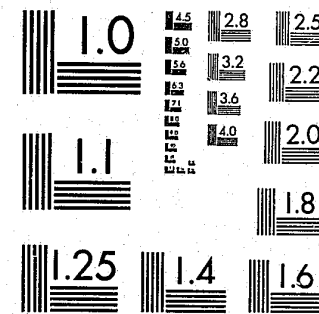


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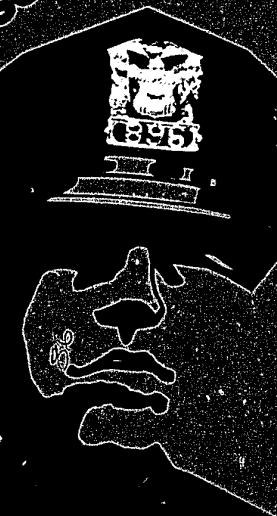
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Executive Summary

FOR RECOMMENDATIONS
FOR MANAGEMENT OF
EFFECTIVE POLICE DISCIPLINE

International
Association of
Chiefs of
Police



Executive Summary

MAJOR RECOMMENDATIONS FOR MANAGEMENT OF EFFECTIVE POLICE DISCIPLINE



International Association of
Chiefs of Police

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INTRODUCTION

This *Executive Summary* is designed to provide the reader with a brief overview of the major findings from a study of police disciplinary practices. The two-year study was funded by the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration, U.S. Department of Justice, Grant Number 74-NI-99-0019-6. The full report of the effort is published in a manual entitled *Managing for Effective Discipline: A Manual of Rules, Procedures, Supportive Law and Effective Management*.

The objectives of this project were as follows:

1. To identify within selected police agencies those conditions which are perceived to have a positive or negative effect on police discipline.
2. To identify rules of conduct and discipline procedures which are or may be subjected to legal challenge and to revise those rules and procedures found to conflict with judicial decisions, or which cause police officers substantial concern.
3. To develop a manual which offers guidance on establishing or improving police disciplinary practices.

While this *Executive Summary* is a synopsis of the main report and contains only the major conclusions and recommendations, the full report is designed to provide the police executive with detailed information helpful in

identifying undesirable conditions and suggestions for altering these conditions. To accomplish this, the full report is divided as follows:

- Chapter 1 "Discipline and the Management System"—A brief discussion on the necessity of considering discipline as part of the total management responsibility.
- Chapter 2 "Structural Considerations in the Management of Discipline"—An examination of managerial procedures and processes necessary to establish expected behavior of police officers. Specific focus is on the need to establish goals and objectives, promulgate written directives, and provide adequate training.
- Chapter 3 "Disciplinary Procedures and Processes"—This chapter discusses many of the elements which must be considered when establishing a disciplinary process. Specifically, the following critical subjects are covered:
- Establishing standards and rules of conduct
 - Establishing a mechanism for detecting violations
 - Receiving and recording complaints of misconduct
 - Assigning responsibility for handling complaints
 - Establishing procedures for temporary and emergency suspensions
 - Establishing investigatory procedures
 - Charging in police disciplinary cases
 - Resolving cases
 - Imposing sanctions
 - Establishing appeal mechanisms
 - Considering the problem of discovery of police personnel and Internal Affairs records
- Chapter 4 "The Human Element of Discipline"—This chapter deals with some of the human considerations surrounding the disciplinary process. Authority to discipline, attitudes toward discipline, and conflicts in roles and values are some of the major considerations.
- Chapter 5 "A Guide to Key Operational Requirements for Effective Discipline"—This chapter provides a short and concise synopsis of important principles to improve the use of the organization's structural resources. Each principle is keyed to chapter and page number for more extensive study of the issue.

- Chapter 6 "Designing Rules for Discipline"—One of the most troublesome areas in discipline is codifying rules of conduct and disciplinary procedures. Rules are influenced by a multitude of factors, the most important of which are judicial opinions either supporting or refuting a particular rule and contemporary values. This chapter, based on the IACP research of numerous judicial opinions and perceptions of over 2,000 police officers, offers suggested language for rules of conduct. Furthermore, this chapter offers a prototype disciplinary procedure designed to assure a due process disposition of disciplinary action. A commentary on each rule and procedure is also provided.
- Appendix A "Methodology and Statistical Findings"—The data gathering techniques and major survey findings for the project are presented in this section of the full report. Additionally, statistical data and the significance of these data are discussed.
- Appendix B "Annotated Bibliography of Selected Cases on Police Discipline"—This section is devoted to major cases which directly influence a law enforcement agency's disciplinary procedure and rules of conduct. The section provides a ready reference for those who wish to know what various courts have held in adjudicating the issues. These cases influenced the prototype rules of conduct and procedures discussed in Chapters Three and Six.
- Appendix C "Field Instruments"—The questionnaire, administrative and legal analyses used to gather the data for the research project are reproduced in this appendix.

The IACP is not suggesting that major recommendations resulting from this study be implemented without review and consideration. Nor is it feasible to consider a review of this *Summary* as providing adequate understanding of this complex project. While this *Summary* will provide a brief overview of the project, the main report and research findings should be studied and their policy implications considered.

The goal of this research endeavor as reflected by the stated objectives is to improve police disciplinary practices and provide an up-to-date prototype manual of rules and procedures. The recommendations based on the project findings are not intended as a panacea for all disciplinary ills. They are, however,

intended as guides to identify critical issues and recommend possible solutions. These recommendations, however, must be judged in light of local conditions.

The IACP believes that careful study and selective implementation of applicable rules and procedures will improve employee morale, provide a fair disposition of disciplinary action and improve the management style in the agency. Furthermore, it is felt that the prototype rules and procedures will provide management with a more sound position in instances where disciplinary action is subject to judicial review or arbitration resulting from appeal or grievance. Likewise, the suggestions provide a basis for employee oriented groups in police agencies to appreciate more fully the rights, obligations and prerogatives of management as well as the parameters in which management must operate to provide a fair and equitable environment for employees. In this regard, it is hoped that both management and labor will understand more fully each other's rights and limitations.

Methodology for Studying Police Discipline

As previously stated, the project objectives were to develop insights into the determinants of effective discipline management, and to provide useful recommendations for improving practices in law enforcement agencies. Conditions relevant to discipline were studied in seventeen agencies, using three complementary approaches:¹ (1) a two-part legal analysis, including an assessment of rules and procedures, and the inputs of local government officials and citizen groups; (2) an administrative analysis to determine the roles and behavior of department managers in the disciplinary process; and (3) a questionnaire administered to a stratified sample of police officers to determine perceptions of existing practices.

As the first project task, a review was made of discipline in many contexts, including police experience and literature. In a preliminary sample of agencies, rules and procedures were surveyed, and interviews were conducted to gain insight into the scope and character of common disciplinary problems. Little uniformity in practices or in disciplinary principles or concepts was found. The research team drew up several alternate study plans, emphasizing different dimensions of discipline before adopting the three-part approach and limiting content areas.

¹In one department it was not possible to administer the police officer questionnaire due to labor contract negotiations. Therefore, the data in this *Summary* will refer in some cases to sixteen departments.

An advisory board, consisting of administrators, academicians and employee organization representatives, as well as consultants gave important guidance at this point and elsewhere in the project.² A major decision in limiting the study to a manageable scope was to consider discipline only as it affected sworn police officers; the special situation of civilian police department employees was not treated in the study, though it is recognized as an important area of inquiry for future research.

The seventeen agencies included in the study represented a wide range of sizes and types of jurisdictions in various geographic locations.³ Although police discipline is a difficult area in which to gather objective data, it is felt that many obstacles were overcome in this case due to the unusual degree of cooperation of the agencies and the project policy of anonymity of all data.

Over 2,000 police officers, from sixteen diverse agencies, provided invaluable assistance in this project by completing an attitudinal questionnaire designed to measure perceptions of disciplinary practices. Questionnaire data were used primarily as a research tool in structuring the prototype design. Obtained conclusions are, however, significant in themselves, particularly since officer attitudes of discipline have not previously been analyzed. The combina-

²The Advisory Board consisted of Sheriff Paul E. Blubaum, Maricopa Sheriff's Department, Phoenix, Arizona; Mr. Eugene M. Gordon, Legal Advisor, San Diego Police Department, San Diego, California; Colonel George L. Halverson, Director, Michigan State Police, East Lansing, Michigan; Sheriff William Lucas, Wayne County Sheriff's Office, Detroit, Michigan; Sergeant Harold H. Melnick, President, Sergeants Benevolent Association, New York City Police Department, New York, New York; Chief James C. Parsons, Birmingham Police Department, Birmingham, Alabama; Commissioner Donald D. Pomerleau, Baltimore Police Department, Baltimore, Maryland; Prof. Frank J. Remington, Professor of Law, University of Wisconsin-Madison, The Law School, Madison, Wisconsin; Mr. Jerry V. Wilson, Chief of Police, Retired, American University Law Institute, Washington, D.C.; Mr. Robert W. Wilson, County Executive, County of Fairfax, Fairfax, Virginia; Dr. Victor G. Rosenblum, Professor of Law, Northwestern University Law School, Chicago, Illinois; Director Henry J. Sandman, Department of Public Safety, Cincinnati, Ohio; Deputy Chief Odell Sylvester, Oakland Police Department, Oakland, California; Mr. Eugene M. Zoglio, Instructional Coordinator, Public Services, Prince Georges Community College, Largo, Maryland.

Additionally, the following consultants provided technical expertise and practical advice: Dr. Noel Bufo, Administrator, Office of Criminal Justice Programs, Lansing, Michigan; Dr. Richard Dahl, Professor of Law, Arizona State University College of Law, Tempe, Arizona; Mr. Preston Horstman, Executive Director, National Association of State Directors of Law Enforcement Training, Gaithersburg, Maryland; Dr. Elinor Ostrom, Professor, Department of Political Science, Indiana University, Bloomington, Indiana.

³Agencies ranged in size from approximately 120 to 1,400 sworn members and included state police, urban departments, and sheriffs departments in the East, Northeast, Midwest, South, Southwest and West Coast. Because of the sensitivity of disciplinary data, the IACP agreed not to identify the agencies.

tion of questionnaire data, information from the administrative and legal analyses and interviews with police officers of all ranks from the seventeen participating police agencies enabled the IACP researchers to draw the conclusions which are presented in this *Summary*.

Plan of the Executive Summary

This *Summary* is divided into two sections. Section One provides the reader with the main points of chapters one through five of the main report. Section Two contains major study findings and recommendations. In this respect, Section Two is a synopsis of Chapter Six and Appendix A of the main report.

It is again cautioned that reading the *Executive Summary* is no substitute for studying the full report. Furthermore, no recommendation should be implemented without determining its applicability to local conditions.

SECTION ONE MANAGEMENT FOR DISCIPLINE

Discipline as Part of the Management System

Discipline is frequently given a negative connotation—referring to either a technique to prevent negative behavior on the job, or a punishment when such negative behavior occurs. In view of increasing labor unrest among officers, and criticism from citizens, this is an appropriate time to treat discipline as a managerial resource in need of development. If the disciplinary aspects of managing police officers can be given a positive emphasis, a much needed management tool will be created to replace a system which too often acts to reduce morale and motivation, and which strains police-citizen relationships.

Management's goals in any organization are not necessarily the inherent goals of employees. A basic tactic of sophisticated management is to bring these goals into harmony. A common approach to management which attempts to cause these goals to merge can be called the "military model." This approach has been the dominant influence in the development of today's police organizations. The sources of motivation and control of military personnel, their patterns of work, and their working environment as traditionally conceived, can differ substantially from those of police officers. Accordingly, military models of management and discipline may not be optimum for police management.

Although most management principles of the western world had their origin and early development in a military context, they have seen important modifications in the private sector. Police organizations operate in that same "civilian" environment. Drawing from the same labor pool, competing in terms of working conditions and employee expectations, both police and business exist to deliver a service or product to the same market—the public. An important principle arising from private-sector experience is the possibility of a flexible, coping, experimental approach to organizational problems, which deemphasizes rigid, preconceived solutions based only on a manager's deliberations. In attempting to be responsive, agencies could devote extensive resources and energies to design and plan for dealing with discipline. They could internalize discipline as part of the administrative process and consider disciplinary management no less important than planning for manpower allocation and distribution, reviewing budgets, purchasing needed equipment, and other administering management functions. The appropriate management posture is proactive, with an effort to define the results to be achieved from the disciplinary process and to establish the steps necessary to achieve those results.

It was found useful in this project to define management resources essential to good discipline in three areas:

1. *Structure*—the provision of tools of a static nature, such as special organizational units, assignments of formal authority, written directives, etc.
2. *Process*—the use of established sequences of actions for handling disciplinary cases.
3. *People*—the impact of personalities, skills, motives, and roles on disciplinary effectiveness.

Structural Considerations in the Management of Discipline

Goals and Objectives. Efforts to achieve effective discipline may be enhanced by defining goals and objectives of affected units, promulgating management expectations to guide these units toward the realization of particular goals, and establishing a means to monitor performance. Goals are those measurable end results toward which the total agency strives. Objectives are intermediate achievements by individual units which contribute to the attainment of goals. There has been a consistent failure on the part of police management to state goals and objectives in a useful form.

The establishment of goals and objectives also provides management with a yardstick to measure performance of the entire organization and particular units. Such measures may indicate that the police agency is not reaching desired goals. As applied to discipline, goals and objectives may direct the organization toward the resolution of citizen allegations of misconduct, the reduction in officer violation of rules, and the maintenance of directives which are current with the law and sound employment practices.

The determination of goals and objectives is a difficult undertaking for several reasons. First, it requires the manager to plan for the future. A second difficulty, closely associated with the first, arises when modifying established goals to keep pace with changes in the environment. Further, it is often difficult to implement strategies for achieving goals.

Organizational Sensors. In setting goals and objectives, one way to reduce problems is to create a unit within the agency which senses changes both internal and external in the environment. These units can be referred to as "organizational sensors." Ideally, every member of the police department is responsible for being sensitive to changing conditions within the agency and in the external environment. However, specific individuals or organizational entities may have, as an overall objective, the gathering and analysis of change-provoking data. Examples of these sensors and their responsibilities are the legal unit, inspection and control, internal affairs, planning and research, and the training unit.

The function of the legal unit is to monitor laws which affect the service delivery system and discipline, and to recommend appropriate legal guidelines.

The primary responsibility of the inspections unit is the timely review of procedures, materials, and personnel. The need for a well-staffed and effective inspections unit was often ignored or could not be met financially in departments studied. Many agencies had no inspections unit at all, while others had units which were understaffed or improperly utilized. One department assigned senior commanders to the unit as a means of "putting them out to pasture." Another agency had an inspections unit listed on its table of organization, but the unit was assigned no personnel.

Internal affairs receives, processes and maintains staff control over complaints made against employees or the services rendered. A strong and responsive internal investigation entity is an indispensable part of the police administrative process. Its clear existence in the organizational structure gives notice to both the public and the employee that the police agency is willing to "police its police." Additionally, a clear and comprehensive written directive delineating the process and procedures for dealing with both external and internal complaints minimizes the possibility that complaints will be recorded and investigated.

The planning and research unit should function to analyze conditions pointed out by other organizational sensors and to recommend procedures for improvement.

Training should indoctrinate officers on management expectations. This training should take place not only in recruit school but also during in-service training programs designed to reinforce desirable behavior patterns and to eliminate misconduct.

The fact that 48 percent of all officers surveyed are either uncertain or simply do not feel that recruit training provided a working knowledge of written directives, demonstrates that training programs are in need of examination. Though additional training may be expensive, it represents a much lower expenditure than punitive discipline. Law suits, terminations coupled with the need to hire and train a replacement, poor departmental image, low morale, and injury or death to a citizen or an officer can be far more expensive and damaging to the agency.

The five organizational units just discussed must coordinate their work closely to be effective. It is a responsibility of the chief executive to see that lines of authority and subdivision of tasks are mutually understood.

Written Directives. Any analysis of disciplinary procedures must start with an intensive concentration on written directives. Directives are the organizational tools which establish the level of expected behavior.

In this study, it was found that officers understood management expectations more fully in those agencies which more clearly defined orders and policies, more actively sought employee input in the administrative process and more clearly explained expectations in training programs. Unfortunately, there is an absence in many departments of an agency-wide, easily identifiable, written directive system which establishes management policies, procedures and rules. Further, in some agencies, the authority to issue a written directive is not controlled.

It was also found that several agencies issue general orders in broad, lengthy documents which give the appearance of training orders, and are often outdated. Officers are not only confused by inherently broad written directive systems, but in many instances view written directives as abstract and nonauthoritative documents. In some departments researched, management's inability to issue clear, acceptable, and up-to-date directives has resulted in the union contract becoming the most authoritative document on employee conduct. In this instance, management authority is undermined. As stated by several officers in these agencies, the union has promulgated guidelines where management failed to do so.

Directives can be divided into five types: rules and regulations, policies, procedures (including general orders and special operating orders), instructional material, and memorandums. It is essential that these five types are used consistently.

Directives must be legal. Many rules and procedures are in part or totally contrary to law or to prevailing trends in the courts.

Directives should be acceptable to those affected, although at times, unpopular directives must be instituted to achieve organizational goals or objectives. During the IACP field work for this project, questionnaire analyses showed that officers do not feel all directives are understandable. This inadequacy leads to the question: How can employees be disciplined if they are not adequately informed of expected behavior?

If directives are to aid in moving the organization toward goal attainment, they must be kept current. It is important that the agency formalize a procedure for purging, updating and revising directives. Generally, there should be a total review of all directives on a semi-annual basis. The majority of the seventeen agencies studied had no regular procedure for reviewing, updating and purging of the written directive system. Directives were altered or purged on an "as needed" basis, and usually only when conflicts occurred. The difficulty with this reactive approach is that outdated directives often go unnoticed until violated.

Many agencies fail to control the issuance of directives. A distribution scheme must be developed to assure that everyone affected by an order receives a copy. One method of achieving this is to hold supervisors responsible for distribution of all directives to all subordinates. An alternative system which places primary responsibility on the individual officer is used in one agency visited. The officer is responsible for obtaining all missing directives, copies of which are available at the personnel office. Each officer must then initial a receipt for all issued directives.

All officers should be thoroughly trained in written directives, starting in recruit school and continuing through periodic in-service sessions. The experience of the IACP in field investigations indicates that many agencies do not give proper emphasis to training on rules of conduct and disciplinary procedures. Of the seventeen agencies studied, only a few devoted more than cursory coverage to these matters. In several departments, these subjects were covered in as little as four hours. A significant relationship was found between number of hours devoted to training on rules and procedures and the degree to which such training provides a working knowledge of directives.

The First-Line Supervisor. The position of the first-line supervisor is generally acknowledged as crucial in organizations of virtually any size or type.

Likewise, the significance of this role with regard to discipline should not be underestimated.

Supervisory personnel must provide the impetus for directing manpower and other agency resources towards attainment of management expectations. In order to do so, supervisory personnel must be granted proper authority to carry out such responsibilities, and must be held accountable for the completion of such tasks. Experience has shown that inadequate supervisory authority, as well as insufficient training in administrative skills and responsibilities creates problems of role confusion affecting disciplinary situations. This is true particularly with first-line supervisors. Increased training for supervisors is one answer to this inadequacy. In one department studied, supervisors received regular in-service training in supervisory skills. Questionnaire responses show that officers' evaluations of the performance of supervisors in this department were consistently more positive than the average of sixteen departments surveyed.

Disciplinary actions taken by the first-line supervisors are frequently inconsistent. If, for example, one sergeant is lackadaisical in enforcing a particular regulation while another enforces it rigorously, employees may view discipline as being arbitrary and inconsistent. Such a condition often produces morale problems and impedes achievement of organizational objectives.

Discipline Procedures and Processes

Various steps are included in the course of a typical disciplinary action. While the process may be simplified or streamlined for minor infractions, each of the elements discussed should be included in any major case. The elements are: (1) establishment of standards and rules of conduct, (2) establishment of mechanisms for detecting violations, (3) intake of misconduct complaints, (4) assignment of responsibility for handling complaints, (5) temporary and emergency suspensions, (6) investigation, (7) charging, (8) resolution, (9) imposing sanctions, and (10) appeals.

Establishing Standards and Rules. A major consideration in establishing rules of conduct revolves around the purpose of any specific rule. To include a rule simply because it relates to conduct traditionally prohibited by the agency or law enforcement generally is not a rational decision. There must be a logical explanation for a given rule if it is to be acceptable and enforceable.

Moreover, the fact that by law the department may include a rule prohibiting certain types of activities does not necessarily mean that the agency should have such a rule. The more rational reason for prohibiting certain types of activity would be that the rule is necessary to achieve the goals of the organiza-

tion. Conversely, if the absence of a rule does not hamper the achievement of organizational goals, there should be no reason for including the rule.

Detecting Misconduct. The primary responsibility for enforcing departmental policies rests with first-line supervisors. These supervisors must clearly understand their responsibility for enforcing adherence to departmental policies, and taking action in the face of violations.

Another important tool for detecting violations is the citizen complaint process. Numerous departmental policies govern an officer's dealings with citizens, and many types of improper behavior do not come to the attention of the department unless a citizen complains. Therefore, the department must maintain an effective citizen complaint procedure.

Finally, there is the internal investigations or internal "affairs" unit. This unit is primarily responsible for investigations of officer misconduct. It does not necessarily "discover" the misconduct, but does confirm the existence and details of violations of department rules.

During the field studies of the IACP Police Discipline Project, staff members interviewed numerous citizens for opinions on internal investigations. These citizens were members of the media as well as representatives of community groups such as ACLU, Blacks, Chicanos, Indians, religious organizations, ex-convicts, and local interest organizations.

A common theme throughout these interviews was distrust of internal investigations. Generally the distrust was founded upon the citizens' lack of information about the process and their feeling that the police should not investigate themselves.

IACP recommendations pertaining to notification of complainants should increase their confidence in internal investigations. Also, publication and explanation of department procedures would be beneficial. As stated in the full report, some agencies now follow these practices.

Receiving Complaints. Complaints of officer misconduct must be afforded the same degree of serious consideration as reports of criminal offenses. It is necessary that there be an established formal procedure for handling such complaints. Most departments have a system by which a supervisor may report misconduct by his subordinates. However, in some departments, the system for receiving complaints from citizens is inadequate.

Lack of an efficient procedure for intake of citizen complaints detracts from the credibility of the department's commitment to thoroughly investigate and discipline proven acts of misconduct. On the other hand, the existence of a formal complaint procedure provides a "safety valve" against the explosive effects of a law suit alleging widespread toleration of misconduct.

The procedures themselves must be designed so that they are not so complex or burdensome that they discourage the filing of complaints. Some departments intentionally make things complicated, believing that "minor" complaints will thereby be deterred or discouraged. While there certainly is a need to screen out frivolous complaints early in the system, this should be accomplished at an initial investigatory stage rather than by discouraging complaints.

With a simple complaint reception report, all citizen complaints can be recorded with a minimum of time and effort. The complaint form should be designed to efficiently collect all initial information about complaints (both internal and external) of alleged infractions by officers and also those which relate to departmental policy or procedure. This kind of feedback is useful for evaluating departmental services. Many departments prepare policy statements which inform the employee that complaints will be accepted and investigated, but few make this policy known to the general public. The police department should create an awareness that citizen complaints are desired feedback for assessing the value of its services.

As part of the complaint intake process, citizen complainants should be told that they will be notified of the outcome of complaints. Where police departments fail to provide adequate procedures for handling citizen complaints, unrest and dissatisfaction in the community sometimes lead to legal action against the department.

Responsibility for Handling Complaints. Once a complaint is received by the department, departmental written procedures should spell out the handling of the matter. When an allegation of a relatively minor nature comes to the attention of the agency, an accused officer's immediate supervisor should investigate the allegation. Incidents of major proportion should be assigned to internal affairs for investigation. In either case, however, the internal affairs division should maintain staff control over all ongoing investigations.

In many instances, the complaints made by citizens are against agency policy and procedure rather than against an officer. Regardless of the reason, a citizen who is discontent with the level of service should be permitted to register a complaint. The citizen should in no way be dissuaded from making such complaints. The willingness of the department to accept such complaints clearly demonstrates the agency's responsiveness to citizens. Furthermore, these data can be used to justify resource requests if such resources might increase the level of service.

The functions of the internal investigation unit can be categorized as complaint investigations, special investigations, staff control over investigations conducted by line commanders, and administrative duties. Additional administrative

functions should include the preparation of a response by letter, in person, or by telephone to complainants. Such follow-up action will assure the complainant that the department will investigate all allegations and will also indicate to all officers that a thorough, accurate and factual investigation will be made.

Temporary Relief From Duty. It is common to provide in disciplinary procedures for the temporary relief of an officer from active duty, pending some further processing of the case. Such a suspension is distinguished from a suspension imposed as a punishment following a final determination of misconduct. The temporary relief from duty generally is with pay. If without pay, and the officer is later exonerated, the officer usually would be entitled to back pay. The purpose of such a procedure is to assure that the officer is available at all times to participate in any investigation or hearings which may take place, to relieve the officer from the burden of daily work while under the strain of an investigation, and to avoid any embarrassment or conflict which might arise from the continued service of an employee who is accused of or charged with misconduct.

Suspension. A suspension is, by its nature, temporary. There is no such thing as a permanent suspension; that would amount to a dismissal. A suspension may, however, be open-ended, and need not be imposed for a specific period. The term suspension is used throughout the full report to refer to a period during which an officer is not on the payroll due to a disciplinary action.

Investigation. Perhaps the most critical aspect of any police internal discipline process is the investigation of an allegation of misconduct. The investigation must be seen by the community and by members of the department to be diligent and impartial. In general, there are fewer legal restrictions on an internal administrative investigation than on a criminal investigation. But the restrictions which do exist are important and must be recognized and followed.

The legal restrictions on internal investigations primarily stem from judicial interpretations of constitutional provisions, but may also be found in statutes such as the "Police Officer's Bill of Rights," or in collective bargaining agreements. They may also come from local ordinances or administrative regulations, such as civil service or personnel department rules. At an early stage of any internal investigation, it is necessary to decide whether a criminal prosecution of the officer may be filed. If so, the investigation must adhere to the restrictions of a normal criminal investigation in order to use the evidence in a criminal trial.

The most efficient method of investigating a complaint against an officer usually is to question the officer. Unlike a criminal suspect, officers suspected of misconduct may be ordered to answer questions and to incriminate themselves. However, officers may not be forced to answer questions having little to do

with their performance as police officers or unrelated to the matter under investigation.

The law in most jurisdictions is clear that a police officer may be compelled to submit to a polygraph exam for internal purposes. The polygraph results may be admissible in an internal administrative hearing, but this is not true in all jurisdictions.

The law regarding the taking and use of nontestimonial (physical) evidence is the same for administrative purposes as for criminal prosecutions. Fourth Amendment warrant requirements apply to any search of an officer's personal property, including clothing, car, home or other belongings, even though the search is only for internal administrative purposes. However, departmental property used by the officer, such as lockers, vehicles, desks, etc., may be searched without a warrant. If there is an announced policy that departmental phones, cars, and officers are subject to monitoring without further notice, the department may proceed to monitor a conversation on such departmental facilities and the results will be admissible in a disciplinary hearing.

There is no constitutional right to counsel during an internal administrative investigation, but a union agreement or personnel rules may provide such a right.

Charging. The formal filing of charges against an officer in an administrative disciplinary case serves the same purpose as the issuance of an indictment or an information in a criminal case. It serves to officially notify the officer that he or she is being charged with a violation of department rules, states the underlying basis of the charge, and informs the officer of the steps to take to answer the charge.

Often police misconduct may be of such a nature as to constitute a violation of the criminal law as well as of departmental rules. The law in most jurisdictions is that the criminal and administrative procedures are two entirely separate and unrelated events with no effect on one another. Thus, an acquittal of a criminal charge does not prevent the department from disciplining an officer for the same conduct.

Resolution. The law of most states, and federal due process standards, require that an officer be allowed a hearing on disciplinary charges. It is not mandatory that the hearing be before departmental personnel, or even that the police department offer a hearing at all. It is enough that, at some point before any disciplinary action becomes permanent and final, the officer be given the right to a due process hearing. However, if the officer serves at the will and pleasure of the appointing authority, no hearing is required.

An officer does not have a constitutional right to counsel in an administrative disciplinary hearing. However, there are several reasons why the department might want to allow counsel to be present and participate fully in an internal hearing. An essential element of a "due process" administrative hearing is the right to call and cross-examine witnesses.

State or local law may give the department subpoena power in internal discipline cases. Administrative subpoenas are useful, especially in obtaining production of documents, such as medical records, bank records, telephone and other utility records, etc. However, the authority to issue such subpoenas must be established by law, not simply by departmental rule.

An officer does not have a constitutional right to an "open" or public hearing. On the other hand, the department may hold an open hearing even though the officer objects.

A court reviewing a disciplinary action upon appeal usually will look only at the written record of the proceedings. Generally, no new evidence may be considered by the court, and the court will not presume any facts not stated in the record. Therefore, it is essential that a record of the proceedings be made (preferably a verbatim transcript), and it is essential that the hearing board clearly state the evidence on which its decision is based.

In general, strict adherence to rules of evidence is not required in an administrative hearing. Therefore, a departmental hearing board is free to consider hearsay evidence.

While the "presumption of innocence" applicable in a criminal prosecution is not applicable in an administrative hearing, nevertheless the department, as the party bringing the charges, has the burden of presenting its case before the officer's defense is required. In administrative hearings, "substantial evidence" is the usual standard of proof.

All action taken by an administrative hearing board must be well documented and clearly explained. The officer is entitled to a statement of the facts found by the board, and its reasons for taking action. The officer should also be informed of any right to appeal the disciplinary action, and any procedure for obtaining a stay of the action pending the appeal. Officers may be unfamiliar with their options in this regard. During IACP field work, it was found that officers are very uninformed of disciplinary review procedures, including hearings and review through the chain of command. Also, it was concluded that many officers, particularly those who have received sanctions, do not view the internal resolution process to be fair and reasonable.

Imposing Sanctions. When an officer is found guilty of misconduct, a variety of sanctions are available to the department. Frequently overlooked are

corrective measures such as mandatory special training courses and counseling which, in appropriate circumstances, offer the opportunity to use the disciplinary system in a positive rather than negative manner.

There are few legal restrictions on the imposition of sanctions. The major consideration is that the "punishment" must fit the offense. If the sanction is excessive, unfair, or arbitrary in comparison to the harm done by the offense, a court may reduce the penalty. Few courts are willing to overturn an administrative decision regarding the imposition of a sanction. However, as more and more police discipline cases are subjected to binding arbitration under employee contracts, a greater number of penalties are being reduced by "impartial" arbitrators. Just as clear reasons must be stated to support a finding of "guilt" in a disciplinary hearing, there must be a clear statement of reasons for imposition of a particular sanction.

Appeals. An officer has a legal right to appeal to a court any administrative disciplinary action. Even if there is no statutory provision for appeal (which exists in virtually all jurisdictions), such action could be appealed on grounds of a denial of due process of law. Prior to appeal to a court, however, the officer must have exhausted his or her administrative remedies. Administrative review may range from a complete rehearing of the case, to merely examining the record to assure that a fair hearing was held and enough evidence was admitted to support the finding.

Another method of appealing disciplinary action against an officer is through the process of arbitration. Many union contracts contain clauses requiring binding arbitration of grievances. Some state statutes provide arbitration for public employees. When disciplinary action against an officer becomes the subject of a grievance, it is open to modification by an outside independent civilian arbitrator or arbitration panel.

The Human Element in Discipline

Success in managing discipline is dependent on human competence and motivation. The efforts of many individuals in a police organization must be coordinated to resolve today's complex disciplinary issues. In most cases the chief will not, without staff assistance, be able to research and draft policies regarding proper employee conduct, give thorough consideration to the many personnel issues involved in a particular case of misconduct, and monitor the organization to identify potential sources of policy infractions.

As noted in IACP field investigations, many police chief executives do not have available the type of staff assistance necessary for effective discipline. There

are two primary reasons for this problem. First, many chief executives do not recognize the need for specific staff input. Secondly, appropriate staff may not be available due to financial constraints. A chief can start to develop these resources through proper planning.

Law enforcement agencies generally have not adopted a human resource planning capability, although some departments are considering methods of personnel assessment. In conducting field work, the IACP did not identify such thorough planning in any agency studied. Most personnel units are not equipped to carry out such an involved task. The chief executive, in this case, is obliged to personally conduct all human resource planning, possibly with the assistance of an outside firm knowledgeable in this specialized area.

Authority for Discipline. Upon analyzing human capabilities and selecting unit commanders, the chief executive should ensure that the authority of commanders is commensurate with responsibility. Delegating appropriate authority sets the stage for carrying out discipline. However, in addition to delegating effectively, the chief must alert commanders to the pitfalls of managing only through the formal system.

Chief administrators, in most of the seventeen agencies studied by the IACP, seemed to realize the importance of delegating authority. For the most part, each administrator made an attempt to be surrounded by qualified staff who were given authority to get the job done. However, some of these administrators tended to override commanders' authority in sensitive disciplinary cases. A related problem evident in many police agencies is that first-line supervisors rarely are delegated appropriate authority to detect and resolve disciplinary situations.

One focus of research in this project was officer perceptions of supervisory actions. It was found by correlating administrative analysis results with questionnaire findings that officer perceptions of supervisors were higher in those agencies which clearly defined first-line management responsibilities and trained supervisors in their role.

Attitudes toward Discipline. As with all other forms of police administration, it is important that the chief executive solicit input regarding rules of conduct and disciplinary procedures from all levels of the organization. Patrol officers have valuable opinions as to the practicality of rules. Police administrators, through their own experience, are aware of the wide latitude of discretionary power inherent in the patrol function, and should realize that conformance will not occur solely because an administrative decree is made. Considering these attitudes and opinions, management should strive to analyze reasons for noncompliance and take appropriate steps to correct particular problems. The IACP discovered very few practices which actually work to solicit officer input.

Through participative management techniques, administrators should be able to identify the expectations of officers and do whatever is possible to integrate these needs with organizational goals. The chief must determine why incidents of misconduct occur, as well as what appropriate findings and sanctions should be applied. To do this requires that much information be obtained concerning not only the facts of the case, but also what administrative actions may have led, either directly or indirectly, to this incident.

Inconsistent enforcement or a double standard of compliance to rules gives officers the impression that it is not important to abide by these rules. This type of officer reaction is quite natural since perceptions of a particular rule are based not only on formal pronouncements issued by top management, but also on the demeanor, attitudes and behavior of supervisors in communicating and abiding by such rules.

Supervisors should be trained in techniques of interpreting rules to officers, and apprised of the vital importance of full and accurate explanation and enforcement.

Conflicts in Values. A concern in contemporary police management is the lack of recognition by chief executives and other key administrators of shifts in organizational and societal values. The chief executive must be able to identify and control value conflicts between the organization and the community, and among staff and line members.

Individual members come to the police department with a set of their own values and often are influenced through societal pressures to retain their philosophies or possibly to adopt new values. Additionally, internal value conflicts often arise concerning methods of accomplishing a particular job, or between differing levels of the organization (e.g., the chief and high level commanders may follow one value system which differs appreciably from those of supervisory personnel or line members). It is the responsibility of the chief executive and other administrators to identify these harmful conflicts and devise a method of integrating the myriad of values inherent in the organization so as to best achieve managerial goals. This is often a most difficult task for police management and, in many cases, is not accomplished satisfactorily.

Personal value structures in police organizations frequently lead to a double standard of justice. The present study showed that too often misconduct by mid-management or top level administrators is perceived to be treated less severely than would similar actions by patrol officers. Further, seniority and personality seem to have an impact on the nature of dispositions, as indicated through field interviews. Both of these inconsistencies are detrimental to effective discipline.

Differences Between Units. Discipline problems and inconsistencies sometimes arise from the different nature and traditions of certain operational units. A common example is the difference between patrol and investigation units. Problems of misconduct in detective divisions are exacerbated by the greater latitude and autonomy enjoyed by these officers. The opportunity for improper behavior in these units may be greater than in patrol, and less likely to be exposed. The feeling that detectives do not require close scrutiny in the performance of their duties is thus invalid, according to interview and survey data. There is an evident need for management to realize this, and act promptly to correct such problems. For example, a start could be made by having top commanders of the patrol and investigation units agree to common disciplinary goals and procedures.

Conflicts within Groups. While the value of recognizing and successfully coping with intergroup conflict is an indispensable managerial function, it is also important that administrators learn to deal with intragroup conflict; that is, conflict which occurs within groups because of personality differences, varying frames of reference, and divergent expectations. One managerial strategy will not always work satisfactorily for all employees. All police administrators, whether they be top level executives or first-line supervisors, should be aware of such human differences existing in the work group. Management should then develop alternative strategies for coping with role differences. In the employee survey completed in this project, it was found that officer attitudes vary significantly according to personal characteristics, experiences in discipline and satisfaction with career and assignment.

To be successful, a supervisor must act before undesirable conduct occurs. To do so, the administrator should be aware of individual strengths and weaknesses of work groups, and be familiar with expectations and individual peculiarities; therefore, he or she should be more aware than anyone of what it takes to achieve motivation in subordinates. Unfortunately, supervisors do not seem to make the best use of their role. It is the responsibility of mid-management to determine when supervisors are remiss in their duties and take appropriate action. From all indications of this research, such action rarely occurs. It is extremely important that all supervisors, regardless of rank, become fully aware of management intentions and be trained in methods to carry them out.

SECTION TWO MAJOR FINDINGS AND RECOMMENDATIONS

The six major findings which follow are based on data obtained from the questionnaire, administrative and legal analyses, and interviews and observations

in the agencies participating in the study. While these have been designated as major findings for the purposes of this summary, they represent only the more outstanding findings detailed in the main report.

The reader will note that reference is made to group 1 or group 2. These groups are derived from patterns of responses to the questionnaire data. If departments responded highly positive to a group of questions measuring a particular variable (e.g., understanding), they were placed in group 1; if highly negative, they were placed in group 2. For example, on the first scale measuring perceived understanding, the four agencies scoring highest are placed in group 1. The agencies responding low on the understanding variable are identified as group 2. For the groups, researchers sought to discover reasons for the differences through interviews, the administrative analysis, legal analysis and observations.

1. DEVELOPMENT AND IMPLEMENTATION OF DISCIPLINARY PROCEDURES

The management style of the agency makes a significant difference in the degree to which officers understand the agency's disciplinary system. Specific management processes which affect officers' understanding of disciplinary procedures are (1) clarity and currentness of directives dealing with discipline including the department's policy on citizen complaints, and (2) length of training on disciplinary procedures.

Recommendations

- The promulgation of clear, concise, yet comprehensive directives explaining the agency's policy and procedure for dealing with police misconduct is necessary to increase understanding of the agency's disciplinary system.
- All written directives generally, and rules of conduct specifically, must be kept current. Furthermore, directives and rules must not conflict with legislation, local judicial opinions or current labor agreements.
- Include training on performance and behavioral expectations in recruit school or supplement the training received in regional police academies when the new officer returns from basic training.
- The operation of internal affairs and procedures for accepting, documenting and investigating citizen complaints on alleged police misconduct should be explicit.

Commentary

As part of the analysis of the survey questionnaire, IACP identified several items which measured perceived understanding of the disciplinary process in the sample agencies. These items included the citizen complaint procedure, the internal review procedure, and the procedure for appeals outside the department.

The analysis indicates that approximately 50 percent of sample officers report a basic understanding of disciplinary procedures, but do not express full comprehension of these regulations. This conclusion is also supported by field interviews in which many officers stated that they did not learn how the disciplinary process works unless they were charged with misconduct.⁴

The analysis also shows that there is a significant difference in perceived officer understanding of disciplinary procedures between the top four agencies and the lowest four agencies on the measure of understanding. To understand why this difference exists, it is useful to review management practices in these departments to identify procedures or actions which may account for the measured difference. This was accomplished by reviewing administrative analysis material.

The primary difference between these two groups appears to be accurate delineation of and instruction in disciplinary procedures in group 1 (higher scores), and outdated and, in some cases, missing directives in group 2 (low scores). The responsibilities of the internal affairs unit and the workings of the citizen complaint procedure are specifically documented in a much clearer and comprehensive manner in those departments in group 1, as opposed to group 2. The written directive systems of agencies in group 1 are by far superior to those in group 2. Two agencies in group 2 operate from general order manuals which were published in 1965 and 1961 respectively and have not been updated since. Those agencies receiving highest scores all make use of recent manuals of directives, and have updated directives as needed. One department employs a system of reviewing every directive at least once a year to ensure that it is current.

Training also seemed to differ significantly between these two groups, specifically training in rules of conduct and disciplinary procedures. Whereas every agency in group 1 includes at least ten hours of training on rules and procedures in their recruit program, those agencies in group 2 did not cover these procedures in such depth. And, the internal affairs function and the citizen complaint process in these four agencies are not covered at all. This lack of training appears significant in two of the lower four agencies, since in 1974 new directives were

⁴Evidence of lack of format standardization and confusion of directives from the administrative analysis gives further support for the conclusion (see p. 21, main report).

promulgated explaining the citizen complaint process, but these procedures were never explained (in either recruit or in-service training) to officers.

These findings, based on data collected by IACP consultants during field visits, provide clear indications that officer understanding of the disciplinary process may be improved through clearly and concisely stated directives, and that understanding will also be maximized by sufficient coverage of these procedures in training programs. These conclusions, together with the test score results discussed above, serve to support the proposition that a greater degree of clarity and definition in written procedures for discipline will produce a greater degree of understanding of disciplinary procedures.

2. CODIFIED RESPONSIBILITY AND TRAINING OF SUPERVISORS

Most officers are favorably impressed with the supervisory ability of their present superior officer (generally, sergeant or lieutenant). The slight difference noted from those departments scoring high positive perception and those scoring moderate negative perception of supervisory ability is attributed to a difference in understanding by subordinates of the supervisor's authority and amount of supervisory training. Furthermore, the ability of the supervisor to effectively explain policy, procedure and job expectations seemed important.

Recommendations

- The supervisor's position and authority in the hierarchy should be clearly stated. It should be understood that a supervisor is part of management, not simply one step removed from the patrolman rank.
- The supervisor should be held accountable for the conduct and performance of his or her subordinates. This responsibility must carry commensurate authority and such authority must be understood by every member of the organization. A supervisor who fails to exercise the granted authority should be subjected to proper discipline.
- All new supervisors should receive training on their new responsibility. In-service supervisory training for veteran supervisors should be designed to clarify their management and supervisory role.

Commentary

The questionnaire addressed a variety of supervisory actions. Most officers gave favorable opinions of their supervisor. This result was not anticipated by

IACP field researchers in light of many disparaging comments received about supervisors through field interviews. In several departments, line personnel stated during interviews that supervisors were inconsistent in administering discipline, did not fully comprehend their supervisory responsibilities in discipline in many cases, and did not do an adequate job when explaining new or revised policies or procedures. Two possible reasons for this disparity in results are:

1. Officers do not view the first-line supervisor as an integral part of the management team, but instead perceive the supervisor as a member of the work force, similar to a foreman in private industry, and therefore may be reluctant to critically evaluate his or her performance using a formal document such as the questionnaire;
2. Officers were hesitant to reveal negative sentiments about their "present supervisor" for fear of reprisals (this feeling may have prevailed despite continuing IACP assurances that the questionnaire was completely anonymous and would not be viewed by anyone in the organization). The best interpretation is that a combination of these factors, as well as other differences, influenced these scores.

Statistical tests show a significant difference in group 1 and group 2 regarding supervisors. A review of the administrative analysis instrument suggests that the major reason for the divergent scores is varying levels of codified authority for discipline between groups 1 and 2. Whereas three of the four agencies in group 1 confer disciplinary authority on the supervisor for imposing at the minimum formal oral reprimands (and in two agencies written reprimands), there is little authority for discipline by supervisors in group 2 agencies. In two of these departments, collective bargaining contracts restrain supervisors from taking immediate disciplinary action. The supervisor must document all incidents in these agencies, and receive permission from mid-management, before imposing any type of sanction. Also, in the agency receiving lowest scores on this measure, patrol officers complained vociferously about inconsistency in supervisory disciplinary actions. In researching reasons for this finding, it was discovered that disciplinary authority is poorly documented in this agency and also that there is a conflict in authority for investigations. (Whereas the investigative function is omitted in one rule delineating supervisor responsibilities, it is stated in another rule covering citizen complaints that "supervisors shall receive and investigate complaints of misconduct." This conflict certainly may lead to officer confusion.)

Another possible difference explaining scores is amounts of supervisory training. While such training was for the most part not satisfactory in most

agencies, it was observed that in two of the top four departments, first-line supervisors receive greater amounts of required training in management techniques than do supervisors in other agencies. Further, these two agencies had recently instituted in-service training for supervisors to clarify the supervisory role.

Finally, it was noted that in the top four agencies supervisors tended to do a better job in roll call instruction, and were thought to be closer to subordinates, thus maximizing opportunities to explain policies and procedures.

This analysis demonstrates that greater clarity in explaining the supervisory role through written directives is related to higher perceptions of supervisors by employees. Also, greater supervisory competence in explaining rules and procedures is significant in obtaining such results. These findings support the proposition that a greater degree of codified responsibility and training in supervisory disciplinary functions will produce a greater amount of positive response to supervisory behavior.

3. OFFICERS' PERCEPTIONS OF THE EXPECTED STANDARD OF CONDUCT

On the whole, most officers feel they should be held to a higher standard of conduct than citizens or civilian employees of the law enforcement agency. Furthermore, officers perceive that citizens expect police officers to be held to a higher standard of conduct than the public-at-large. This feeling of maintaining a high standard of conduct permeates throughout all departments surveyed and is not influenced greatly by management clearly defining what that standard should be. However, a strained labor-management relationship may cause some decrease in the positive perception of standards to which they should adhere.

Recommendations

This positive feeling on the part of officers reflects a cultural value. Management should seek to protect this inherent asset to police professionalism. The reader should refer to finding 6 of this document for further discussion of conduct norms.

Commentary

Overall conclusions derived from this data indicate that officers are in favor of higher standards of conduct for police officers than for civilian employees in their department, and for the public-at-large. Also significant is that sample officers strongly feel the need for a rule on conduct unbecoming an officer.

Data results show a significant difference between group 1 and group 2. The proposition tested in this research was that "a greater degree of clarity and thoroughness of instructions in departmental standards will produce a greater amount of positive response to prescribed standards of conduct." Data from the administrative analysis was researched to find possible reasons for the significant difference in groups. It was not found that agencies in group 1 defined standards on the whole any better than agencies in group 2. In fact, one department in group 1 was still operating under an obsolete manual of conduct and procedures, and two agencies in group 2 adequately defined standards of conduct in rules and regulations.

The difference in these two groups seems to be caused more by internal conflict and employer-employee relationships rather than any definitive management practice in defining expectations. In all four of the agencies in group 2, this conflict was noticeable; in one department the labor-management relationship was markedly strained. In contrast, there seemed to be less tension of this type in the top four agencies.

4. CONFIDENCE IN DISCIPLINARY REVIEW PROCEDURES

Review of discipline cases whether by an internal or external review body is generally viewed negatively by most officers. Officers in agencies which permit peer representatives during disciplinary hearings view the process less negatively. Furthermore, these agencies provide supervisors greater authority to discipline and impose time limits on internal investigations.

Recommendations

- Every effort should be made to insure that the disciplinary hearing follows well-established procedures and affords the accused due process unless knowingly waived.
- The benefits to be derived from allowing peer representation on a hearing board should be explored and if legally allowable, should be implemented.
- As stated previously, and reiterated here because of its significance, there is a need to codify clearly the authority of supervisors in taking disciplinary action. A clearly delineated management policy statement specifically granting the supervisor disciplinary authority and commensurate responsibility will eliminate any doubt as to where the supervisor belongs in the hierarchy. If supervisors are to be held accountable for the behavior of subordinates, they must be granted sufficient authority.

Commentary

The questionnaire data demonstrate that officers in sixteen agencies do not place much confidence in existing review procedures. This finding applies to both internal and external review procedures and occurs, most likely, because many officers have not been involved in the discipline process. From interviews, it was ascertained that officers who had not been involved in discipline formed their perceptions largely on hearsay, and that such reports generally publicize incidents in which the accused officer has allegedly received "a bad deal." The implications from this finding and additional analyses are significant. Officers who do receive disciplinary sanctions have a tendency to view this process negatively. Many other officers are uncertain about procedures because they have not been exposed to them, and yet may conclude that review mechanisms are unfair due to rumors, one-sided reports, or exaggerated analyses of incidents. Certainly, it is only natural that an officer who has been exposed to disciplinary sanctions may perceive the process negatively. However, internal procedures should be designed as fair and consistent to achieve perceptions of confidence from those officers who have committed an offense and may not deserve a punishment, as well as officers who are exonerated for allegedly violating an internal rule or regulation.

The analysis gives ample evidence that there is a significant difference between agencies in groups 1 and 2. A primary reason for this difference is officer participation in the internal review process. Each of the four agencies in group 1 includes peer representation in its internal review board, while only one of the departments in group 2 has such provision. In this agency, many officers did not have confidence in the review board: interviews indicated that peer representatives on the hearing board often are intimidated by higher ranking officers thus negating any positive results of peer input. The peer review process appeared to function quite effectively in group 1 agencies indicating that by instituting such policy management may realize increased employee confidence in discipline.

Another reason for more positive perceptions is more clearly codified disciplinary authority. In the top four agencies, commanders and supervisors generally are given greater authority for taking action, and in three of the four agencies this authority is stated clearly and concisely in departmental directives. Authority for discipline is less clear in the four agencies in group 2; in only one agency was the authority of commanders and supervisors articulated in directives. Union involvement in discipline, in the form of challenging management decisions, seems to be a factor affecting employee confidence in two of the departments in group 2.

Finally, officers in group 1 agencies responded much more favorably to the question of time that a department takes to decide on disciplinary matters. Research shows that in the top four departments time limits are imposed on internal investigations. In three of these departments the time restriction is enforced by the unit for internal affairs. Agencies in group 2 seemed to include less formal requirements in the disciplinary process.

These findings support the proposition that a greater degree of knowledge and of participation in decision-making procedures for internal discipline will produce a greater sense of officer confidence in agency review procedures.

5. OFFICERS' PERCEPTIONS ON THE INVESTIGATION OF CITIZEN COMPLAINTS

A large proportion of the sample officers believe that every citizen complaint, regardless of how minor that complaint may be, is recorded and investigated by the agency. Furthermore, officers are generally displeased that frivolous citizen complaints are recorded and investigated despite the fact that a great number of complaints by citizens are disposed of informally through an explanation of the officer's conduct.

There seems to be a relationship between the promulgation of management policy in handling citizen complaints and the degree to which officers feel that such affirmative policy results in the actual recording and investigation of complaints. In agencies with an affirmative policy, officers were more likely to respond that all citizen complaints are recorded and investigated. However, in selected agencies which had recently instituted affirmative policies, officers expressed negative attitudes about the need to record and investigate all complaints. The recency of the policy seemed to be a determining factor in these agencies. In other agencies with weak or nonexistent policies on the handling of citizen complaints, officers were less sure that all citizen complaints were recorded and investigated, and not as critical of the existing weak policy.

These results tend to indicate that the existence of a strong affirmative policy will increase officer awareness that all complaints are recorded and investigated. The data also demonstrate that officers will react negatively to the establishment of such policy. However, such result does not mean that officers will not grow accustomed to the need for an affirmative policy. With the passage of time and with continued explanation of the rationale for such policy, it is possible that officers' attitudes will change. It was not possible to research this question in this project. Such a study would be possible, however, and could yield valuable findings.

Recommendations

1. The police executive must weigh the issues between the necessity of an affirmative citizen complaint procedure and the negative reaction of officers. The IACP believes that agencies should institute such an affirmative policy, although negative sentiments among employees are likely to result.
2. A training program on the necessity of an affirmative policy for civilian complaints is recommended. If officers understand the necessity for an affirmative citizen complaint procedure much of the negativism toward the policy will decrease.

Commentary

The fact that there are misconceptions about the citizen complaint process is not surprising. Several of the agencies studied had recently changed policies about recording and investigating complaints. The publicity of these changes seems to alert officers to agency policy, thus increasing their understanding of system procedures. Administrative analysis findings in some agencies, however, are in conflict with officer sentiments. Through this analysis, it was determined that complaints may be handled informally and not be documented. While these officers most likely would become aware of publicized complaints to which the agency responds with a full-scale report and investigation, they would not be aware of minor complaints handled informally at the supervisory level.

It is also interesting to note that in several of the agencies in which highest scores concerning awareness occurred, management had recently publicized the importance of receiving and recording all complaints of misconduct. Two departments, for example, promulgated general orders in 1974 explaining the citizen complaint process. On the other hand, many of the agencies in which lowest scores resulted either did not have a written directive on citizen complaint procedures and/or utilized outdated directive systems. These data tend to indicate that if a department is to maintain an affirmative action program respecting the documentation and investigation of citizen complaints of alleged police misconduct, officers' awareness of such a program may be accomplished through a clear written directive. Though not a particularly startling discovery, the fact that officer perceptions differ as to the affirmative citizen complaint procedure is worth noting. Also, the finding that awareness is related to the presence or absence of an informational directive is worth noting.

Police officers are not avidly inclined to accept arguments that all citizen complaints should be recorded and investigated, as indicated in this analysis. This result is not surprising since the acceptance and investigation of citizen complaints questions the credibility of an officer trying to perform his or her job.

It is quite interesting to analyze results concerning officer acceptance of an affirmative policy, especially since for two agencies scores are quite atypical. High positive scores for these two agencies (signifying that citizen complaints should be recorded and investigated) seem to indicate that management has taken steps to educate employees in the values of a receptive citizen complaint process. Research results do not, however, confirm this assumption. It appears that other factors are responsible for this feeling such as the small number of citizen complaints and general harmony between citizens and police in one department, and the lack of an efficient management process for both detecting and investigating complaints in the other. (Officers in this agency are apparently unhappy with the inept approach of management for resolving complaints).

6. PERCEPTIONS ON RULES AS WRITTEN AND ENFORCED

Written rules of conduct directed toward on-duty operational and performance standards are generally perceived as fair and reasonable and therefore acceptable to the officers. Written rules which address personal and off-duty behavior are considered unfair and unreasonable by a large number of officers. A similar conclusion is drawn respecting the enforcement of rules. Officers object to the enforcement of rules which affect their off-duty and personal life but generally support the enforcement of rules which relate to on-duty conduct and performance standards. Those officers who disagree with enforcement practices gave as their reason for disagreeing the belief that enforcement action is inconsistent (double standard).

Recommendations

- All rules, but those governing off-duty conduct specifically, should be reviewed carefully to assure currentness, conciseness, and enforceability. Examination and alteration of rules should be accomplished in light of departmental necessity, employee morale, community standards, legality and current labor agreements. If a rule is not going to be enforced, the rule should be eliminated.
- Since consistency seems to be the key to enforcement of rules of conduct, procedures assuring equitable enforcement should be developed.

Commentary

Two charts were included in the attitudinal questionnaire to measure officer perceptions of fourteen rules of conduct, as written and as enforced. Each rule was ranked from most agreement (ranked as 1) to least agreement (ranked as 14) to provide a concise measure of officer attitudes and to easily identify rules which seemingly create the most difficulty. Tables 1 and 2 below represent the rank ordered results of officer perceptions of rules as written and enforced, respectively.⁵ Tables 3 and 4 present rank ordered reasons for disagreeing with rules as written and enforced.

The major conclusion to be drawn from this analysis is that officers disagree most with rules of conduct affecting their personal, off-duty behavior. Traditionally, police agencies have attempted to control officer conduct by promulgating rules prohibiting off-duty employment, monitoring personal finances, dictating residency requirements, and prescribing moral standards. While it cannot be said that most officers disagree with such rules, it may be concluded that the amount of disagreement is significant to warrant examination and possible revision of agency rules of conduct.

The rule to which most disagreement is evident is that governing grooming standards. The debate over appearance requirements has become quite vocal in recent years and in some agencies, including two of those visited by the IACP, management has relaxed its standards. This is another example of officers' resentment of traditional management attempts to control personal behavior. Many officers are quite vocal in their sentiments that police officers should not be required to look and act differently than much of society.

Another interesting observation may be derived from analyzing officer perceptions of operational rules. Officers do not disagree with performance standards, such as courtesy to the public, use of physical force and late for duty. Even the rule on use of firearms, a regulation often criticized by police associations, is perceived as quite fair and reasonable.

These results provide evidence that management should carefully reexamine rules which govern off-duty performance and those which are by nature not stated clearly or concisely.

Ranked responses to the rules of conduct as enforced are similar to answers obtained to the ranking of perceived fairness of the rules, as written. It is evident that off-duty employment and grooming regulations are not agreed with in written form, or as applied.

⁵The sixteen departments are represented in these tables by code letters A-P.

TABLE 1
RANKED OFFICER RESPONSES TO PERCEIVED FAIRNESS
OF RULES OF CONDUCT AS WRITTEN

Rules	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Total for 16 Depts.
1. Off-duty employment.	13	8	14	14	11	13	14	14	12	8	11	12	10	10	10	14	13
2. Operation of police vehicle.	2	3	3	3	5	5	9	1	3	5	3	5	3	7	7	9	4
3. Hairstyles, mustaches and beards.	11	14	13	13	13	14	13	13	14	14	13	13	14	4	11	12	14
4. Courtesy to public.	4	5	6	5	1	1	2	2	1	1	2	2	2	1	1	1	1
5. Physical force.	7	12	4	6	6	7	3	6	2	4	7	3	5	9	9	3	5
6. Use of firearms.	6	13	1	2	3	2	12	8	5	11	6	6	6	13	7	6	7
7. Late for duty.	5	2	7	4	2	6	4	3	6	2	4	4	4	2	5	4	3
8. Moral conduct.	14	6	11	9	8	4	6	7	8	10	5	14	9	5	4	2	8
9. Insubordination.	3	4	5	8	7	8	5	5	7	7	10	9	7	6	6	10	6
10. Personal debts.	9	10	9	11	9	12	8	9	10	12	9	10	13	11	13	7	10
11. Criticism of department.	12	11	10	12	12	11	11	12	9	13	12	11	11	12	14	11	12
12. Use of alcohol off duty.	8	7	12	7	10	10	7	11	11	6	8	8	8	8	12	5	9
13. Gratuities.	1	1	2	1	4	3	1	4	4	3	1	1	1	3	3	8	2
14. Residency.	10	9	8	10	14	9	10	10	13	9	14	7	12	14	8	13	11

TABLE 2
RANKED OFFICER RESPONSES TO PERCEIVED FAIRNESS
OF RULES OF CONDUCT, AS ENFORCED

Rules	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Total
1. Off-duty employment.	3	10	13	14	12	13	13	14	11	7	7	11	6	5	12	14	13
2. Operation of police vehicle.	12	1	5	12	8	5	12	1	10	14	1	10	5	7	9	13	4
3. Hairstyles, mustaches and beards.	14	14	14	13	13	14	14	13	14	12	14	13	14	14	14	11	14
4. Courtesy to public.	4	9	4	4	2	3	8	3	2	1	2	3	3	2	1	2	1
5. Physical force.	6	13	2	2	4	6	10	5	3	4	8	5	10	11	10	1	5
6. Use of firearms.	2	12	3	1	1	1	9	2	1	2	6	2	1	13	3	3	3
7. Late for duty.	9	8	12	6	5	8	5	10	6	6	9	6	12	8	4	12	9
8. Moral conduct.	13	6	9	10	6	4	6	11	9	13	13	14	8	9	6	10	10
9. Insubordination.	8	5	7	8	9	10	3	7	7	9	12	8	7	1	8	6	7
10. Personal debts.	7	7	11	3	7	11	7	6	8	5	4	7	9	4	7	4	6
11. Criticism of department.	11	11	8	11	10	12	11	4	12	11	5	9	4	10	13	7	11
12. Use of alcohol off duty.	10	4	10	5	11	9	4	12	13	10	10	12	13	6	11	9	12
13. Gratuities.	1	2	1	9	3	2	1	9	4	8	3	4	2	3	2	5	2
14. Residency.	5	3	6	7	14	7	2	8	5	3	11	1	11	12	5	8	8

TABLE 3
RANK ORDER OF STATED REASONS FOR PERCEIVED
UNFAIRNESS OF RULES OF CONDUCT, AS WRITTEN

RULES OF CONDUCT	REASONS						
	It is none of the department's business	Must be revised to be consistent with modern employment practices	It interferes with my ability to do good police work	It places undue restrictions on my personal rights	It is not stated so that I can understand it	It is too broad to be properly enforced	My department does not have this rule
1. Off-duty employment . . .	3	2	6	1	7	5	8
2. Operation of police vehicle.	8	3	1	6	5	2	7
3. Hairstyles, mustaches and beards	6	1	7	2	8	3	4
4. Courtesy to public.	6	5	1	3	8	2	7
5. Physical force	6	4	1	3	5	2	7
6. Use of firearms	7	5	1	4	6	2	8
7. Late for duty	6	1	5	4	7	2	8
8. Moral conduct	1	4	8	2	6	3	7
9. Insubordination	7	2	6	4	5	1	8
10. Personal debts.	1	3	8	2	7	4	5
11. Criticism of department	7	2	8	1	6	4	3
12. Use of alcohol off duty.	1	4	8	2	7	3	5
13. Gratuities.	3	4	6	2	7	1	8
14. Residency	2	3	7	1	8	6	4
15. Other	6	3	2	4	7	5	1
Total.	5	3	6	1	7	2	8

TABLE 4
RANK ORDER OF STATED REASONS FOR PERCEIVED
UNFAIRNESS OF RULES OF CONDUCT, AS ENFORCED

RULES OF CONDUCT	REASONS						
	This rule is not accepted by patrol officers	Supervisors are not consistent in enforcing this rule	Superior officers do not follow this rule	This rule was never explained to me by my supervisor	Punishment for violating this rule is too severe	My department does not have this rule	Other
1. Off-duty employment . . .	2	1	3	6	5	7	4
2. Operation of police vehicles	5	1	2	—	3	6	4
3. Hairstyles, mustaches and beards	2	1	6	7	4	5	3
4. Courtesy to public.	4	1	5	6	3	7	2
5. Physical force	4	1	5	6	2	7	3
6. Use of firearms	3	1	5	6	4	7	2
7. Late for duty	5	1	2	6	3	—	4
8. Moral conduct	5	1	2	6	4	7	3
9. Insubordination	5	1	2	6	4	7	3
10. Personal debts.	3	1	6	7	4	5	2
11. Criticism of department	3	1	4	7	5	6	2
12. Use of alcohol off duty.	3	1	2	7	6	5	4
13. Gratuities.	3	1	2	7	5	6	4
14. Residency	1	2	5	7	4	6	3
15. Other	6	1	5	—	2	4	3
Total.	3	1	4	7	5	6	2

As was the case with perceptions of written rules, officers do not disagree with the enforcement of operational rules governing, for example, courtesy to public, gratuities and use of firearms. From this analysis, it appears that officers of all ranks and in different departments are in agreement with these standards and assure that they are enforced fairly and reasonably.

The overwhelming reason for disagreement with enforcement for all rules of conduct studied and for all departments is supervisory inconsistency. This appears to be a major problem in police disciplinary systems. Inconsistency is also manifested through double standards of compliance for several rules of conduct. Superior officers are perceived as not complying with these rules (e.g., use of alcohol off duty, moral conduct) while informing patrol officers that they should conform.

As may be seen, the rules most disagreed with as written are personal appearance (hairstyles, mustaches and beards), off-duty employment, criticism of department, residency, personal debts, use of alcohol off duty, and moral conduct.

Based on the legal research and field work conducted by the project staff, it is recommended that each of the rules listed above be written as follows:

1. PERSONAL APPEARANCE

A. Officers on duty shall wear uniforms or other clothing in accordance with established departmental procedures.

B. Except when acting under proper and specific orders from a superior officer, officers on duty shall maintain a neat, well-groomed appearance and shall style their hair according to the following guidelines.

1. Male Officers

(a) Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard head gear.

(b) Wigs or hair pieces are permitted if they conform to the above standards for natural hair.

(c) Sideburns shall be neatly trimmed and rectangular in shape.

(d) Officers shall be clean shaven except that they may have mustaches which do not extend below the upper lip line.

2. Female Officers

(a) Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. The bulk or length of the hair shall not interfere with the normal wearing of all standard head gear.

(b) Wigs or hairpieces are permitted if they conform to the above standards for natural hair.

Commentary

Departments may require their employees to be neat, presentable, and well-groomed. This extends to keeping the uniform clean and pressed, shoes shined, hair properly cut, and so on. The most frequent problem to arise in this area involves grooming standards. For example, as fashions change in the larger society, police department hairstyle standards often lag behind. Frequent conflicts arise because officers wish to adopt the grooming styles of the larger society of which they are a part; they view their police officer role as only one, limited, aspect of their personal identity, and do not wish to limit their appearance, considerations of safety and equipment usage, local community standards, and others. Many court decisions, as reflected in Appendix B of the full report have dealt with grooming standards. There is, as yet, no clear-cut answer to the question of what standards will be upheld upon a challenge. The rule as drafted has taken into consideration the departmental need for some uniformity of appearance and the relationships between hairstyle and the job of a police officer.

2. EMPLOYMENT OUTSIDE OF DEPARTMENT

A. Officers may engage in off-duty employment subject to the following limitations: (1) such employment shall not interfere with the officers' employment with the Department; (2) officers shall submit a written request for off-duty employment to the Chief, whose approval must be granted prior to engaging in such employment; and (3) officers shall not engage in any employment or business involving the sale or distribution of alcoholic beverages, investigative work for insurance agencies, private guard services, collection agencies or attorneys or bail bond agencies.

B. Approval may be denied where it appears that the outside employment might: (1) render the officers unavailable during an emergency; (2)

physically or mentally exhaust the officers to the point that their performance may be affected; (3) require that any special consideration be given to scheduling of the officers' regular duty hours; or (4) bring the Department into disrepute or impair the operation or efficiency of the Department or officers.

Commentary

Departments have taken a variety of positions on this type of rule. The alternatives range from a total ban on outside employment, to permitting limited kinds of jobs, to allowing most types of employment, to no rule on outside employment. Although courts have upheld a complete ban on second jobs, there is usually unequal enforcement of the rule because some kinds of outside income are not covered. For example, the officer may own a farm, the officer's family may operate a store, or the officer may build cabinets to sell or trade. Officers who responded to the IACP questionnaire, strongly favored being allowed to have a second job. It is difficult to effectively argue that an officer should be prohibited from working at another job when other activities, such as hobbies or schooling, can be as disruptive to the officer's work performance as a second job. The best solution seems to be a compromise policy, permitting certain types of employment, under certain conditions, such that there will be no conflict of interest nor interference with the primary duty to the police department. This section seeks to implement such a policy. The particular types of employment which are prohibited should be carefully evaluated by the department.

3. PUBLIC STATEMENTS AND APPEARANCES (CRITICISM OF THE DEPARTMENT)

A. Officers shall not publicly criticize or ridicule the Department, its policies, or other officers by speech, writing, or other expression, where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

B. Officers shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Department while holding themselves out as having an official capacity in such matters without official sanction or proper authority. Officers may lecture on "police" or other related subjects only with the prior approval of the Chief.

Commentary

This section recognizes the officer's First Amendment rights to freedom of speech, as well as the need of the Department to operate without unlawful or destructive criticism. A blending of these factors is present in the rule, which has been upheld by a federal district court in the *Magri* case listed in Appendix B of the Final Report. The second segment of the rule limits officer's statements when officers are holding themselves out as representing the Department.

4. RESIDENCE

Officers shall reside within the jurisdiction served by the Department. New officers shall reside within the jurisdiction within one year of their appointment.

or

Officers shall reside within [thirty (30) minutes travel time] [fifteen (15) miles] of any duty station maintained by the Department. New officers shall reside within [thirty (30) minutes] [fifteen (15) miles] of any duty station within one year of their appointment.

Commentary

Some departments are required by law to establish a particular residency rule for officers. Where there is no such law, the department may elect one of the alternatives proposed by this section, depending largely on the particular local circumstances. Notice that the second form requires that the officer live within certain minutes or miles of any duty station. Another alternative is to require residency in close proximity to the officer's present duty station.

5. PAYMENT OF DEBTS

Officers shall not undertake any financial obligations which they know or should know they will be unable to meet, and shall pay all just debts when due. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial difficulty may be cause for disciplinary action. Filing for a voluntary bankruptcy petition shall not, by itself, be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause

for discipline, provided that a good faith effort to settle all accounts is being undertaken. Officers shall not co-sign a note for any superior officer.

Commentary

Some administrators question whether a police department should have a regulation regarding payment of debts by officers, while other administrators think that such a rule is essential.

The usual reasons given in favor of a rule prohibiting "bad debts" are as follows: 1) financial difficulties may lead to corruption and bribe-taking; 2) it is embarrassing to the department to have a "deadbeat" as a police officer; 3) financial irresponsibility may be indicative of other personality or character defects which may have a negative impact on job performance; and 4) the paperwork necessary to administer a garnishment or wage assignment of an employee's wages is costly and time-consuming for the agency.

In the private sector, the latter factor is a major reason behind personnel rules dealing with bad debts. Private employers do not get involved with the employee's creditor at all, unless a court judgment has been obtained. Police departments, on the other hand, often are asked by creditors to step in and pressure the officer to pay his or her bills, even without a garnishment having been obtained. Departments often comply with such requests out of a fear of "embarrassment."

There are many reasons why assisting a creditor is inappropriate, the most important of which is that the officer may have valid legal reasons for not paying the debt. The department is in no position to determine the validity of the creditor's claim against the officer, and should not get involved in a non-adjudicated claim of indebtedness. Were the department to take a "hands-off" policy toward officer financial matters, requests by creditors for pressure on the officer might substantially diminish.

If the administration of garnishments is a serious problem for the department, it may legitimately take disciplinary action against an employee with a history of garnishments. The conduct of the officer in such a case may be found to be clearly "job-related." If the department is concerned that, because of financial problems, the officer may be a target for corruption, it should deal with the corruption problem directly or assist the officer in straightening out his or her financial difficulties, or both.

6. USE OF ALCOHOL OFF DUTY

Officers, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or obnoxious

or offensive behavior which would discredit them or the Department, or render the officers unfit to report for their next regular tour of duty.

Commentary

This section prohibits off-duty drinking which results in discrediting officers or the department or which causes officers to be unfit for scheduled assignments. Officers, who were interviewed by IACP staff, frequently stated that off-duty drinking, as other off-duty behavior, was their own private business and should not be interfered with by the department. This rule is drafted to be a reasonable approach to the officers' contentions, as well as a protection to the department's legitimate interests.

7. IMMORAL CONDUCT

Officers shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Officers shall not participate in any incident involving moral turpitude which impairs their ability to perform as law enforcement officers or causes the Department to be brought into disrepute.

Commentary

This section is subject to many of the same challenges as "unbecoming conduct"—vagueness and a variety of interpretations. It is difficult to define with any exactness what is immoral conduct. An acceptable standard must be established against which to judge the morality of the conduct. The rule includes a number of standards which should be specific enough to give the rule real meaning. First, there is the "highest standard of the law enforcement profession." This phrase may have meaning through the officer's oath of office, the Law Enforcement Code of Ethics, or his or her status as an officer of the court or a public official. Second, the concept of "moral turpitude" is well established in the law and has a fairly precise meaning. Third, impairment of ability to perform as a law enforcement officer refers to individual loss of respect among the community or other officers to the point that the notorious nature of the individual's personal character overshadows the authority of his or her office so that he or she can no longer effectively exercise that authority. Fourth, causing the department to be brought into disrepute refers to the same situation as the third factor above, with the exception or addition that the individual's conduct reflects adversely on the department as a whole; where, for example, the indivi-

dual's conduct is generalized by the community to involve the entire department, and thus interferes with every officer's effectiveness.

It is important to note that when a department charges an officer with conduct which interferes with the effectiveness or the reputation of the officer or the department, it is necessary to prove, as one of the elements of the offense, that in fact damage has been done to the effectiveness or reputation of the department or the officer.

CONCLUSION

In most instances the major findings of this research project support good management concepts and practices. It was found that employees have a more positive perception of management and the organization in those agencies which adhere to sound management principles and consistently inform the employees of management procedures. Furthermore, in those agencies which closely scrutinize the written directive system, thereby clearly informing the employee of expected behavior, there appears a greater understanding of those expectations. Police officers react positively to a system of order and predictability. They react negatively to inconsistency in enforcement of rules and procedures and what they perceive to be frivolous criticism.

Aside from the verification of previously held notions about management of people, there were some factors brought out which should cause the police manager to ponder some common methods of handling employees. First, and particularly surprising was the extent to which officers perceive the existence of differential obedience to, and enforcement of, established rules of conduct. Though it is no surprise that employees in a military or semi-military organization believe that "rank has its privileges," it is surprising and of grave concern that such practices are perceived by the rank and file to include minimizing the enforcement of rules and the use of appropriate disciplinary action against those who violate the rules. It is rather astonishing that the perception of inconsistency is as extensive as noted in this research. This perception is based on interviews with officers of various ranks, both union and non-union oriented, in all departments studied. Furthermore, it is a finding strongly supported by the questionnaire data.

It is, of course, extremely difficult to verify these perceptions by factual evidence. If differential enforcement exists, as is maintained by a large number of officers, it would be beneficial to verify this belief by searching the disciplinary records and determining if members of certain ranks or individuals in

certain preferred positions enjoy some sanctuary from disciplinary action. This, of course, cannot be accomplished for several reasons. First, if no record of disciplinary action is maintained, the document cannot be checked. Secondly, although the perception of differential treatment was noted, no individuals making this charge could or would specifically identify individuals receiving such treatment.

When confronted with this finding, there was a tendency for police managers (top, mid-level, and supervisory) to become defensive and offer various arguments. Generally, in refuting the accusation, management would insist that if disciplinary action was not taken against a particular individual, it was because allegations could not be supported by evidence. In other instances, the severity of discipline was minimal because the offenders' prior record disclosed no propensity for getting into trouble and the prior good record mitigated the present offense.

Although some of the accusations of inconsistency can, no doubt, be attributed to discontent and "sour grapes," the overwhelming number of questionnaire responses and interviews in all departments causes the IACP to believe that inconsistency of application of disciplinary action is widespread. The message to the police administration should be clear: The best designed rules, the most efficient internal affairs system, and the most positive program for inspections will be ineffective if expected compliance to rules and subsequent management action for noncompliance is not applied uniformly.

Another significant observation made by researchers during this study was the desire by the rank and file members to belong to a police department whose "house was in order." As stated previously, police officers feel secure when expectations are ordered and predictable. But when management is viewed as inconsistent or fails to follow established procedures, the rank and file feel a violation of good faith has occurred. It was noted that officers were more cognizant and vocal about management following established procedures in those agencies with strong labor representation (either a union or employee organization) than in the agencies without such representation. It was common to hear officers state that management should adhere to the procedures for disciplining an officer. Furthermore, union or labor representation maintained that even if an officer were guilty of an offense, the union would provide defense if management had procedurally violated the accused officer's rights. In some instances, the union representation stated that such action would be taken even though the department would be better off without the officer.

During the study it became apparent that existing labor-management relations left much room for improvement. Presently, many departments lack the

degree of sophistication necessary to resolve critical labor-management disputes. This condition is explained most simply by the absence of both understanding and appreciation by labor representatives *and* management for each others rights, responsibilities and problems. The degree of conflict between labor and management in the departments studied ranged from serious to minimal. One progressive chief, well on the way to establishing a positive program for management employee relations stated that he could accept the existence of a union—he stated that unions were here to stay, and he recognized the necessity to work with the labor representatives. He added, however, that the major difficulty was getting the other top police officials to accept this premise. In the sample agencies where the conflict between labor and management was minimal, a more positive feeling and acceptance of each other's existence was noted, emotion was tempered with reason and negotiation, participative management prevailed and close attention was given to established, current and clear procedures.

END