the disposition of each action involving a juvenile offender; and
- \* Retaining prescribed juvenile records as indicated by the courts and required by law.

## Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 9, pp. 221-224, Washington: Government Printing Office (1974).



## References

1. Dallas Police Department, "Innovations and Programs" (1971).
2. Klein, Malcolm W., et al., Juvenile System Rates: Diversion, Los Angeles, University of Southern California (1972).
3. Livermore, Charles P., "Youth in the Community: Perspectives on Delinquent Gang Neutralization," in S. A. Yefsky (ed.), Law Enforcement Science and Technology, Vol. 1, Thompson Book Co. (1967).
4. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime, Washington, D.C.: Government Printing Office (1967).
5. Swinney, Vincent, Undersheriff, Washoe County, Nevada, "A Model Juvenile Program," unpublished monogram (1972).

4.5 Objective. By 1977, every police agency should assign civilian personnel to those positions that do not require exercise of police authority or the special knowledge, skills and aptitude of the professional police officer.

#### Strategies

To determine the proper deployment of civilian and sworn personnel, every agency:

1. Should identify those sworn positions which:
  - a. Do not require that the incumbent have peace officer status under local, state, or federal statute;
  - b. Do not require that the incumbent exercise the full police power and authority normally exercised by a peace officer;
  - c. Do not require that the incumbent possess expertise which can be acquired only through actual field experience as a sworn police officer; and
  - d. Do not contribute significantly to the professional development of sworn personnel.
2. Should designate as civilian those positions that can be filled by a civilian employee according to the foregoing criteria;
3. Should staff with qualified civilian personnel all positions designated for civilians;
4. Should provide a continuing audit of all existing and future positions to determine the feasibility of staffing with civilian personnel;
5. Should develop a salary and benefit structure for civilian personnel commensurate with their position classifications;
6. Should insure that an opportunity for career development exists within each civilian position classification where the nature of the position does not limit or bar such opportunity;
7. Should conduct in-depth personal background investigations of civilian applicants for confidential or sensitive positions. These background investigations should be as thorough as those of sworn applicants;

8. Should provide civilian training programs that insure the level of proficiency necessary to perform the duties of each assignment;
9. Should inform all civilian employees of the requirements for sworn police status and interview them to determine their interest or desire to seek such status subsequently, and should record all information obtained during such interviews;
10. Should assign those civilian employees who express a desire to seek sworn status later to positions that will contribute to their professional development as police officers.

#### Commentary

The traditional role of the civilian in most police agencies has been restricted to clerical or secretarial duties, maintenance or sanitation work, jail security or booking tasks, and motor pool assignments. Although the civilian may be a highly qualified, educated, and capable individual, his stature within most police agencies is diminished by the relative insignificance of his function in the total police effort. In larger agencies with significant numbers of civilian employees, this situation has resulted in conflicts between sworn and civilian workers.

Most positions within the police service must be filled by sworn personnel. It would be impractical, and sometimes illegal, to use civilian personnel in activities directly related to crime such as regular patrol functions, vice investigation, and traffic enforcement. Nor can civilians fill positions requiring police experience, such as some supervisory or special investigative assignments.

However, positions which do not require the presence of a sworn officer should be designated as civilian positions. In this manner, an agency may alleviate a critical shortage of sworn personnel in field-related assignments. By employing civilian personnel in selected staff, support, and line functions, agencies can transfer sworn personnel to assignments where they can have a direct effect on crime reduction.

An important reason for using civilians is that those who perform routine tasks do not command the salaries of trained sworn officers. It is less expensive to recruit, select and train a clerk than it is to hire another police officer.

The selective use of civilian personnel also may contribute to raising police educational standards. Some who do not consider college training important for sworn police personnel argue that many officers still perform nonprofessional, routine tasks. If such tasks are assigned to civilians, reservists, or paraprofessionals, sworn officers can concentrate on duties that require a high degree of professionalism.

People who apply for civilian jobs in police agencies often have an interest in regular police work. As they learn more about what the job entails, they become enthusiastic supporters of the police and spread the word in their communities about what the police really do. Such persons often make good police officers.

When individuals apply for civilian positions within a police agency, they should be informed as a matter of course, of the prerequisites for sworn status. If they express interest in a regular police career, they should be contacted periodically to determine what course they have chosen. Adequate records should be kept of such interviews to insure that potential candidates are not overlooked or forgotten.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 10, pp. 258-262, Washington: Government Printing Office (1974).

#### References

1. Los Angeles Police Department, "Civilian Employees as a Manpower Alternative," position paper (1972).
2. Los Angeles Police Department, Civilian Employment Policy, Los Angeles Police Department.
3. Los Angeles Police Department, Civilian Personnel Summary, 1972-73 Budget for Los Angeles Police Department.
4. Proter, Jack D., "The ProPolice Approach," Police Chief, April 1968.
5. Sullivan, R. G., and K. O'Brien, "For All the Work That is to Be Done," Police Chief, May 1970.

4.6 Objective. By 1977, police reserve officers should be employed to supplement the regular force of sworn personnel and increase community involvement in local police service.

Strategies

1. Every police agency should establish minimum standards for reserve police officer selection and training according to the following criteria:
  - a. Reserve officer selection standards should be equivalent to those for regular sworn personnel except that the reserve specialist should be selected on the basis of those limited duties which he will perform. Reserve officer medical and age requirements may differ from those for regular sworn personnel since a retirement liability does not exist.
  - b. Reserve officer training standards should be equivalent to those for regular sworn personnel, but reserve specialists should be trained according to the requirements of the specialty which they will perform.
2. Every police agency that has identified a specific need to augment its regular force of sworn personnel to alleviate manpower shortages or to cope with unique deployment problems, should establish a police reserve program. To realize the maximum benefit from such a program, every agency:
  - a. Should establish recruitment and selection criteria equivalent to those for regular sworn personnel, with the exception of medical and age requirements;
  - b. Should provide reserve generalist training equivalent to that provided regular sworn personnel, and should provide reserve specialist training required by the specialty to which the reservist will be assigned;
  - c. Should insure that the reserve training program meets or exceeds state standards that regulate the training of regular, part-time, or reserve officers;
  - d. Should assign the reserve generalist to supplement regular police personnel in the day-to-day delivery of police services and assign the reserve specialist to perform services within a particular field of expertise;

- e. Should establish a reserve in-service training program equivalent to that for regular sworn personnel; and
- f. Should furnish the reserve officer with the same uniform and equipment as a regular sworn officer only upon his completion of all training requirements. Until he has completed all training requirements, his uniform should readily identify him as a reserve officer, and he should perform his duties only under the direct supervision of a regular sworn officer.

#### Commentary

The term reserve police officer usually is applied to a nonregular, sworn member of a police agency who has regular police powers while functioning as an agency's representative, and who is required to participate in agency activities on a regular basis. A reserve officer may or may not be compensated for his services, depending on each agency's policy. The term reserve is often used interchangeably with auxiliary in referring to nonregular police employees. The auxiliary officer, however, is one whose function is usually related to civil defense activities and whose participation in police functions is usually limited to emergency situations.

One major criticism of reserve programs has been inadequate training. A successful reserve program must include a structured training curriculum to prepare reserve officers for their police-related duties. If reserve officers perform duties that encompass the full range of police functions, their training should be equivalent to regular sworn personnel training. When reserves are deployed in a limited capacity with singularly specialized duties, training may be geared strictly to those functions.

There is considerable controversy about whether reserve police officers should wear regular police uniforms. Some experts say that the public pays well for its police service and citizens should always be aware of whether they are being served by a trained police professional or a "weekend warrior." Some police practitioners agree that a visible device should be worn by reservists to facilitate the assignment and assumption of responsibility in field situations. Unless such distinctions are made, they fear a reserve officer may be thrust into a command situation that he is unable to handle.

Other police officials feel that the reservist should wear the same uniform and equipment as regular officers. Those who advocate identical uniforms for reserves and regulars do so to increase acceptance of reserves in their police role.

A compromise seems the most acceptable alternative. Reservists trained on a par with regular officers should be able to handle police situations with the same skill as newly trained regular officers. If selection and training standards for reserves are comparable to standards for regular officers, there need not be a conspicuous difference in their uniforms.

But until a reserve officer has completed his agency's prescribed training course, he should be clearly identifiable as a reservist and should function only under direct supervision of regular sworn personnel. When the agency is satisfied that his training enables him to function efficiently as a police officer, he should be allowed to work under the same conditions, and in the same uniform, as regular sworn personnel.

Reserves provide backup manpower, increase police-community cooperation, and provide many valuable volunteer services. Police reserves give interested citizens an excellent opportunity to become more familiar with police operations and a chance to do something themselves to benefit law and order. Citizens who participate in police reserve organizations understand, and help others understand, the problems and responsibilities of the agency. Feedback works both ways. Agencies can gain insights into the community from their civilian auxiliary.

Police chief executives should take these benefits into consideration when considering a police reserve. And police chief executives should recognize the dangers. A police reserve must be organized and administered on a professional basis. Just as a good reserve can broaden public support, a badly trained, badly disciplined police reserve force can diminish it. It is up to the police chief executive to insure that the police reserve adds to the efficiency of his agency.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 10, pp. 263-269, Washington: Government Printing Office (1974).

#### References

1. Buckley, Robert, "California Law Enforcement Reserve Program," Journal of California Law Enforcement, April 1969.
2. Buckley, Robert, "A Minimum Standard of Training for California Law Enforcement Reserves," Journal of California Law Enforcement, October 1970.
3. Bushey, Keith D., "Innovative Utilization of Police Reserves," unpublished term report, California State, Los Angeles, December 1970.
4. Indianapolis Police Department, Indianapolis Police Department Reserve Training Program, Syllabus, March 20--May 26, 1972.

5. Jarrell, J. T., "Survey and Review of Reserve Police and Reserve Deputy Programs in California," Police Chief, October 1971.
6. Los Angeles Police Department, "Police Reserve Officers as Manpower Alternatives," position paper (1972).
7. "Reserve Deputies Handle Tough Assignments on Job," California Council on Criminal Justice Bulletin, Vol. 5, February 11, 1972.
8. "Sheriff's Reserves Given \$1.00 for Year's Services," Crime Control Digest, March 31, 1972.



4.7 Objective. Response time on emergency calls--from receipt of call to message radio transmission--should not exceed 2 minutes (1 minute by 1978) nor 6 minutes (4 minutes by 1978) on non-emergency calls.

Strategies

1. Full-time telephone services with adequate trunk lines should be provided for all police departments.
2. Emergency calls should be answered in 30 seconds; other calls in 60 seconds.
3. Each police agency should obtain universal emergency telephone service (a single number--911--for police, fire and ambulance service).<sup>1/</sup>
4. All police departments should have 24-hour two-way radio capabilities provided by themselves or another department.<sup>2/</sup>
5. Private central alarm companies terminating in police dispatch systems should be regulated.
6. Special frequencies for statewide communication and mutual aid should be available.
7. Communication systems should be secure from attack and sabotage.

4.8 Objective. By 1977, police communications systems must be developed that will provide rapid means for:

- a. Reporting crimes.
- b. Dispatching and coordinating police units.

4.9 Objective. By 1978, all phone calls to police communication centers must be recorded.

<sup>1/</sup> According to the TLEPA 1975 survey, 70 (20 percent) of the law enforcement agencies in the state have an emergency phone number separate from their regularly listed number with 44 (12.5 percent) of these agencies having the "911" emergency number.

<sup>2/</sup> According to the TLEPA 1975 survey 295 (84 percent) of the law enforcement agencies in the state have dispatching services available to them 24 hours a day.

## Commentary

To most people in the United States a policeman is usually no farther away than a telephone. But a busy signal, a prolonged series of rings or internal telephone transfers, a discourteous complaint clerk, or the late arrival of a police unit will almost always bring public criticism. Most important, of course, is the fact that an inefficient telephone system can result in serious injury or loss of life to a victim of crime or accident and can hamper apprehension of criminal offenders. Efforts must be undertaken to make the citizen telephone call to the police as simple and as rapid a process as possible.

Many police agencies with fewer than 10 personnel may be unable to man a 24-hour telephone service. Until such time as consolidation of these agencies with larger departments is effected, these agencies must make arrangements with a nearby police department, sheriff's office, or state police agency. Local residents familiar with jurisdictional boundaries and varying hours of services may know how to obtain police assistance when they need it, but travelers under the same emergency circumstances will not.

In an emergency, the public should be able to contact the police immediately by making a single telephone call. Single areawide emergency numbers, recorded message devices that detail emergency instructions, automatic switching equipment, and well-trained telephone operators are a few of the means to this end.

Certain serious crimes demand immediate dispatch of field units to the scene. Response time is critical. Both emergency and nonemergency telephone lines should be answered 5 to 10 seconds after the first ring. Thirty seconds should be considered the absolute maximum for answering an emergency line under any conditions, and 60 seconds for a nonemergency line.

Every agency should have a minimum of two lines. The agency should publish the number of one for emergency purposes and the other for administrative purposes. No emergency line should give a busy signal.

Recording devices connected to telephone complaint reception lines are valuable for documenting incidents, especially during emergencies and other periods of peak activity. They also provide the police administrator with a tool to evaluate workloads and to increase the efficiency of the communications operation. Smaller endless tape devices, which record only the previous few moments of traffic, are especially valuable in instantly replaying garbled or confusing messages after a panic-stricken caller has hung up or been disconnected. Recording police telephone conversations can aid in settling public complaints. The just disposition

of legal suits arising from deaths, injuries, or property loss alleged to be due to police negligence also can be expedited. In cases in which a dispatcher has been given misinformation, a tape recording of the call would be valuable evidence in court and could result in great savings to the concerned municipality.

The demand for police services is growing at a much faster rate than the ability of police telephone systems to cope with it. The single universal emergency telephone number, coupled with automatic number-identifying equipment, is the most promising recent development for meeting this demand throughout the nation.

The single universal emergency telephone number, 911, connects anyone dialing it to an emergency line at the local police complaint board. Dialing 911 eliminates the time-consuming extra step of having an operator place the emergency call. As simple and as easy to remember as the present 411 directory information number, 911 reduces the delay between the time anyone in need of emergency police service first telephones, and the time that he receives that service.

It is vital that every policeman working in the field have direct access to a fully-manned, 24-hour police communications center. This is essential to police safety, interagency coordination, and the ability to link up with local, regional or statewide information resources. Two-way radio capability must be provided to all policemen regardless of locale or time of day. The patrolman or deputy must be confident that he will never be placed in a situation where he cannot communicate for immediate help.

When agencies are too small to handle a full-time communications center, an auxiliary network should be employed to relay incoming calls to the nearest agency with a full-time communications center. Contractual arrangements with other jurisdictions may be necessary.

Delay time, the elapsed time between receipt of a citizen call for service and the time of message transmission, should not exceed 6 minutes in the case of routine nonemergency calls.

Each agency should carefully analyze its own communications impediments and plan to reduce delay time accordingly. Planning should include measures that would cut routine delay time to 4 minutes and emergency delay time to 1 minute.

Strict legislation should be enacted to regulate alarm system equipment, installation, and use. Steps should be taken to minimize alarm activation not caused by a criminal attack on the premises. This legislation should stipulate the precise number of false alarms that will be tolerated within a specified period of time. If the tolerance is exceeded, the local owner should be sent a notice of excessive false alarms

and informed that any additional false alarms causing police dispatchment will result in a penalty, e.g., a fine or the revocation of an alarm permit. Responding field units can determine the validity of the alarm from preliminary investigation. It is recommended that model legislation be developed to standardize alarm equipment, installation, and use.

Radio frequencies are a limited natural resource. That segment of the radio frequency spectrum suitable for standard radio broadcasting is restricted by present technological capabilities. Because of unpredicted increases in radio communication over the past decade, frequency congestion is intensifying and will continue to grow as additional communication devices are introduced.

No police officer who needs immediate assistance should have to wait for a clear frequency. Police agencies should plan for the most efficient and effective use of their assigned frequencies. One method to alleviate frequency congestion is to employ multiple frequency trunkings, patterned after the principles used in conventional telephone, telegraph, and electric power networks. Trunking permits units to transmit on identical frequencies linked to a dispatcher at police headquarters.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 23, pp. 551-557, Washington: Government Printing Office (1974).

#### References

1. International Association of Chiefs of Police. Design and Operation of Police Communications Systems, Washington, D.C.: International Association of Chiefs of Police (1964).
2. Leonard, V. A., The Police Communications System, Springfield, Illinois: Charles C. Thomas (1970).

## 5. GOAL: INCREASE ALTERNATIVES TO PHYSICAL ARREST BY EXPANDING USE OF CITATION AND SUMMONS

### Introduction

Each arrest involves a substantial use of the time and resources of both police agencies and the courts. The arresting officer or officers may be out of service for one or two hours following an arrest. In addition, unless it is a misdemeanor case in which the accused pleads guilty and receives an immediate fine or sentence, the time of court and prosecution personnel must be taken to establish the conditions of pretrial release and set a date for a preliminary hearing. If a judge or other person empowered to set bond or determine conditions for pretrial release is not immediately available, the arrested person must be held in jail, thus consuming additional resources. From the point of view of the individual involved, arrest means an abrupt disruption in his activities, possibly a period spent in jail while awaiting a hearing, personal embarrassment, and often the need to post bond in order to obtain his release. Physical arrest may also adversely affect persons other than the defendant. If parents are taken into custody, they may have no opportunity to arrange for the care of their children in a way that will minimize the effect of the arrest on the children. Taking a defendant from his job may inconvenience his employer and coworkers. While awaiting release, a defendant may lose his job and thus his ability to support his family.

There are clearly many situations in which arrest is a necessary and proper way in which to deal with a person suspected of a crime. However, both survey results and the task force meetings showed that criminal justice professionals in Tennessee believe that many arrests are unnecessary and consume police and court time that could be put to better use. They believe that in many cases citations and summons could replace physical arrest. The proposed Criminal Code developed by the Tennessee Law Revision Commission reflects the same conclusion. It allows an officer to issue a citation instead of arresting in misdemeanor cases (40-632) and provides for the issuing by the court of a summons rather than a warrant if requested by the District Attorney (40-701).

5.1 Objective. The Tennessee Law Enforcement Planning Commission recommends to the General Assembly that by 1977 it consider adopting legislation authorizing the use of citations and summons in lieu of arrest in specified situations.

5.2 Objective. If the General Assembly authorizes citation and summons in lieu of arrest, as is recommended in Objective 5.1, then by 1978, each local police agency should formulate in writing procedures for the use of summonses,<sup>1/</sup> citations,<sup>2/</sup> and arrest warrants.<sup>3/</sup> These procedures should:

- a. Enumerate minor offenses for which a citation or summons is required.
- b. Require arrests or warrants to be accompanied by written reasons.
- c. Specify criteria for determining whether to use a citation or request a summons.
- d. Specify training and criteria needed for police officer to enable officer to make proper decision whether to arrest or issue a citation.
- e. Utilize alternatives to arrest and pretrial detention.

#### Strategies

1. Police officers must have discretionary authority to issue a citation.
2. A method must exist by which the police officer can quickly verify information received or developed which bears on decision to arrest or issue a citation.

1/ Issued through use of police powers.

2/ Issued through use of judicial powers.

3/ No present procedure for issuing a criminal summons. The proposed Criminal Code (40-701) provides for the issuance of a summons on probable cause. If the District Attorney requests it, the magistrate shall issue a summons instead of a warrant. Procedures for citation for traffic offenses are in TCA 59-1019. The proposed Criminal Code 40-632 allows an officer to issue a citation at his own discretion instead of arresting for a misdemeanor.

3. Physical arrest should be used when one or more of the following conditions exist:
  - a. Past or present conduct indicates the accused is dangerous;
  - b. He refuses to identify himself or sign a citation;
  - c. He has previously failed to appear in response to a citation or summons;
  - d. He has no ties to the jurisdiction;
  - e. It is necessary to carry out additional investigation.
  - f. He has committed a felony.
4. The citation and summons should:
  - a. Inform the accused of his rights (including representation of counsel), the charge, date, time and location of trials or hearings, the consequences of his failure to appear;
  - b. Contain a form advising the court of the name of accused's counsel or his desire to have court-appointed counsel;
5. Police should place special emphasis on expeditiously serving all outstanding arrest warrants, particularly those issued due to a defendant's failure to appear at court proceedings.

5.3 Objective. If the use of citations and summons in lieu of arrest is adopted, then the Tennessee Law Enforcement Planning Commission very strongly recommends to the legislature that, when it expands the use of citations and summons, it also authorize searches with citations under certain conditions. Such legislation should be drawn so that, while safeguarding the rights of citizens against unreasonable search and seizure, the police officer, if he chooses to issue a citation rather than to arrest an individual, will be able to search to the same extent that would have been allowed if he were making an arrest.

#### Commentary

The use of citations and summons in lieu of arrest in certain cases would clearly save time and money in both police agencies and the court system. It would also avoid many undesirable effects that an arrest has on the individual concerned. Available evidence suggests that failure to appear is unlikely to be a significant problem if care is taken in issuing citations and summons. A study of the use of citations in New Haven, Connecticut, for example, showed that only 14.5 percent of the defendants in nontraffic cases failed to appear on the designated date and half of those responded to a simple followup letter requesting them to appear.<sup>1/</sup> The suggested criteria for the use of police in deciding whether to arrest or to cite specify that physical arrest should be made in cases where the conduct of the individual suggests he might be dangerous, where the individual has no ties to the jurisdiction, where arrest is necessary to carry out additional investigation, and so forth. Thus, the proper implementation of this proposal should not lead to the failure to arrest a dangerous person or one who would be unlikely to appear for trial. However, in setting policy on the use of citations in place of arrest, police chief executives must consider community safety above conservation of police resources. The individual officer who exercises judgment in implementing the policy should be advised of this priority.

1/ Berger, Mark, "Police Field Citations in New Haven," Wisconsin Law Review, No. 2 (1972).



Police chief executives should anticipate resistance from some officers who are asked to release persons whom they believe to be guilty of crimes. In such cases, the advantages of the use of citations in place of arrest and the mandate to consider a person innocent until proven guilty should be clearly explained to the officers. Over time, the successful use of citations should result in a positive attitude toward their use on the part of the officers.

The proposal is made that search powers be extended to certain situations in which a citation is issued rather than an arrest being made. The purpose of this proposal is to prevent instances in which a search, that might produce evidence material to the case, would be allowed in the event of arrest but could not be made if a citation were issued instead. In such a situation, evidence that would have been gained in a lawful search incident to arrest would be lost by the use of a citation. Care must be taken so that any statute empowering search with citation be carefully drawn to protect the citizen's constitutional rights and that the issuance of citations not become a means for legitimizing unreasonable searches. However, a carefully drawn and properly administered measure would benefit the accused person as well as the interests of society. In the absence of such authority, a police officer would probably often choose to arrest, rather than issue a citation, simply in order to make a search possible. If search with a citation is permitted in a situation in which the individual would otherwise be subject to lawful arrest and search, then the suspect will be much less likely to have to suffer the serious disruption of his life caused by an arrest.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Courts, Chapter 4, pp. 70-72, Washington: Government Printing Office (1974).

#### References

1. American Bar Association Project on Minimum Standards for Criminal Justice, Standards Relating to Pretrial Release, Approved Draft, Chicago: American Bar Association (1968).
2. American Bar Association Project on Standards for Criminal Justice, Standards Relating to the Urban Police Function, Tentative Draft, Chicago: American Bar Association (1972).
3. Berger, Mark, "Police Field Citations in New Haven," Wisconsin Law Review, No. 2 (1972).
4. Feeney, Floyd F. "Citation in Lieu of Arrest: The New California Law," Vanderbilt Law Review, Vol. 25 (March 1972).

5. President's Commission on Crime in the District of Columbia, Report, Washington: Government Printing Office (1966).
6. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Courts, Washington: Government Printing Office (1967).
7. President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, Washington: Government Printing Office (1967).
8. Wice, Paul, and Rita James Simon. "Pretrial Release. A Survey of Alternative Practices," Federal Probation, Vol. 34, December 1970.

## 6. GOAL: PROMOTE SPECIALIZATION AS A POLICE TOOL

### Introduction

The complexities of modern police service demand highly specialized hardware and personnel, and considerable variation exists within each type of specialization. Each community has its own needs. The agrarian community will perhaps require less specialization than the metropolis. A successful strategy in one community may be a dismal failure in another of the same size but with different ethnic makeup.

Frequently, a community's need for police specialization is not recognized until a problem arises that requires special knowledge and skills. Responding to crises often results in an emotional decision--basically influenced by people, politics, and money--rather than a rational evaluation of genuine community needs.

Complex law enforcement problems arise from social changes and crises. These problems include spiraling crime rates and increased demands for police services.

There are two kinds of organizational specialists: part-time and full-time. There is little need or capacity in a small police agency for full-time specialization, but part-time specialists provide the agency with considerable flexibility. Even though there is no organizational compartmentalization of functions, individual officers possessing special competence or skills can be assigned certain functional responsibilities on a part-time basis. Personnel may be assigned to a specialized area on a case of project basis, or on a specific time basis. Because officers perform their specialization only when needed, their primary assignment is not neglected, although others may have to replace them during the period of special assignment.

The police chief executive should be able to increase, decrease, or terminate the specialist operations depending on his perception of the problem. He may decide that a less specialized approach is adequate and assign manpower accordingly.

As in the creation or implementation of any police function, budgetary considerations are critical to specialization. Sources of special auxiliary funding, such as state or Federal grants, should be investigated. Personnel expenditures, often higher per unit than those for generalists, must be adjusted to fit budgetary limitations. Those limitations may in turn indicate a need to alter the form of specialization or to do away with it.

6.1 Objective. By 1977, each police agency should have the capacity to conduct thorough criminal investigations.

Strategies

1. Police agencies should have access to special funds and equipment necessary to conduct criminal investigations.
2. Every police agency should recognize that patrol officers are preliminary investigators and that they should conduct thorough preliminary investigations. However, smaller departments with under 50 sworn personnel should seek assistance from the Tennessee Bureau of Investigation on very serious or complex preliminary investigations.<sup>1/</sup>
3. Every police agency should establish only as many specialized criminal investigative units as needed, staffed only with the number of personnel necessary to conduct timely investigations that lead to organizational objectives. The thoroughness of preliminary investigations by patrol officers should be insured, to reduce followup investigative efforts.
4. Every police agency should establish investigative priorities according to the seriousness of the crime, how recently it was reported, the amount of readily available information about suspects, the availability of agency resources, and community attitudes.
5. Every agency with fewer than 50 personnel should assign criminal investigation specialists only where specific needs are present.
  - a. Specialization within the criminal investigation unit should take place only when necessary to improve overall efficiency within the agency.
  - b. Criminal investigation operations should be decentralized to the most effective command level. However, unusual cases or types of cases may be investigated by a centralized unit.

1/ TCA 38-502 outlines the field division of TBI and requires investigators to be experienced in criminal investigative work. TCA 38-503 pertains to laboratory services and in TCA 38-502 investigation supplied only on request by District Attorney, not the police.

6. Every police agency should establish quality control procedures to insure that every reported crime receives the investigation it warrants. These procedures should include:

- a. A followup report of each open investigation every 10 days and command approval of every continuance of an investigation past 30 days.
- b. Constant inspection and review of individual, team, and unit criminal investigation reports and investigator activity summaries; and
- c. Individual, team, and unit performance measures based at least on arrests and dispositions, crimes cleared, property recovered, and case load.

#### Commentary

Chief executives of police agencies must guard against officers and investigators becoming mere report takers. Failure to insure that each crime receives the appropriate level of investigation permits some crimes to go unchallenged, creates a negative attitude among the public, and severely reduced motivation of police officers regarding many types of crimes.

Police chief executives, pleading lack of time and manpower, sometimes permit officers to respond to reports of crime more than 24 hours later. The officer then too often only "takes a report." He may conduct little or no preliminary investigation and may be authorized to use his discretion on whether to close the report or refer it for follow-up investigation. Often the follow-up investigation is delayed, and evidence on the scene is contaminated. At the discretion of the follow-up investigator, the case may be closed or left pending.

Every agency should establish response and investigative priorities to aid in the assignment of officers to conduct preliminary investigations and of detectives to conduct follow-up investigations. This will assure that patrol and detective resources will be concentrated on those cases or types of crimes which should be solved first.

Every agency should insure that each patrol officer has adequate training as a criminal investigator and that patrol officers are responsible for the majority of preliminary investigations.

The patrol officer is usually the first to arrive at the scene and can start the investigation without delay. In this case there will be no need to wait for investigative specialists. Few agencies have enough investigators to answer every call on a 24-hour basis and conduct follow-up investigations.

Each police agency painstakingly should establish a priority of investigations; the agency should consider community problems and attitudes as well as its own resources. In addition to instructing members of the agency on the priorities, the police chief executive must inform the community of both the order of these priorities and the reasons for them.

Assignment of an officer to an on-site investigation of a minor offense where there is likely to be little evidence may serve no positive investigative function, but it may serve to reassure the public. This factor should be considered.

To educate uniformed officers further in investigative methodology and to enable them to gain an appreciation of the specialist's task, procedures should be implemented to rotate patrol officers systematically through specialized assignments for temporary training.

The criminal investigative specialist's role should not be permitted to overshadow that of other agency members. Total operational effectiveness and employee morale are directly contingent upon equitable publicity of the efforts of all agency elements.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 9, pp. 233-237, Washington: Government Printing Office.

#### References

1. Bowman, Albert S., and others, "Administrative Problems and Considerations of the Investigative Function of a Police Department," Research study, Michigan State University (1965).
2. Detroit Police Department, "Case Preparation Specialists," Position Paper (1972).
3. Detroit Police Department, "Homocide Investigation," Position Paper (1972).
4. Kenney, John P., and Joseph Williams, Police Operations, Springfield, Illinois: Charles C. Thomas (1960).
5. Murphy, William A., "Specialization of Police Duty," in Southwestern Law Enforcement Institute (ed.), Police Management, Springfield, Illinois: Charles C. Thomas (1963).

6.2 Objective. By 1977, every police agency should insure its capability to conduct effective vice operations. These operations should be capable of reducing the incidence of vice crimes and related criminal activity.

#### Strategies

1. Every chief executive should establish written policies governing vice operations. These policies, consistent with existing statutes:
  - a. Should reflect community attitudes toward vice crimes, the severity of the local vice problem, and the effect of the vice problem on other local crime problems.
  - b. Should acknowledge that the patrol force is responsible for taking enforcement action against all vice violations they see.
2. Every agency employing fewer than 50 personnel may assign vice operations specialists on a full- or part-time basis, depending on the local problem.
3. Every police agency should provide vice operations with special funds, specialized equipment, vehicles, vision devices, and any other physical support necessary to conduct effective vice operations.
4. Every chief executive should insure that every field commander reports in writing every 30 days to the chief executive, or his designee, the form and extent of the current vice problem in his area and the effort of vice operations on that problem. This report should contain:
  - a. The number of vice arrests by type of offense and location;
  - b. Information received on vice problems; and
  - c. Current vice operations directed against area vice problems.
5. Every police chief executive should insure, through written policies and procedures, that every vice complaint received by his agency will be reduced to writing and investigated as thoroughly as possible. Vice complaint policies and procedures should provide that:

- a. All vice complaints be distributed to the chief executive or his designee, and to the vice unit;
- b. Every 10 days a written follow-up report on each vice complaint be made to indicate the progress of the investigation; and
- c. Every vice complaint investigation not completed within 30 days of its receipt be reviewed, and that all necessary steps be taken to expedite the investigation.

#### Comments

Vice operations in many agencies include a wide variety of enforcement activities; the principal activities, however, are directed against illegal gambling, traffic in liquor, prostitution, pandering, pornography, and obscene conduct.

Vice enforcement poses special problems. There are usually two conflicting pressures on law enforcement agencies concerning vice operations. Both originate within the community itself. One source of pressure, frequently from church groups, demands the eradication of all vice on the grounds that it is fundamentally evil. Counterpressure may come from the local business establishment which may feel that less vice law enforcement activity is good for business because it attracts additional business as well as visitors and conventions.

It is within this framework that the police chief executive must establish and implement the vice operations of his agency. Enforcement policy should spell out the responsibility of the agency and provide direction for vice enforcement activities. This policy also should clearly indicate that the patrol force has the primary responsibility for enforcing vice laws when during the performance of their regular duties they observe violations.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 9, pp. 242-245, Washington: Government Printing Office (1974).

#### References

1. Elliott, Mabel A. Crime in Modern Society, New York: Harper (1952).



2. International Association of Chiefs of Police, Commercialized Vice, a Definition, Washington, D.C.: International Association of Chiefs of Police (1967).
3. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Narcotics and Drug Abuse, Washington, D.C.: Government Printing Office (1967).
4. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Organized Crime, Washington, D.C.: Government Printing Office (1967).

6.3 Objective. By 1977, every police agency should establish and maintain the capability to gather and evaluate information and to disseminate intelligence in a manner which protects every individual's right to privacy while it curtails organized crime and public disorder.

#### Strategies

1. An intelligence operation should include an independent and well-secured reporting and record system.
2. The number of personnel assigned to this operation should be based on local conditions.
3. In smaller agencies, the intelligence specialist should be required to take direct enforcement action only where limited agency resources make it absolutely necessary.
4. Every police agency should supply its intelligence operation with the funds, vehicles, vision devices and other specialized equipment necessary to implement an effective intelligence operation.

#### Commentary

Intelligence, in the police sense, is awareness. Awareness of community conditions, potential problems, and criminal activity--past, present, and proposed--is vital to the effective operation of law enforcement agencies and continued community safety and security.

Intelligence should be carefully guarded. Above all, every individual's right to privacy must be protected. Dissemination of information on suspected offenders or of other intelligence that would not be admissible in a court should be restricted exclusively to officers needing such information to achieve the goals of their police agency lawfully. Informants should be secure in their anonymity and should be assured that their covert contributions will not be revealed. Specific safeguards should be built into the police intelligence system to prevent any information from being disseminated to unauthorized persons, or to any person for uses not consistent with the role of the police agencies maintaining or participating in the system.

The deployment of intelligence operations will be determined, of course, by the activities that present a threat to the community. Operations may be concentrated on organized predatory criminal groups, or other groups that are violence-oriented or inclined toward activity that unlawfully disrupts the community and its citizens.

### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 9, pp. 250-254, Washington: Government Printing Office (1974).

### References

1. California Department of Justice, the Organized Crime and Criminal Intelligence Branch. Annual Report (1971).
2. Coon, Thomas, "Intelligence Files," Police, Vol. 6, No. 4, March-April 1962.
3. International Association of Chiefs of Police, "Intelligence Process Chart" (1969).
4. Shanley, John, "Objectives of the Police Intelligence Unit," Police Chief, Vol. 31, No. 5, May 1964.

6.4 Objective. By 1977, every police agency should acknowledge the direct relationship between narcotic and drug offenses and other criminal activity, and should have available a narcotic and drug investigation capability based on that acknowledgement.

Strategies

1. Narcotic and drug investigation training should be provided to every officer during basic training.
2. Narcotic and drug investigation personnel, in smaller agencies, may be assigned where justified by the local problem.
  - a. The number of personnel assigned to the narcotic and drug operation should be determined by the local problem.
  - b. Where appropriate in agencies with 50 or less personnel, drug and narcotic operations may be consolidated with vice operations.
  - c. Drug and narcotic operations should be decentralized to the extent that the agency is; however, a central drug and narcotic unit should be maintained to coordinate the decentralized operations.
3. Every chief executive should establish written policies and procedures requiring that every narcotic and drug complaint will be reported in writing and thoroughly investigated. These policies and procedures should provide that:
  - a. All narcotic and drug complaints be distributed to the chief executive or his delegate, and to the central narcotic and drug unit;
  - b. A written follow-up report of every open drug or narcotic investigation be prepared every 30 days to indicate the progress of the investigation;
  - c. Individual, team, and unit narcotic and drug investigation reports and activity summaries be inspected and reviewed continually;
  - d. Individual, team, and unit performance measures continually be applied to drug and narcotic operations. These measures should include arrests and dispositions; number of purchases by type of drug or narcotic, quantity and quality of seized narcotics and drugs, other crimes cleared, and working case-load.

4. Every police agency should provide narcotic operations with special funds and specialized equipment such as vehicles, electronic equipment, and vision devices necessary to conduct effective narcotic and drug operations.

6.5 Objective. By 1978, each police agency with less than 50 personnel should encourage the establishment of narcotic drug abuse public awareness programs by community social service agencies.<sup>1/</sup>

Commentary

The rate of drug abuse has increased dramatically during the past decade. The subject of narcotic and drug violation has triggered much controversy.

Whether the violation involves narcotics or drugs, whether they are addictive or nonaddictive, money is involved. Narcotics and drugs must be purchased; the purchaser must have funds to obtain the contraband.

Most illicit narcotic and drug abusers are not affluent, nor have they adequate funds to supply their needs or desires. The source of funds, particularly the addict's, must come from criminal activity. To satisfy his habit, the addict usually must steal goods worth at least five times what he pays for narcotics because fences of stolen property seldom offer more than 20 percent of retail value. It is estimated that in the last 7 years, the losses from shoplifting alone have nearly doubled, and present losses are estimated at close to \$1 billion annually. Shoplifting is a favorite method for addicts to obtain funds to support their habits.

There are clear indications that organized crime is involved directly and indirectly in narcotics and drug traffic. The involvement is principally in the processing and importation of narcotics and drugs, primarily heroin. The activities include financing of major purchases and wholesale distribution.

In addition to criminal acts committed to purchase narcotics and drugs, many criminal acts are committed under their influence.

Narcotic and drug violations are committed by persons of all races and ethnic backgrounds and from every economic stratum, including persons of all ages and both sexes.

<sup>1/</sup> TCA 33-802 (1) refers to Department of Mental Health distributing educational drug information to schools. TCA 33-804 (3) refers to Department of Mental Health Education Program on alcoholism and drug addiction. No law regarding police information programs.

Narcotic and drug violations cannot be relegated to the narcotic specialist alone. Because of the interrelationship between drugs and crime, every patrol officer deals with users of narcotics and dangerous drugs. Therefore, police training at the entry level should include the identification of behavior patterns of persons who are under the influence of various narcotics and drugs. Officers should be familiar with the types of equipment used, body markings, and hiding places for drug paraphernalia. Officers also should be trained to conduct preliminary narcotic investigations that they can either complete themselves or that will aid the specialized personnel who complete them.

Every police agency should have a full-time narcotic and drug investigation capability. In smaller agencies, personnel may be assigned on a need basis, or the narcotic and drug investigations may be consolidated with the vice operations.

This capability may be developed by several means, depending upon local problems and available resources. The agency may assign its own personnel and establish the function within the agency, or it may organize a task force consolidating the activities of several surrounding jurisdictions. The Federal government has had considerable success using the task force approach, combining personnel from various Federal agencies with state, county, and local officers in the investigation of narcotic and drug violations.

Interagency cooperation is just as vital as intraagency coordination. City or county boundaries should not hinder the pursuit of narcotics or dangerous drugs offenders. On many occasions, apprehension of narcotics violators requires an agency to cross geographical boundaries and enter another area of jurisdiction. Therefore, interagency cooperation is essential to insure continued pursuit and apprehension of suspected offenders.

To the maximum extent possible, every police agency should actively participate in programs designed to make the community aware of the narcotic and drug problem and its effect on the total crime problem within the community. These programs should be sponsored by local educational, business, professional, and social welfare organizations, both public and private. In communities where sponsorship cannot be readily obtained from these sources, however, the police agency should undertake it.

Programs should be varied. They should be factual and oriented toward prevention and community awareness.

These programs should be available to school systems and to civic and professional groups, particularly those involved in education and medicine. These programs are usually more effective when members of all law enforcement agencies--federal, state, county, and municipal--participate to provide different insights.

### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 9, pp. 246-249, Washington: Government Printing Office (1974).

### References

1. Los Angeles Police Department, "Special Order No. 82, Reporting Vice or Narcotics Activity" (1970).
2. Moscow, Alvin, Merchants of Heroin, New York: Dial (1968).
3. Parker, William, Parker on Police, Springfield, Illinois: Charles C. Thomas (1957).
4. President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, Washington, D.C.: Government Printing Office (1967).
5. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Narcotics and Drug Abuse, Washington, D.C.: Government Printing Office (1967).
6. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, Washington, D.C.: Government Printing Office (1967).
7. U.S. Chamber of Commerce, Marshalling Citizen Power Against Crime, Washington, D.C. (1970).



6.6 Objective. By 1977, every police agency should insure coordination and the continual exchange of information between officers assigned to narcotic and drug enforcement, vice enforcement, intelligence, criminal investigators and uniformed patrol.

Commentary

It is frequently charged, sometimes justifiably, that specialized operations neglect to pass along information that could be valuable to other divisions of the police department. For example, intelligence, vice and patrol could be working on a particular criminal element, each being unaware that the other was involved. Too often, specialized operations become enmeshed in the information gathering process that they omit evaluation and dissemination. The efficiency and effectiveness of the agency will be maximized only if specialized operations are well coordinated with one another, including regular exchange of information.

6.7 Objective. By 1978, law enforcement agencies with more than 15 sworn personnel should develop juvenile investigation capabilities.

Strategies

1. These capabilities should provide for:
  - a. The specific duties and responsibilities of these positions to be based upon the particular juvenile problems within the community.
  - b. The juvenile specialists, besides concentrating on law enforcement as related to juveniles, to provide support and coordination of all community efforts for the benefit of juveniles.
2. Every police agency should cooperate actively with other agencies and organizations, public and private, in order to employ all available resources to detect and deter delinquent behavior and combat juvenile crime.
3. Every police agency should establish in cooperation with courts, written policies and procedures governing agency action in juvenile matters. These policies and procedures should stipulate at least:
  - a. The specific form of agency cooperation with other governmental agencies concerned with delinquent behavior, abandonment, neglect, and juvenile crime;
  - b. The specific form of agency cooperation with nongovernmental agencies and organizations where assistance in juvenile matters may be obtained;
  - c. The procedures for release of juveniles into parental custody; and
  - d. The procedures for the detention of juveniles.

6.8 Objective. By 1978, each police agency should provide all juvenile officers with specific training in preventing delinquent behavior and juvenile crime.

Commentary

The activities of police in connection with juveniles who are not yet delinquent is a matter of controversy and concern. Some believe that the police should have no contact with a juvenile unless he commits a crime. This belief, however, precludes the assistance of law enforcement agencies in the identification of neglected and dependent children; from deterring the delinquency of children who persistently refuse to obey the reasonable directions of parents and school authorities, or are beyond the control of these authorities; or are otherwise in clear and present danger of becoming delinquent.

In Tennessee, children fitting the latter description are within the jurisdiction of the juvenile court, and may be made wards of the court. This provision of law allows police to take an active part in preventing delinquency. Police officers are in a position to do this, because they confront juvenile problems 24 hours a day and are trained and experienced in those problems.

To suggest that law enforcement abrogate its preventive responsibilities concerning juvenile delinquency is to recommend that police merely enforce the law through the apprehension process.

Every community has special juvenile problems, varying from gang murders to underage youths loitering in pool halls. Rather than merely trying to apply what has been successful in one community to another, juvenile operations should be generated by an evaluation of local needs and local capabilities. Programs may be all-inclusive in smaller communities, and on a neighborhood basis in metropolitan areas.

The police chief executive, after assessing conditions, should write a policy governing the activities of his agency involving juveniles. This policy should be based upon community needs and resources.

The Metropolitan Police Department, Nashville, Tennessee has devoted a section of its police manual to policy and procedures in juvenile matters.

Each officer must be given adequate training at the entry level to identify neglected and dependent children, detect and deter predelinquent behavior, and develop insight into juvenile crime problems, departmental policy, and available procedures and resources.

Training must not stop at the entry level; it should be reinforced periodically through various in-service training techniques. This additional training is needed to maintain awareness of everchanging problems and to maintain the capability of responding adequately to community needs.

Agencies that choose to assign personnel full-time to juvenile operations should provide additional training in juvenile activities, preferably at a professional school. Such training is conducted at various times each year at designated locations throughout the country.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 9, pp. 221-224, Washington, Government Printing Office (1974).

#### References

1. Michigan Law Enforcement Officers Training Council, Curriculum (1971).
2. Parker, William H., Parker on Police, Springfield, Illinois: Charles C. Thomas (1957).
3. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime, Washington, D.C.: Government Printing Office (1967).
4. Swinney, Vincent, Undersheriff, Washoe County, Nevada, "A Model Juvenile Program," unpublished monogram (1972).

**CONTINUED**

**1 OF 2**

6.9 Objective. By 1977, every police agency which has established specialties should consider an annual formal review of each specialty to determine its effectiveness in helping to achieve agency goals and objectives.

#### Strategies

In conducting this review:

1. Every police chief executive should examine the problem for which the specialty was created and identify any modifications that problem may have undergone in the past year;
2. Every police chief executive should assess the cost-effectiveness of the specialty over the past year and from that assessment, determine whether the current level of resource commitment to the specialty is adequate or warranted.
3. Every police chief executive should take the action indicated by the results of the formal annual review of each specialty. This action may include:
  - a. Continuation of the specialization in its present form;
  - b. Adjustment of manpower and equipment allocations based on modifications in the problem or the cost-effectiveness of the specialization.

#### Commentary

The problems that exist in law enforcement are not static; they are constantly being modified by various societal influences.

To assure the continued effective operation of agency specialization and to assist in achieving the agency's goals and objectives, activities of each specialized assignment must be reviewed formally on an annual basis.

An annual reexamination should be conducted of the initial problem that required the specialized activity. This reexamination should be the consolidation of constant monitoring and diagnostic probing of the problem. Police problems of great magnitude, such as civil disturbances may require "intensive care" at the outset but tend to decline in their need for intense specialization. Other problems disappear entirely while new ones develop.

### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 9, pp. 217-218, Washington: Government Printing Office (1974).

### References

1. Eastman, George (ed.), Municipal Police Administration, Municipal Management Series, Washington, D.C.: International City Management Association (1969).
2. Wilson, O.W., and Roy McLaren, Police Administration, New York: McGraw Hill (1972).

7. GOAL: EMPHASIZE THE USE OF PROFESSIONAL ASSISTANCE AND IMPROVE THE QUALITY OF SUPPORT SERVICES

Introduction

The truly effective police officer is one who, in addition to possessing a thorough knowledge of his own profession, has some knowledge and training about a great many other things. He also knows where to obtain more information as he might need it, and he does not hesitate to seek assistance from outside sources. To do his job well, the police officer does not need to be, for example, a chemist; but he does need to know what the chemist can do that will further a particular investigation.

He needs to know where and how he can obtain the services of a chemist. He does not need to know the precise tests the chemist will use to analyze an item of evidence, but he does need to know how to handle that evidence to prevent any type of contamination and to permit the chemist to obtain optimum results from the analysis.

Too often the tendency is to wait until a situation arises that requires specific technical information before attempting to locate a competent, reliable, and willing source for obtaining this information. Generally, this information is either already possessed by members of a particular craft or profession, or is obtainable through the use of their skills. Unfortunately, such knowledge and skills are not always easy to locate or obtain, particularly within the time frame and under the pressures so often present in many police actions.

To increase police officers' effectiveness, the police agency should attempt to identify the types of professional knowledge and skill likely to be needed by its personnel. Having identified these types of knowledge and skill, the agency should locate reliable sources from which they can be obtained; and it should tap these sources for professional assistance when needed. Finally, the agency should thoroughly train its personnel to make use of this professional assistance; and thereafter, it should encourage such use.

The police agency may be able to provide professional assistance by employing, as an integral part of the agency, persons who possess the professional qualifications and expertise required. The agency may be able to use professional services provided by other governmental units or by the private and academic sectors of the community. Where the police agency finds alternative sources of professional assistance available, it should select the one that offers the greatest potential for effectiveness. To evaluate relative effectiveness, the agency should consider the frequency and extent of need, accessibility of the source, speed and thoroughness of response, and economic factors involved in the alternatives.



Support services are critical to the efficient operation of any police line function. The failure of a vital support service can severely impair the effectiveness of an operational police unit. All police agencies must take measures to insure that their support units are organized and operated to promote the most effective accomplishment of basic agency goals.

In Tennessee the state provides support service for local law enforcement in several areas. Investigative assistance is made available through the Tennessee Bureau of Criminal Identification (TBI). TCA 38-508 established the Laboratory Division of the TBI which is on the state level. A central laboratory has been established in Nashville and after about 1 year branches are to be established in the other three major cities, Memphis, Knoxville, and Chattanooga.

Technical assistance is made available by the state for local law enforcement agencies. Police are offered service by the Municipal Technical Advisory Service (MTAS) and the County Technical Assistance Service (CTAS) provides similar service for the sheriff departments in Tennessee.

7.1 Objective. By 1978, every police agency should establish liaison with professionals outside the police service who have expertise that can contribute to effective and efficient performance beyond the capabilities of agency employees.

Strategies

This liaison should implement working relationships, as necessary with:

1. Medical professionals, particularly those with specific expertise in:
  - a. Pathology;
  - b. Gynecology;
  - c. Psychiatry;
  - d. Dentistry and orthodontics;
  - e. Traumatic injuries;
  - f. Medical laboratory technology; and
  - g. Pharmacology.
2. Business, trade, and industrial professionals, particularly those knowledgeable in:
  - a. Banking;
  - b. Bookkeeping and accounting;
  - c. Labor relations;
  - d. The local economy; and
  - e. Local industry, business, and trades.
3. Educational professionals, particularly those with expertise in:
  - a. Elementary, secondary, and vocational education;
  - b. The physical, natural, and behavioral sciences; and
  - c. Research.

4. Behavioral science resources with expertise in:

- a. Personnel selection, vocational assessment, and career counseling;
- b. Teaching, training, and educational programming;
- c. Research;
- d. Management consultation;
- e. Personal problem counseling; and
- f. Specialist consultation.

5. Members of the clergy.

Commentary

The police agency that does not make maximum use of available professional outside expertise will rarely, if ever, adequately fulfill its role. Effective use of such expertise not only identifies potential professional assistance requirements and locates competent, reliable, and willing sources of professional knowledge and skills, but provides or otherwise makes these services available to agency personnel.

By the very nature of the police role, many police functions are necessarily reactive. However, the police agency cannot afford to permit the obtaining of professional assistance to be reactive. It is essential that the police agency assure that needed professional assistance is available whenever it may be needed.

Police agencies should contact identified sources of professional expertise and establish ongoing liaison with these sources. They should determine the conditions under which the services will be made available. In cooperation with the supplier of the services, police agencies should develop procedures to facilitate use of the services. Police agencies should predetermine any costs for services, and where necessary, formally contract for services.

The police agency relies more heavily upon members of the medical profession for assistance than upon any other professional group except lawyers. Many police investigations would be severely curtailed were it not for the assistance of medical professionals.

The relationship between the police and the pathologist--combining the investigative responsibilities of the police with the professional expertise of the pathologist--in cases involving fatalities should be such that the pathologist is, through the office of either the medical examiner or coroner, considered an integral part of the criminal justice system.

The police regularly have contacts with juveniles of all ages. Much information is available concerning them, both as individuals and as groups, from schoolteachers and staff. Assistance in designing and implementing police youth programs can be obtained from educational professionals. Additional assistance can be provided by teachers tying police contacts into their regular curriculum. Some police agencies, for example, have used driver education students to help make safety checks of vehicles; instructors have used this experience as an integral part of their classroom presentation.

Professionals from vocational education--particularly if the vocations stressed in the school are related to real community needs--are often able to provide assistance in areas related to business and industry.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 11, pp. 272-279, Washington: Government Printing Office (1974).

#### References

1. Caplan, Gerald, The Theory and Practice of Mental Health Consultation, Basic Books (1970).
2. Chamber of Commerce of the United States, Marshalling Citizen Power Against Crime, Washington: The Chamber (1970).
3. Committee on Medicolegal Problems, "Medical Science in Crime Detection," The Journal of the American Medical Association, April 1967.
4. Reiser, Martin, The Police Department Psychologist, Springfield, Illinois: Charles C. Thomas (1972).
5. Watson, N. A., Improving Officer-Citizen Contacts, Washington: International Association of Chiefs of Police (1968).

7.2 Objective. By 1978, every police agency should acquire the legal assistance necessary to insure maximum effectiveness and efficiency in all its operations.<sup>1/</sup>

Strategies

1. Every police agency should make maximum use of the offices of its city attorney or county attorney, or the attorney general, to acquire the legal assistance it needs. If it is necessary to provide legal assistance supplementary to these sources, a police legal adviser should be employed.
2. Every agency should obtain legal assistance in all agency operations where needed. This assistance may include:
  - a. Provision of legal counsel to the police chief executive in all phases of administration and operations;
  - b. Liaison with the city or county attorney, or the attorney general, the United States attorney, the courts, and the local bar association;
  - c. Review of general orders, training bulletins, and other directives to insure legal sufficiency;
  - d. Case consultation with arresting officers and review of affidavits in support of arrest and search warrants in cooperation with the prosecutor's office;
  - e. Advisory participation in operations where difficult legal problems can be anticipated;
  - f. Attendance at major disturbances--and an on-call status for minor ones--to permit rapid consultation regarding legal aspects of the incident;
  - g. Participation in training to insure continuing legal training at all levels within the agency;
  - h. Drafting of procedural guides for the implementation of recent court decisions and newly enacted legislation; and

1/ TCA 8-703 (6) directs the District Attorney to give legal opinions without charge to any county officer in his district upon any question of law relating to the duties of his office.

- i. Provision of legal counsel for ad hoc projects, grant proposal development, and special enforcement problems.
3. When a full-time attorney legal adviser cannot be justified, and adequate legal advice cannot be obtained regularly by enlargement of the role of the attorney general or the city or county attorney, the agency should obtain needed legal assistance through:
  - a. Employment of part-time and contracted legal advisers; or
  - b. Use of the services of a multiagency or a state police legal unit.

#### Commentary

Police, because they enforce the law, are particularly obligated to operate in complete compliance with the directives of the law. Law enforcement agencies often need supplemental legal assistance to function effectively, because of the number and frequency of judicial decisions, the heavy caseloads and diverse duties of county prosecutors and city attorneys, and the every increasing complexity of the law enforcement function.

Every phase of the police role is affected by either substantive or procedural law. Therefore, every operation of the police agency should have available legal assistance to meet every need.

The police chief executive must administer his agency as mandated by law and within the constraints it imposes. Because of changes and growing complexities within the law, the chief executive has a continuing need for legal assistance.

Attorneys are trained to recognize potential legal issues before they become manifest. Often these problems can be resolved most easily in the initial stages of the planning process. Legal advisers can be valuable in making recommendations and in reviewing proposed policy for legal sufficiency. When a full-time legal adviser is not justified, the police agency must provide for its legal assistance by other means.

There are several alternative methods of providing legal assistance to the police. The multiagency legal unit provides for a combination of police agencies to share a full-time legal adviser. Projects of this type are usually funded by Federal grants on a countywide basis or involve two or more agencies in a single county. Under such programs the legal adviser must establish rapport with a large number of persons.

These projects present the additional long-range problem of funding when the grant expires. A large statewide legal unit within the Department of Safety would be a variation of this concept; it might not be practical because it requires a high degree of cooperation between state and local agencies.

A second possibility is a district police legal adviser serving all communities in his area much like a public defender does.

A third possibility is the employment of part-time or contractual advisers. This may be an appropriate alternative for medium- and large-size agencies that cannot offer a high enough salary to make legal adviser a career position. The hiring of two half-time legal advisers could result in the provision of full-time legal services and a savings to the agency.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 11, pp. 280-288, Washington: Government Printing Office (1974).

#### References

1. Burpo, John H., "Legal Advisor," The Police Chief, September 1969.
2. Jorgenson, James R., and Howard Levine, "The Police Legal Advisor," Florida Bar Journal, February 1971.
3. Schmidt, Wayne W., Guidelines for a Police Legal Unit, Gaithersburg, Maryland: International Association of Chiefs of Police (1972).
4. "Police Legal Advisors: Their Role," The Police Yearbook, Gaithersburg, Maryland: International Association of Chiefs of Police (1971).

7.3 Objective. By 1977, every police agency should establish a standardized system for secure and efficient storage, classification, retrieval, and disposition of items of evidentiary or other value.

Strategies

1. Establish a filing system that includes, but is not limited to:
  - a. A chronological record of each occasion when property is taken into police custody;
  - b. A separate itemized list of all items of property that are taken into custody;
  - c. A record that indicates the continuity of the property from its entry into the system to its final disposition. This record should include the name of each person accountable for each item of property at any given time.
2. Conduct regular property inventories and property record audits to insure the integrity of the system. Such measures should be performed by personnel who are not charged with the care and custody of the property.
3. Publish written procedures governing the function of the property system.
4. Every police agency that uses full-time employees in its property function should assign civilian personnel to all elements of the property system in order to release sworn officers for assignment to those police functions requiring them.
5. Assign to the property function only those employees who are trained in the operation of the system.
6. Every police agency should institute close security and control measures to safeguard all money that comes into agency custody.
7. Institute procedures to facilitate the removal of property from the system as soon as possible.
8. Every police agency should insure that the property room includes:
  - a. A sufficient amount of space and facilities for efficient storage of property and records;



- b. Easy access by agency personnel and by the public without lessening security or subjecting property to contamination;
- c. A temporary storage area for perishable property; and
- d. An area that provides an extra measure of security for the storage of narcotics and firearms.

#### Commentary

Police agencies, regardless of their size, locale, or functions, routinely take possession of evidence, personal property, and articles of value for which they become responsible. The agency must not only insure the safekeeping of such property, but provide for storage, immediate retrieval, and proper disposition. An agency can provide such services only if it maintains an accurate recordkeeping system.

As a minimum, a police agency should keep a chronological record of each property item booked into agency custody. This record may take the form of a logbook that is completed as the booking employee receives the property. The agency will then have a document reflecting the date and time property came into agency custody.

A separate and more permanent record should be made listing all items of property taken into custody as a result of a particular incident. This type of information usually is best documented in a format similar to that of arrest or crime reports. This report should include a complete description of each item, in addition to pertinent booking data and the circumstances surrounding recovery of the property.

Finally, a record should be kept of the movement of each property item from its entry into the property system until its final disposition. Information of this nature may be entered on file cards and should reflect an unbroken continuity to facilitate the immediate location of any item of property at any given time. It is imperative that this particular record include the name and assignment of each person responsible for a particular item during agency custody. Positive identification of employees who check property in or out of the system is essential. Consideration may be given to routinely photographing persons during property transactions.

To promote consistency throughout the property system, agencies should publish uniform procedures governing the functioning of the system. These procedures should be distributed to all employees. Such distribution is necessary in large agencies with multiple components within

the property system. Unless standardized operating procedures are clearly delineated, each satellite property unit may gradually develop its own set of procedures. When such situations develop, the overall efficiency of the system will suffer and may require many unnecessary man-hours to correct.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 12, pp. 309-312.

#### References

1. Eastman, George (ed.), Municipal Police Administration, Municipal Management Series, Washington, D.C.: International City Management Association (1969).
2. Los Angeles Police Department, "Police Property Task Force Report," position paper, 1969/1970.
3. Los Angeles Police Department, "The Property System, Custody and Care of Evidence and Non-Evidence," position paper (1972).

## 8. GOAL: DEFINE AND IMPLEMENT PLANS FOR DEALING WITH MASS DISORDERS AND UNUSUAL OCCURRENCES

### Introduction

Police action, in the face of a riot or the wake of a natural disaster, can end violence and restore order. Force used must be sufficient, not excessive--the purpose is protection and not punishment. In restoring order, police action is the visible will of the citizenry applying discipline to itself.

The potential destruction from rioting and disaster is much greater than the destruction from all usual crimes in the course of a year. Police must be able to handle both, but most agencies are not prepared for large scale emergencies. Unprepared, they may respond poorly or too late. Instead of ending violence, they may provoke more, and instead of restoring normal order, they may end up imposing martial law.

In the 1960's, when violence erupted in cities across the Nation, few police agencies had prepared plans to cope with it. Coordination between local agencies, between local and state police, and between local and federal troops was generally poor. Authority was dispersed.

Similar problems occurred in towns torn by flood waters from hurricane Camille. Rescue operations were uncertain and delayed. Police were unsure of their roles and responsibilities. Lives that might have been saved were lost.

Both situations point to the need for advance emergency planning.

Fortunately, not all disasters strike without warning. In the case of most flooding, heavy winds, or other natural disaster, police agencies know several hours or even several days in advance that they may have to face unusual demands for police resources. Similarly, political conventions, labor negotiations, rock festivals, and planned protests are scheduled events, and police have time to prepare for potential trouble.

But last minute plans are a poor substitute for genuine preparedness. The time before a disaster strikes or trouble is expected should be spent reviewing plans, not improvising them. Detailed plans should be already published and in the hands of agency personnel and other local and state officials.

8.1 Objective. By 1977, the development of local contingency plans<sup>1/</sup> should include procedures for regulation of the use of police resources in controlling unusual occurrences.

Strategies

1. These plans should be developed and applied in cooperation with allied local, state, and federal agencies and should be directed toward restoring normal conditions as rapidly as possible.
2. Every police agency should develop intraagency command and control plans to activate the resources of the agency rapidly to control any unusual occurrence that may occur within its jurisdiction. These plans should provide for:
  - a. Liaison with other organizations to include the participation of those organizations in quickly restoring normal order;
  - b. Mutual assistance agreements with other local law enforcement agencies and with state and federal authorities, where effective control resources may be limited by agency size; and
  - c. The participation of other government and private agencies.
3. Every police agency should furnish current copies of command and control plans to every organization likely to participate directly in the control effort.
4. Every police agency should insure that every employee is familiar with command and control plans that relate to any function the employee might be called upon to perform, or any function that might relate to his performance.
5. The plan should include, but not be limited to, the following components:

<sup>1/</sup> TCA 38-1003 and 1004 provide that the Tennessee Law Enforcement Planning Commission shall assist local communities in planning, developing and carrying out crime prevention. TLEPA report includes a proposal for development of civil disorder plans at the local level. (See TCA 38-202).

- a. A plan for an interim unusual occurrence control organization capable of rapid and orderly activation, assembly, and deployment of all needed agency resources.
- b. A plan for a system for the arrest, processing, transportation, and detention of large numbers of persons. The system should facilitate the restoration of order by means of lawful arrest and preservation of all available evidence.
- c. A plan for a system of succession of command for unusual occurrences with someone delegated to take control without delay at all times.<sup>1/</sup>
- d. A plan for establishing a control center to act as the command post to:
  - (1) Coordinate all agency unusual occurrence activities.
  - (2) Obtain outside resources and assistance for field forces.
  - (3) Maintain logs and prepare reports.
  - (4) Collect and disseminate information.

#### Commentary

In Tennessee, the sheriff is held responsible for suppressing all affrays, riots, unlawful assemblies, insurrections or other breaches of the peace;<sup>2/</sup> and the chief administrator of a locality (mayor or city manager) has the power to declare a civil emergency.<sup>3/</sup> Being held responsible for the control of disasters or disorders, they should formulate plans to insure that the community will be protected.

---

<sup>1/</sup> TCA 38-901 directs each municipality to designate a substitute officer to act in the absence of the mayor or city manager in a civil emergency situation.

<sup>2/</sup> TCA 38-202.

<sup>3/</sup> TCA 38-902.

Preparation and planning will require a realistic combination of the efforts of various agencies, as disasters and disorders are not handled by police agencies alone. Even when the police are the primary control agency, as in civil disorders, they must rely on fire, medical, detention, and other personnel. Essentially, the role of the police during disasters is to assist primary control agencies in their tasks. Efforts of agencies participating in control and support tasks must be coordinated to restore the situation to normal. Each organization should participate in development of the plan to insure that its role will be specified and coordinated by the local police agency, which must take the initiative in this planning.

Crises in a community may range from minor incidents to full-blown riots or catastrophic natural disasters. Preparations for protecting the community in each instance must designate specifically how the emergency will be met.

The planning process should consider the agency's ability, based on its size and the resources available to it, to control occurrences of varying severity. In some instances a patrol unit and a supervisor may be all that is necessary. In others, some degree of temporary organizational adjustment may be required.

The objective of interim organization is to provide rapid and orderly activation, assembly, and deployment of all resources needed to cope with the emergency. This applies to other local government support resources and mutual aid response as well as the agency's own internal resources. Although the speed of response is critical to early control of an occurrence, it should be clearly established procedurally that personnel do not engage in control measures until sufficient manpower has been assembled to accomplish the mission with a reasonable measure of safety. Concern for the safety of initial response units makes a speedy and orderly mobilization imperative.

The number and severity of disorders that a jurisdiction has experienced and anticipates will determine how radically its organization will be changed by the threat of disorders. A city threatened by progressively more serious rioting must be capable of temporarily adjusting its emergency service organization to cope with frequent outbreaks of violence. Once the temporary structure has been organized, it should be tested to determine the effectiveness and coordination of its various units.

Unusual occurrence control plans should provide for temporary organization adjustments to accommodate emergencies of varying severity. Rapid, substantial mobilization is particularly important in mass disturbances when immediate organized distribution of personnel is necessary to prevent escalation and establish early control. To provide the

field commander with the necessary manpower, at least three stages of mobilization should be identified, and criteria established for transition from one stage to another. A three-phase mobilization system provides a means to alert all personnel that an unusual occurrence is anticipated or is in progress, and activates the required personnel.

A police agency should develop and test procedures for the rapid processing of large numbers of arrestees. A system should be developed that requires minimum booking information and that permits the arresting officer to return without delay to his field assignment. It should require the arresting officer to make only legal arrests, charging a specific crime or crimes. The arrestee should be charged with as many violations as the officer observes. Further, it should require that the officer collect, preserve, and book all available evidence in the arrest. Every arrest should be made with the aim of subsequent prosecution.

Many agencies in their first mass arrest experience fail to insure the proper identification of arrestees with arresting officers and crimes. In their haste to get arrestees off the street and to return officers to their field duties, police agencies have permitted arresting officers to leave inadequately identified arrestees at booking facilities and return to the field. In the confusion of transporting and processing, arrestees sometimes answer to the wrong name and are released erroneously or misbooked.

When the case comes to court, the officer cannot testify from his own recollection that the defendant is the person he arrested. Many agencies have used photographs taken at the time of booking to overcome this problem. This procedure involves photographing the arresting officer with the arrestee while holding a card bearing a booking number and the arrestee's name. To be most effective this procedure should use equipment enabling rapid photo development so that the photograph can be used throughout the booking process and subsequent transportation. If any evidence is to be booked to the arrestee, it should appear in the photograph. This procedure will suffice until the arrestee reaches a regular booking facility and can be positively identified by fingerprints.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 7, pages 160-179, Washington: Government Printing Office (1974).

#### References

1. Kranig, Wayne A., "Mutual Aid to Prepare for Disasters," Police Chief, May 1969.

2. Gates, Daryl, "Control of Civil Disorders," Police Chief, May 1968.
3. "Guidelines for Prosecutint Criminal Cases During Civil Disorders," National District Attorneys Association, June 1968.
4. International City Managers' Association, Tactical Planning for Crowd and Riot Control, International City Managers' Association, August 1966.
5. Smith, Dean R., and Richard W. Kobetz, Guidelines for Civil Disorder and Mobilization Planning, Washington, D.C.: International Association of Chiefs of Police, September 1968.



8.2 Objective. By 1980, every police chief executive should establish formal training programs to deal with unusual occurrences.1/

Strategies

1. This training should be:
  - a. Given to selected personnel at all levels within the agency, personnel from other agencies in the criminal justice system, and from other related public and private agencies.
  - b. Given frequently enough to maintain proficiency between training sessions, and should be routinely scheduled during periods of peak personnel strength.
2. An unusual occurrence control training program should include both formal instruction and practical exercise.
  - a. Formal instruction should be implemented through:
    - (1) Frequent in-service training, such as roll-call training, to serve as a refresher course, to practice techniques, or to introduce new procedures;
    - (2) Periodic agency-conducted schools to familiarize personnel with agency unusual occurrence control procedures and organizations structure;
    - (3) Regional or Federal courses, particularly when agency size does not permit development of local schools; and and
    - (4) A regional training institute to train instructors for local agencies.
  - b. Practical exercises should be conducted periodically to develop proficiency and teamwork among personnel through:
    - (1) Field exercises for operational personnel to practice tactics and procedures;

1/ The TLEPA survey showed that in 1974, 720 officers received training in riot control.

- (2) Command post exercises for formulating strategy and evaluating existing and new procedures.
  - (3) Regional exercises for familiarizing command personnel with mutual aid procedures and developing coordination between other local control agencies and nonlaw enforcement agencies; and
  - (4) Criminal justice system exercises to develop coordinated participation of all interrelated criminal justice and noncriminal justice agencies.
- c. The training curriculum and the subjects for practice should be directed to:
- (1) Administrative level personnel to familiarize them with agency and criminal justice system emergency organizational structure and procedures for requesting additional personnel and equipment from the military or through mutual aid; and
  - (2) Operational personnel to familiarize them with strategy, tactics, and standard operating procedures.

#### Commentary

The National Advisory Commission on Civil Disorders noted in its survey on the capabilities and preparedness of selected police departments that riot control training is "the most critical deficiency of all." It recommended that police departments immediately allocate the necessary time to reach an effective level of riot control capability. The urgency of this recommendation needs no emphasis in those cities that have experienced a major disorder.

Considering the publicity given these major disorders, it is surprising that other cities have not been prompted to initiate extensive training programs. The impetus, however, was not provided by these observations. What appears to be lacking is sufficient analysis of the problems faced by agencies that have had experience in controlling disorders. This information should be provided on a national basis.

The loss to a community from the effects of a single major disorder or disaster is potentially more devastating in terms of injuries, death, and property loss and damage than the community might experience in more than a year as a result of crimes. Every local government must plan for

the protection of its jurisdiction. Police chief executives and local officials must recognize their own responsibility to insure that adequate training is provided to their men to effectively execute those plans; thorough joint preplanning should provide for satisfactory training arrangements with jurisdictions and agencies that will be supplying help under mutual assistance compacts.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 7, pages 184-188, Washington: Government Printing Office (1974).

#### References

1. Farmer, David J., Civil Disorder Control: A Planning Program of Municipal Coordination and Cooperation, Chicago: Public Administration Service (1968).
2. International City Managers' Association, Training and Equipping Police Crowd and Riot Control Officers and Units, International City Managers' Association, May 1966.
3. National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders, Washington, D.C.: Government Printing Office, March 1968.

## 9. GOAL: UPGRADE RECRUITMENT AND CAREER DEVELOPMENT OF LAW ENFORCEMENT PERSONNEL

### Introduction

Of all the resources committed to the law enforcement process, manpower is the costliest and the most important. No police agency can be better than the officers who make up the agency for, in reality, the police are the agency. Indeed, the police service is the most labor intensive of all government services. Consequently the ability of law enforcement agencies to recruit and retain the most qualified personnel is, and will continue to be, the most important single factor influencing the quality of police services offered to the community.

In order to assure that Tennessee has qualified law enforcement personnel capable of providing the kinds of services needed by the citizens of the state, attention must be given to improving the selection process, establishing selection standards and assuring that law enforcement is an attractive, rewarding career. Although many police agencies in Tennessee do a good job in these areas, others have substantial problems. The most serious problems are generally found in the smaller rural jurisdictions that may have difficulty in offering salaries and opportunities for advancement that will attract qualified persons to law enforcement.

There is no one simple way to solve all the problems connected with police recruitment. However, attainment of the six objectives included in this section should help police agencies to attract and keep qualified officers. The aim is to help agencies to approach the selection and promotion of police personnel in a positive way. Rather than simply disqualifying those who are unfit, they should be able to identify, employ and promote the best candidates, thus assuring their communities that the very responsible and important tasks of law enforcement are in the hands of individuals whom the public can and should trust and respect.

9.1 Objective. The TLEPC strongly recommends that by 1979 the General Assembly enact legislation empowering a state commission (composed of representatives of local law enforcement) to develop and enforce mandatory state minimum standards for the selection of police officers.1/

#### Strategies

1. The majority of this commission should be composed of representatives of local law enforcement agencies to insure responsiveness to local needs. Police practitioners, other members of the criminal justice system, and local government officials should be selected as commission members for a fixed term.
2. The state should provide sufficient funds to enable the commission to employ a full-time executive director and staff large enough to carry out the basic duties of the commission.2/
3. This commission should insure that standards are met by inspecting for local compliance, and certifying as competent to exercise police authority, only those police officers who have met the mandated standards.
4. The commission should establish minimum standards for:3/
  - a. Age limitations;
  - b. Physical health, strength and stature (factors such as education, language skills, and experience should overcome minor deficiencies in physical requirements.)
  - c. Character;
  - d. Psychological health;
  - e. Education.

---

1/ TCA 38-1101 directs the TLEPC to administer the provisions of the minimum standards, etc. Standards are not mandatory. They must be adopted by local law enforcement agencies to receive TLEPA grants.

2/ TCA Title 8, Chapter 10 creates TLEPC and provides for an executive director of the agency. It also provides for a staff.

3/ TCA 38-1104 sets out police minimum standards: (a) officers must be at least 18; (b) must have a physical examination; (c) must be of good moral character; (d) must be free from mental disorders; and (e) must have a high school education or its equivalent. TLEPA has prepared a "Police Standards Manual."

5. Law enforcement agencies and educational agencies should establish knowledge and skill requirements for all positions at the operational, support, and management levels and develop educational curricula and training programs on that basis. Recruitment and selection criteria should be developed that incorporate these requirements. Further, all law enforcement personnel should be required to possess the requisite knowledge and skills prior to being authorized to function independently. Those already employed must obtain them within a specified period of time as a condition of employment.<sup>1/</sup>
6. Police agencies should employ a formal process for selection of qualified police applicants, including:<sup>2/</sup>
  - a. A written job-related ability or aptitude test;
  - b. An oral interview;
  - c. A physical examination;
  - d. A psychological examination which should be standardized and validated; and
  - e. An in-depth background investigation.
7. Tests developed by urban police departments that determine what personality profiles, skills and knowledge are needed by applicants for successful performance of law enforcement duties should be made available to rural agencies.<sup>3/</sup>
8. Police agencies should:
  - a. Establish realistic weight and physical fitness standards;
  - b. Conduct periodic continuing physical examinations; and
  - c. Provide programs and facilities to help maintain physical fitness.

<sup>1/</sup> TGA 38, Chapter 11 authorizes TLEPA to establish training programs and minimum standards for police officers. Minimum standards are only binding on local approval.

<sup>2/</sup> TGA 38-1104 applies to c, d, and e. No law regarding a and b. Paris, Tennessee Police Department has developed written minimum qualifications.

<sup>3/</sup> TLEPA has funded LEGAP (Law Enforcement Candidate Assessment Program) to test law enforcement job applicants and existing personnel. TLEPA performed project evaluation-research in job-related ability and personality inventory tests (Law Enforcement Candidate Assessment Program Evaluation--date evaluated, 3-3-75).

9. If any discrimination against minorities in the selection of law enforcement personnel remains, the commission should obtain the cooperation of law enforcement agencies in eliminating that discrimination.
- a. Every police agency should engage in positive efforts to employ ethnic minority group members, especially when there is a substantial minority population within the jurisdiction.
  - b. In establishing selection standards for minority recruitment, police agencies should take into consideration any relevant special abilities. However, there should not be any changes in requirements made for the sole purpose of increasing minority hiring.
  - c. Every police agency should:
    - (1) Remove all barriers to advancement for women, allowing each individual to attain a position classification commensurate with her particular degree of experience, skill and ability.
    - (2) Abolish separate organizational entities composed of women except those which are identified by functions or objective such as a female jail facility.

#### Commentary

Tennessee already had minimum standards for police personnel, but they are not mandatory minimum standards. The only sanctions for agencies that do not adhere to the standards is that they cannot qualify for grants from the Tennessee Law Enforcement Planning Commission. The heart of this proposal, therefore, is the recommendation that mandatory standards be developed and enforced by 1979.

The proposal calls for a state commission composed of representatives from local agencies to set the standards and to assure that they are met. Although the objective simply refers to a state commission to do this, the logical institution to assume such responsibilities would probably be the Tennessee Law Enforcement Planning Commission with the Tennessee Law Enforcement Planning Agency providing the staff support. Another approach would be to appoint a separate commission charged solely with setting and enforcing minimum police standards. What is vital is that whatever group is given this responsibility be broadly representative of agencies in the state, have adequate staffing and funding and set reasonable standards.

There is bound to be some opposition to making standards mandatory. However, Tennesseans in all parts of the state have the right to expect that their local law enforcement officers will meet certain minimum standards. Law enforcement is a very responsible and difficult job that demands qualified personnel.

The state commission should address a wide range of standards and selection procedures to insure the selection of qualified police personnel. Each applicant must be measured in all dimensions, including mental ability, social skills, character, psychological health, as well as physical health, fitness, and stature. Prior to setting standards, it should define precisely the jobs to be filled and then establish standards that will aid in selecting those who will do the job best. Careful analysis may reveal areas in which a slight departure from accepted police standards would be proper.

Minimum standards, set to insure selection of qualified police personnel, should never be allowed to disqualify arbitrarily those who are suited for police work. Compensating factors help to diminish this possibility by allowing applicants who are slightly deficient in one qualification, but excel in another qualification, to be employed.

Certain minimum qualifications--including moral character, mental ability, and psychological health--must be met directly rather than by compensation. Deficiencies in such requirements as height, weight, or vision may be compensated for by leadership experience or education in excess of minimum requirements. Each agency must develop a policy on compensating factors tailored to its own purposes, but should insure that each candidate is hired only after it has been determined that he is qualified to be a police officer.

The recruitment of nonwhites and of women may need special attention. A comparison of the percentage of nonwhites among full-time law enforcement officers with the percentage of nonwhites in the corresponding population shows considerable underrepresentation of nonwhites in law enforcement agencies throughout Tennessee (See table below).

Whenever there is a substantial ethnic minority population in any jurisdiction, no matter what the ethnic group may be, the police service can be improved by employing qualified members of that group. Every police agency should adhere to the principle that the police are the people and the people are the police.

Further minority personnel represent both an only partially utilized source of police personnel and a badly needed addition to police agencies that have large minority populations in their jurisdictions. Employing minority members as police officers helps the community to respect and identify with its police department. Minority employees can also provide important insights into the community.



PERCENTAGE OF NONWHITES AMONG LAW ENFORCEMENT OFFICERS  
AND AMONG CORRESPONDING POPULATIONS<sup>a/</sup>

	<u>Law Enforcement Officers (%)</u>	<u>General Population (%)</u>
Tennessee - total	8.6	16.0
Four metro areas	11.6	27.2
Nonmetro areas	5.9	9.2

<sup>a/</sup> There was no information on the race of 41 officers, 0.5 percent of the total.

Source: TLEPA 1975 Survey and 1970 Census.

The percentage of women among law enforcement officers in Tennessee is small but growing. It has been primarily in the metropolitan areas, however, that there has been an increase in the recruitment of women in the past few years (See table below).

PERCENTAGE OF FEMALES AMONG FULL-TIME SWORN LAW ENFORCEMENT PERSONNEL IN  
1974

	<u>All Sworn Officers</u>	<u>Sworn Officers Newly Employed in 1974</u>
Tennessee - total	2.2	3.6
Four metro areas	3.0	7.1
Nonmetro areas	1.4	1.7

Source: TLEPA 1975 Survey.

The role of women in policework has been based largely upon traditional and often outmoded ideas. Some misconceptions concerning the female's ability to perform certain "masculine" tasks have been dispelled as a result of changing social attitudes. The police service should keep abreast of social patterns and legal requirements by reassessing the function of women in the police field; police administrators must determine whether expansion of woman's role will further the cause of efficient police service.

Probably the most critical determination for any police agency to make in providing for the employment of women is the establishment of its selection criteria. Because most police work requires physical strength and agility agencies must not establish criteria that will result in the hiring of police officers unable to perform police duties. Agency hiring standards should not be altered to employ women at the cost of reduced physical effectiveness of individual police officers. Nor can police agencies continue to maintain different hiring qualifications for men and women without discriminating against one group or the other.

Therefore each police agency must establish criteria that will facilitate the employment of both men and women without restricting its capability to carry out its function.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 13, Washington: Government Printing Office (1974).

#### References

1. Kassoff, Norman G., "A Model Police Standards Council Act," Police Chief, August 1967.
2. Baehr, Melany E., and others, Psychological Assessment of Patrolman Qualifications in Relation to Field Performance, Washington, D.C.: Government Printing Office, November 1968.
3. Cohen, Bernard, and Jan M. Chaihen. Police Background Characteristics and Performance: Summary, New York: Rand Institute, May 1972.
4. Equal Employment Opportunity Commission "Guidelines on Employee Selection Procedures," Federal Register, Vol. 35, No. 149, Washington, D.C.: Government Printing Office, August 1, 1970.
5. International Association of Chiefs of Police, Police Personnel Entrance Requirements, Washington, D.C.: International Association of Chiefs of Police (1971).
6. Kent, Deborah Ann, and Terry Eisenberg, "The Selection and Promotion of Police Officers: A Selected Review of Recent Literature," Police Chief, February 1972.
7. Oats v. The City of Cairo, Order and Decision of the Illinois Fair Employment Practice Commission, Charge No. 69S-46, October 29, 1971.
8. Saunders, Charles B., Jr., Upgrading the American Police, Washington, D.C.: Brookings Institution (1970).
9. Hunt, Isaac C., and Bernard Cohen, Minority Recruiting in the New York City Police Department, New York: Rand Institute, May 1971.
10. National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders, Washington, D.C.: Government Printing Office, March 1968.

11. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, Washington, D.C.: Government Printing Office (1967).
12. Wilson, O. W., Police Planning, Springfield, Illinois: Charles C. Thomas (1972).
13. Fagerstrom, Dorothy, "Wider Horizons for Policewomen," Law and Order, September 1970.
14. Melchionne, Theresa M., "Current Status and Problems of Women Police," Journal of Criminal Law, Criminology, and Police Science, Vol. 58, No. 2 (June 1967).
15. Milton, Catherine, Women in Policing, Washington, D.C.: Police Foundation (1972).
16. Talney, Ronald G., "Women in Law Enforcement: An Expanded Role," Police, November-December 1969.

9.2 Objective. By 1980 every police agency not having enough qualified applicants with appropriate college backgrounds should develop a recruitment program to fill that need.

#### Strategies

1. The police agency should establish permanent liaison with:
  - a. Placement officers and career counselors in colleges and universities.
  - b. Faculty members and heads of departments that provide a curriculum specifically designed to prepare students for the police service.
2. The police agency should implement a police student worker program that provides part-time employment for college students between the ages of 17 and 25 who have shown a sincere interest in a law enforcement career.
3. The police agency should compete actively with other governmental and private sector employers in recruitment efforts at nearby colleges and universities. The opportunity for a police officer to perform a valuable social service, and the opportunity for a progressive career, should be emphasized in college recruiting.

#### Commentary

Police agencies have lost ground in the race for highly qualified employees because they have not raised their educational standards. As a result, college graduates look elsewhere for employment. Police work has come to be regarded by some of the public as a second class occupation, open to anyone with no more than a minimum education, average intelligence and good health.

It is ironic that such opinions exist today when studies show that police officers with college backgrounds generally perform better than police officers without college degrees. Upgrading the educational level of police officers is one of the most important challenges facing the service. There are few professions today that do not require a college degree.

There are those, however, who contend that while the population has caught up with and surpassed the police educationally, police work still does not require more than the high school education. If these

people are referring to the use of police officers to direct traffic, issue parking tickets, conduct permit inspections, perform clerical work, and drive tow trucks, perhaps this judgment is correct. However, in more progressive police agencies such routine tasks are being turned over to civilian employees, paraprofessionals and other governmental agencies. Thus, police officers are left with such tasks as social control in a period of increasing social turmoil, preservation of constitutional guarantees, and exercise of the broadest range of discretion--sometimes involving life and death decisions. In light of such responsibility the need for police officers who are intelligent, articulate, mature and knowledgeable about social and political conditions is apparent.

Private sector employees and civilian and military agencies of the Federal Government customarily go to college and university campuses to recruit college graduates. Police agencies must also be willing to travel to campuses to establish personal contact with those persons they seek to employ.

A technique that is used by the private sector to attract college graduates as well as by other government agencies--is to list job opportunities with college and university placement officers. To provide a flow of referrals from the colleges, agencies must maintain a continuing liaison with college placement officers, keeping them apprised of current opportunities.

Police-student worker programs serve the dual purpose of maintaining an applicant's interest in law enforcement after high school graduation and recruiting applicants with a college background. Potential police officers may lose their interest in law enforcement in the years between high school and college graduation. Employment with a police agency in many cases will stimulate a student's interest.

Having acknowledged the value of a college education for police officers, a number of police agencies have raised their educational requirements. Some have instituted educational incentive plans to encourage the agency's police officers to upgrade their levels of education. A 1969 survey by Thompson S. Crockett and John Moses, "Incentive Plans for Law Enforcement Education,"<sup>1/</sup> revealed that 58 percent of the responding 467 agencies provided some form of educational incentive for their officers.

---

<sup>1/</sup> Crockett, Thompson, S., and John Moses, "Incentive Plans for Law Enforcement Education," Police Chief, August 1969.

Most of the agencies in the Crockett-Moses survey reporting any form of educational incentive included the scheduling of assignments and work hours to facilitate college attendance.

Other incentives included financial assistance for the officer-student in meeting his educational expenses, higher starting pay for police recruits, and bonus points on promotional examinations for varying levels of academic achievement.

Participation in an incentive pay program must depend not only on a superior level of academic achievement but on at least a satisfactory level of job performance as well. Thomas Constantine, in Police Chief June 1972,<sup>1/</sup> pointed out that the extra burden of attending school can adversely affect a police officer's job performance just as moonlighting often does. Constantine recommended that those who cannot handle both their job and school should cut back on school attendance, not job performance. Failure to comply should be cause for normal discipline. Once an officer has completed his formal education, his receipt of incentive pay should continue to depend upon satisfactory performance on the job.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Standard 13.2, Washington: Government Printing Office (1974).

#### References

1. Cohen, Bernard, and Jan M. Chaihen, Police Background Characteristics and Performance: Summary, New York: Rand Institute, May 1972.
2. Kimble, Joseph, "Recruitment," in Richard Blum (ed.), Police Selection, Springfield, Illinois: Charles C. Thomas (1964).

---

<sup>1/</sup> Constantine, Thomas A., "Higher Education for Police--Some Operational Difficulties, Police Chief, June 1972.

9.3 Objective. By 1978, the General Assembly and local governments should consider establishing a formal salary structure based on a systematic classification of all law enforcement positions.

Strategies

1. The state should set minimum entry-level salaries for all state and local police officers and reimburse the employing agency for at least 25 percent of the guaranteed salary.1/
2. Local governments should establish an entry-level sworn police personnel salary that enables agencies to compete successfully with other employers.2/
3. A salary review procedure should be established to insure the automatic annual adjustment of police salaries to reflect the prevailing wages in the local economy and to meet competition from other employers.
4. Local governments should provide police chief executives salaries that are equivalent to salaries received by other department heads.3/
5. Local governments should establish or maintain a police salary structure separate and distinct from that of any other government agency.

1/ TCA 8-2001 provides for sheriffs to apply to the circuit court of their county for authority to employ deputies and set maximum salary allowed. Quarterly court appropriates money and approves salaries for deputies. TCA 6-2132 provides that in a city manager system, salaries of policemen shall be set by the board of commissioners. TCA 4-702 provides that salaries of state highway patrolmen shall be set by the Commission of Safety with the governor's approval.

2/ In 1974 the average salary in Tennessee as a whole for a patrolman or deputy was \$548 per month, an increase over the 1973 average of \$497 per month. Information on the highest and lowest salaries in the state was not available for 1974, but in 1973 the highest was \$674 per month and lowest was \$140 per month.

3/ TCA 8-2403 and 2405 sets the maximum and minimum salaries for county sheriffs, according to size of the county. Salaries to be adjusted annually according to consumer price index. In 1974, the average monthly salary for a Chief of Police or Sheriff was \$859, an increase over the 1973 average of \$750. In 1973, the highest salary for a Chief of Police or Sheriff was \$2,187 per month and lowest was \$300.

## Commentary

Law enforcement agencies must compete with business, industry and other governmental agencies in attracting and keeping qualified employees. Salary is obviously a crucial factor affecting the ability of police agencies to compete with other employers. Low salaries make it particularly difficult to attract more highly educated individuals into police work.

Salaries in Tennessee have increased over the past few years. In 1973, for instance, the average monthly salary for a patrolman or deputy was \$497 but that increased to \$548 in 1974. Nonetheless Tennessee is disadvantaged when competing with nearby states. A survey done in 1974, for instance, showed that of the 487 students who had graduated with either Associate or Bachelors degrees from criminal justice programs in Tennessee colleges, only 53 percent were known to be working in Tennessee agencies. At that time a graduate with a bachelors degree could find a job in an Ohio police department with an annual salary of \$11,000 as a recruit and advancement to \$12,000 after completing basic training.<sup>1/</sup>

Low salaries not only make it difficult to recruit the most qualified candidates but make it hard to keep them. The two tables below present data on the average salaries of law enforcement personnel in Tennessee in 1973 and 1974 and on the reasons for termination of employment of full time sworn officers. Because of the large number of cases in which the reason for terminating employment is unknown, it is impossible to say precisely to what extent pay was a factor in this turnover. However, the available information does suggest that it was and continues to be a significant cause of personnel turnover. That conclusion is supported by the fact that a far greater percentage of the turnover in non-metropolitan areas (26 percent) as compared to metropolitan areas (1 percent) is attributed to insufficient pay. Pay in the metropolitan areas is generally much higher than in the rest of the state.

The establishment of a formal salary structure for all law enforcement positions with a state subsidized minimum guaranteed salary would help considerably to improve the competitiveness of law enforcement agencies in attracting qualified individuals. State assistance would be particularly helpful to those rural areas that might otherwise have great difficulty in providing adequate pay to their officers.

---

<sup>1/</sup> The Comprehensive Plan for the Improvement of Law Enforcement in the State of Tennessee, Volume I (Nashville: Tennessee Law Enforcement Planning Commission, 1975), page 88.



AVERAGE MONTHLY SALARIES OF LAW ENFORCEMENT  
PERSONNEL, STATEWIDE, 1973 and 1974

<u>Position</u>	<u>1973</u>	<u>1974</u>
Chief or Sheriff	\$750	\$849
Assistant Chief or Chief Deputy	902	1,037
Major or Inspector	914	921
Detective/Investigator	630	705
Captain	a/	a/
Lieutenant	689	730
Sergeant	971	1,007
Corporal	671	726
Patrolman or Deputy	497	548

a/ Information on the pay of captains was not available. Note that assistant chiefs or chief deputies are shown as having higher average salaries than chiefs or sheriffs, and sergeants as having higher average salaries than lieutenants. This is not a typographical or recording error but the results of the TLEPA surveys given on the computer printout. TLEPA staff were asked about these apparent discrepancies, but there was no ready explanation.

Source: TLEPA 1974 and 1975 surveys.

REASONS FOR TERMINATION OF EMPLOYMENT OF FULL-TIME LAW  
ENFORCEMENT OFFICERS IN 1974

<u>Reasons for Termination</u>	<u>Four Metropolitan Areas (%)</u>	<u>Nonmetropolitan Areas (%)</u>
Retired	18.2	6.5
Dismissed	17.6	21.4
Deceased	6.9	3.1
Disabled	2.5	2.1
Insufficient Pay	1.3	26.2
Unknown	53.5	40.7
Total	100.0	100.0

N = 159

N = 676

Source: TLEPA Survey.

In addition to providing a competitive salary at the entry level, police agencies should have a salary plan that will make a law enforcement career attractive over the long run. Agencies should have review procedures for the automatic adjustment of salaries as economic conditions change. Distinct salary separations should exist between rank classifications, but wide salary ranges within ranks should allow for monetary advancement without promotion. The salary plan should incorporate merit principles that provide salary incentives for outstanding job performance. The salary of the police chief executive should be equivalent to that of public officials holding positions of comparable authority and responsibility.

Ideally, a salary plan should enhance each officer's opportunity for career development and insure the agency's budgetary stability. It should fulfill the need of the employee and at the same time provide the needed service at a reasonable cost to the taxpayer.

Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 14, pp. 362-336, Washington: Government Printing Office (1974).

9.4 Objective. By 1977, local governments must expand classification and pay systems to provide greater advancement opportunities within patrol ranks.

Strategies

1. The system should provide:

- a. Multiple pay grades within the basic rank;
- b. Opportunity for advancement within the basic rank to permit equality between patrol officers and investigators;
- c. Parity in top salary step between patrol officers and non-supervisory officers assigned to other operational functions;
- d. Proficiency pay for personnel who have demonstrated expertise in specific field activities that contribute to more efficient police service.

Commentary

In most police agencies, no distinction is made between the duties and responsibilities of the patrol officer with 1 year of service and the officer with 15 years. As a result, a highly qualified, well motivated officer feels that he is not progressing unless he transfers from the patrol force. Even if he enjoys his work, he feels he should seek a position with more responsibility and status.

A system recently adopted in Los Angeles, California, provides multiple pay grades within the basic rank, granting well qualified patrol officers greater responsibilities and pay while they remain on the patrol force. When a patrol officer can advance to a salary level equal to that of an investigator or supervisor, he is more likely to remain on the patrol force.

Such a classification and pay system permits an officer to choose the career path best suited to him. Adequate compensation encourages the competent officer who enjoys working in patrol to remain there and become even more proficient.

For example, proficiency pay can be given to officers who train recruits in patrol duty, who coordinate activities of a patrol team, or who have special skill or experience that contribute to patrol efficiency. Special skills that may warrant proficiency pay include: evidence gathering and preservation; use of chemical agents and firearms;

proficiency in a foreign language; operation of specialized vehicles such as motorcycles, aircraft, and boats; operation of specialized equipment such as radio, electronic surveillance devices, breathalyzer, and polygraph; photography; writing; accounting; and law.

Police agencies can benefit by training patrol officers to be part-time specialists. In smaller agencies that cannot afford full-time specialized personnel, the patrol officer is adaptable to fill this need. In large urban agencies, the patrol officer can help relieve the burden on specialized officers.

Local government and police agencies should determine areas where specialization is needed, establish appropriate qualifications, schedule periodic examinations, and offer adequate proficiency pay.

Although important, salary alone will not make patrol service attractive to first-rate personnel. The patrol officer needs to feel that his role is important in accomplishing the agency's goals and objectives. Competent patrol officers should be granted greater responsibility and it should be indicated by a distinctive uniform insignia. Appropriate insignia also should be awarded to officers qualified as part-time specialists. Insignia enhances an officer's pride in his uniform and confidence in himself. It makes his status known to the public and to other officers.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 8, pp. 195-198, Washington: Government Printing Office (1974).

9.5 Objective. By 1979, formal career development programs should be established in all law enforcement agencies.

Strategies

1. Every police agency should adopt three levels of classification for sworn personnel to permit mobility within each classification and salary advancement without promotion. The classifications should include:
  - a. Patrolman-investigator for generalist and specialist at basic rank level;
  - b. Supervisor-manager for supervisory and midmanagement personnel; and
  - c. Command-staff for executives and administrators.
2. Every police agency should provide career paths that allow sworn personnel to progress not only as managers, but as generalists and specialists as well. Nonmanagerial career paths should provide the incentives necessary to retain personnel and include progressive career steps. Managerial career paths should also incorporate progressive career steps.
3. Police agencies should adopt a policy of promoting to higher ranks and advancing to higher pay grades only those personnel who successfully demonstrate their ability to assume the responsibilities and perform the duties of advanced positions.
4. Every police agency should periodically evaluate police personnel in terms of their potential to fill positions of greater responsibility.
5. Police agencies should develop job-related criteria for promotion and advancement.<sup>1/</sup> Selection devices should include assessment of past job performance, oral interviews and job-related mental ability tests.
6. Police agencies should not arbitrarily award bonus points for experience and achievement not related to the duties of the position for which the individual is being considered (i.e., bonus points for seniority, military service, or heroism).

1/ TCA Chapter 3, Title 8, creates a civil service system for sheriff departments in those counties where adopted.

7. The use of psychological tests or screening devices or evaluation tools for promotion and advancement should be prohibited until a reliable relationship between personality and performance is established.<sup>1/</sup>
8. A 1-year probation period should be instituted in which police employees are required to demonstrate ability to assume responsibility before they are promoted.
9. The police chief executive should permit hiring of outside personnel for lateral entry at any level from outside the agency when qualified personnel are not available within the agency.
10. Police agencies should establish a central personnel information system to facilitate management and decisionmaking in assignment, promotion, advancement and the identification and selection of individuals for participation in personnel development programs.

#### Commentary

The establishment of career development plans is intended to help law enforcement agencies to retain their most qualified officers by providing opportunities for advancement and increased responsibility. Such plans are also intended to help the police agency to improve the qualifications of its personnel and to assure that individuals are placed in particular jobs on the basis of qualifications related to the actual nature of their jobs.

One obviously important element in any career development plan is the provision of educational opportunities and in-service training to law enforcement personnel. Education and training programs are dealt with in the objectives in goal area 10. Addressed here are those elements of a career development program that involve job classification and the procedures that should be used in selecting individuals for particular jobs and for promotion.

---

<sup>1/</sup> A psychological evaluation is required for entry level into police services under minimum standards.

Intelligent administration of any police agency requires identification of positions with common characteristics. Position classification involves describing the different kinds of work performed in any agency, then consolidating similar positions into classes based upon similarity of duties and responsibilities. The establishment of a structured classification system with specific requirements for each position will allow an agency to maintain proper relationships among those positions.

A workable classification plan should include a few broad rank classifications, each having several pay-grade levels. A system which provides a range of grades within rank allows increased rewards for outstanding performance by an agency's patrolmen or investigators. Under most current plans, a highly competent patrol officer must leave a field assignment to attain the broad experience necessary for promotion. In many agencies, an assignment to a uniformed patrol or investigative position has become a deadend street. The multiple pay-grade system is based on acknowledging that the qualities necessary to perform effectively in patrol or investigative assignments are not necessarily the same as those required for management personnel, and assumption of a managerial position should not be the only means available for advancement. A good patrol officer who wishes to remain in patrol work, for instance, should be able to advance in salary and position as he becomes more proficient in his work. The recognition of distinct nonmanagerial career paths would provide greater incentive to officers who do not wish or would not be adept at managerial work.

Police agencies should insure that personnel are capable of performing at a high level of responsibility prior to any advancement or promotion. This is not accomplished by measuring an individual's knowledge against what is assumed to be the requisite level of knowledge for the advance position. It is accomplished by the precise identification, through job analyses, of the knowledge and skills the position demands and the methodological development of personnel to insure their qualifications prior to advancement or promotion.

Each employee should have an opportunity for advancement. However, the resources of an organization do not permit the intense development of all personnel and, obviously, opportunities at higher ranks and advanced pay grades are limited.

Personnel screening for development opportunities is simplified to some degree by the personnel themselves. Not all individuals will seek development beyond a basic level of competence within the basic rank. Those who seek advancement or promotion often desire to follow a particular career path. Development depends on personal motivation and reflects personal desires and interests.

Personnel development is directed not only toward improving the performance of incumbent personnel but also toward creating a pool of personnel qualified for the positions of advanced generalists, specialists, supervisors, managers, and executives. Personnel development incorporates the concepts of career development and management development.

Limited lateral mobility within the police service further underscores the need to develop personnel. Mobility that does exist is generally limited to the levels of patrolman and police chief executive. Police agencies must fill most openings with the personnel resources at hand; today's recruit is tomorrow's specialist, supervisor, or manager.

While the development of incumbent personnel is the most effective manner in which to fill senior or advanced positions, it is not the most practical or expeditious technique in every case. Due to inattention to personnel development it is not unusual for individual police agencies to have vacancies for which qualified replacements are unavailable within that particular organization. Furthermore, it is not unusual for the more professional police agencies to develop what amounts to a surplus of specialist, managerial, and administrative talent. If the opportunity for lateral movement within the law enforcement profession was enhanced, manpower would be used more effectively with a commensurate benefit accruing to individual agencies and the profession as a whole.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Standards 14.2, 17.3, 17.4, Washington: Government Printing Office (1974).

#### References

1. Baruch, Ismar, Position-Classification in the Public Service, Chicago: Civil Service Assembly of the U.S. and Canada (1941).
2. Bradstatter, A. F., "A Career Concept for Police," Journal of Criminal Law, Criminology, and Police Science, September 1970.
3. Wilson, W. W., Police Planning, Springfield, Illinois: Charles C. Thomas (1972).
4. Eastman, George (ed.), Municipal Police Administration, Municipal Management Series, Washington, D.C.: International City Management Association (1969).
5. Los Angeles City, Class Evaluation Manual, Police and Fire Services of the City of Los Angeles, Chicago: Jacobs Company, March 1970.



9.6 Objective. By 1980 every police chief executive must assume administrative control of the promotion and advancement system to insure that only the best qualified personnel are promoted or advanced.

#### Strategies

1. The police chief executive should oversee all phases of his agency's promotion and advancement system including the testing of personnel to positions of greater responsibility.
2. The police chief executive should make use of the services of a central personnel agency when that personnel agency is competent to develop and administer tests and is responsive to the needs of the police agency.

#### Commentary

The police chief executive must have the authority to staff and manage his agency, because ultimate responsibility for police effectiveness resides with him.

Central personnel agencies alone are not capable of selecting, advancing, and promoting personnel within the police service. While they may be qualified to manage personnel resources within other areas, police administrators frequently report unsatisfactory experiences in central personnel agencies' attempts to meet their needs.

Central personnel agencies still serve a valuable purpose. The overall responsibility for insuring adherence to merit principles and the provision of technical assistance should be their charge.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Standard 17.4, Washington: Government Printing Office (1974).

#### References

1. Berroddin, Eugene F., "Should Policemen and Firemen Get the Same Salary?" Public Management, January 1965.
2. "Businessmen Agree on Need for More Policemen and Higher Pay," Crime Control Digest, June 25, 1971.
3. Danielson, William F., Police Compensation, Washington, D.C.: International Association of Chiefs of Police, October 1967.

4. Eastman, George (ed.), Municipal Police Administration, Municipal Management Series, Washington, D.C.: International City Management Association (1969).
5. Kaufman, Charles N., "Wage and Salary Administration," Police Chief, June 1970.
6. "Professional News: Florida's Salaries Standardized," Police Chief, August 1970.
7. Rubin, Richard S., "An Integrated Approach to Police Salary Schedules," Public Personnel Review, January 1970.

## 10. GOAL: UPGRADE EDUCATION AND TRAINING OF LAW ENFORCEMENT PERSONNEL

### Introduction

A 1967 study by the International Association of Chiefs of Police showed that the average policeman received less than 200 hours of formal training. The study compared that figure to other professions and found that physicians received more than 11,000 hours, lawyers more than 9,000 hours, teachers more than 7,000 hours, embalmers more than 5,000 hours, and barbers more than 4,000. No reasonable person would contend that a barber's responsibility is 20 times greater than a police officer's.

Not all police officers are poorly trained. Some police agencies have provided intensive, quality training for several decades. But until states require certain training standards, police training is likely to remain poor in comparison to other professions. This is especially true in smaller agencies.

The National Advisory Commission on Criminal Justice Standards and Goals (NAC) recommends that each state make minimum basic police training mandatory and defray the major costs of that training.

In any state program, local agencies must be able to tailor police training to local needs. Program development must include electives to enable local police agencies to stress certain areas of training. Also, program development must remain flexible. Critiques and feedback from students who are graduated and on the job can insure that the program meets the mandated training standards of the state. Instructors should work closely with local agencies, sharing tours of duty and field observation assignments with them. This approach keeps subject matter relevant.

Basic police training falls into six broad categories: law, the criminal justice system, patrol and investigation, human values and problems, police proficiency and administration. The patrol and investigation function is the foundation of police training. Human values and problems is a relatively new field; psychology, sociology, and community relations are in this category. Instruction usually must come from outside the training center.

Training should not be restricted to sworn officers. Unsworn police employees should be trained before being given any unusual duties. Many duties, such as typing, maintenance, and filing, need little training. Still, these employees should be given an orientation course in order to understand better the police agency and their role in it. Such training improves agency morale.

Keeping the good police officer up to date requires continual instruction. Most of it can be accomplished by inservice training given during the normal routine of service. The NAC recommends that each police officer receive at least 40 hours of inservice training a year. This training should be more than a mere formality. It should be recorded in the police officer's personnel record and taken into consideration for promotion and specialized assignment.

In Tennessee formal inservice training programs for law enforcement officers of small departments are conducted at the regional level through the development districts. The curricula and the qualifications of the instructors for these training programs are reviewed and approved by the staff of the Tennessee Law Enforcement Planning Agency. The Metropolitan Nashville Training Center has in-service training programs for its officers.

There is little point to large investments in training if the training is not good. Often the danger is not that instruction is not good, but that it does not remain so. Outstanding programs developed by dedicated educators can soon become second rate if quality controls are not applied. Care should be taken to insure continued high quality police instruction.

10.1 Objective. The Tennessee Law Enforcement Planning Commission strongly recommends that by 1977, the General Assembly enact legislation mandating minimum basic training for every sworn police employee within 2 years of employment.

Commentary

Mandatory basic training can assure the public of a minimal training level for all police officers. Additional training and job development can be based on this basic training. Mandatory provisions also add justification to state support of the program and provide local support for police agency participation.

Tennessee does not have legislation requiring basic training for sworn police employees. The "Minimum Standards Act,"<sup>1/</sup> requires that officers must attend an approved basic training course to be eligible to use funds made available by the Tennessee Law Enforcement Planning Commission. The present basic training requirement is a minimum of 240 hours. The four metropolitan areas operate approved basic training. Where metropolitan facilities exist, training may be provided for personnel from departments located in the same county. Training for all other departments is provided by the Tennessee Law Enforcement Training Academy (TLETA) located in Donelson, Tennessee.<sup>2/</sup> However, the minimum standards are not mandatory,<sup>3/</sup> except where tied to federal funding, and conceivably a police agency wishing to provide their own basic training (without the use of federal funds) could decide what the minimum training requirements were to be.

According to the 1975 TLEPA survey, 71 percent of the new officers hired in 1974 received basic training either before or after being hired. As the four metropolitan areas operate their own training programs and training for their recruits is virtually universal, the large majority of new officers without training were in agencies outside the metropolitan areas. Such agencies need trained officers as much as large and central city agencies do. Although the workload might not be as great for small and rural agencies, the general lack of specialists makes it necessary for the average police officer to be able to perform all police tasks.

1/ TCA 38-1103 authorizes the TLEPC to establish minimum requirements for police training.

2/ TCA 38, Chapter 8 established the Tennessee Law Enforcement Training Academy to train police.

3/ TCA 38, Chapter 11 states the minimum standards are binding only on those local governments that adopt them.

The TLEPC strongly recommended that by 1979 the General Assembly enact legislation empowering a state commission to develop and enforce mandatory state minimum standards for the selection of police officers. (Objective 9.1) Such a commission could also develop and administer minimum standards for the education and training of law enforcement officers.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 16, pages 384-387, Washington: Government Printing Office (1974).

#### References

1. Advisory Commission on Intergovernmental Relations, State-Local Relations in the Criminal Justice System, Washington, D.C.: Government Printing Office (1971).
2. Kassoff, Norman G., "A Model Police Standards Council Act," Police Chief, August 1967.
3. Saunders, Charles B., Upgrading the American Police, Washington, D.C.: Brookings Institution (1970).
4. Thomas, John J., "The State of the Art," Police Chief, August 1970.

10.2 Objective. By 1976, every police agency must provide full-time sworn employees, during the first year of employment, with additional formal training, coached field training, and supervised field experience.

#### Strategies

1. This could be provided through methods such as:
  - a. A minimum of 4 months of field training with a sworn police employee who has been certified as a training coach;
  - b. Rotation in field assignments to expose the employee to varying operational and community experiences;
  - c. Documentation of employee performance in specific field experiences to assist in evaluating the employee and to provide feedback on training program effectiveness;
  - d. Self-paced training material, such as correspondence courses, to assist the employee in acquiring additional job knowledge and in preparing for subsequent formal training;
  - e. Periodic meetings between the coach, the employee, and the training academy staff to identify additional training needs and to provide feedback on training program effectiveness; and
2. Every police agency should provide every police employee newly assigned to a specialized task the specific training he needs to enable him to perform the task acceptably.
3. Every police agency should provide sufficient training to enable every newly promoted employee to perform the intended assignment satisfactorily.

#### Commentary

Many subjects, such as patrol, investigations, communications, criminal justice agency functions, and community and cultural awareness, come to life for students when field training supplements classroom instruction.

Seattle, Washington, and Madison, Wisconsin, have two of the many police training programs that use maximum onsite observation of routine police functions. Seattle also includes the areas of criminal justice agencies and community services in its 40-hour program.

During the 60-hour community awareness program presented as part of basic police training in Minneapolis, Minnesota, recruits are placed in controlled confrontations in the community with selected representatives. Minneapolis police believe a number of beneficial results come from this program. The local community has accepted the agency's sincerity in its attempt to develop new police officers rather than indoctrinate them. Many trainees said the experiences prepared them for their task better than any lecture. None of the 100 men from the three classes receiving this training has had any public complaint alleging improper treatment lodged against him.

Even with rigorous planning and expert consultants' advice, problems can occur in developing new training approaches. Experimentation is necessary to find the proper blend of presentation techniques. If any experimental program is going to be effective, it must remain open to modification as new developments occur. Feedback from the recruits and participating community members must be encouraged. Police agencies, however, should recognize that this approach is often expensive, time-consuming, and fraught with administrative headaches.

The most important element of an effective basic police field training program is the field training officer or coach. The development of the new officer is in this man's hands. The selection, training, and continued preparation of the coach are crucial. The best field officer will not necessarily become the best coach. While operational performance is one criterion, the ability to convey essentials of the job to others and the desire to develop new employees are at least as important.

Once the coach has been selected he must be trained. He must be kept up-to-date on the subjects he is teaching. A coach can nullify much of the basic training given a new employee or he can greatly reinforce that same training.

Medium-size and large police agencies should assign several training coaches to each new officer. In New Haven, Connecticut, recruits spend 2 weeks with each of several coaches and thus are exposed to a wide range of individual police styles. Small agencies undoubtedly will be handicapped by not having enough coaches; the majority may have only one.



### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 16, pages 392-400, Washington: Government Printing Office (1974).

### References

1. Angell, John E., and John Gilson, "Dayton Police Training," Journal of Law Enforcement Education and Training, June 1972.
2. Police Training and Performance Study, Police Training and Performance Study, New York: New York City Police Department, LEAA Grant No. 339, December 1969.
3. Education/Research, Inc. Assessment of Police Recruitment, Selection and Training: Final Report, Training, Berkeley, California: Education/Research, Inc. (1971).
4. Saunders, Charles B., Upgrading the American Police, Washington, D.C.: Brookings Institution (1970).
5. Thomas, John, J., "The State of the Art," Police Chief, August 1970.
6. Wilson, Brooks W., "The P.O.S.T. Training Program--A Review and Critique," Mimeographed report submitted to California Commission on Peace Officer Standards and Training, March 1972.

10.3 Objective. By 1977, every police agency should consider allowing all sworn personnel to participate voluntarily in at least 40 consecutive hours annually of formal personnel development activity, while on duty and at full pay.

Strategies

Such activity may include:

1. Forty consecutive hours of in-house or out-of-house classroom training directed toward the development of personal, vocational, conceptual or managerial skills;<sup>1/</sup>
2. Internship of at least 40 consecutive hours with other organizations that can contribute significantly to the professional development of the intern;
3. Assumption of the position, responsibility and authority of an immediate superior for a minimum of 40 consecutive hours;
4. Participation in administrative and operations research and reporting (that would not ordinarily be his responsibility).
5. Leaves of absence with pay to allow achievement of academic objectives; and
6. Service as a member of or an advisor to management committees and boards.

1/ The 1975 TLEPA survey showed that in 1974, various types of in-service training programs other than basic recruit training were attended by 8,395 full-time sworn officers. There were 7,492 full-time sworn officers employees, meaning that some officers attended more than one training session, and presumably there were some, particularly in smaller departments, who did not attend any. The average number of hours of training received was 16.8 for each individual attending each program, but the number varied from 213 hours for three officers attending the Southern Police Academy to 3 hours for 2,007 officers attending miscellaneous, unnamed programs. TGA 38-1113 provides for up to 15 percent salary supplement by TLEPC for officers of police agencies that receive 40 hours annual in-service training, 5 percent the first year, and an additional 2-1/2 percent each subsequent year up to 15 percent. TLEPA has the goal of providing 80 hours of in-service training for every sworn officer by 1977.

## Commentary

Personnel development is directed not only toward improving the performance of incumbent personnel but also toward creating a pool of personnel qualified for the positions of advanced generalists, specialists, supervisors, managers, and executives. Personnel development incorporates the concepts of career development and management development.

The first step toward insuring the availability of qualified personnel is establishing appropriate selection standards. Development must begin with individuals of high caliber and continue throughout their careers. Every police agency should provide education, training, and planned experience designed to bring all officers who participate voluntarily to their full potential as generalists, specialists, supervisors, managers, or administrators.

The voluntary aspect is stressed because development is not something that can be done to a person. The motivation to develop must come from within.

Furthermore, the organization can only provide the opportunity for development; it cannot require it. Some officers will be satisfied with an entry level position within an organization and lack desire to advance. This attitude should be respected.

Experts hold that personnel development should challenge an employee with new frontiers rather than academic material. This challenge, of course, should be supplemented by classes, training material, and formal education.

The knowledge and skills gained through formal training and education provide only the theoretical framework within which one deals with the new challenge. The application of learned skills on the job is absolutely necessary to complete the equation.

Formal education and training provide the individual with the knowledge and skills necessary to upgrade his level of performance and prepare him for greater responsibility in another position. His current position may not provide an opportunity to demonstrate what he has learned; he may be promoted to the higher position before he has applied his training in practical situations.

Therefore, police agencies should allow an individual to operate at a higher level on a trial basis after successfully completing his formal training. The Western Regional Office of the Internal Revenue Service employs such a technique. Periodically, a subordinate assumes the position, authority, and responsibility of a superior for about a month. His performance in the tentative assignment is evaluated, and further training and experience needs are determined. Many police agencies designate acting sergeants, lieutenants, captains, etc.

However, police agencies usually place personnel in superior positions in an acting capacity to fill a temporary vacancy rather than as a deliberate element of development.

Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 17, pages 426-432, Washington: Government Printing Office (1974).

10.4 Objective. By 1976, every police agency should consider the affiliation of police training programs with academic institutions.<sup>1/</sup> All training courses for college credit should be academically equivalent to courses that are part of the regular college curriculum.

#### Strategies

1. The instructor in a police training course for which an affiliated college is granting credit, should be academically qualified to teach that course.
2. Police personnel not academically qualified to teach a course in the regular college curriculum may, if otherwise qualified, serve as teaching assistants under the supervision of an academically qualified instructor.

#### Commentary

Affiliation of police academies with colleges often upgrades the level of training given to police officers and encourages police personnel to continue the pursuit of a college education.

The Tennessee Law Enforcement Training Academy has worked with the Tennessee Higher Education Commission toward this objective. The THEC has ruled that any academic institution offering a criminal justice education program may, at its discretion, issue college credit for courses taught at the TLETA. As a rule, most institutions offer a quarter of an hour's credit for each week attendance - the basic training course lasting 6 weeks. Therefore, any officer satisfactorily completing the basic training course, may apply to a college offering a criminal justice education program for college credits.

The Metropolitan Nashville Training Center has affiliated itself with three colleges in its area and any officer successfully completing the 20 week basic training course may apply to either of the colleges and receive six semester hours credit toward a criminal justice degree.

---

<sup>1/</sup> TCA 38-1103 directs the TLEPC to consult and cooperate with universities, colleges, junior colleges and other educational institutions in developing police training programs.

Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 15, pages 376-377, Washington: Government Printing Office (1974).

## 11. GOAL: STANDARDIZE BENEFITS FOR ALL LAW ENFORCEMENT PERSONNEL

### Introduction

It should be noted that law enforcement, for the most part, lags far behind industry in providing employee benefits largely because employees lack bargaining power. Industry and government workers represented by unions can use the threat of a strike to back their demands. Peace officers, restricted by law and, it is hoped, by professional dedication, are generally dependent for benefits on the good will of the taxpayer and the political entity that employs them.

Funds expended for so-called fringe benefits benefit both the employee and the agency. While the employee may view the funds expended for health care and retirement as nonsalary benefits, the funds are expended for the purpose of the employee's total well-being. As such they represent a considerable investment by management on behalf of the employee.

Reasons for providing employee benefits include: (1) motivating optimum employee performance; (2) building satisfaction and loyalty and, concomitantly, lowering employee turnover; (3) increasing support of the organization by employees and their families; and (4) attracting good job applicants.

11.1 Objective. By 1977, every police agency should establish a health care program that provides for the particular health care needs of its employees and their immediate families.

Strategies

1. The program should provide:
  - a. Surgery and related services.
  - b. Diagnostic services.
  - c. Emergency care.
  - d. Continuing medical care for pulmonary tuberculosis, mental disorders, drug addiction, alcoholism and childbirth.
  - e. Radiation, inhalation and physical therapy.
  - f. Nursing care.
  - g. Prescribed medication and medical appliances.
  - h. Complete dental and vision care.
  - i. Hospital room.
2. The program should also insure that an officer or his beneficiaries are allowed to continue as members of the health care program after the officer's retirement and that benefit and cost changes under these circumstances are reasonable.

Commentary

A comprehensive health care program relieves the employee of some of the anxieties associated with raising a family, especially concern about what may happen to his family if he becomes ill or cannot pay for needed medical attention for his family. This assurance allows the employee to concentrate to a greater degree on his work.

Police agencies across the United States have recognized the validity of making health care programs available to officers and their families. Ninety-seven percent of the respondents to the Kansas City, Missouri Police Department's 1971 General Administrative Survey of Municipal Police Departments said they had a health care program for their officers.



Most departments favored a one-package program of major medical benefits at minimum cost because a group-negotiated plan generally offers more benefits at lower cost.

A health care program tailored to the needs of the officers and their families should be negotiated with an insurance company. The availability of hospitals, clinics, doctors, and other medical services should be considered as well as the predominant residential pattern of the officers; employees should not have to travel long distances to specified hospitals or doctors.

Most health care programs stipulate that members of the program may continue coverage after retirement. This is extremely important to all career officers. At the age of retirement the officer is likely to need medical coverage more than at any other time during his career. The policy should stipulate that coverage--as well as the cost of the premium--can be transferred from the group plan to a personal plan.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 20, pages 507-509, Washington: Government Printing Office (1974).

#### References

1. Coffin, Richard, and Michael Shaw, Effective Communication of Employee Benefits, New York: American Management Association (1971).
2. Herzberg, Frederick, and others, The Motivation to Work, New York: John Wiley and Sons (1959).
3. McCaffery, Robert M., Managing the Employee Benefit Program, New York: American Management Association (1972).

11.2 Objective. By 1977, the TLEPC very strongly recommends the legislature provide an actuarially sound statewide voluntary police retirement system, for all sworn personnel within the state, designed to facilitate lateral entry. The system must require a minimum of 25 years service for normal retirement and a mandatory retirement age of 60.<sup>1/</sup>

#### Strategies

1. Reciprocal agreements should be formulated between independent, local, state and interstate police pension systems to allow any police officer to accept any law enforcement position available and still retain his accrued retirement benefits.<sup>2/</sup>

#### Commentary

Tennessee already has a voluntary statewide police retirement system. However, there is no provision for a mandatory retirement age.

Most major police retirement systems require a minimum of 25 years of service before normal retirement, and age 60 for mandatory retirement. Incorporating this prevailing standard into plans would insure that expertise in law enforcement is retained and retirement at the peak experience years avoided.

The fear of losing accrued pension credits is among the most serious impediments to professional flexibility in the police service. This flexibility is vital to the enhancement of police professionalism throughout the state. It can be accomplished through standardization of municipal, county, and state law enforcement systems.

<sup>1/</sup> TCA 6-658-660 provides for retirement of policemen after 50 years of age and 25 years of service. There is no mandatory retirement, but after age 65 no contribution toward retirement need be made. TCA 6-658-660 provides for the retirement of a policeman in the state retirement system. TCA 8-3934 allows a potential subdivision, city or county to elect to allow its employees to participate in the state retirement system.

<sup>2/</sup> A person cannot receive retirement benefits under Tennessee Consolidated System and accept employment under an agency within the Tennessee Consolidated Retirement System.

Membership in the standardized state system should continue to be voluntary on the part of local agencies. This assures that strong vested interests in local systems are protected. However, inducements such as sharing retirement costs should be an integral part of the state retirement system to attract maximum participation by the state's law enforcement agencies.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals Police, Chapter 20, pages 510-512, Washington: Government Printing Office (1974).

#### References

1. College of Insurance of the Society of New York, Mobility of Law Enforcement Officers, Final report, LEAA Grant NI 70-072, New York.
2. Kansas City, Missouri, Police Department, 1971 Survey of Municipal Police Departments (1971).
3. Los Angeles County Employees Retirement Association, Annual Report, (1970).

## 12. GOAL: PROVIDE AND IMPROVE LAW ENFORCEMENT EQUIPMENT

### Introduction

Adequate law enforcement equipment is essential to the successful operation of the police agency, be it uniforms, firearms, auxiliary equipment, or transportation equipment. Uniforms identify the police officer to prospective citizens in need. Firearms are important in protecting the lives of the police officer as well as those of private citizens. If the firearms are in disrepair, if the ammunition is not interchangeable, or if the police officer is unskilled in its usage, the threat to himself and to innocent persons is greatly increased.

Transportation equipment includes the vehicles and aircraft used by the police in the normal operation of the agency. It is imperative that this equipment be as free from defects as possible, well maintained, and cost-effective, if the police are to respond to the needs of their jurisdiction--safely, quickly, and economically. Also, the police officers who operate this equipment must be trained to use it and to maintain minimum standards of safety at all times.

12.1 Objective. By 1978, every police agency must provide a full uniform and equipment complement for every police officer.

### Strategies

#### Uniforms

1. Each law enforcement chief uniforms executive should develop specifications for the apparel worn by uniformed officers within his agency while on duty. The specifications should:
  - a. Take into account seasonal changes;
  - b. Readily identify the wearer by name and agency; and
  - c. Plainly identify the person as a public law enforcement officer.
2. Daily inspection of uniforms should be conducted in order to insure conformity to specifications.
3. The agency should furnish all required items at no cost to officers.
4. Continuing conformity to uniform standards and appearance should be insured by regular replacement of uniforms or a uniform allowance.

#### Firearms and Auxiliary Equipment

5. Every police agency should establish written specifications for agency-approved sidearms and ammunition to be carried by officers on uniformed duty, or plainclothes duty, or off duty. The specifications should include the type, caliber, barrel length, finish, and style of the sidearms, and the specific type of ammunition.
6. Every police agency should insure that the officers of every automobile patrol unit are equipped with a shotgun and appropriate ammunition. An easily accessible shotgun receptacle that can be locked should be permanently installed in every vehicle.
7. Every police agency should initiate a program of frequent, regular equipment inspections to insure that personal equipment items conform to agency specifications and are maintained in a presentable and serviceable condition.

8. To enhance police efficiency, personal equipment items should be interchangeable among all officers of the agency.
9. To insure that each officer's weapon functions properly, firearm practice should be required for all officers at least monthly, and all firearms should be examined at regular intervals by a qualified armorer.
10. To insure shooting competency, every agency's policy relative to firearms practice should require each officer to maintain a minimum qualifying score in the firearms practice course adopted by the agency.

#### Transportation

11. Every police agency should provide its personnel with adequate transportation equipment to carry out the performance of their duties.

#### Commentary

Each police agency--because it is most familiar with areas policed and populations served--should make its own decision with respect to sidearms and other personal equipment. However, all officers within the agency should carry the same type of sidearms and personal equipment.

The police uniform should be eye-catching and readily recognizable. Since an officer's physical comfort is a factor in his efficiency, climate and seasonal changes should be considered in the selection of uniforms. Uniformed officers of each police agency should wear identical apparel and personal equipment. The work uniform implies as much; if there is no uniformity in appearance, then there is no uniform. Police agencies should provide their officers with uniforms. The individual police officer should no more have to bear the cost of purchasing and maintaining uniforms than he should pay the cost of his police training. Furthermore, when the agency furnishes and maintains uniforms and equipment for its personnel, the possibility that officers will wear or use unauthorized items is minimized. The agency's control over the officer's appearance is enhanced, as is the justification for inspections and mandatory replacement or repairs.

There are many privately employed, uniformed security personnel in Tennessee. Their great number, and the fact that in many cases their uniforms resemble those worn by law enforcement officers, often results

12.2 Objective. By 1980, fleet safety should be insured through:

- a. a maintenance program which will minimize the hazard of malfunctioning equipment;
- b. a driver training program for all employees who operate agency vehicles;
- c. procedures for problem-driver detection and retraining;
- d. procedures insuring employee inspection of agency vehicles prior to use.

Strategies

1. The fleet safety program should emphasize the personal involvement of employees in meeting the objectives of the program through:
  - a. Peer group involvement in the classification of employee accidents;
  - b. Recognition for safe driving; and
  - c. An education program with emphasis on the personal benefits to be derived from safe driving.

Commentary

Police mobility is an important factor in any attempt to reduce crime. The highly trained and educated professional must be provided with the necessary means to get him where he is needed. A breakdown or deficiency in any part of the transportation system will seriously impair the operation of the entire system. If mobility is to be assured, care must be taken to establish and maintain a transportation system with component parts that will provide the greatest mobility in the safest, most efficient manner.

The method used to acquire transportation equipment will strongly influence the character of the entire transportation system. The limitations and costs of each method of acquisition should be studied so that transportation equipment will be acquired by the method that is most cost-effective for the agency.

The type of maintenance system used by an agency is largely determined by the method of vehicle acquisition used by the agency. When vehicles are purchased, maintenance is usually performed by the police

agency, the jurisdiction, or by a private garage through contract. When vehicles are leased, maintenance is generally performed by the leasing firm. If individual officers own the vehicles, they usually arrange for maintenance at private garages. Control problems, financing costs, and overall cost will also vary with the method of acquisition.

These variations also apply to aircraft acquisition. However, the use and maintenance of aircraft is so different from that of ground vehicles that separate criteria should be developed, and aircraft acquisition should be considered separately.

Whether ground vehicles or aircraft are being acquired, the maintenance system provided should be of prime concern to the agency because it will affect the safe operation of the equipment, the replacement program, and vehicle availability.

The operation of the agency's fleet is another important part of the police transportation system. Every agency should implement a fleet safety program to guard the safety of its employees and the public. Careless operation of vehicles is costly in terms of deaths, injuries, pensions, and hospitalization, as well as increased maintenance and replacement costs caused by damaged or destroyed equipment. These costs can be minimized by an agency fleet safety program.

Personal involvement by officers is essential for the success of a fleet safety program. This can be obtained by involving officers in the evaluation of each agency accident, providing recognition for safe-driving accomplishments, and emphasizing the personal benefits to be gained through a successful fleet safety program. The combination of these measures will provide a workable program that will succeed in minimizing the unnecessary costs of careless driving.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 22, pages 537-540, Washington: Government Printing Office (1974).

#### References

1. Eastman, George (ed.), Municipal Police Administration, Municipal Management Series, Washington, D.C.: International City Management Association (1969).
2. Hipkind, Verne K., Personnel Safety for Public Employees, Springfield, Illinois: Charles G. Thomas (1961).
3. Ludwig, Herbert G., Study of the Police Patrol Vehicle, Springfield, Virginia: National Technical Information Service (1971).



4. Planke, Thomas W., and others, The Development of an Injury and Damage Reduction Function for Municipal Police, Chicago: National Safety Council (1971).
5. Simonds, Rollin H., and John V. Grimaldi, Safety Management, Homewood, Illinois: Richard D. Irwin (1956).
6. Wynne, G. Ray, Police Transportation Management, Studio City, California: Coda Publications (1965).

### 13. GOAL: ESTABLISH FORMAL INTERNAL DISCIPLINE PROCEDURES

#### Introduction

The police service, like the military, has traditionally demanded high standards of discipline from its members. Employee behavior is controlled by police agencies to a greater degree than in most professions or services.

Discipline and accountability are essential to the police agency. The integrity of the police agency can be maintained by an effective and responsive discipline system. Certainly public support will be strengthened by protecting them from police misconduct and corruption through the changing of inadequate police policies and procedures, and the correction or removal of employees guilty of misconduct.

Police chief executives agree that discipline--positive and negative--is good for an organization; it assists in establishing the prestige of the organization in the specific occupational field and the general community, in maintaining effective agency performance, and preserving employee morale. An inadequate discipline system many times will produce the opposite effect on an organization.

Positive discipline can prevent employee misconduct and in this light is discussed in the area of positive prevention programs. This chapter, however, does not deal specifically with positive discipline from the traditional supervision role that is used to develop employee self-control, dedication perseverance, and quality performance. Of course, an efficient internal discipline system, even though usually deployed to react to alleged misconduct, is positive if it inspires public and employee confidence as well as maintains internal order.

Whatever discipline system evolves within a police agency, it should not be preoccupied with the few at the expense of the many: the agency and its many dedicated employees. Peter Drucker, a noted management consultant, believes that today's organizations are much too concerned with identifying employee defects and guarding against employee errors, generally at the expense of productive employees and the ultimate goals of the organization. While this is partially true of the police profession, a police organization cannot afford to overlook the possibility of employee misconduct and must be prepared to deal with it positively and fairly. A balance must be found and maintained.

13.1 Objective. By 1977, every police chief executive should implement positive programs and techniques to prevent employee misconduct and to encourage self-discipline, including:

- a. Analyses of causes of employee misconduct.
- b. Training in avoidance of misconduct incidents.
- c. Referral to professionals.
- d. Application of peer group influence.

### Strategies

#### Foundation for Internal Discipline

1. Every police agency immediately should establish formal written procedures for the administration of internal discipline and an appropriate summary of those procedures should be made public.
2. The chief executive of every police agency should have ultimate responsibility for the administration of internal discipline.
3. New police employees should be given copies of written rules for conduct and appearance, including specifics on "conduct unbecoming an officer."
4. Police agencies should provide all employees at time of employment and again prior to an investigation, with a written statement of (1) their duties and; (2) their rights when they are the subject of an internal discipline investigation.
5. The policies, procedures, and rules governing employee conduct and the administration of discipline should be strengthened by incorporating them in training programs and promotional examinations.
6. Procedures should allow the complaining party to participate in any hearings, with right of representation by counsel.

#### Complaint Reception Procedures

7. Every person making a complaint should receive verification that his complaint is being processed by the police agency.
8. All persons who file a complaint should be notified of its final disposition.

9. Develop procedures that will insure that all complaints, whether from an external or internal source, are permanently and chronologically recorded in a central record. The procedure should insure that the agency's chief executive or his assistant is made aware of every complaint without delay.

13.2 Objective. By 1977, each police agency should designate personnel to conduct investigations of complaints. Personnel should be responsible to the police chief executive.

Personnel Responsible for Complaint Investigation

1. Assignment of personnel should be consistent with the demands of the work load.
2. Police agencies should obtain the assistance of prosecuting agencies during investigations of criminal allegations and other cases where the police chief executive concludes that the public interest would best be served by such participation.
3. A strict rotation policy should be employed limiting assignments to a specified time period. Length of assignment should be decided by the local agency.
4. Every police agency should deploy the majority of its complaint investigators during the hours consistent with complaint incidence, public convenience, and agency needs.

Investigation Procedures

5. All personnel assigned to investigate internal discipline complaints should be given specific training in this task and should be provided with written investigative procedures.
6. Every police chief executive should have legal authority during an internal discipline investigation to relieve police employees from their duties when it is in the interests of the public and the police agency.
7. The polygraph should be administered to employees only at the express approval of the police chief executive.
8. All internal discipline investigations should be concluded 30 days from the date the complaint is made unless an extension is granted by the chief executive of the agency. The complainant and the accused employee should be notified of any delay.

Adjudication of Complaints

9. The police chief executive should have ultimate authority in the adjudication of internal discipline complaints, subject only to court appeal, or through appeal to an established civil service body.

10. All investigation reports should become a part of the accused employee's personnel folder.

#### Commentary

The goal of internal discipline is internal order and individual employee accountability. As in law, the administration of internal discipline must be based on a solid, formal, written foundation. It must provide sanctions for proven misconduct and protection from false accusations. The discovery of truth is of paramount importance in these proceedings; the administration of internal discipline should instill confidence in all parties involved.

Formal written policies, procedures, and rules in this area establish the standards for police employee conduct and redress for the three involved parties: the public, the police agency, and the police employee. Each party must be familiar with and abide by these policies, procedures, and rules. They provide the foundation for responsive, professional law enforcement.

Internal discipline in police agencies often is crisis-oriented. Most agencies simply react to employee misconduct. They do a good job of investigating after incidents have occurred, but they do little to prevent them.

The key question police chief executives should attempt to answer concerning employee misconduct is "why?" Police supervisors must ask themselves. "What could have prevented the employee from engaging in this particular act of misconduct?" The answer should be made an integral part of the written recommendation for each complaint adjudication. The police chief executive, even though he is ultimately responsible for internal discipline, should not bear this responsibility alone. It is the responsibility of all employees to seek ways to maintain a disciplined police agency.

Although preventive measures may not automatically produce disciplined performance, they may provide the impetus for the development of self-discipline. A self-disciplined employee will save a police agency time and money by negating the necessity for much of the administration of internal discipline.

Procedures to insure reception of complaints from the public generate public cooperation. Adequate complaint reception procedures also provide the police chief executive with a valuable tool for gaging employee performance quality and in measuring public-police rapport. One method a police agency can use to monitor police performance is the receipt and investigation of all complaints.

All persons who file a complaint should receive information regarding results of the investigation.

Police agencies that personally contact the complainants and discuss the investigation and adjudication have found that a better relationship and understanding are fostered.

Police agencies should accept all complaints, whether received in person, by telephone, by letter, or anonymously. The police agency should delineate specific procedures for employees to follow in receiving complaints alleging misconduct.

As a rule, complaints should be accepted when the incident alleged would constitute misconduct, if later proved true. Therefore, employees must be familiar with the rules defining misconduct.

Some complaints do not come under this rule. Many are against the policy or practices of the police agency. Even though these complaints do not involve internal discipline, they must be answered by the police agency.

Public respect for a police agency hinges on its preservation of internal discipline. Because the police chief executive is accountable for the conduct of all police agency employees, he should direct the administration of internal discipline personally. For this reason, all but minor internal investigations of employee misconduct should be conducted by a person or unit directly responsible to the police chief executive or the assistant chief executive.

Sworn employees should be assigned to these units, but other qualified persons must not be excluded if exceptional conditions warrant their use. Such situations might include investigations of mass misconduct by officers, or investigations under a new police chief executive who is unsure of his employees.

Investigating alleged employee misconduct requires the same skills as criminal investigations, in addition to other more complex skills. Effective internal discipline investigators must be trained for the task and given constant guidance and support. The investigative procedures used, coupled with the subsequent adjudication process, are the most important elements in maintaining the confidence of the public and employees in the administration of internal discipline.

The reasons for investigating complaints of misconduct are:

- a. to maintain police agency integrity;

b. to protect the public from police misconduct;

c. to retrain and correct employees guilty of misconduct, and remove those whose transgressions make them unacceptable for further police service; and

d. to protect innocent police employees.

The investigation and adjudication process should be swift, certain, and fair. This demands that only the most competent employees be selected and developed to conduct internal discipline investigations. The efforts expended in these investigations at least must be equal to the efforts expended in the investigation of serious crimes. Because of the reduced caseload and greater freedom in the use of investigative techniques, the potential for learning the true facts in internal discipline investigations is much greater than in most criminal matters.

It is essential that the police agency closely monitor the investigative process and provide continuous guidance for investigators. The benefits of an investigation can be lost through improper use and subsequent court appeal.

The adjudication or final disposition of complaints gives the police chief executive the opportunity to make plain, through sanctions, that he will not tolerate employee misconduct. Equally important, in cases where complaints are not sustained, the adjudication allows the police agency to defend the conduct of its employees.

The adjudication of each complaint will have an effect on subsequent internal discipline investigations and on the agency's entire system. It is essential that all parties involved in the incident feel they have had an opportunity to be heard, and that the adjudication process weighs all available data. The complainant, the witnesses, and the accused employee should be encouraged to participate in the process that leads to a final decision, even though that decision is the responsibility of the police chief executive.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 19, pages 469-495, Washington: Government Printing Office (1974).



## References

1. Brown, Lee P., "Handling Complaints Against the Police," Police, May-June 1968.
2. Des Moines, Iowa, Police Department, "Chief's Guidance Committee, C/105."
3. International Association of Chiefs of Police, Guidelines for Police Discipline Workshop, April 4-7, 1972, Washington, D.C.: International Association of Chiefs of Police (1972).
4. International Association of Chiefs of Police, Model Police Rules of Conduct, Washington, D.C.: International Association of Chiefs of Police (1972).
5. President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, Washington, D.C.: Government Printing Office (1967).
6. New Haven, Connecticut, Police Department. "Rule 16," in Manual of Operating Procedure.

#### 14. GOAL: IMPROVE AGENCY-EMPLOYEE RELATIONS

##### Introduction

The police chief executive must be provided with police employees, physical resources, and laws if he is to administer an agency that will reduce crime, maintain public order, respond to the needs of the public, and perform other services determined by local government. A deficiency in any one of these resources can limit his ability to move the agency toward effectively reaching objectives. Employees are by far his most costly resource. The community benefits to the extent the chief executive maximizes the performance of police employees.

The police chief executive usually is held much more accountable by the public for the activities of his personnel than most other public agency officials. As the "top cop," he is in the constant view of the public. He is expected to recognize and respond to the problems of the community more than any other local department head.

The conduct of police employees, and employee organization formation and activity, depend upon the attitude and programs of the police chief executive. If his reaction toward employee group activity encourages employee cooperation, he can promote an atmosphere of effective employee relations. Employee relations will probably be negative, however, where the police chief executive refuses to recognize employee organizations.

In some areas, strong employee organizations exist where internal tension and conflict prevail within the police agency. On the other hand, the influence of the police chief executive has been a significant factor in maintaining an effective team approach and minimal internal problems. Another important factor is the support provided by the public and government officials. The police chief executive may be able to alleviate potential problems by anticipating those problems and adjusting programs, procedures, or organizational structure.

14.1 Objective. By 1978, each police agency should consider establishment of uniform procedures that govern employee organizations and interpersonal relations.

Strategies

1. Every police chief executive should:
  - a. Actively participate in seeking personnel benefits for all police employees.
  - b. Provide an internal two-way communication network to facilitate exchange of information within the agency and to provide feedback.
  - c. Develop methods to obtain advisory information from police employees to assist him in decisionmaking.
  - d. Provide a grievance procedures for police employees.
  - e. Utilize employee specialists.
  - f. Recognize that police employees have a right to engage in political and other activities protected by the first amendment.<sup>1/</sup>
  - g. Acknowledge the right of police employees to join or not join employee organizations and give appropriate recognition to these organizations.
2. Police employee organizations should formalize written policies, rules and procedures that will protect the rights of all members and insure that they will remain responsible to their oath of office.
3. Every police employee organization should place in writing the scope of its activities to inform all members of its programs and its representatives' activities.

1/ TCA 8-858 provides that employees in the classified service of a sheriff's department (including all but the sheriff, his secretary, and jail cooks) shall not take an active part in any political campaign while on duty, nor solicit money for political purposes.

4. Every police employee organization should adhere to rules and procedures including:
  - a. Provisions to protect members in relations with the police employee organization.
  - b. Standards and safeguards for periodic elections.
  - c. Responsibilities of organization officers.
  - d. Fiscal integrity including financial reports.
  - e. Disclosure of financial reports to members, regulating agencies, and the public.

#### Commentary

Police employees, like other workers, want equitable economic benefits and optimum working conditions. They have traditionally sought increased salary, compensation for overtime work, improved pension allowances, and guaranteed pay. They are increasingly displaying an interest in their working hours; routine and safety equipment; vacation and holiday provisions; health benefits; deployment policy; promotion procedures; internal discipline; and many other areas not previously cited by police employees.

The police chief executive must always consider his employees' personnel benefits and working conditions in relation to other law enforcement agencies and to other public employees. Some issues may be beyond the chief executive's authority if they are controlled by legislation or civil service regulations; he can, however, initiate the process to make needed changes. If he does not assume this responsibility, some other person or group may.

The success of the management approach of initiating reasonable employee benefits can be best evaluated by examining the internal conditions of agencies where the police chief executive has assumed this role.

Often, reasonable personnel benefits that police chief executives should have secured for their personnel have been gained through organized police employee activities. During the late 1940's, when most of the private and public employees worked a 40-hour week, police employees needed to go to the public to gain the same benefit. Other public employees in most cities were paid time-and-one-half for overtime work long before police employees were. Only within the last 10 years have some police agencies provided safety equipment at no cost to police employees; this and other benefits have been commonplace in most other public employment.

Where personnel benefits cannot be secured because of fiscal or other problems, the police chief executive has the responsibility to inform police employees of those problems. Then employees can address complaints to budget authorities or others. Based on such information, police employees may choose to wait until the situation improves, especially if they have developed a sense of confidence in the police chief executive's ability. With sufficient information, police employees are in a position to make a much more intelligent decision, as in Cleveland when police employees chose between a 10 percent reduction in salary for all or a 10 percent layoff of manpower.

The problem of the small town police agency in the area of employee benefits is perhaps even more complex. The financial base is usually much more restricted. Those involved in the issue are very close to the decision. The police chief executive, in some cases, is an appointee of the lawmakers or jurisdiction administrator and has few, if any, tenure rights. His is a difficult but not an impossible position.

Until recent years, government, by regulation, could restrict public employees from their exercise of certain first amendment rights such as political activity and free speech. Police agencies have had the strictest limitations on employees' first amendment rights. Almost all police agencies have regulations that prohibit or restrict both on- and off-duty activities in this area. Many agencies, for example, have regulations forbidding officers to ridicule or publicly criticize the agency's policies or personnel on the grounds this would undermine morale and effectiveness. It was not until the late 1960's that police employees began testing the validity of such regulations.

Employee organizations are not new to police agencies. They have existed for many years, but generally they have operated only as fraternal and professional groups. Police chief executives who have come up through the ranks of their organization usually are or have been members of the employee organization they now deal with from their management positions.

While recognition of an employee's right to join an employee organization is important, the chief executive also has the responsibility to protect the rights of those employees who do not wish to join the organizations.

Police employees voluntarily are placing their future personnel benefits and, to some degree, their professional image in the hands of the employee organization and its representatives. Every member, therefore, should know the activities and direction of the employee organization programs and its representatives' activities be described in writing and made available to all members.

### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 18, pages 447-456, Washington: Government Printing Office (1974).

### References

1. Advisory Commission on Intergovernmental Relations, Labor-Management Policies for State and Local Government, Washington, D.C.: Government Printing Office (1969).
2. American Bar Association Project on Standards for Criminal Justice, Standards Relating to the Urban Police Function, tentative draft, March 1972.
3. Berkley, George E., Democratic Policeman, Boston: Beacon Press (1969).
4. Burpo, John H., Police Labor Movement, Springfield, Illinois: Charles C. Thomas (1970).
5. International Association of Chiefs of Police, "The First Amendment and Public Safety Employees," in Public Safety Labor Reporter, Washington, D.C.: International Association of Chiefs of Police (1972)
6. International Association of Chiefs of Police, "Political Activity Regulations and Public Safety Employees," in Public Safety Labor Reporter, Washington, D.C.: International Association of Chiefs of Police, March 1972.
7. McGregor, Douglas, The Human Side of Enterprise, New York: McGraw Hill (1960).

14.2 Objective. The Tennessee Law Enforcement Planning Commission, very strongly recommends that by 1978, legislation be enacted prohibiting police employees from participating in work stoppages or job action.

14.3 Objective. By 1978, every police agency must establish formal, written policy prohibiting work stoppages or job action.

#### Strategies

1. In the event of an employee work stoppage, every police agency should develop a plan to maintain emergency police service.
2. Internal disciplinary actions used by police chief executives against employees who participate in concerted work stoppages and job actions could include actions against:
  - a. All employees who violate prohibiting legislation and policy;
  - b. Specific individuals whose conduct warrants action;
  - c. Instigators or leaders of activity.

#### Commentary

Strikes by public employees have been prohibited almost universally by specific legislation, governmental policy, or the common law; various penalties have been prescribed. Currently 31 states specifically prohibit police strikes and, depending on interpretation, concerted work stoppages.

Public employee strikes are permitted in Hawaii, Pennsylvania, and Vermont; each of these statutes, however, includes a provision to exclude such activity by police employees. As in the private sector, strikes endangering the public health, safety, or welfare--such as railroad and steel strikes--have been enjoined.

The government's position should not be reversed; legislation should specifically prohibit concerted work stoppages and job actions by police employees. The Advisory Commission on Intergovernmental Relations in Labor-Management Policies for State and Local Government recommended a similar provision. This is necessary in view of the increased police employee activities in this area and the deletion of no-strike provisions in many public employee organization constitutions including the

International Association of Fire Fighters; American Federation of State, County and Municipal Employees; and the many factions of the International Conference of Police Associations.

The courts find little difficulty in upholding these legislative prohibitions and have taken a similar position on such apparent subterfuges for the strike as concerted sick calls and mass resignations. In *United Federation of Postal Clerks v. Blount*, 30 L. Ed. 2d 38 (1971), the United States Supreme Court affirmed a lower court statute prohibiting Federal employees from striking. This pattern was maintained in *Bennet v. Gravel*, United States Court of Appeals, Fourth Circuit, No. 71-1311, November 19, 1971, where it was also stated that a strike would not be made legitimate even though striking employees may have a justifiable reason.

The courts have defined a public employee strike quite broadly, but the working of statutes should include such subterfuges as concerted work stoppages and job actions. A good example of legislative definition of strike is found in 17.455 (1), Act 336, Michigan Public Acts of 1947 as amended, which states in part, "... the concerted failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in the conditions, or compensation, or the rights, privileges, or obligations of employment."

Frequent legislation has provided no mandatory penalties, but there is a trend to include explicit penalties for both the participating employees and the involved employee organization. The issue of penalties is perplexing; there is some dispute over whether they should be mandatory, discretionary, or nonexistent.

No law has prevented all strikes. Legislative prohibition and penalties undoubtedly restrain many from participating in concerted work stoppages and job actions; however, their precise degree of effectiveness is unknown. There has been a growing trend to grant amnesty to participating employees; it is a trend that seriously dilutes the effectiveness of legislation.

Some contend, as Aussieker does in Police Collective Bargaining, that specifying punitive action is self-defeating. Employees and their organizations may regard them as a challenge rather than a restraint. Specific penalties also deprive public employers of flexibility in dealing with a personnel problem--a work stoppage or job action. In settling a concerted work stoppage or job action, some public officials have had to waive the statutory penalty provision by granting amnesty.



Others believe that discretionary or unspecified penalty sanctions create a sense of uncertainty that in itself might be a deterrent. Some, particularly academicians and public employee organization leaders, maintain that strikes should not be prohibited. They contend that the lack of a prohibition adds realism to management-employee relations. A pragmatic approach to the current police problem seems to involve the compromise of prohibiting police employee work stoppages and job actions but allowing a maximum of executive flexibility and discretion in the application of the law.

Legislation prohibiting police employees from engaging in concerted work stoppages and job actions may not be sufficient to maintain internal discipline. Every police agency should establish written policy specifically prohibiting concerted work stoppages and job actions. That policy must be specific and definitive, yet broad enough to satisfy the needs of the police agency. While general misconduct provisions such as "conduct unbecoming an officer" and "neglect of duty" may cover the activity, it is preferable to establish a specific prohibition that communicates the agency's position to the employees.

#### Source

1. National Advisory Commission on Criminal Justice Standards and Goals, Police, Chapter 18, pages 465-468, Washington: Government Printing Office (1974).

#### References

1. Advisory Commission on Intergovernmental Relations, Labor Management Policies for State and Local Government, Washington, D.C.: Government Printing Office (1969).
2. Aussieker, M. W., Jr., Police Collective Bargaining, Chicago: Public Personnel Association (1969).
3. Burpo, John H., Police Labor Movement, Springfield, Illinois: Charles C. Thomas (1970).
4. Murphy, Richard J., and Morris Sackman (ed.), Crisis in Public Employee Relations in the Decade of the Seventies, Washington, D.C.: Bureau of National Affairs (1970).

**END**

7 abcs/om-1