



# First-Line Supervisor Program



## **Table of Contents**

<a href="#"><u>Program Requirements</u></a>	3
<a href="#"><u>Instructional Goals and Objectives</u></a>	5
<a href="#"><u>Building Trust in the Workplace</u></a>	10
<a href="#"><u>Conflict Management</u></a>	18
<a href="#"><u>Effective Communication</u></a>	27
<a href="#"><u>Essential Skills</u></a>	43
<a href="#"><u>Group Dynamics</u></a>	58
<a href="#"><u>Leadership Ethics</u></a>	79
<a href="#"><u>Legal Issues</u></a>	91
<a href="#"><u>Media/PIO</u></a>	106
<a href="#"><u>Performance Evaluation</u></a>	115
<a href="#"><u>Personnel Law</u></a>	147
<a href="#"><u>Policy for Supervisors</u></a>	169
<a href="#"><u>Preventing Law Enforcement Suicide</u></a>	181
<a href="#"><u>Principles of Leadership</u></a>	216
<a href="#"><u>Progressive Discipline</u></a>	233
<a href="#"><u>Public Presentations</u></a>	327
<a href="#"><u>Report Review</u></a>	332
<a href="#"><u>Seven Dynamics</u></a>	351
<a href="#"><u>Staffing and Scheduling</u></a>	385
<a href="#"><u>Stress Management</u></a>	410
<a href="#"><u>Group Panel</u></a>	423
<a href="#"><u>Sources</u></a>	425



## **POST First-Line Supervisor Program Requirements**

Program completion will be assessed through the following components:

1. Participants must complete the full 80 hours of the course.
2. Participants must actively participate in all classes (taking part in discussions, activities, and presentations, including a five minute public presentation).
3. Participants must complete the final exam given on the last day of the program. The final exam consists of thirty questions.
4. You must obtain a score of 80% or better on the final exam to receive a certificate of completion.

Failure to complete any of the above portions of this course will result in a non-completion grade with no certificate being issued.

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## POST First-Line Supervisor Program

<u>Subject</u>	<u>Length</u>
Building Trust	2 hours
Conflict Management	4 hours
Effective Communication	4 hours
Essential Skills	4 hours
Group Dynamics	6 hours
Leadership Ethics	4 hours
Legal Issues/Supervisory Responsibility	4 hours
Media/PIO	4 hours
Performance Evaluation	4 hours
Personnel Law	4 hours
Policy for Supervisors	3 hours
Preventing Law Enforcement Suicide	3 hours
Principles of Leadership	4 hours
Progressive Discipline	4 hours
Public Relations	4 hours
Report Review	2 hours
Seven Dynamics	8 hours
Staffing and Scheduling	2 hours
Stress Management	2 hours
Supervisor Group Panel	4 hours
Testing/Evaluations	4 hours
<b>Total Hours</b>	<b>80 hours</b>



# **POST First-Line Supervisor Program**

## **Instructional Goal and Objectives**

### **Instructional Goal**

The instructional goal of this course is to provide an opportunity where first-line supervisors can discuss and examine innovative ideas and concepts concerning supervision and leadership.

### **Performance/Instructional Objectives**

#### **Building Trust in the Workplace**

Upon completion of this course of instruction, supervisors will be able to:

1. Define trust.
2. Identify warning signs that indicate trust may be an issue.
3. Identify behaviors that destroy trust.
4. Identify behaviors that build trust.
5. Identify steps taken to re-build trust.
6. Evaluate the different belief systems of an “X” supervisor versus a “Y” supervisor.

#### **Conflict Management**

Upon completion of this course of instruction, supervisors will be able to:

1. Define conflict.
2. Identify managerial actions that cause conflict.
3. Identify managerial actions that minimize conflict.
4. Identify steps for managing conflict.
5. List ways people deal with conflict.

#### **Effective Communication**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify barriers to effective communication.
2. Identify external factors that influence listening.
3. Identify active listening steps.
4. Name several benefits of active listening.
5. Identify steps for effective written communication.
6. Identify steps for effective e-mails.
7. Identify non-verbal communication cues.

#### **Essential Skills**

Upon completion of this course of instruction, supervisors will be able to:

1. Define coaching.
2. Identify the four core elements of coaching.
3. Identify the characteristics of an effective coach.
4. Identify the benefits of coaching in the workplace.
5. Explain how Maslow’s hierarchy of needs relates to positive reinforcement
6. Define reinforcement
7. Identify the eight steps for delivering positive reinforcement with maximum motivational impact.
8. Define the benefits of goal setting.
9. Identify the components of goal setting.
10. Create one or more short-term goals.
11. Create one or more long-term goals.
12. Identify key characteristics of an effective goal.
13. Identify the essential skills needed for working in a team.

## **Group Dynamics**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify the four generations present in the workplace.
2. Identify the key factors that define a generation.
3. Identify the main characteristics that define each generation.
4. Compare and contrast generational work preferences.
5. Define seven possible intelligences present in the workplace.

## **Leadership Ethics**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify the foundational principles concerning leadership ethics.
2. Identify six steps for leading ethically.
3. Define credibility.
4. Identify key steps toward effective role modeling.

## **Legal Issues/Supervisory Liability**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify the incidents that qualify employees under the Family Medical Leave Act.
2. Explain the requirements for protection under the American Disabilities Act.
3. Identify special provisions regarding law enforcement under the Fair Labor Standards Act.
4. Identify provisions under NRS 616A-617 concerning Worker's Compensation Laws.
5. Explain the rights given to employees protected under the Uniformed Services Employment and Reemployment Rights Act.
6. Explain the differences between callback and overtime pay.
7. Explain supervisor responsibility, as outlined in agency/departmental/state/county/or city policy, in regard to the following issues:
  - a. Sexual and Discriminatory Harassment
  - b. Workplace Violence
  - c. Email Usage and Storage
  - d. Internet Usage
  - e. Affirmative Action Plan and Equal Employment Opportunities
8. Identify important supervisory issues in regard to labor contracts.
9. Identify general supervisory guidelines when dealing with forfeitures and nuisances.

## **Media/PIO**

Upon completion of this course of instruction, supervisors will be able to:

1. Explain why it is important to maintain a positive relationship with the media.
2. List local media sources.
3. Identify what national media sources law enforcement agencies may come into contact with.
4. Define what types of media sources law enforcement agencies may come into contact with.
5. List steps law enforcement should take to provide public information.
6. Identify key concepts to remember when dealing with the media and public.

## **Performance Evaluation**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify the major purposes of performance evaluations.
2. Identify the characteristics of effective performance evaluations.
3. Explain why y performance evaluations sometimes fail.

## **Personnel Law/Peace Officer Rights**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify the legal obligation and community expectation for a law enforcement agency to conduct investigations into complaints of police misconduct.
2. Name the law enforcement unit that investigates complaints of police officer misconduct.
3. Identify the types of complaints concerning police officer misconduct.
4. Identify the two types of evaluations concerning complaints of police officer misconduct.
5. Identify the investigative process concerning complaints of police officer misconduct.
6. Identify common investigative rulings.
7. Identify the process of bifurcated investigations (the complaint alleges both procedural misconduct and criminal misconduct).
8. Identify the established due process rights for law enforcement officers as defined by NRS 289, Garrity v New Jersey, and Brady v Maryland.

### **Policy for Supervisors**

Upon completion of this course of instruction, supervisors will be able to:

1. Define policy.
2. Define procedure.
3. Define rule.
4. Define mission statement.
5. Identify first-line supervisor's responsibilities concerning policy.
6. Identify key words in policy that require caution.
7. Identify problems areas in regard to policy.
8. Explain the legal ramifications behind poor dissemination of policy.
9. Explain the legal ramifications behind poor policy training.
10. Identify key characteristics of effective policy training.

### **Preventing Law Enforcement Suicide**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify general indicators associated with an increased risk of suicide.
2. Identify general life stressors unique to law enforcement.
3. Identify common obstacles to law enforcement suicide intervention.
4. Identify early warning signs.
5. Identify supervisory responsibilities concerning law enforcement suicide intervention.
6. Identify resources available to help concerning law enforcement suicide intervention.

### **Principles of Leadership**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify key principles of leadership.
2. Define leadership.
3. Write a paper incorporating key principles of leadership.

### **Progressive Discipline**

Upon completion of this course of instruction, supervisors will be able to:

1. Define progressive discipline.
2. Identify the four goals of progressive discipline.
3. Identify the steps to progressive discipline.
4. Define legal issues connected to discipline.
5. Write a written a reprimand maintaining all key components.
6. Define just cause
7. Identify behaviors/performance issues that would merit disciplinary action.
8. Conduct a discipline interview. (Role-play)
9. Identify guidelines to be applied to situations where an employee is terminated for unsatisfactory work or misconduct on the job.

## **Public Presentations**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify various supervisor job tasks requiring public speaking.
2. Identify the four basic components of a speech.
3. List several steps that are beneficial for the preparation of a successful speech.
4. Name several actions that are beneficial for effective speech delivery.
5. Name several habits that are detrimental to effective speaking.
6. Deliver a five minute informational speech.

## **Report Review**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify factors that make a report professional and well-constructed.
2. Explain the importance of critical constructive report reviewing.
3. Explain possible ramifications when poorly constructed reports are consistently signed-off by a supervisor.
4. Indicate concisely and constructively problem areas in a report and how to fix them.

## **Seven Dynamics**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify the relationship between character ethics and personality ethics.
2. Identify the three elements of a habit.
3. Explain the difference between dependence, independence, and interdependence thinking.
4. Explain the importance of achieving balance between production capability and production (P/PC).
5. Explain the difference between a proactive person and a reactive person.
6. Identify the endowments that make us uniquely human.
7. Explain the underlying concept behind "beginning with the end in mind."
8. Describe the essential characteristics of a quadrant II manager.
9. Explain the relationship between making deposits into an emotional bank account and building rich, productive interdependent relationships.
10. Identify the six paradigms of human interaction.
11. Explain the concept behind empathic listening.
12. Define synergy.
13. Define the ultimate goal of synergistic communication.
14. Identify practices that renew the four dimensions of an individual.

## **Staffing/Scheduling**

Upon completion of this course of instruction, supervisors will be able to:

1. Define Staffing.
2. Define scheduling.
3. Explain the purpose of scheduling.
4. Identify obstacles in providing complete personnel coverage.

## **Stress Management**

Upon completion of this course of instruction, supervisors will be able to:

1. Define stress.
2. Define job stress.
3. Describe four stressors.
4. State four categories of potential stressors.
5. Identify symptoms of stress in the supervisor's life and the staff they supervise.
6. State four job conditions that may lead to stress.
7. Describe four methods of stress reduction.

8. Identify five organizational changes to create a healthy work environment.
9. State the NIOSH three step Job Stress Prevention Program.

### **Supervisor Group Panel**

The goal of this session is to give participants an opportunity to discuss supervisory issues with a panel of experienced first-line supervisors from various Nevada Law Enforcement Agencies.



## Building Trust in the Workplace

# POST First-Line Supervisor Program

**Instructional Goal:**

The instruction goal is to enhance participants' trust building abilities.

**Student Performance Objectives:**

Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, shall:

1. Define trust.
2. Identify warning signs that indicate trust may be an issue.
3. Identify behaviors that build trust.
4. Evaluate the different belief systems of an "X" supervisor versus a "Y" supervisor.
5. Identify behaviors that destroy trust.
6. Identify steps taken to re-build trust.

## Test your Trust

Answer the following five statements on a scale of 1 to 5, where 1 is not true and 5 is completely true.

1. My actions each day demonstrate that I trust my employees. 1 2 3 4 5
2. My employees can trust me with sensitive or private information. 1 2 3 4 5
3. I would never betray a trust with an employee. 1 2 3 4 5
4. I keep confidences & would never share confidential information inappropriately. 1 2 3 4 5
5. I am able to trust my employees. 1 2 3 4 5

Tally your score \_\_\_\_\_

CMOE Development Team. Building trust in the workplace. Retrieved from [www.buzzle.com/editorials](http://www.buzzle.com/editorials)

### Interpretation of Score

If you have:

- A total score of 20 to 25 would indicate that you and your employees probably share an atmosphere of trust.
- A score of 15-19 would indicate that trust is present, but not in abundance.
- A score of 14 or less probably means that some additional leadership training efforts in building trust would be appropriate.

### Did You Know?

- First- and second-line level leaders are the:
  - Central Cohesive Source of Support
  - Stability to Productivity, and
  - Retention of the Work force.
  - Employee satisfaction is the key to retention.



### **Hay Group: Of the 75 Components of Employee Satisfaction:**

- Trust and Confidence in top leadership was the single most reliable predictor of employee satisfaction in an organization.
- Bottom-line: Building and maintaining trust in the workplace is an important part of being an effective leader.



# Building Trust in the Workplace

## I. Defining Trust

a. What does it mean to trust someone?

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b. What does it mean to trust the organization that you work for?

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c. How would you define trust?

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Trust is confidence – Confidence that others’ activities are consistent with their words.

Trust is the confidence or belief a person feels toward a particular person or group.

*You can't shake hands with a clenched fist.*  
*Indira Gahdi*

## II. Warning Signs

a. How do you measure trust?

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b. How do you know if your organization is in trouble in regard to trust?

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### Possible Warning Signs

- An active, inaccurate, \_\_\_\_\_
- Elaborate approval \_\_\_\_\_
- Low \_\_\_\_\_
- High \_\_\_\_\_
- High \_\_\_\_\_ factor among employees
- \_\_\_\_\_ wars
- \_\_\_\_\_

Other possible warning signs

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*Trust dies but mistrust blossoms.*

*Sophocles*

**III. Behaviors that build trust**

a. How can I build trust within my organization?

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b. What can I do to build trust between me and my subordinates?

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Behaviors that build trust—Dr. Paul Bernthal, The Transition Group

1. **Communicating** openly and honestly.
2. Showing **confidence** in the abilities of the employees.
3. Keeping **promises** and **commitments**.
4. **Listening** to people and valuing what they have to say.
5. **Cooperating** and looking for ways in which people can help.
6. Establishing and maintaining **integrity**.
7. **Communicating** vision and values.
8. **Considering** all employees as **equal** partners.
9. Focusing on **shared**, rather than personal goals.
10. **Doing what is right**

c. Other behaviors that build trust.

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d. What behaviors seem easy?

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e. What behaviors seem more difficult?

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**The Leadership of Colin Powell**

- “People with integrity clearly stand for something bigger than themselves—
  - a purpose, or a core set of values and ideals-
  - their actions honestly reflect their convictions”

**IV. Theory “X” supervisors versus Theory “Y” supervisors**

- a. Theory “X” supervisors believe:
  - ❖ Employees need to be **prodded, pushed, and controlled**
  - ❖ **Employees are lazy** and cannot be relied upon to do a good job
  - ❖ Employees resist **change**
- b. Theory X Supervision – Two results
  - Hard approach depends on close supervision, tight control, coercion, and threats.
  - Soft approach is permissive and seeks harmony with the hope employees will cooperate.
- c. Theory “Y” supervisors believe:
  - ❖ Employees have a deep rooted need to do a **good job**
  - ❖ Employees are **honest** and can be **trusted**.
  - ❖ Employees deserve to be treated with **dignity** and **respect**.
  - ❖ Employees become **committed** when they are **involved**.
  - ❖ Employees closest to the work know best.
  - ❖ **Teamwork** works better than **competition**.
- d. Theory “Y” Supervision depends on:
  - decentralization and delegation,
  - job enlargement
  - participative management, and
  - performance appraisals

**Close supervision, tight control, coercion, and threats.**

**versus**

**Decentralization, delegation, job enlargement, participative management, and performance appraisals.**

Which type of supervisor will engender more trust and why?

V. **Behaviors that destroy trust**

- a. What behaviors do I need to be careful about?

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1. **Acting** and **speaking** inconsistently.
2. Seeking **personal** rather than **shared gain**.
3. **Withholding** information.
4. **Lying** or telling **half-truths**.
5. Being **closed-minded**.
6. Acting more concerned about your own welfare.
7. Sending **mixed** messages.
8. Avoiding taking **responsibility**.
9. Jumping to **conclusions** without **checking facts first**.
10. Making **excuses** or **blaming** others when things do not work out.

- b. Other behaviors that destroy trust

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- c. Why do we sometimes find ourselves engaging in trust destroying behaviors?

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*It takes years to build up trust, and only seconds to destroy it.*  
*Anonymous*

**VI. Rebuilding Trust**

a. How does a supervisor go about rebuilding trust once that trust has been lost?

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When rebuilding trust, the objective is not just to restore, but to make things better than they were before.

b. Steps to rebuilding trust:

1. Open the lines of **communication** by listening without being **defensive**
2. Seek out the **opinions** of others.
3. Be **willing** to make **changes**.
4. **Admit mistakes**
5. Be **honest** and **sincere** about making amends - Walk the talk.
6. Create **transparency**
7. Create **accountability**
8. **Trust** the workforce.

Remember trust is built as leaders show that they truly are walking the talk.

c. Other Steps for rebuilding trust.

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**VII. Bottom Line**

a. If trust is the goal, first-line supervisors need to be able to:

1. Motivate others
2. Value differences
3. Invest in others
4. Retain talent
5. Lead change
6. Be adaptive

**VIII. Points to Ponder**

a. As a supervisor, how will I motivate others?

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b. As a supervisor, how will I show others that I value diversity?

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c. As a supervisor, how will I invest in others?

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d. As a supervisor, how will I retain talent?

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e. As a supervisor, how will I lead change?

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f. As a supervisor, how will I be adaptive?

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*Success is not final, failure is not fatal: it is the courage to continue that counts.*

*Winston Churchill*



## Conflict Management

# POST First-Line Supervisor Program

**Instructional Goal:**

The instruction goal is to provide insight regarding conflict in the workplace.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Define conflict
2. Identify managerial actions that cause conflict
3. Identify managerial actions that minimize conflict
4. Identify steps for managing conflict
5. List ways people deal with conflict

**SNAPSHOT OF DISCRIMINATION CHARGE FILINGS WITH THE EEOC**  
**NATIONWIDE**

Basis of Charge Filing	FY 2012	FY 2013	% Increase/Historical Comparison
All Title VII Benefits (Millions)	99,412 \$258.6	93,727 \$247.8	
Race	33,512 \$100.9	33,068 \$83.3	Increase of 16% & highest level since FY 1994
Harassment	7,571 \$43.0	17,309 \$55.1	Increase of 16% & highest level since FY1997
Discrimination	21,088 \$61.4	21,470 \$52.3	Decrease of 20% since 1997
Sex/Gender	30,356 \$138.7	27,687 \$145.7	Increase of 13% & highest levels since FY 1997
Age	22,857 \$91.6	21,396 \$95.2	Increase of 44% & largest annual increases since FY 1997
Disability	26,379 \$103.4	25,957 \$105.4	Increase of 20% & highest level since FY 1997
National Origin	10,883 \$37.0	10,642 \$34.1	Increase of 66% since 1997. Above 9,000 for second time ever
<b>Retaliation</b>	37,836 \$177.4	<b>38,539</b> \$147.3	Increase of 85% since 1997
Religion	3,811 \$9.9	3,721 \$12.6	Increase of 98% since FY 1992
Equal Pay	1,082 \$9.9	1,019 \$13.6	Increase of 98% since FY 1992
GINA	280 \$2.1	333 \$0.5	
COLOR	2,662	3,146	
<b>Total Charges</b>	<b>259,893</b>	<b>298,014</b>	<b>Up 17%, largest annual increases since FY</b>
<b>Monetary Benefits</b>	<b>\$1,033.9</b>	<b>\$982.90</b>	<b>1993</b>

The U.S. Equal Employment Opportunity Commission (2013).

**Bottom Line: These statistics confirm that conflicts happen in the workplace.**

**As a supervisor, your goal should be to:**

- **Solve conflicts before they reach the stage of being reported to a higher entity or outside of the agency.**



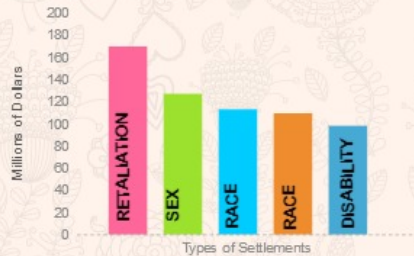
# Harassment & Discrimination EEOC 2013 Stats

Just how bad did harassment and discrimination get in 2013? Read on....

Total 2013 US Harassment and Discrimination Settlement Payments:

## \$372.1 MILLION

## 5 Top EEOC Settlement Types Cost \$616M



## #1 CHARGE RETALIATION

41.1%  
of charges

38,539  
charges

Highest  
total ever  
charges

## Total EEOC Charges

### 93,727

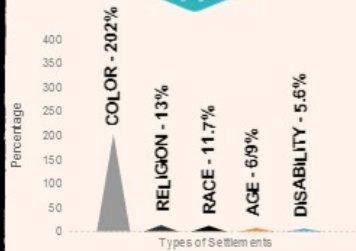
Down 5.7% from 2012

## Harassment & Discrimination Payments

### \$372.1M

Up \$6.7M from 2012

## Largest Settlement Increases



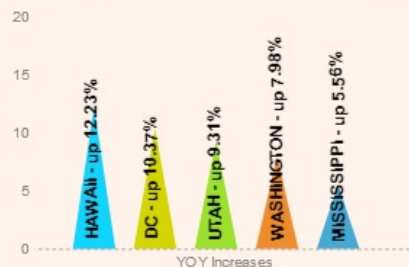
All data sourced from the EEOC report at: <http://www.eeoc.gov/eeoc/statistics/enforcement/index.cfm>

THE Network  
Integrated GRC Solutions

## States with the Largest Percentage of EEOC Charges



## States with the largest percentage increases over 2012



## Conflict – Basic Facts

## What is conflict?

A disagreement or clash between ideas, principles or people.

## Conflict Management Basic Paths

1. **Conflict** in organizations **is inevitable**.
2. **No conflict** or a high degree of conflict tends to **result in dysfunctional effects**.
3. The key is to **actively manage conflict**.

## When is conflict good?

When it causes people to **address possible biases**.

When it causes the agency to **assess problem areas**.

When it helps people **recognize the benefits of diversity**.

When it encourages people to **think outside the box**.

## When is conflict bad?

When it is **hampering productivity**

When it is **lowering morale**

When it is **causing more conflict**

When it is **causing inappropriate behavior**

## Managerial actions that cause conflict:

- Poor \_\_\_\_\_
- Poor \_\_\_\_\_
- \_\_\_\_\_
- Poor \_\_\_\_\_
- Trust \_\_\_\_\_ actions

Activity: Think of some of the conflicts that could arise from the above actions.

## Managerial actions that minimize conflict:

Review job descriptions

Build relationships

Encourage status reports

Conduct training concerning:

- Conflict resolution
- Effective communication
- Cultural Awareness
- Sexual Harassment Prevention

Hold management meetings

Listen more and talk less

Develop procedures for procedures for routine tasks

## **Five Major Conflict-Handling Styles:**

### **1. Collaboration: Win/Win (Both Assertive and Cooperative)**

Identifies options available to meet both parties' needs.

Takes your ideas and the other person's ideas and puts them together to make an even more workable idea.

Expresses your concern for the differences between you and the other person and lets the other person know you want a resolution that satisfies both of you.

#### **Use a collaborating style when:**

- ü Other people's lives are involved
- ü You do not want to have full responsibility
- ü There is a high level of trust
- ü You want to gain commitment from others
- ü You need to work through hard feelings, animosity, etc.

#### **The best decision are made by collaboration**

### **2. Competition: Win/Lose (Assertive and Uncooperative)**

Pursues your own goals with determination regardless of the other person's concerns.

You make the first move, gain control and maximize chances of obtaining your demands.

Prolongs the discussion until the other person tires and gives in to you.

#### **Use a Competing Style:**

- ü When quick, decisive action is vital
- ü On important issues where unpopular actions need implementing.
- ü On vital company issues when you know you are right
- ü Against people who take advantage of non-competitive behavior

### **3. Compromise: Win some/Lose some (Assertive & Cooperative)**

Points out to the other person that if you both will make a few concessions, the conflict can be resolved.

Points out that if the disagreement is to be resolved some sacrifices must be made by both of you.

#### **Use a Compromising Style:**

- ü When goals are important, but not worth the effort or disruption of more assertive modes
- ü When opponents with equal power are committed to mutually exclusive goals
- ü To achieve temporary settlements to complex issues.
- ü To arrive at expedient solutions under time pressure
- ü As a backup when collaboration or competition is unsuccessful

### **4. Accommodation: Lose/Win (Unassertive and Uncooperative)**

Offer to handle the problem any way the other person wants.

Go along with whatever the other person requests, rather than get into the difficulties of direct confrontation.

#### **Use an Accommodating Style:**

- ü When you find you are wrong, to allow a better position to be heard, to learn and to show your reasonableness.
- ü When issues are more important to others than to you.
- ü To build "social credits" for later issues
- ü To minimize loss when you are outmatched or losing (you know you cannot win)
- ü When harmony and stability are especially important (it is not the right time)

## **5. Avoidance: Lose/Lose (Unassertive and Cooperative)**

Downplay the seriousness of the problem and suggest that the two of you not waste time with the matter.

Tell the other person that the problem does not concern you.

Explain that there is no point in trying to resolve a conflict between two people with such basically different personalities. (Agree to disagree).

### **Use an Avoiding Style:**

- ü When an issue is trivial or more important issues are pressing
- ü When you perceive no chance of satisfying your concerns
- ü When potential disruption outweighs the benefits of resolution
- ü To let people cool down and gain perspective
- ü When others can resolve the conflict more effectively

### **Signs of Conflict**

1. Negative attitudes
2. Frequent misunderstandings
3. Frequent arguments
4. Low morale
5. People do not like coming to work
6. People feel unsafe
7. Talking behind people's back
8. Tension is high

### **Managing Conflict with Self**

1. Identify the conflict
2. Gain perspective
3. Identify alternative solution
4. Wait a day/think about it
5. Put a plan into action
6. Evaluate

### **Managing Conflict Between you and Another**

1. Know your hot buttons
2. Manage yourself
3. Choose a private area and schedule a time
4. Identify the problem
5. Give the other person time to vent
6. Actively listen
7. Verify accuracy of listening
8. Repeat the above steps –make sure the other person is accurately hearing you
9. Acknowledge where you agree and disagree
10. Work on alternative solutions
11. Identify at least one alternative that can be done by one or both of you.
12. Make sure both of you support the action
13. Cannot agree on an action – take time to cool off and make plans to meet on another day.
14. Thank the person – be sincere
15. Evaluate at a later date
16. If it continues to be a problem, you may need a third party mediator

## **Mediating-Managing Conflict Between Others (You as the mediator)**

Goal 1: Both parties actively engaged in solving the problem

Goal 2: Reestablishing the communication lines

Goal 3: Restoring harmony and trust

Ground rules that each party need to agree to:

- ✓ Avoid being argumentative
- ✓ Avoid person-focused comments
- ✓ Avoid withholding information
- ✓ Avoid insisting on original position

### **Mediating Steps:**

1. Identify the problem
  - a. Both sides take turns venting
  - b. Both sides take turns actively listening
2. Brainstorm to find solutions
3. Pick a solution
4. Decide how to implement
5. Set a time to evaluate
6. Start the process of rebuilding trust

Mediation is time intensive.

It is not always practical.

But can be extremely powerful when it is done correctly.

## **Conflict Management Scenarios**

Read the following scenarios. Within your group, complete the scenario worksheet in regard to the scenario assigned to your group.

1. You have been employed as a supervisor in the same department for four years. You are well respected and do a good job. A new supervisor has recently been appointed whom you have to work with. The new supervisor is continually reorganizing the department, reprioritizing work which you have allocated, and questioning your judgment openly.
2. Following a restructuring exercise, new departments have been formed. You are now supervising a department which includes your section and two other sections that were previously separate. The staff does not mix well. They do not share information and are quietly hostile to each other. The quality of work leaving the department is suffering.
3. You have been employed as a supervisor at the same agency for five years. You receive excellent evaluations, and you have been told that you are being considered for a promotion. Up until now you have enjoyed working for this agency. You have found the work challenging and fulfilling. However, a new director has been appointed, and the new policies being handed down appear to be moving away from an employee-centered focus to an efficiency quota based focus. You believe that the employees should always come first.
4. You are a supervisor of a busy training facility. Your facility is in charge of in-service training for all officers within the northern region. You have limited space in which to carry out the training so it is important that training officers schedule their training well in advance and book rooms with the administrative assistant. Two of your training officers are continually at odds with each other over the booking of rooms. Todd has a tendency to wait until the last second to pull his training sessions together and is always struggling to find a room. Tim, on the other hand, reserves his room months

before his training sessions occur. In fact, Tim sometimes has rooms reserves that go unused because the training he anticipates does not always come together.

### **Conflict Scenario Worksheet**

Identify the type of conflict presented in your scenario. Is it a conflict within you? Is it a conflict between you and another person? Or is it a conflict you need to mediate between others?

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Identify the necessary steps needed to solve the conflict

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## Effective Communication

# POST First-Line Supervisor Program

**Instructional Goal:**

The instructional goal is to provide participants with tools to improve overall oral and written communication skills.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify barriers to effective communication.
2. Identify external factors that influence listening.
3. Identify active listening steps.
4. Name several benefits of active listening.
5. Identify steps for effective written communication.
6. Identify steps for effective e-mails.
7. Identify non-verbal communication cues.



## Communications Style Inventory

Alessandra, T. & O'Conner, M. (1996). The platinum rule. New York: Warner Brooks

**Circle A or B in each pair of statements below, which shows the one that best describes you.**

1. A) I'm usually open to getting to know people personally and establishing relationships with them.  
B) I'm not usually open to getting to know people personally and establishing relationships with them.
2. A) I usually react slowly and deliberately.  
B) I usually react quickly and spontaneously.
3. A) I'm usually guarded about other people's use of my time.  
B) I'm usually open to other people's use of my time.
4. A) I usually introduce myself at social gatherings.  
B) I usually wait for others to introduce themselves to me at social gatherings.
5. A) I usually focus my conversations on the interests of the people involved, even if that means straying from the business or subject at hand.  
B) I usually focus my conversations on the tasks, issues, business, or subject at hand.
6. A) I'm usually not assertive, and I can be patient with a slow pace.  
B) I'm usually assertive, and at times I can be impatient with a slow pace.
7. A) I usually make decisions based on facts or evidence.  
B) I usually make decisions based on feelings, experiences or relationships.
8. A) I usually contribute frequently to group conversations.  
B) I usually contribute infrequently to group conversations.
9. A) I usually prefer to work with and through others, providing support when possible.  
B) I usually prefer to work independently or dictate the conditions in terms of how others are involved.
10. A) I usually ask questions or speak tentatively and indirectly.  
B) I usually make empathic statements or directly expressed opinions.
11. A) I usually focus primarily on ideas, concepts, or results.  
B) I usually focus primarily on persons, interactions, and feelings.
12. A) I usually use gestures, facial expressions, and voice intonations to emphasize points.  
B) I usually do not use gestures, facial expressions, and voice intonations to emphasize points.
13. A) I usually accept others' points of view (ideas, feelings, and concerns).  
B) I usually don't accept others' points of view (ideas, feeling, and concerns).
14. A) I usually respond to risk and change in a cautious or predictable manner.  
B) I usually respond to risk and change in dynamic or unpredictable manner.

- 15. A) I usually prefer to keep personal feelings and thoughts private, sharing only when I wish to do so.
- B) I usually find it natural and easy to share and discuss my feelings with others.
- 16. A) I usually seek out new or different experiences and situations.
- B) I usually choose known or similar situations and relationships.
- 17. A) I'm usually responsive to others' agendas, interests, and concerns.
- B) I'm usually directed toward my own agendas, interests, and concerns.
- 18. A) I usually respond to conflict slowly and indirectly.
- B) I usually respond to conflict quickly and directly.

Total the numbers of items circled in each column. Compare the "O" with the "G" column and circle the letter that has the highest total. Compare the "D" with the "I" column and circle the letter that has the highest total.

	O	G	D	I
	1A	1B	2B	2A
	3B	3A	4A	4B
	5A	5B	6B	6A
	7B	7A	8A	8B
	9A	9B	10B	10A
	11B	11A	12A	12B
	13A	13B	14B	14A
	15B	15A	16A	16B
	17A	17B	18B	18A
Totals				

**Interpreting the Results**

**GD=Controller/Director**

- Commander
- Decisive Risk Taker
- Not shy but private about personal matters; comes on strong in conversation
- Values getting the job done
- Good at delegating work to others
- Likes to be where the action is
- Take charge, enterprising, competitive, efficient approach
- Fearless; no obstacle is too big to tackle
- Results oriented

**OD=Promoter/Socializer**

- Entertainer
- Values enjoyment and helping others

Full of ideas and impulsive in trying them  
Wants work to be fun for everyone  
Talkative and open about self; asks others' opinions; loves to brainstorm  
Flexible; easily bored with routine  
Intuitive, creative, spontaneous, flamboyant approach  
Optimist; nothing is beyond hope  
Celebration oriented

### **OI=Supporter/Relater**

Harmonizer  
Values acceptance and stability in circumstances  
Slow with big decisions; dislikes change  
Builds networks of friends to help do work  
Good listener; timid about voicing contrary opinions; concerned for others' feelings  
Easy-going; likes slow, steady pace  
Friendly & sensitive; no person is unlovable  
Relationship oriented

### **GI=Analyzer/Thinker**

Assessor  
Values accuracy in details and being right  
Plans thoroughly before deciding to act  
Prefers to work alone  
Introverted; quick to think and slow to speak; closed about personal matters  
Highly organized; even plans spontaneity  
Cautious, logical, thrifty approach  
Thoughtful; no problem is too big to ponder  
Idea oriented

How can knowing a person's communication style help you as a supervisor?

How can understanding your own communication style help you as a supervisor?

## Sender-Receiver Communication Model

Step One: Message Formation

Step Two: Encoding Message

Step Three: Transmission

Step Four: Message Reception

Step Five: Message Decoding

At every step during the communication process, there is potential for miscommunication or misunderstanding.

## Barriers to the communication process

How many barriers to the communication process can you come up with?

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

One of the biggest barriers to communication is failure to listen.

Are you a good listener? Take the quiz on the next page to find out.

## Are you a good listener?

Take the following quiz and see how you do. For each of the statements, circle True or False

- When talking to others, it's important to make eye contact.  
True                      False
- Interrupting is a good way to show that you have listened and that you understand what the other person is trying to say.  
True                      False
- Asking questions proves you didn't listen and is bad form. If you were listening, why would you have any questions?  
True                      False
- Facial expressions are distracting and are bad for listening.  
True                      False
- It is rude to focus your attention elsewhere when someone is talking to you.  
True                      False
- When someone is speaking to you, you should plan out your response as he/she speaks so you can carry on an intelligent conversation.  
True                      False
- Good listening skills involve more than just hearing.  
True                      False

8. People think faster than they speak.  
   True  False
9. You can listen by watching the speaker's body language.  
   True  False
10. If you're at a seminar and one of the speakers is boring with all of his/her "ums and ahs," it's okay to tune him/her out because that is just annoying.  
   True  False

LifeScript. (n.d.). Are you a good listener? Retrieved from <http://www.lifescript.com>

### **Factors that Influence Listening**

1. **Subject Matter**
  - What do you know about the subject matter?
  - Is it new? Or do you have a lot of experience with it?
  - Will the subject matter be difficult to understand? Or simple?
  - Is the subject matter important to you? Or just for fun?
2. **Speaker**
  - Is the speaker experienced or nervous?
  - What are the non-verbal cues of the speaker?
  - How personable, threatening, intelligent is the speaker?
3. **Presentation**
  - Is the presentation illustrated with visual examples?
  - Is technology used effectively?
  - Are concepts introduced incrementally? Or with examples?
4. **Environment**
  - Is the space conducive to listening?
  - Is the space conducive to interaction or exchanges with the speaker?
  - Are there avoidable distractions?

Landsberger, J. (n.d.) Active listening. Retrieved from <http://www.studygs.net/listent.htm>

### **Key Steps – Active Listening**

**Active listening is a way of listening and responding to another person that improves mutual understanding. It is a structured form of listening and responding that focuses the attention on the speaker.**

#### **Step 1: Pay Attention**

Give the speaker your undivided attention and acknowledge the message. Recognize that what is not said also speaks loudly.

- Look at the speaker directly
- Put aside distracting thoughts
- Avoid being distracted by environmental factors
- "Listen" to the speaker's body language.
- Refrain from side conversations within a group setting

#### **Step 2: Show That You Are Listening**

Use your own body language and gestures to convey your attention

- Nod occasionally
- Smile and use facial expressions
- Note your posture and make sure it is open & inviting

- Encourage the speaker to continue with small verbal comments.

### **Step 3: Provide Feedback**

Our personal filters, assumptions, judgments, and beliefs can distort what we hear.

- Reflect what has been said by paraphrasing.
- Ask questions to clarify points.
- Summarize the speaker's comments periodically.

### **Step 4: Defer Judgment**

Interrupting is a waste of time.

- Allow the speaker to finish
- Do not interrupt with counterarguments.

### **Step 5: Respond Appropriately**

Active listening is a model for respect and understanding.

- Be candid, open, and honest in your response
- Assert your opinions respectfully.
- Treat the other person as he/she would want to be treated.

What are some of the benefits of active listening?

- Focuses people to listen attentively
- Helps avoid misunderstandings
- Tends to open people up
- Improves relationships
- Makes people feel cared for
- Improves work productivity
- Improves the listener's ability to influence, persuade, and negotiate

Mind Tools. (n.d.) Active listening. Retrieved from <http://www.mindtools.com/CommSkll/ActiveListening.htm>

## **Effective Written Communication**

- Choose your words carefully
- Have a clear goal in mind
- Always proofread – Use correct grammar
- Watch tone
- Be concise – do not waste people's time

**Remember that once something is in writing it becomes public record.**

## **Effective Emails**

- Meaningful Subject Line
- Clearly identify yourself
- Avoid fancy backgrounds, fonts, signature blocks

### **Why do you need email etiquette?**

A company needs to implement etiquette rules for the following three reasons:

- } **Professionalism**: by using proper email language your company will convey a professional image.
- } **Efficiency**: emails that get to the point are much more effective than poorly worded emails.
- } **Protection from liability**: employee awareness of email risks will protect your company from costly law suits.

## Email Etiquette Rules

Communicating through emails is very common these days. Personal or telephonic communication has taken a back seat due to use of emails for the smallest communication or for circulating any crucial information. But while doing this, do you keep in mind the email etiquette rules? Yes, you should indeed. So, here are a few email etiquette rules you must follow while handling email communications.

Today, business emails have become a routine in the work schedule. Writing business emails is not difficult but it is highly important to follow the email etiquette rules so that your email conveys the necessary information without any misunderstanding. Applying the basic etiquette to your emails will make your message professional and sincere. Remember, the business mails are different from your casual mails or forwards. The business emails should be precise, crisp and to the point, and easily understandable by the recipient. A badly written email may hamper not only the image of the individual sending it but also of the organization he belongs to. Here are some email etiquette rules to help you write a decent and professional email.

### Rules of Email Etiquette

**Subject:** The subject must be meaningful and relevant to the body text. The subject should easily tell the receiver what the email is about. Also, don't use URGENT/IMPORTANT in the subject line or even in the body text. Use it only if it's really very urgent or important. Same rule applies to the high priority option. If you use the option repeatedly, after a while people will start ignoring your mails.

**Be Precise:** Before you start writing the mail, consider the reason for sending it. Jot down the points to be covered in the mail. Now, be concise and to the point while you write the mail and at the same time, make sure you don't miss any point. Follow the same rule for the subject line, don't make it too long. Long emails, filled with unnecessary information can be irritating and the reader may leave it in between.

**Make it Personal:** Not only should the e-mail be personally addressed, it should also include personal i.e. customized content. For this reason auto replies are usually not very effective.

**Use Active instead of Passive:** Try to use the active voice of a verb wherever possible.

**Keep your Language Gender Neutral:** In this day and age, avoid using sexist language such as he, his, she etc. Instead use neutral gender language: "The user should"

**Avoid Long Sentences:** A sentence should be not more than 20 words. This will ensure better, easy and quick understanding of what you want to communicate.

**Language:** Use right spellings, punctuations and grammar. Wrong use of these may not only affect the understanding of the receiver, as to what you want to communicate, but might also give a bad impression about your company. Use the spell check option, if available, and proofread it manually as well. Also, avoid using passive voice.

**All Caps: Never** write the email text in **CAPITALS**. Doing so means that you are SHOUTING. This can lead to annoyance and unwanted responses or a flame mail too.

**Abbreviations and Emoticons:** Use only globally recognized abbreviations. Use of casual abbreviations like LOL (laugh out loud) or BTW (by the way) is not appropriate in business emails. Similarly, avoid emoticons like the smiley

**Formatting:** While formatting the emails, be very careful. Remember, you want to have a simple looking email not an attractive one. Avoid unnecessary use of colored fonts, highlights, various font styles and sizes, bold, italics and underline options. If you use the color or highlight options, make sure that the text is easily visible.

**Layout:** The layout and structure of the email is very important, especially when you have written a long mail. Make proper paragraphs according to the things to be discussed or communicated. Keep the paragraphs short and keep a blank line between each paragraph. If you write point-wise, number the points. This system will help the receiver while replying about disagreement or changes in a particular point.

**Attachments:** Take utmost care that any unnecessary file or image has not been attached by you. Also, if you need to attach one, make sure it is the right one and you are not attaching something else in a hurry. Confirm whether the file and image format can be viewed at the receiver's end. Try to compress attachments and do not send large attachments; that may lead to a problem at the receiver's system.

**Signature:** Email signatures can be funny or interesting quotations, your name with your designation, company name, address, contact details, etc., but they must be brief and not more than five lines. Extra-long signature lines take up more space than the message itself and seem to be irritating.

**Include Disclaimers:** Make sure that you include all the business disclaimers recommended by your company. If you do not include one, it can land you or your company into legal problems.

**Emails are Not For:** Remember that your official email account should not be used for any personal communication. Also, don't use it to communicate confidential information and never include racially and sexually discriminating jokes or comments. Don't forward emails containing such language or hoax emails, spam emails and chain emails. You and your company might land in unnecessary trouble. Just delete them.

**Replying to Emails:** If you are replying to an email, you have to follow all the business email etiquette rules mentioned above. Some added points too need to be considered while doing so. Here's the list.

**Reply Swiftly:** Email is generally sent to receive a quick response. If a quick response was not expected, it would have been in the form of a letter or a fax. Hence, each e-mail has to be replied at least within a duration of 24 hours after receiving it and preferably on the same working day. If after reading the mail, you feel it is complicated or it needs to be discussed with your seniors, just send a reply saying that you have received the email and you will get back to them. This will give you some time to send the expected reply.

**Don't Leave Out the Message Thread:** The original email has to be included in your reply email. So, it is better to click 'Reply' option instead of 'New / Compose Mail' option. It is easier for the recipient to go through the reply and original mail at the same time. A 'thread less email' does not provide enough information and the recipient may have to spend a long time finding related email in the mail box.

**Answer All the Questions:** When you send an email reply, make sure that all the questions in the original email have been answered by you. If you don't answer some, you might end up getting another email for those unanswered questions. Moreover, you can ask clarification in case you have some doubt with the questions, instead of simply skipping it.

**Reply to All:** Use 'Reply to All' option only when you want all the original email recipients to see your reply.

**Do not overuse the high priority option:** If you overuse the high priority option, it will lose its function when you really need it. Moreover, even if a mail has high priority, your message will come across as slightly aggressive if you flag it as 'high priority'.

**Do not request delivery and read receipts:** This will almost always annoy your recipient before he or she has even read your message.

**The Cc Field:** Use the 'cc' field only if the recipients in the 'cc' field know the reason why they are receiving a copy of your message, or if you want them to be aware of the conversation or information sent. Using the 'cc' field unnecessarily can confuse the recipients. It completely depends on the situation, while sending a reply to a 'cc' message, whether to include all the recipients in the 'cc' field or not. If individual responses are expected, or if there is no particular reason for wanting others in 'cc' field to see your response, then don't use the 'cc' field.

**The Bcc Field:** Do not place all the email addresses in the 'To' field while sending an email to a mailing list. This has two reasons. Firstly, each recipient will know that you have sent the same message to a large number of people and secondly, you are making available one's email address to the other without their permission. So, better place all the addresses in the 'bcc' field. However, the recipient will only see the address in 'From' field and 'To' field in their email. Don't use the 'bcc' field when not required. For e.g. If the communicating email



demands that a large number of people of the same organization needs to get that information, then you can surely avoid using the 'bcc' field.

**Read Before You Hit 'Send':** Though you are confident about your language and feel you have followed all the email etiquette rules, minute mistakes can still remain in your email. So, read the email once again before you hit the 'send' button. Check whether you have attached the files required and also mentioned about them.

Following the email etiquette rules will help you to send an effective message. It ensures that no misunderstandings and mistakes are created that may result into inappropriate comments for you. A simple mistake might lead to a big problem in email communication.

**Remember, that once something is in writing it becomes public record**

✓ **So, always check and recheck, be sure and only then hit the 'send' button.**

### **Nonverbal Communication**

Give an example of a time when you received a nonverbal message that was more powerful than the verbal message. (Exclude any incidents containing rude and/or obscene gestures). What nonverbal cues made this message so powerful?

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#### **Nonverbal Categories:**

Visual: Facial expression, posture, gestures

Tactile: Handshake, pat on the back

Time: Keeping someone waiting

Physical Space: Personal zone

Vocal: Tone of voice, not what you say but how you say it

**10% of conflicts is due to difference in opinion and 90% is due to wrong tone of voice.**

**Nonverbal cues can do five different things:**

1. Repeat the verbal message
2. Contradict the verbal message
3. Substitute for the verbal message
4. Complement or add to the verbal message
5. Emphasize the verbal message

### **Article: Five Body-Language Tips from the Presidential Debates - 5/08/2012**

Carol Kinsey Goman, Keynote speaker on body language and leadership.

During the 2008 presidential debates, I blogged about the candidates' nonverbal behavior on the State Department's website. In the process I learned a lot about the immediate and powerful impact of body language on audience reactions. I also saw that my coaching clients (people like you — executives, team leaders, senior managers), faced many of the same communication challenges.

For example: In a debate setting, most people judge politicians based on how they make them feel rather than on their talking points. If the candidate appears anxious, uncertain, arrogant, or unfeeling, the audience reaction is instant and negative. The nonverbal debate “winner” is the candidate who makes the audience feel secure and comfortable by displaying the greatest amount of positive body language cues – relaxed stance, upright posture,

smooth gestures, genuine smiles, etc. and the least amount of negative cues – including rapid blinking, forced smiles, jerking motions, finger pointing, and body sways.

You may never find yourself in the high-stakes, high-pressure world of a presidential debate. But if you are addressing a group of employees, chairing a meeting with your staff, or interviewing for a job, your body language impacts the way those audiences feel about you. Here are five body language tips for President Obama, Governor Romney, and you.

**1) With nonverbal communication, it's not how the sender feels that's most important; it's how the observer perceives the sender feels.**

A famous debate signal occurred in 1992 when incumbent President George H.W. Bush looked at his watch while his opponent, Bill Clinton, who would win the election, spoke.

Why did he look at his watch? It doesn't matter. What does matter, is that to the viewing audience, President Bush's gesture conveyed boredom – as if he had better things to do with his time and was wondering when this annoying inconvenience would end.

This is a common problem with body language: often your nonverbal signals don't convey what you intended them to. The key is to understand how most people will judge a gesture. You may be slouching because you're tired, but your team will most likely read it as a sign of disinterest. You may be more comfortable standing with your arms folded across your chest (or you may be cold), but others see you as resistant and unapproachable. And keeping your hands stiffly by your side or stuck in your pockets can give the impression that you're insecure or hiding something – whether you are or not.

**2) Watch those facial expressions.**

In 2008, both candidates made facial expression errors. In most of the debates, (then) Senator Obama minimized his emotional reactions and reinforced the impression that he was remote and “cold.” Senator McCain's forced grins and eye rolling in the third debate sent a negative signal that was reflected instantly in polls rating likability: Obama scored 70% to McCain's 22%.

If you have been interviewed by the media or answered questions in a Town Hall meeting, you have probably had to deal with unexpected issues that you hoped wouldn't come up. How did you look when you addressed those issues? Did you clench your jaw, raise your eyebrows in amazement, and grimace to show your annoyance? Did you sigh, smile condescendingly, and shake your head? If so, you sent a nonverbal signal that was “louder” than any spoken response.

**3) Don't underestimate the power of touch.**

While Obama shook hands with audience members after the debates, only McCain touched anyone during a debate. Toward the end of the second debate, he walked into the audience and patted a U.S. military veteran on the back and then shook his hand, which produced a genuinely warm smile from the veteran. McCain's gesture was exquisitely done and worked very much in his favor.

Underused by business leaders, touch is widely considered to be the most primitive and essential form of communication. We are programmed to feel closer to someone who's touched us. The person who touches also feels more connected. It's a compelling force and even momentary touching can create a human bond. A touch on the forearm that lasts a mere 1/40 of a second can make the receiver not only feel better but also see the giver as being kinder and warmer.

**4) When your body language is out of sync with your words, people believe what they see.**

Anytime McCain was speaking in the first 2008 debate, Obama oriented his body toward McCain and looked directly at him. (Doing so sends a nonverbal signal of interest and respect. And it's a behavior that Governor Romney exhibited with his rivals in the 2011 GOP debates.) McCain's decision to avoid looking at Obama was not only dismissive, it was counter to McCain's stated position that Democrats and Republicans need to work

together on behalf of the American people. In fact, his failure to look at Obama was so off-message that if I had been coaching McCain, I would have strongly advised against it.

In a similar way, the business leader who stands in front of employees and talks about how much he welcomes their input derails that message if he hides behind a lectern, or leans back away from his audience, or shoves his hands in his pockets, or makes a “push back” gesture (actually done by a committee leader). All of those are nonverbal signals of withholding or dismissal – while the intended message is about openness and inclusion

**5) Remember – you are never “off camera.”**

When the second debate was over, and their wives were on stage, McCain tapped his rival on the back. Obama turned around to offer his hand, but it was not reciprocated. McCain, instead, pointed to his wife, Cindy – an action that many viewers took for a nonverbal brush-off.

As a leader, you are always communicating. People are unrelenting leader-watchers, and your “off-record” actions are being closely monitored. In the words of one savvy executive, “What I do in the hallway is more important than anything I say in the meeting room.”

So there you are: Five body-language tips for the 2012 presidential candidates that can also make you a more effective leader and communicator.

**About the author:** Carol Kinsey Goman, Ph.D., is an executive coach, author and keynote speaker who addresses association, government, and business audiences around the world. Her latest book and program topic is *The Nonverbal Advantage: Secrets and Science of Body Language at Work*.

What can we learn from this article?

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Which nonverbal cues do you need to be most aware of?

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Putting it all together

**Things to remember about all communication:**

- Be tactful
- Watch Tone
- Avoid phrases that are judgmental
- Avoid phrases that are exclusive
- Avoid using negative phrases at the beginning
- Use non-verbal cues appropriately
- Learn to listen and read nonverbal cues from your audience
- Think carefully about the message you want to send and choose the best medium

***The problem with communication . . . is the illusion that it has been accomplished.***

***George Bernard Shaw***

# Communicate With Others The Way They Communicate Best

by Carolyn B. Thompson & Robin Vance

Did you ever have an employee not understand what you asked them to do, no matter what you said? Have you found yourself in verbal struggles with someone over an issue, not being able to convince them of the merits of your idea?

Whose job is it to communicate effectively with co-workers, the public, staff, and bosses? Yours! Recognize how the other person likes to communicate and modify your way of talking with them to fit theirs. You'll sell more, get more done, and have far more enjoyable interactions with everyone!

Remember the golden rule? "Do unto others as you would have them do unto you"? Many of us, as children, learned this model for good behavior and applied it to our communication. Later in life I learned a similar rule... one which is infinitely more effective:

The Platinum Rule: "Do unto others as they would like to be done unto"

This simple principle revolutionized my communication. Let's look at/approach it this way. In communication you have two parties, a sender and a receiver. The result of any communication is... the response you get. If you don't like the response, change the message. Now, there are numerous ways you can use to modify your communication. I've discovered applying the Platinum Rule works like magic. But how do you determine how people want to be communicated to?

Here's a simple framework that's both quick and effective. Most people fall into one of 4 communication styles.

The first communication style is people who are always Direct and Results Oriented. I had a wonderful client named Dave who was a classic representative of this group. He is a no-nonsense; give it to me straight kind of communicator. After a few interactions where I observed Dave struggling to be patient while I got to the point. I learned to distill my message and speak directly in terms of actions and results. If you have the opportunity to observe their work or home environment, you're likely to find these people are Spartan and well organized.

The second style is the Relationship Communicators. These people have lots of family photos on the desk and a drawer with everything from Band-Aids to teabags, just in case. They thrive on connecting with and caring for people. They want to know your life story and will tell you theirs if given the slightest opportunity. For many of us all the "chatter" may seem too personal and a waste of time. Usually though, a little time spent with this type of communicator is a good investment. Ask about their family, share a little something about yourself. Once the alliance is made, relationship communicators are fabulously loyal.

Another style is the Analyzer. This group of people revel in facts and figures, and won't do something for you simply out of loyalty, because they, like Mr. Spock, are driven by logic. Be wise and provide these individuals with details, specifics and well thought-out reasons if you want to engage them in any activity. My favorite tip when selling to these commanders of data is leave them with printed pages of facts and statistics that they can review and evaluate at their leisure.

Finally, there's the Enthusiast, the person who loves great new ideas. They tend to be expressive and dramatic, use lots of gestures and make great cheerleaders for your ideas as well as their own. To win the enthusiast over, go for big pictures instead of loading them down with facts and figures, then muster up as much enthusiasm, energy, and color as you can and charm their socks off.

Give it a try. Design your communication around the preferences and expectations of your receivers. With a bit of practice, you'll see a dramatic increase in your communication effectiveness!

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## **Listen and Survive Written by Jerry Carlton**

Listening is the most neglected form of communication. For the patrol officer, SWAT negotiator or investigator, listening skills may be a critical survival skill.

Hearing words is not enough. Understanding the message is. Proper listening techniques are not taught in school. We are taught to talk, read, write and sometimes, think. However, most of us are not taught the art of listening, one of the most important functions of humans.

The average person talks at about 125 words per minute. We listen at about 400 words per minute. This gap is the primary cause of poor listening skills. The mind is thinking faster than the speaker is talking. This gap opens the door for the listener's mind to wander, hearing the words, but not the message. Keeping focused during an interview is hard, but with practice, the investigator can pay attention.

Educators realize this, and while speaking, they keep the listener on track by injecting words such as, "Did you get that?" or "This is important." Then they repeat the message over and over, asking the listeners to repeat the message. In the past, educators would use rulers to keep minds focused. A sharp rap on the knuckles controlled many wandering minds.

Sometimes today's listener needs a sharp rap on the knuckles to keep focused. However, other techniques exist that will improve their listening skills to the point that they hear every word, understand its meaning and, most important, get the message the speaker is giving.

Attitudes are a factor when considering poor listening skills. If the listener is not interested in the speaker or the topic, the more chance for the mind to wander. Location, availability of time, noise, lack of interest, and distractions are other factors contributing to poor listening skills. The investigator can and should control attitudes, location, time, noise, and distractions before listening. The attitude of the listener directly affects the talker. Listening skills require the listener to throw away ego, forget the know-it-alls and bring self-esteem up a notch. By bringing the self-esteem up a notch, the investigator is humble toward the talker.

Location is everything, yet the ideal interview location is seldom available. Most investigations require interviews to be conducted at most unusual locations. The ideal interview location is a simple room, comfortable seating, with no distractions, such as paintings, telephones, or clutter. Often the investigator will want to interview the subject at the subject's residence. A comfort zone is sometimes needed for a subject to relax. The investigator should know, however, the subject's residence will contain distractions. For this reason, listening is extremely important.

Investigating is a fascinating occupation. Discovering why people act the way they do, finding who did it, and reconstructing a particular occurrence to gain the truth is rewarding, satisfying, and contributes toward our great system of justice. Even the simplest investigation is rewarding. Discovering that it wasn't lack of attention that caused the minor rear-end collision, but rather brake failure, is an investigation well done. Delving into the little insignificant happenings only to discover that they are major factors can only be satisfying. Isn't this why we investigate?

Listening skills, contribute directly and significantly to the outcome of any investigation. Talking to people is important, but more important is what the person says in return. An old saying is true for investigators: “Even a fish wouldn’t get in trouble if it kept its mouth shut.” Listening is just that, keeping one’s mouth shut. Little tricks make the talker more willing to speak as long as the listener is listening. 1) Look at the speaker. 2) Be nonjudgmental. 3) Resist distractions. 4) Show interest. 5) Don’t hesitate to ask questions. 6) Endeavor to understand the message.

Those six tips give the speaker the impression of interest. Once the speaker believes the listener is interested, the more the speaker will speak. Get rid of the sunglasses. Unless you want the speaker to think you have something to hide, put the shades away; let the speaker see the truth and concern in your eyes.

Subconscious characteristics turn off the speaker. Once the speaker feels he is talking to a poor listener, he also loses interest. Toward this end, many irritating communication habits should be avoided. A partial list includes interrupting, jumping to conclusions, finishing the speaker’s sentence, inattentive behavior, poor posture, failure to make eye contact, changing the subject, making no comments, impatience, losing one’s temper, playing with pen, paper clip or other objects, and writing everything down.

Practice your listening skills. Turn on the tape recorder, when allowed. Pay attention to those with whom you speak. Show appropriate responses to what is said, but don’t over respond by taking over the conversation. Look at and listen to body language. Yes, body language speaks in many ways. Voice tone, shaking, and uncontrollable body functions are just a few body language voices. Arms folded across the chest tell the speaker you are rejecting his thoughts.

Concentration can be the investigator’s key to developing listening skills. Ask those questions that make the speaker continue. At the end of the conversation, paraphrase what the speaker has said. Let him know that you know what has been said and its importance.

Concentrate on the person talking. Take minimal notes when talking with subordinates, keep eye contact, give appropriate responses, and use body language to show you care. Give feedback. Let them know you understood what they said and what you plan on doing with the information.

Jerry Carlton has been a police officer for more than 30 years. He also is a freelance writer and the author of the text book, “Grammar it Ain’t Hard.” He can be contacted at [enforce72@gmail.com](mailto:enforce72@gmail.com).



## Essential Skills

# POST First-Line Supervisor Program

**Instructional Goal:**

The instructional goal is to introduce supervisors to the key concepts of coaching, team building, positive reinforcement, and goal setting.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Define coaching.
2. Identify the four core elements of coaching.
3. Identify the characteristics of an effective coach.
4. Identify the benefits of coaching in the workplace.
5. Explain how Maslow's hierarchy of needs relates to positive reinforcement.
6. Define reinforcement.
7. Identify the eight steps for delivering positive reinforcement with maximum motivational impact.
8. Define the benefits of goal setting.
9. Identify the components of goal setting.
10. Create one or more short-term goals.
11. Create one or more long-term goals.
12. Identify key characteristics of an effective goal.
13. Identify the essential skills needed for working in a team.



The Group Dynamics of the workplace are changing.

By 2014, it is predicted that 63 million members in the workforce will be from Generation Y.

Based on workforce projections, it is going to be important that supervisors possess the following essential skills:

- Coaching Skills
- Positive Reinforcement Skills
- Team Building Skills
- Goal Writing Skills

### **Test Your Coaching Skills**

Being less of a boss and more of a coach is the cornerstone for most Employee Involvement - Empowerment efforts. In sports as in business, the coaching role favors the facilitator. What we stand for and our values drive the type of coaching relationships we strive to create and maintain. Determine the basic values you bring to coaching situations by picking the responses that best describes you in the following:

1. Your employees' performances vary from the superstar to the substandard. When coaching your employees do you:
  - A. Get around to it when and if you can find the time.
  - B. Only spend time coaching your problem employees
  - C. Try to divide your coaching time equally between your problem and average employees
  - D. Concentrate on coaching your problem and average employees, coaching your high performers if time allows
  - E. Devote equal time to employees because everyone can benefit from coaching sessions
2. One of your employees is really struggling with a difficult and new assignment. You are fairly confident that he has the capability to perform well on this task, but believe that he is lacking in self-confidence. Do you:
  - A. Stay out of the assignment but work with the employee to develop independence and meet his/her responsibilities
  - B. Work on the assignment only when requested by the employee
  - C. Take responsibility for the critical aspects of the assignment
  - D. Take the lead on the assignment and allow the employee to play a supporting role
  - E. Jump in and take over the assignment, letting the employee observe and learn how it should be done
3. During a coaching discussion your employee asks for a performance assessment. You believe any discussion about a person's strengths and weaknesses should be:
  - A. Avoided
  - B. Only about the other person's strengths
  - C. Predominantly about strengths, with a few weaknesses interspersed along the way
  - D. A balance between strengths and weaknesses
  - E. Done with clarity, candor, and support
4. Both you and the employee seem to have different agendas during a coaching discussion. Do you:
  - A. Take the employee's concerns under advisement
  - B. Subordinate your agenda then listen, accept some responsibility for the present situation, and work to understand the employee's concerns
  - C. Debate over whose agenda should be the focus of the meeting
  - D. Listen to the employee but keep to your agenda
  - E. Tell the employee you would be willing to discuss his concerns in a later meeting and focus the present discussion on your agenda

5. It has come to you through the grapevine that one of your supervisors is insensitive, abrasive and pushy. You do not particularly like this employee. Do you:
  - A. Accept what others have said until proven wrong by the supervisor while conducting your own secret investigation
  - B. Attempt to listen to the supervisor knowing full well that he cannot be objective
  - C. Seek to empathize with the supervisor, understand his perspective, support him, and reserve judgment
  - D. Give the supervisor the benefit of the doubt, but remain cautious
  - E. Accept what others have said and concentrate on rectifying the situation
  
6. You and your employee are planning some changes in his/ her client approach. You can't seem to agree, do you:
  - A. Quit focusing on the method; seek a common goal, then allow the employee to develop the alternative approaches
  - B. Present the benefits and costs of your approach, then let the employee decide on the course of action
  - C. Let your experience dictate and mandate your approach
  - D. Let the employee know that you favor your approach, but will try to be objective in your final decision
  - E. Stick with your approach until the employee can prove you wrong
  
7. During a discussion with one of your employees it becomes painfully obvious to you that through negligence you have contributed, in part, to the present situation. Do you:
  - A. Ignore the role you have played, the focus of the discussion is the employee, not you
  - B. Pass the buck, the employee can't possibly understand the pressures you face
  - C. Justify your behavior with reason and logic
  - D. Seek to understand the employee's viewpoint without making any commitments
  - E. Verbally acknowledge your responsibility
  
8. When you think about coaching your employees, you feel that:
  - A. Every interaction you have with your employees presents a coaching opportunity
  - B. Coaching should be reserved for only dealing with problem situations
  - C. Coaching should be reserved for your formal performance-review meetings
  - D. Coaching is for times when you have good or bad news to deliver
  - E. Only coach when requested by the employee
  
9. One of your troublesome employees is making a good -faith effort to improve. The change is very slow. During your coaching discussions do you:
  - A. Focus on the past; history is our greatest teacher
  - B. Balance the discussion between the past and the present
  - C. Use the past as a springboard to plan for the future
  - D. Focus on the here and now
  - E. Focus on the future; the past can't be change
  
10. Your department has been very successful in meeting or exceeding objectives. Changing conditions have increased pressure on your people to perform. In talking with each of your employees about objectives and new directions, do you:
  - A. Encourage caution and acceptance of only calculated risks
  - B. Encourage moderate and prudent risk taking
  - C. Encourage them to take risks, stretching you, them, and the department
  - D. Keep final approval of any new approaches
  - E. Encourage caution; failure is to be avoided at all costs

**Test Your Coaching Skills Answers = 100 points**

1. Your employees' performances vary from the superstar to the substandard. When coaching your employees do you:
  - A. **(2 Points)** Get around to it when and if you can find the time.

- B. **(4 Points)** Only spend time coaching your problem employees.
- C. **(6 Points)** Try to divide your coaching time equally between your problem and average employees.
- D. **(8 Points)** Concentrate on coaching your problem and average employees, coaching your high performers if time allows.
- E. **(10 Points)** Devote equal time to employees because everyone can benefit from coaching sessions.

**Comments:** Everyone on the team can benefit from coaching: good, mediocre and substandard employee. Not everyone is willing to be coached, but the manager should make every effort to spend time coaching the employees he/she works with. Focusing on only substandard or problem employees may cause the attitudes of good employees to atrophy.

2. One of your employees is really struggling with a difficult and new assignment. You are fairly confident that he has the capability to perform well on this task, but believe that he is lacking in self-confidence. Do you:
- A. **(10 Points)** Stay out of the assignment but work with the employee to develop independence and meet his/her responsibilities
  - B. **(8 Points)** Work on the assignment only when requested by the employee
  - C. **(6 Points)** Take responsibility for the critical aspects of the assignment
  - D. **(4 Points)** Take the lead on the assignment and allow the employee to play a supporting role
  - E. **(2 Points)** Jump in and take over the assignment, letting the employee observe and learn how it should be done

**Comments:** Self-management is the name of the game. Coaches want to build independent, healthy employees who can make choices and determine the right course of action to take. Internal motivation versus external pushing from the coach is the desired state. Coaching should focus the responsibility for the situation and the required action on the employee. Independence is based on helping the employee develop ownership for both the problem and the solution.

3. During a coaching discussion your employee asks for a performance assessment. You believe any discussion about a person's strengths and weaknesses should be:
- A. **(2 Points)** Avoided
  - B. **(4 Points)** Only about the other person's strengths
  - C. **(6 Points)** Predominantly about strengths, with a few weaknesses interspersed along the way
  - D. **(8 Points)** A balance between strengths and weaknesses
  - E. **(10 Points)** Done with clarity, candor, and support

**Comments:** An open, honest, straightforward discussion between employee and manager/coach is fundamental to building trust and respect. Even though difficult, to deceive another or withhold information is not supportive. If this person were your best friend would you be honest or withhold your perceptions? Coaching requires the courage to be willing to offer both good and bad news for the purposes of helping the other person change and grow.

4. Both you and the employee seem to have different agendas during a coaching discussion. Do you:
- A. **(8 Points)** Take the employee's concerns under advisement
  - B. **(10 Points)** Subordinate your agenda then listen, accept some responsibility for the present situation, and work to understand the employee's concerns
  - C. **(6 Points)** Debate over whose agenda should be the focus of the meeting
  - D. **(4 Points)** Listen to the employee but keep to your agenda
  - E. **(2 Points)** Tell the employee you would be willing to discuss his concerns in a later meeting and focus the present discussion on your agenda

**Comments:** To be a good coach you must be coachable: flexible, open to new ideas, alternatives, and differing viewpoints. Coaching is a two person game; willingness to be coached as well as to coach. Dogmatically sticking to your agenda presents a vivid example to the other person that you are not willing to do what you are asking them to do – be open, listen, and change.

5. It has come to you through the grapevine that one of your supervisors is insensitive, abrasive and pushy. You do not particularly like this employee. Do you:
- A. **(4 Points)** Accept what others have said until proven wrong by the supervisor while conducting your own secret investigation
  - B. **(6 Points)** Attempt to listen to the supervisor knowing full well that he cannot be objective
  - C. **(10 Points)** Seek to empathize with the supervisor, understand his perspective, support him, and reserve judgment
  - D. **(8 Points)** Give the supervisor the benefit of the doubt, but remain cautious
  - E. **(2 Points)** Accept what others have said and concentrate on rectifying the situation

**Comments:** Coaches whose actions and words affirm their desire to be supportive are seen as approachable, someone who cares and can be counted on to help. Actions such as listening, encouraging, understanding, and accepting are examples of supportiveness. Being supportive has nothing to do with liking or disliking the other person, it is a decision you make about the type of relationship you want to foster with others. The good coach offers unconditional support.

6. You and your employee are planning some changes in his/ her client approach. You can't seem to agree. Do you:
- A. **(10 Points)** Quit focusing on the method; seek a common goal, then allow the employee to develop the alternative approaches
  - B. **(8 Points)** Present the benefits and costs of your approach, then let the employee decide on the course of action
  - C. **(6 Points)** Let your experience dictate and mandate your approach
  - D. **(2 Points)** Let the employee know that you favor your approach, but will try to be objective in your final decision
  - E. **(4 Points)** Stick with your approach until the employee can prove you wrong

**Comments:** “My way - or the highway” does not develop committed employees. Through discussion, the coach needs to exhibit flexibility and develop common goals that individuals can support and become excited about. Those who succumb to the “authority trap: and try to tell and sell their ideas are not coaching, they are instructing, or dictating.

7. During a discussion with one of your employees it becomes painfully obvious to you that through negligence you have contributed, in part, to the present situation. Do you:
- A. **(2 Points)** Ignore the role you have played, the focus of the discussion is the employee, not you
  - B. **(4 Points)** Pass the buck, the employee can't possibly understand the pressures you face
  - C. **(6 Points)** Justify your behavior with reason and logic
  - D. **(8 Points)** Seek to understand the employee's viewpoint without making any commitments
  - E. **(10 Points)** Verbally acknowledge your responsibility

**Comments:** Coaches who are supportive are willing to accept responsibility for their role in creating the current situation. Every situation is not just the employee's fault. Sincerely owning up to the role you have played builds trust and a collaborative climate between manager and employee.

8. When you think about coaching your employees, you feel that:
- A. **(10 Points)** Every interaction you have with your employees presents a coaching opportunity
  - B. **(6 Points)** Coaching should be reserved for only dealing with problem situations
  - C. **(4 Points)** Coaching should be reserved for your formal performance-review meetings
  - D. **(8 Points)** Coaching is for times when you have good or bad news to deliver
  - E. **(2 Points)** Only coach when requested by the employee

**Comments:** Coaching is a process, not an event. Look for coaching moments in every interaction you have. Effective coaches are constantly teaching, helping and receiving feedback. Day-to-day coaching is easier, more effective and develops consistency in the relationship between manager and employee.

9. One of your troublesome employees is making a good -faith effort to improve. The change is very slow. During your coaching discussions do you:
- (2 Points)** Focus on the past; history is our greatest teacher
  - (4 Points)** Balance the discussion between the past and the present
  - (6 Points)** Use the past as a springboard to plan for the future
  - (8 Points)** Focus on the here and now
  - (10 Points)** Focus on the future; the past can't be change

**Comments:** Effective coaches are forward looking, they inspire hope. The past cannot be changed so do not dwell on it. If you are not moving forward chances are you are losing ground.

10. Your department has been very successful in meeting or exceeding objectives. Changing conditions have increased pressure on your people to perform. In talking with each of your employees about objectives and new directions, do you:
- (6 Points)** Encourage caution and acceptance of only calculated risks
  - (8 Points)** Encourage moderate and prudent risk taking
  - (10 Points)** Encourage them to take risks, stretching you, them, and the department
  - (4 Points)** Keep final approval of any new approaches
  - (2 Points)** Encourage caution; failure is to be avoided at all costs

**Comments:** A winning coach encourages risk-taking and establishes a safety net called support to catch those employees who falter or fail. Failure is looked at as a learning situation with the opportunity to grow. Employees and coaches, who do not dare, stagnate.

### Coaching versus Mentoring

**Coaching** = Taking someone through the learning cycle in a systematic way with the intention of:

- **improving the capability to apply specific skills or deal with problematic situations**

**Mentoring** = Assigning a respected and competent individual (other than direct boss) to:

- **provide guidance and advice in order to help someone cope with and grow in the job.**

**Coaching:** Focuses on a specific set of problems and exploring solutions

**Mentoring:** Focuses on the individual with an eye to his/her future

### Difference between Mentoring and Coaching

	Mentor	vs.	Coach
Focus:	Individual		Performance
Role:	No Agenda		Specific
Relationship:	Selecting		Job
Influence:	Value		Position
Personal Returns:	Affirmation		Teamwork
Arena	Life		Task Related

#### Core Elements of Coaching

- Support
- Modeling
- Step-by-Step Development
- Encouragement

**A coach helps an individual to use his/her skills more efficiently and effectively.**

### Effective Coaching Strategies:

- Have a **game plan**
- Tie the game plan in with **personal goals**
- Do **drills**
- Put people in roles that suit their **aptitude & interests**
- Use **appropriate communication** modes
- **Celebrate success**
- Use **positive reinforcement**

### Effective Characteristics of a Coach

- |                                 |                      |
|---------------------------------|----------------------|
| • Excellent <b>listener</b>     | <b>Observant</b>     |
| • Effective <b>communicator</b> | <b>Patient</b>       |
| • <b>High Standards</b>         | <b>Trusting</b>      |
| • <b>Positive</b>               | <b>Supportive</b>    |
| • <b>Win-Win Mentality</b>      | <b>Focused</b>       |
| • <b>Professional</b>           | <b>Enthusiastic</b>  |
| • <b>Respectful</b>             | <b>Goal-Oriented</b> |
| • <b>Respectful</b>             |                      |

### Benefits of Coaching

- Encourages **independent thinking**
- Reduces **job incompetence**
- Fosters **learning**
- **Builds trust**
- Clarifies **company's expectations**
- Clarifies **policy and procedure**
- **Motivates** employees to do better
- Removes **obstacles** that hinder performance
- Boosts **morale**

### Positive Reinforcement

How many of you receive too much praise?

What makes people work harder?

Is pay the strongest motivating force in the workplace?

What does a positive work environment look like?

How do you go about creating a positive work environment?

**Most people just want to be appreciated**

**Most workers do not produce more just because they get paid more**

**One important tool for motivating employees is praise**

**Praise can dramatically increase productivity because it gives a person a sense of worth**

**Reinforcement** = The process of giving someone something he/she likes as a consequence for a particular type of performance.

**Reinforcer** = The "something" in the reinforcement that the person likes.

Three types of powerful reinforcers:

- **Recognition**
- **Praise**
- **Appreciation**

“I noticed what you just did. That is exceptional work. Thank you.”

### **Giving Positive Reinforcement**

1. Be sincere
2. Be specific
3. Be immediate
4. Be frequent
5. Personalize & Individualize
6. Varied & Random
7. Separate from criticism
8. Occasionally combine with a tangible reward

### **Maslow’s Hierarchy of Needs**



NetMBA. (n.d.) Maslow’s hierarchy of needs. Retrieved from [www.netmba.com/mgmt/ob/motivation/maslow](http://www.netmba.com/mgmt/ob/motivation/maslow)

1. Physiological Needs: Basic life giving needs
2. Safety Needs: Home, job, insurance, nest egg, retirement
3. Belonging Needs: Marriage, family, friends
4. Esteem Needs: Respect, status, recognition, appreciation, self-respect, independence, confidence, competence
5. Self-Actualization: Be all that you can be

### **Behavior Leading to Self-Actualization**

- Experiencing life like a child
- Trying new things instead of sticking to safe paths
- Listening to your own feelings instead of the voice of tradition, authority, or majority
- Avoiding pretense (game playing), being honest
- Being prepared to be unpopular
- Taking responsibility and working hard

- Trying to identify your defenses and having the courage to give them up

## 16 Characteristics of Self-Actualizers

1. They perceive reality efficiently
2. They can tolerate uncertainty
3. Spontaneous in thought and action
4. Problem-centered (not self-centered)
5. Unusual sense of humor
6. Able to look at life objectively
7. Able to look at life objectively
8. Highly creative
9. Resistant to enculturation, but not purposely unconventional
10. Concerned for the welfare of humanity
11. Capable of deep appreciation of basic life-experience
12. Establish deep satisfying interpersonal relationships with a few people
13. Peak experiences
14. Need for privacy
15. Democratic attitudes
16. Strong moral/ethical standards

## Setting Goals

Do you:

- ü Develop personal and professional goals?
- ü Regularly monitor the progress of the goals?
- ü Write your goals down and regularly review them?
- ü Revise your goals instead of throwing them out?

Setting goals **SMART acronym**

- S** – Specific
- M** – Measurable
- A** – Attainable
- R** – Realistic
- T** – Timely

Do you:

- ü Encourage the employees who work for you to develop personal and professional goals?
- ü As a group, do you and your employees develop workplace goals?

## Why set goals?

- Setting goals increases **motivation**
- Setting goals provides **focus**
- Setting goals reduces **stress** and **anxiety**
- Setting goals increases **performance**
- Setting goals helps employees to be **self-directed**

## Components of a Goal

Step 1: Identify the **goal**

Step 2: Identify if the goal is **short-term or long-term**

Step 3: Divide long-term goals into smaller more attainable tasks

Step 4: Identify possible **obstacles**



Step 5: Determine **strategy**

Step 6: Post the goals

Step 7: Get going

Step 8: Monitor **progress**

Step 9: **Re-evaluate**

Step 10: **Revise / edit**

Step 11: **Celebrate success**

**Write one short-term goal (less than 1 year)**

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**Write one long-term goal (1-3 years)**

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## Questionnaire

Below is a list of statements about leadership behavior. Read each one carefully, then, using the following scale, decide the extent to which it actually applies to you. For best results, answer as truthfully as possible.

Never	Sometimes	Always
0	1    2    3    4	5

1. \_\_\_\_ I encourage my team to participate when it comes decision making time and I try to implement their ideas and suggestions.
2. \_\_\_\_ Nothing is more important than accomplishing a goal or task.
3. \_\_\_\_ I closely monitor the schedule to ensure a task or project will be completed in time.
4. \_\_\_\_ I enjoy coaching people on new tasks and procedures.
5. \_\_\_\_ The more challenging a task is, the more I enjoy it.
6. \_\_\_\_ I encourage my employees to be creative about their job.
7. \_\_\_\_ When seeing a complex task through to completion, I ensure that every detail is accounted for.
8. \_\_\_\_ I find it easy to carry out several complicated tasks at the same time.
9. \_\_\_\_ I enjoy reading articles, books, and journals about training, leadership, and psychology; and then putting what I have read into action.
10. \_\_\_\_ When correcting mistakes, I do not worry about jeopardizing relationships.
11. \_\_\_\_ I manage my time very efficiently.
12. \_\_\_\_ I enjoy explaining the intricacies and details of a complex task or project to my employees.
13. \_\_\_\_ Breaking large projects into small manageable tasks is second nature to me.
14. \_\_\_\_ Nothing is more important than building a great team.
15. \_\_\_\_ I enjoy analyzing problems.
16. \_\_\_\_ I honor other people's boundaries.
17. \_\_\_\_ Counseling my employees to improve their performance or behavior is second nature to me.
18. \_\_\_\_ I enjoy reading articles, books, and trade journals about my profession; and then implementing the new procedures I have learned.

## Scoring Section

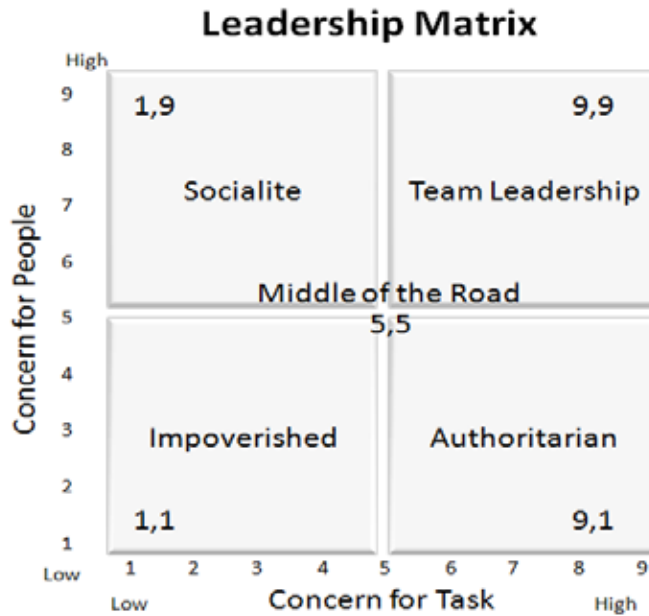
After completing the Questionnaire, transfer your answers to the spaces below:

People	Task
Question	Question
1. ____	2. ____
4. ____	3. ____
6. ____	5. ____
9. ____	7. ____
10. ____	8. ____
12. ____	11. ____
14. ____	13. ____
16. ____	15. ____
17. ____	18. ____
TOTAL ____	TOTAL ____
X 0.2 = ____	X 0.2 = ____

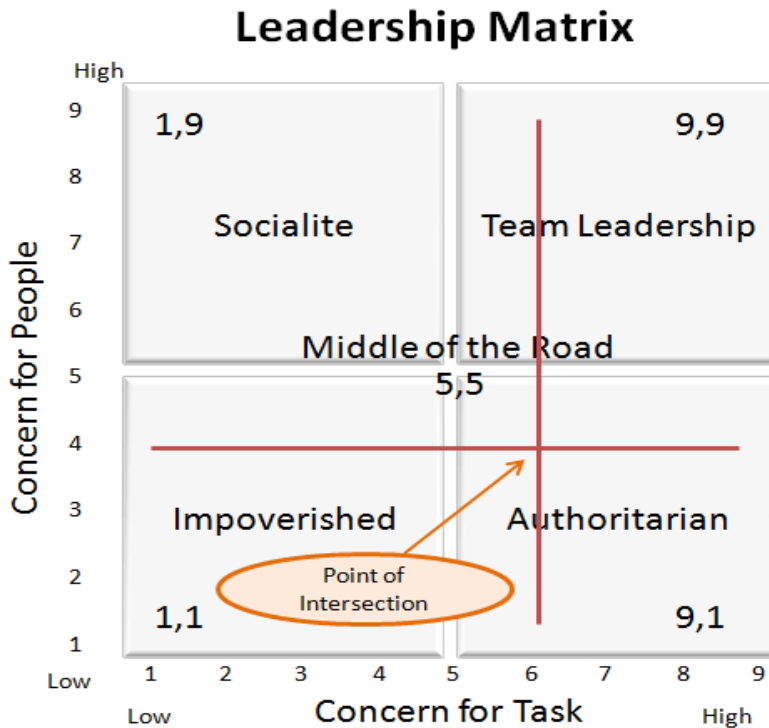
(multiply the Total by 0.2 to get your final score)      (multiply the Total by 0.2 to get your final score)

## Matrix Section

Plot your final scores on the graph below by drawing a horizontal line from the approximate people score (vertical axis) to the right of the matrix, and drawing a vertical line from the approximate task score on the horizontal axis to the top of the matrix. Then, draw two lines from each dot until they intersect. The area of intersection is the leadership dimension that you operate out of.



## Example



The above sample shows score of 4 in the people section and a score of 6 in the task section. The quad where the two lines intersect is the leadership style, in this case -- Authoritarian section.

## The Results

This chart will give you an idea of your leadership style:

- **Impoverished** (1,1 to 4,4): weak on both tasks and people skills
- **Authoritarian** (people-1 to 4 and task-5 to 9): strong on tasks, weak on people skills
- **Socialite** (people - 5 to 9 and task 1-4): strong on people skills, weak on tasks
- **Team Leadership** (6,6 to 9,9): strong on both tasks and people skills
- **Middle-of-the-Road** (5,5): in the middle of the chart, but with more experience and skills can display good team leadership

However, like any other instrument that attempts to profile a person, you have to take in other factors, such as, how your manager and employees rate you as a leader, do you get your job done, do you take care of your employees, are you helping to “grow” your organization, etc.

You should review the statements in the survey and reflect on the low scores by asking yourself, “**If I scored higher in that area, would I be a more effective leader?**” And if the answer is yes, then it should become a **personal action item**.

## Notes

### People and Mission

Some may ask, “In order to get a perfect score I would have to max out statements 2 (Nothing is more important than accomplishing a goal or task) and 14 (Nothing is more important than building a great team), but this would be a paradox.”

One of the mottos of the U.S. Army is “People and mission first.” That is, nothing is more important than accomplishing the mission and nothing is more important than looking out for the welfare of the people. A good leader can do both!

### Relationships With Others

For statement 10 - “When correcting mistakes, I do not worry about jeopardizing relationships,” some people might believe that a people-person would put a low score to this question. As they might believe that such a person would not want to jeopardize a relationship.

However, if a leader really cared about the person, would the relationship (being friends) be more important or would guiding the person on to the correct behavior be more important? Let’s put it in a “leader” relationship — If you did not correct your learner's mistakes, would that make you a better person? Probably not. Good leaders do what it takes to build and develop the people around them. The relationship is not what makes them tick, rather it is more about helping others to grow.

This question helps to separate the “country club leaders” who want to be friends with everyone; the “impoverish leaders” who are afraid they might make waves; and the real “leaders” who are more concerned with coaching others so that they become a valued member of the team. That is, if the leader lets one of her peers continue with the incorrect behavior, does this help or hinder the other members of the team? It is best not to picture a leader as a friend, but as a person who is concerned with the growth and welfare of others.

## **Team Building**

### **Essential Skills for Teamwork**

- 1. Listening**
- 2. Questioning**
- 3. Persuasion**
- 4. Deference**
- 5. Helping**
- 6. Sharing**
- 7. Participation**



## Group Dynamics

# POST First-Line Supervisor Program

**Instructional Goal:**

The Instructional Goal of this lesson is to give first line supervisors an overview of how generational differences and multiple intelligences impact the group dynamics within the workplace.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify the four generations present in the workplace
2. Identify the key factors that define a generation
3. Identify the main characteristics that define each generation
4. Compare and contrast generational work preferences
5. Define seven possible intelligences present in the workplace

**Student End Participation Goal:**

Participants are expected to willingly participate in group activities and discussions. In light of the information discussed in class, they are encouraged as first line supervisors to actively discuss possible strategies that will promote successful team building and cross generational communication.

# **Group Dynamics/Diversity in the Workplace**

## **Outline**

### Facts to Ponder

Key factors that define a generation: How does understanding these factors help you become a better supervisor?

- Unique work ethics
- Different perspectives on work
- Distinct and preferred ways of managing
- Unique ways of viewing quality
- Different priorities that effect how and when they show up for work

### Important Groundwork

#### Generational Overview

- Identify
- Dates
- Events and experiences that define them
- Characteristics

#### In the workplace

- Work Environment
- Feedback Styles
- Communication Styles
- Work Ethics
- Priorities

#### Multiple Intelligences Overview

- Background
- How it can be used in the workplace

#### In the workplace

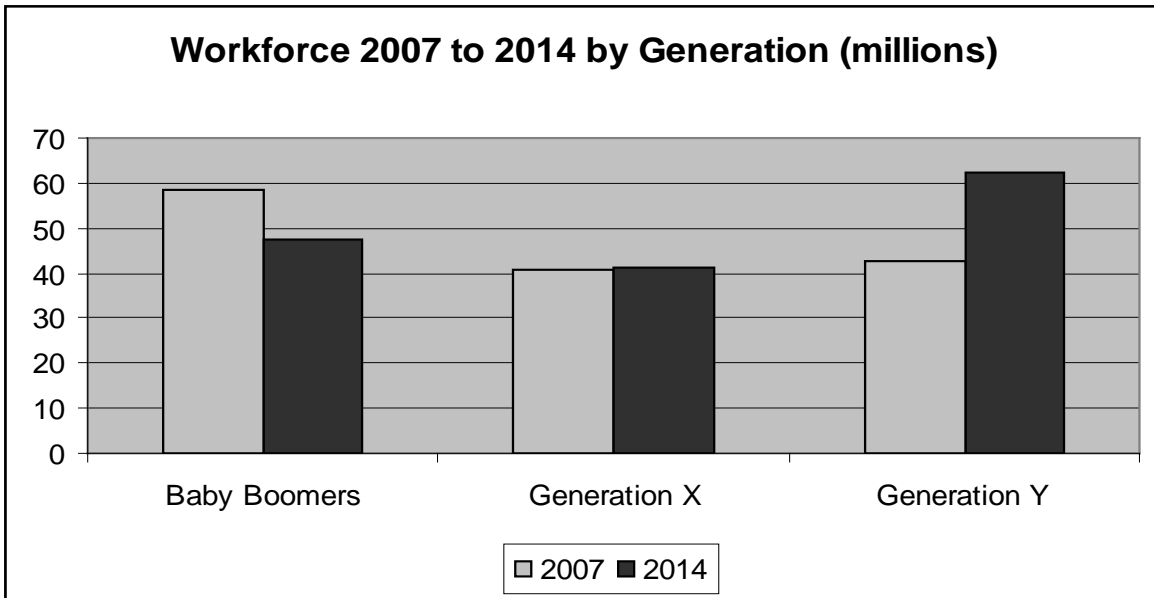
- Team Building
- Synergy
- Putting it into practice



## Basic Facts Concerning the Workforce

Did you know?

- More than 60% of employers say they are experiencing tension between employees from different generations.
- According to the Society for Human Resource Management Generational Differences Survey Report, the workforce consists of 10% Veterans (Matures), 44% Baby Boomers, 34% Generation “X,” and 12% Generation “Y.”
- Generation “Y” is projected to have nearly 63 million members in the workforce by 2014.
- The Baby Boomers are the largest living generation.
- 29% of immigrants are 29 to 40 years of age.
- With the ever growing diverse population, the word “minority” may no longer have meaning to Generation “Y” and future generations.



### Today's Generations

	<b>Born</b>	<b>Age in 2015</b>
GI Generation	1901-1924	91-114
Silent/Veterans Population: 35.2 million	1925-1946	69-90
Baby Boomers Population: 80.3 million	1947-1964	51-68
Generation X Population: 41 million	1965-1979	36-67
Millennial/Gen Y Population: 86 million	1980-1999	16-35
Generation Z/Alpha Gen Population: 74 million & rapidly growing	2000-2019	15 and under

## Generation Facts

	Veterans/Matures	Baby Boomers
Events/Experiences	<ul style="list-style-type: none"> <li>• Depression</li> <li>• WWII</li> <li>• Korea</li> <li>• New Deal</li> </ul>	<ul style="list-style-type: none"> <li>• Vietnam</li> <li>• Civil Rights/Desegregation</li> <li>• Cold War</li> <li>• Space</li> </ul>
Characteristics	<ul style="list-style-type: none"> <li>• Hard Work</li> <li>• Dedication &amp; Sacrifice</li> <li>• Respect for rules</li> <li>• Duty before Pleasure</li> <li>• Honor &amp; Legacy</li> <li>• Traditional</li> <li>• Stable</li> </ul>	<ul style="list-style-type: none"> <li>• Team Orientation</li> <li>• Personal Growth</li> <li>• Optimism</li> <li>• Personal Gratification</li> <li>• Involvement</li> <li>• Non-authoritarian</li> <li>• Good People Skills</li> </ul>

	Gen X	Gen Y
Events/Experiences	<ul style="list-style-type: none"> <li>• Watergate</li> <li>• Energy Crisis</li> <li>• Vietnam</li> <li>• Women's Liberation</li> </ul>	<ul style="list-style-type: none"> <li>• School Shootings</li> <li>• Oklahoma City</li> <li>• Technology</li> <li>• Child Focus World</li> </ul>
Characteristics	<ul style="list-style-type: none"> <li>• Entrepreneurial</li> <li>• Change is a way of life</li> <li>• Self-Directed</li> <li>• Independent</li> <li>• Pragmatist</li> <li>• Cynical</li> <li>• Apathetic</li> </ul>	<ul style="list-style-type: none"> <li>• Confident</li> <li>• Achievement oriented</li> <li>• Diverse</li> <li>• Can do Attitude</li> <li>• Global</li> <li>• Blunt</li> <li>• Informal</li> <li>• Demanding</li> </ul>

## Generations in the Workplace

	Work Environment	Feedback Styles	Communication Styles	Work Ethics	Priorities
Veteran/ Matures	Traditional, filled with humans	No news is good news – there is a time and place for feedback	Be patient, be courteous, in-person	Hard workers	Work First (before family, play or friends)
Baby Boomers	Team Oriented, Competitive Challenging	Constructive, used to giving, not used to receiving	In-person, team meetings, documentation – want people to be respectful of other	Hard workers	Live to work
Gen X	Flexible, Independent	Wants lots of feedback, will ask for feedback, rewards	Informal, straight forward – threats do not work	Outcome oriented, independent	Work to live

Gen Y	Flexible, relations with boss, fun/entertaining, informal, team oriented, technology savvy	Immediate gratification & feedback, does not want to wait, silence means disapproval	Be patient, be clear, informal(text msg, email, voice mail)	Not lazy, but they want to be entertained, want to be appreciated	Live, then work, want immediate responsibility, do not want to work their way up
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**Diversity** can be defined as:

Differences between people.

**Two aspects of diversity are:**

- Generational Differences
- Multiple Intelligences

**Important Groundwork:**

- ✓ Demographics are changing rapidly
- ✓ Promotes teamwork
- ✓ Promotes effective communication
- ✓ Understand group dynamics

**All Generations Want:**

- ✓ Work that provides personal **satisfaction**
- ✓ Employers who **understand that personal lives are important**
- ✓ Work that is **valued** by employers and customers
- ✓ Clear **sense of purpose** from employers

**Important Points:**

- ü Every employee should be held to the same standard
- ü No adaptation should be made that compromises the integrity of the job or diminishes the effectiveness of the agency to carry out its mission
- ü All employees should comply with policies & procedures set forth by the agency division

**Key Factors that Define a Generation**

- Ø Unique work ethics
- Ø Different perspectives on work
- Ø Distinct & preferred ways of managing
- Ø Unique ways of viewing quality
- Ø Different priorities that influence how & when to show up for work
- Ø Parenting techniques
- Ø Technology
- Ø Life Span

Generational diversity, age diversity – no matter what we call it, relations between the four generations at work, soon to be five, has become a significant issue for most organizations.

## The Generation in the Workplace

**Veterans/Matures:** 1925-1946

68 to 90 age span / 35.2 million

**Baby Boomers:** 1947-1964

51 to 68 age span / 80.3 million

**Generation X:** 1965-1979

36 to 50 age span / 41 million

**Millennial/Gen Y:** 1980-1999

16 to 35 age span / 86 million

### Veterans...

<p><b>... <u>And Money</u></b></p> <ul style="list-style-type: none"> <li>· Save, save, save</li> <li>· Buy a first home</li> <li>· Pay in cash</li> <li>· Join the Christmas Club</li> <li>· Use lay-away</li> </ul>	<p><b>... <u>Their Work Ethic</u></b></p> <ul style="list-style-type: none"> <li>· Work and sacrifice</li> <li>· Pride and dedication</li> <li>· Job for life</li> </ul>
<p><b>... <u>On Authority</u></b></p> <ul style="list-style-type: none"> <li>· Embraces it</li> <li>· Likes law and order</li> <li>· Functions best in structure</li> </ul>	<p><b>... <u>About Self</u></b></p> <ul style="list-style-type: none"> <li>· Family-oriented</li> <li>· Conservative</li> <li>· Prepare for unknown</li> </ul>

<p><b><u>Defining Moments</u></b></p> <ul style="list-style-type: none"> <li>- TV</li> <li>- Korean War</li> <li>- I Like Ike!</li> <li>- End of the Depression</li> <li>- WW II</li> <li>- Home ownership</li> <li>- Truman fires MacArthur</li> </ul>	<p><b><u>Popular Culture</u></b></p> <ul style="list-style-type: none"> <li>- Hula Hoops</li> <li>- Ozzie and Harriet</li> <li>- Your Show of Shows</li> <li>- Poodle skirts</li> <li>- Personal cars</li> <li>- Communists in Hollywood</li> <li>- Drive In Movies</li> </ul>
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<p><b><u>Core Values and Beliefs in the Workplace</u></b></p> <ul style="list-style-type: none"> <li>· Direct</li> <li>· Take charge – command &amp; control</li> <li>· Delegate and look for results</li> <li>· Decision-makers</li> <li>· Wary of technology</li> <li>· Comfortable in bureaucracy</li> <li>· Work hard and expect others to do the same</li> </ul>
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## Baby Boomers...

<p><b>... <u>And Money</u></b></p> <ul style="list-style-type: none"> <li>· Reacted to frugal parents</li> <li>· Spend now, pay later</li> <li>· Have plastic and don't leave home without it</li> </ul>	<p><b>... <u>Their Work Ethic</u></b></p> <ul style="list-style-type: none"> <li>· Live to work</li> <li>· You are what you do</li> <li>· Work ethic = worth ethic</li> </ul>
<p><b>... <u>On Authority</u></b></p> <ul style="list-style-type: none"> <li>· Question it</li> <li>· Don't trust anyone over 30</li> </ul>	<p><b>... <u>About Self</u></b></p> <ul style="list-style-type: none"> <li>· Generation of soul searchers</li> <li>· Self-gratification important</li> <li>· Not good at commitment</li> <li>· Generation of self-help, Yoga, Meditation</li> </ul>

<p><b><u>Defining Moments</u></b></p> <ul style="list-style-type: none"> <li>- Assassinations of JFK, MLK, RFK</li> <li>- Vietnam War</li> <li>- Rosa Parks</li> <li>- 1968 Democratic National Convention</li> <li>- Kent State</li> <li>- Forced integration at University of Alabama</li> </ul>	<p><b><u>Popular Culture</u></b></p> <ul style="list-style-type: none"> <li>- The Beatles</li> <li>- Motown</li> <li>- Captain Kangaroo</li> <li>- Laugh In</li> <li>- Catch 22</li> <li>- Zen and the Art of Motorcycle Maintenance</li> </ul>
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<p><b><u>Core Values and Beliefs in the Workplace</u></b></p> <ul style="list-style-type: none"> <li>· Keep proving themselves</li> <li>· Live to work; workaholics and expect others to be</li> <li>· Worth ethics = work ethic</li> <li>· Consensus and harmony</li> <li>· Teamwork</li> <li>· Level playing field</li> </ul>
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## Generation X...

<p><b>... <u>And Independence</u></b></p> <ul style="list-style-type: none"> <li>· Were latchkey kids, the children of workaholic Baby Boomers</li> <li>· Had to become self-reliant, independent</li> </ul>	<p><b>... <u>About Work</u></b></p> <ul style="list-style-type: none"> <li>· Work to live</li> <li>· Believe in balance between family and work</li> <li>· Don't believe you CAN have it all</li> </ul>
<p><b>... <u>On Family</u></b></p> <ul style="list-style-type: none"> <li>· Grew up with parents that believed in "quality time" but found the concept meaningless</li> <li>· Many came from home of divorced parents and two working parents</li> </ul>	<p><b>... <u>About Authority</u></b></p> <ul style="list-style-type: none"> <li>· Unimpressed by it</li> <li>· Not against it, just indifferent</li> <li>· Saw too many "role models" fall off the pedestal</li> </ul>

<p><b><u>Defining Moments</u></b></p> <ul style="list-style-type: none"> <li>- The Challenger Explosion</li> <li>- Watergate</li> <li>- Gulf War</li> <li>- War on Drugs</li> <li>- President Ragan is shot</li> <li>- Anwar Sadat is assassinated</li> <li>- The U.S. boycotts Olympics in Russia</li> <li>- Hostages held in Iran</li> </ul>	<p><b><u>Popular Culture</u></b></p> <ul style="list-style-type: none"> <li>- Sesame Street</li> <li>- Muppets</li> <li>- Michael Jackson</li> <li>- Star Wars Trilogy</li> <li>- E.T.</li> <li>- Slackers</li> </ul>
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<p><b><u>Core Values in the Workplace</u></b></p> <ul style="list-style-type: none"> <li>· Balance work/personal life</li> <li>· Paycheck is a means to an end</li> <li>· Informality at work, humor, humanity</li> <li>· Get bored easily</li> <li>· Asks "why" a lot</li> <li>· Value Competency</li> <li>· Straightforward, avoids office politics</li> </ul>
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## Millennials/Gen Y...

<p><b>... <u>And Family</u></b></p> <ul style="list-style-type: none"> <li>· Had over-involved parents</li> <li>· Were the “babies on board”</li> </ul>	<p><b>... <u>On Life</u></b></p> <ul style="list-style-type: none"> <li>· Confident and hopeful</li> <li>· A new demographic: Baby Gap, Pottery Barn-Kids</li> <li>· Busy kids, highly scheduled (soccer, T-ball, karate)</li> </ul>
<p><b>... <u>Their Values</u></b></p> <ul style="list-style-type: none"> <li>· Closest to those of Veterans</li> <li>· Accountability</li> <li>· Least promiscuous of the four generations</li> <li>· Embrace diversity and community service</li> </ul>	<p><b>... <u>With Technology</u></b></p> <ul style="list-style-type: none"> <li>· The digital generation</li> <li>· Plugged in, logged on, wirelessly connected</li> <li>· Cyber pen-pals all over the world</li> </ul>

<p><b><u>Defining Moments</u></b></p> <ul style="list-style-type: none"> <li>- Oklahoma City Bombing</li> <li>- Shootings at Columbine High School</li> <li>- 9/11</li> <li>- The Clinton/Lewinsky Scandal</li> </ul>	<p><b><u>Popular Culture</u></b></p> <ul style="list-style-type: none"> <li>- Barney</li> <li>- Harry Potter</li> <li>- Rap</li> <li>- Brittany Spears</li> <li>- Reality Television</li> </ul>
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<p><b><u>Core Values and Beliefs in the Workplace</u></b></p> <ul style="list-style-type: none"> <li>· Multitaskers</li> <li>· Bored with repetitive tasks</li> <li>· Achievement oriented</li> <li>· Value inclusion and multi-culturalism</li> <li>· Open minded, not set in their ways</li> </ul>
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## EDUCATION

<p><b><u>Veterans</u></b></p> <ul style="list-style-type: none"> <li>· 10% college graduates</li> <li>· 6.8% post graduate degrees</li> </ul>	<p><b><u>Gen X’ers</u></b></p> <ul style="list-style-type: none"> <li>· 21.3% college degrees</li> <li>· 7.3% post graduate degrees</li> </ul>
<p><b><u>Baby Boomers</u></b></p> <ul style="list-style-type: none"> <li>· 17.5% college graduates</li> <li>· 10.7% post graduate degrees</li> </ul>	<p><b><u>Millennials (so far...)</u></b></p> <ul style="list-style-type: none"> <li>· 14% college graduates</li> <li>· Less than 1% post graduate degrees</li> </ul>

## Agency Loyalty

<ul style="list-style-type: none"> <li>• <u>Veterans</u> are in the job for the long haul.</li> <li>• The sacrifices their employers make are equal to their own.</li> <li>• They put their loyalty to their company above themselves.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Gen X'ers</u> will stay only so long as they are learning something.</li> <li>• They are about self-preservation. If you don't hold several jobs early in your career, you're not competitive.</li> <li>• Loyalty to self comes first.</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Boomers</u> believe loyalty to the company is critical.</li> <li>• Loyalty to the job often comes to the detriment of their personal lives</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Millennials</u> are most like Gen X on this issue</li> <li>• Believe they must constantly improve and expand skills to advance careers</li> <li>• See themselves as short-term workers offering services for a limited period.</li> </ul>

## Chain of Command

<ul style="list-style-type: none"> <li>• <u>Veterans</u> are not only comfortable with hierarchy, chain of command, they prefer it.</li> <li>• They respect authority and clear lines between bosses and subordinates.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Generation X</u> is indifferent to chain of command.</li> <li>• Hierarchy is a meaningless concept to them.</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Baby Boomers</u> have a love/hate relationship with hierarchy.</li> <li>• On the one hand, they believe in "paying your dues."</li> <li>• On the other hand they believe in "questioning authority."</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Millennials</u>, like Generation X, are unimpressed by rank, age or tenure.</li> <li>• They don't respect bosses who think they know everything.</li> <li>• Show a Millennial knowledge and expertise, and they will show you respect.</li> </ul>

## Work Ethic

<ul style="list-style-type: none"> <li>• <u>Veterans</u> are dedicated and dependable.</li> <li>• They tend to "not rock the boat."</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Generation X</u> are task oriented.</li> <li>• They want balance in their life.</li> <li>• They believe in "eight and the gate."</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Baby Boomers</u> are driven workaholics.</li> <li>• It is not unusual for them to work 50-60 hours a week.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Millennials</u> are determined.</li> <li>• They will work diligently if they can have a say in how the work is done and if the opportunities exist for innovation and creativity.</li> </ul>

## Diversity

<ul style="list-style-type: none"> <li>• <u>Veterans</u> grew up in a largely segregated and sexist society.</li> <li>• Diversity was a new concept in their workplace.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Gen X'ers</u> grew up with great awareness and tolerance.</li> <li>• Women in traditionally male jobs raises few eyebrows with this generation.</li> </ul>
<ul style="list-style-type: none"> <li>• <u>Baby Boomers</u> were influenced by the civil rights and women's movement. As consensus builders, they seek equality and fairness</li> <li>• The generation that had first women and African Americans on the job.</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Millennials</u> appear the most "color blind" of the four generations.</li> <li>• Grew up with friends who had two mommies, were adopted, and came from all ethnic groups.</li> </ul>



## Generational Scenarios

1. Mary is a new employee. She is young, vibrant, and intelligent. She has an innovative way of approaching problems and getting her work done. However, she misses a lot of work due to her anxiety over her new born son. If a workable solution cannot be found, Mary will quit. As her supervisor, what issues need to be addressed, and what are some possible solutions?
2. Bill has been with the company for 25 years. He has a wealth of knowledge and experience that is unique and rare. However, lately he has been extremely difficult to work with. He is short-tempered and unwilling to work as a team member. There have been grumblings around the office that “some people have outlived their usefulness and need to retire.” Bill is only 48 years old and still has a lot to offer. As the supervisor, what issues need to be addressed, and what are some possible solutions?
3. Ned has been with the company for ten years. He is quiet and prefers to work alone. The work he produces is on time and above average. However, his co-workers find him cold and unfriendly. As the supervisor, you are noticing a negative attitude starting to be directed toward Ned. What issues need to be addressed, and what are some possible solutions?
4. Trisha has been with the company for two years. She is outspoken and informal in her dress and approach to work protocol. She is highly creative in her approach to solve problems and was hired because of her ability to “think outside the box.” The older more established employees find her arrogant and impetuous. They have formed a front and are refusing to work with her. As the supervisor, what issues need to be addressed, and what are some possible solutions?
5. The company you work for has a high turnover rate. Most of the individuals leaving are the younger workers. This has left the company light with only a small pool of workers available to train for future openings in the supervisory and mid-management positions. As a current supervisor, slated to advance to mid and upper management in the near future, what issues need to be addressed and what are some possible solutions?

## Multiple Intelligence Assessment / Adult Version

Quickly read the following statements and check each statement that applies to you.

1.  I easily remember nice turns of phrase or memorable quotes and use them deftly in conversation.
2.  My library of books is among my most precious possessions.
3.  I can hear words in my head before I read, speak, or write them down.
4.  I get more out of listening to news on the radio and hearing books on cassette than I do from watching TV.
5.  I am a master when it comes to word games like Scrabble, Anagrams, or Password.
6.  I enjoy entertaining others with tongue twisters, nonsense, rhymes or puns.
7.  Other people sometimes have to stop and ask me to explain the meaning of words I use in my writing and speaking.
8.  English, social studies, and history were easier for me in school than math and science.
9.  When I drive down a freeway, I pay more attention to the words written on billboards than to the scenery.
10.  My conversation is peppered with frequent references to things that I have read.
11.  I have written something recently that I was particularly proud of or that earned me special recognition by others.
12.  I note other people's errors in using words or grammar, even if I don't correct them.
13.  I am fascinated by scientific and philosophical questions like "When did time begin?"
14.  I can easily double or triple a cooking recipe or carpentry measurement without having to put it all down on paper.
15.  Math and science were among my favorite subjects in school.
16.  I frequently beat my friends in chess, checkers, Go, or other strategy games.
17.  I like to set up little "what if experiments (e.g., what would happen if I double the amount of plant food that I feed to my plants at home?)
18.  People sometimes tell me that I have a very computer-like mind.
19.  I organize things in my kitchen, bathroom, and at my desk according to categories and in patterns.
20.  I believe that almost everything has a rational explanation.
21.  I wonder a lot about how certain things work.
22.  I like finding logical flaws in the things that people say and do at home and work.
23.  I sometimes think in clear, abstract, wordless, imageless concepts.
24.  I feel more comfortable when something has been measured, categorized, analyzed or quantified.
25.  I enjoy music and have favorite performers.
26.  People say that I have a pleasant singing voice.
27.  I can tell when a musical note is off-key.
28.  My collection of records, cassettes and compact discs is among my most treasured possessions.
29.  I play a musical instrument.
30.  My life would be impoverished if there was no music in it.
31.  I catch myself sometimes walking down the street with a television jingle or other tune running obsessively through my mind.
32.  I can easily keep time to a piece of music with a simple percussion instrument.
33.  I know the tunes to many different songs or musical pieces.
34.  If I hear a musical selection once or twice, I am usually able to sing it back fairly accurately.
35.  I often make tapping sounds or sing melodies while working, studying, or learning something new.
36.  I sometimes enjoy different sounds in my environment.
37.  I can remember in detail the layout and landmarks of places I've visited on vacations.
38.  I often see clear visual images when I close my eyes.
39.  I am usually sensitive to color.
40.  I have a camera or camcorder that I use to record what I see around me.
41.  I can easily solve jigsaw puzzles, mazes and other visual puzzles.
42.  I sometimes have vivid dreams at night.

43.  I can easily find my way around unfamiliar territory.
44.  People praise me for the drawings or doodles I create.
45.  Geometry was easier for me than algebra in school.
46.  When I do artwork I seem to know just how to arrange the parts of the picture or product.
47.  I can comfortably imagine how something might appear if it were looked down upon from directly above in a bird's eye view.
48.  I prefer looking at reading material that is heavily illustrated.
49.  I regularly engage in at least one sport or physical activity.
50.  I can master new sports easily.
51.  I find it difficult to sit still for long periods of time.
52.  I like working with my hands at some concrete activity such as sewing, weaving, carving, carpentry, or model-building.
53.  My best ideas often come to me when I'm out for a long walk or jog.
54.  I like to spend my free time outdoors.
55.  I frequently use hand gestures or other forms of body language when conversing with someone.
56.  I need to touch things in order to learn more about them.
57.  I enjoy scary movies, dare devil amusement rides, or similarly thrilling experiences.
58.  I would describe myself as well coordinated.
59.  I need to practice a new skill by doing it rather than simply reading about it or seeing a video that describes it.
60.  I often can figure out how something works or how to fix something that's broken, without asking for help.
61.  When I meet new people, I often make connections between their characteristics and those of other acquaintances.
62.  I'm considered the local Dear Abby in my neighborhood and people often come to see me for help and advice.
63.  I can sense quickly how other people are feeling about things and themselves.
64.  I prefer group sports like badminton, volleyball, or softball to solo sports such as swimming and jogging.
65.  When I have a problem, I'm more likely to seek out another person for help rather than attempt to work it out on my own.
66.  I have at least three close friends.
67.  I prefer social pastimes like Monopoly or bridge to individual recreations such as video games or solitaire.
68.  I enjoy the challenge of teaching another person what I know how to do.
69.  People have called me a born leader.
70.  I feel comfortable in the middle of a crowd.
71.  I like to get involved in social activities connected with my work, church, or community.
72.  I would rather spend my evenings at a lively party than at home alone.
73.  I regularly spend time alone to meditate, reflect, or think about important life questions.
74.  I think about what I want from life and what I want to accomplish.
75.  I have attended counseling sessions to learn more about myself.
76.  I have intuitions about things that turn out to be true.
77.  People tend to see me as a loner.
78.  I have a special hobby or interest that I keep pretty much to myself.
79.  I have some important goals for myself that I think about on a regular basis.
80.  I prefer to spend a weekend alone in a cabin in the woods rather than go to a fancy resort with lots of people around.
81.  I usually know how I feel about something or about my feelings.
82.  I keep a personal diary or journal to record the events of my inner life.
83.  I am self-employed or at least have thought about starting my own business.
84.  I would rather spend my evenings at home than at a lively party.

## Multiple Intelligence Score Sheet

Count the number of check marks within each set of questions to determine your areas of strength

Adult version – 12 items per intelligence.

1-12 Linguistic \_\_\_\_\_

13-24 Math \_\_\_\_\_

25-36 Music \_\_\_\_\_

37-48 Spatial \_\_\_\_\_

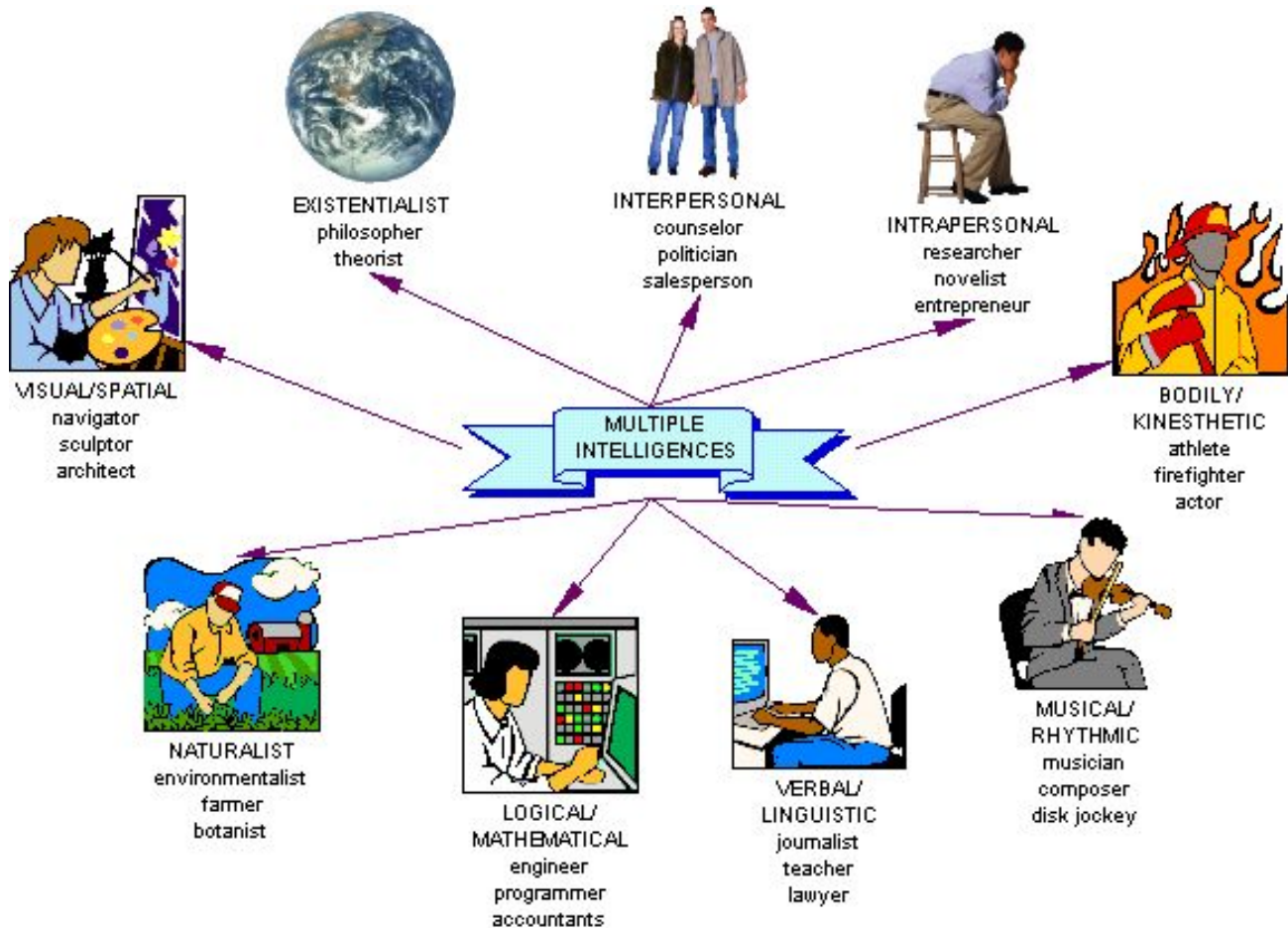
49-60 Kinesthetic \_\_\_\_\_

61-72 Interpersonal \_\_\_\_\_

73-84 Intrapersonal \_\_\_\_\_

## Job Duties and MI

	<b>Intelligence</b>	<b>Strengths</b>	<b>Job Duties best suited</b>
Thought Intelligence	Linguistic/Verbal “word smart”	Ability to use words and languages	Poet, journalist, writer, teacher, lawyer, politician, translator
	Math/Logic “number/reasoning smart”	Ability to use reason, logic & numbers	Scientists, engineers, computer programmers, researchers, accountants,
Sensate Intelligence	Music/Rhythmic “music smart”	Ability to produce and appreciate music	Musician, disc jockey, singer, composer
	Visual/Spatial “picture smart”	Ability to perceive the visual	Navigators, sculptors, inventors, architects, mechanics, engineers
	Kinesthetic “body smart”	Ability to control body movements and handle objects skillfully	Athletes, physical Ed, dancers, actors, firefighters
	Interpersonal “people smart”	Ability to detect/respond appropriately to the moods, motivations, desires of others	Counselor, salesperson, politician, business person, minister
	Intrapersonal “self-smart”	Ability to be self-aware and in tune with inner feelings, values, beliefs, and thinking	Researchers, theorists, philosophers
Communicational Intelligence			



Economic competitiveness depends on having the smartest workforce possible. Organizations who want to survive and grow need to be open to new ways of uncovering and developing their employee's abilities.

Profiting from Multiple Intelligences in the Workplace turns Howard Gardner's revolutionary theory of multiple intelligences into user-friendly tools for understanding and assessing success in everyone from CEOs to cleaners. It provides a complete system for: The examination of staff needs; Matching applicants and job specifications; Successful interviewing and induction; Effective supervision; Focused training and development; The results not only allow the identification of individual abilities but also uncover the mosaic of abilities needed for multi-skilling, multi-tasking and efficient teamwork.

PeopleSmart (*interpersonal intelligence*) involves the ability to work cooperatively in a group as well as the ability to communicate, verbally and non-verbally, with other people. It builds on the capacity to notice distinctions among others, for example, contrasts in moods, temperament, motivations, and intentions. In the more advanced forms of this intelligence one can literally “pass over” into another person's life context (that is, stand in their shoes, so to speak) and experience their intentions and desires. One can have genuine empathy for another’s feelings, fears, anticipations, and beliefs.

**Career Smarts**

*Professionals who are generally strong in interpersonal intelligence include teachers, administrators, arbitrators, anthropologists, organization leaders (presidents and CEOs), sociologists, talk show hosts, politicians, public relations or customer service personnel, salespersons, travel agents, consultants, and social affairs directors.*

SelfSmart (*intrapersonal intelligence*) involves knowledge of the internal aspects of the self-such as knowledge of feelings, the range of emotional responses, thinking processes, self-reflection, and a sense of or intuition

about spiritual realities. Intrapersonal intelligence allows us to be conscious of our consciousness; that is, to step back from ourselves and watch ourselves as an outside observer does. Our self-identity and the ability to transcend the self are part of the functioning of this intelligence. SelfSmart is the most private and requires all other intelligence forms to express itself, such as language, art, music, dance, symbols, and interpersonal communication with others.

**Career Smarts**

*Professionals who are strong in intrapersonal intelligence include therapists, psychologists, human potential researchers, philosophers, religious leaders (pastors and priests), social workers, meditation guides, counselors, self-help advisors, cognitive pattern researchers, and mental health professionals.*

WordSmart (*verbal-linguistic intelligence*) is responsible for the production of language and all the complex possibilities that follow, including poetry, humor, grammar, metaphors, similes, abstract reasoning, symbolic thinking, and of course, the written word. Verbal-linguistic intelligence is awakened by the spoken word; by reading someone's ideas or poetry; and by writing one's own ideas, thoughts, or poetry.

**Career Smarts**

*Professionals strong in verbal-linguistic intelligence include poets, public speakers, journalists, writers (authors, advertising, script and speech writers), speech pathologists, lawyers, secretaries, editors, proofreaders, comedians, debaters, archivists, translators, and TV and radio newscasters, commentators, and announcers.*

BodySmart (*bodily-kinesthetic intelligence*) is the ability to use the body to express emotion, to play a game, to communicate with others using "body language", or to create a new product. Our bodies are very wise. They know things our conscious minds don't and can't know in any other way. For example, if you had to lay out the keyboard of a computer on a piece of paper without moving your fingers, could you do it? Probably not. But your fingers know the keyboard without even pausing.

**Career Smarts**

*Professionals who use a lot of bodily-kinesthetic intelligence include gymnasts, physical therapists, models, mechanics, choreographers, actors, recreation directors, craftpersons, athletes, inventors, builders, dancers, circus artists, bodybuilders, doctors, nurses, exercise instructors, sports coaches, and law enforcement personnel.*

NatureSmart (*naturalist intelligence*) is related to our recognition, appreciation, and understanding of the natural world around us. It involves such capacities as species discernment, the ability to recognize and classify various flora and fauna, and our knowledge of and communion with the natural world. You can see the naturalist intelligence when you find yourself drawn to and fascinated by animals and their behaviors. You see it when you notice the effect on your mood and sense of well-being when someone brings plants and-or cut flowers into an otherwise sterile, humanly-created environment. Think how often we head for nature when we want to relax, "unwind" or find inner renewal!

**Career Smarts**

*Professionals who use a lot of the naturalist intelligence include forest rangers, nature guides, animal trainers, zoo keepers, landscape designers, gardeners, scientists investigating the biological and physical worlds, bird watchers, veterinarians, farmers, people involved in scouting and camping, botanists, horticulturists, florists, meteorologists, and conservationists.*

ImageSmart (*visual-spatial intelligence*) involves such activities as painting, drawing, and sculpture; navigation, mapmaking and architecture, and games such as chess (which requires the ability to visualize objects from different perspectives and angles). The key sensory base of this intelligence is the sense of sight, but it also

involves the ability to form images and pictures in the mind. Our childhood daydreaming, when we pretended we could fly or that we were magical beings, or maybe that we were heroes-heroines in fabulous adventure stories used this intelligence to the hilt!

**Career Smarts**

*Professionals who use high degrees of **ImageSmart** include interior decorators, graphic design artists, cartographers, photographers, architects, airline pilots, surgeons, painters, sculptors, chefs (with their food presentations), quilters, and needlepoint embroiderers, landscapers, theater set designers, professional drivers, cinematographers, book illustrators, tour guides, and jewelry and clothing designers.*

SoundSmart (*musical-rhythmic intelligence*) includes such capacities as the recognition and use of rhythmic and tonal patterns, and sensitivity to sounds from the environment, the human voice, and musical instruments. Many of us learned the alphabet through this intelligence and the “A-B-C song.” Of all forms of intelligence identified, the “consciousness altering” effect of music and rhythm on the brain is the greatest. Just think of how music can calm you when you are stressed, stimulate you when you're bored, and help you attain a steady rhythm in such things as typing and exercising. It has been used to inspire our religious beliefs, intensify national loyalties, and to express great loss or intense joy.

**Career Smarts**

*Professionals who use musical-rhythmic intelligence include music therapists, advertising professionals, motion picture soundtrack creators, music teachers, piano tuners, music studio directors and recorders, song writers, music performers, conductors, sound engineers, and music copyists.*

LogicSmart (*logical-mathematical intelligence*) is most often associated with what we call “scientific thinking.” Logical-mathematical intelligence is activated in situations requiring problem-solving or meeting a new challenge. This intelligence likewise involves the capacity to recognize patterns, to work with abstract symbols such as numbers and geometric shapes, and to discern relationships and-or see connections between separate and distinct pieces of information.

**Career Smarts**

*Professionals who use a lot of logical-mathematical intelligence include computer technicians and programmers, underwriters, accountants, statisticians, poll takers, stock brokers, auditors, actuaries, purchasing agents, bankers, accountants, professional debaters, math teachers, attorneys, scientific researchers, arbitrators, underwriters, medical professionals, data analysts, and logicians.*



## **Measuring Workplace Intelligence**

Fostering workplace intelligence should be approached like any other development initiative, beginning with an analysis of the situation.

Specifically, four effectiveness domains are measured

1. Goal Achievement
2. Self-development
3. Relationship Building
4. Time Orientation

Within these domains are 15 effectiveness characteristics that have been shown to predict success, confidence, enjoyment, and fulfillment. These characteristics focus on self-esteem, optimism, and gaining personal control. For example:

### ***Effectiveness (Goal Achievement domain)***

The beliefs that people hold about their ability to improve themselves and their potential to learn. When feelings of personal effectiveness are low, the person has little confidence in his/her ability to succeed. This characteristic is central to high workplace intelligence.

### ***Control (Self-development domain)***

The beliefs that people hold about who or what controls their lives. Influences the way people view their own responsibility for the circumstances of their work life. This characteristic guides workplace intelligence by defining the focus of responsibility.

### ***Cooperation (Relationship Building domain)***

One's willingness (and ability) to work effectively with others toward reaching shared goals. Influences the propensity to combine ideas and efforts with others to reach a goal. This characteristic is a main component of workplace intelligence.

### ***Present (Time Orientation domain)***

Encompasses how well people manage and control time. Influences how well we are able to coordinate our efforts with others. A key component of maximizing resources.

After the situation has been analyzed, the development process can begin. The key is to become aware of one's strengths and weaknesses regarding workplace intelligence. Once that is accomplished, a development plan can be initiated.

Intelligence can be conceptualized in multiple ways. However, in the workplace, the focus is on the ability to get the job done. By acknowledging this as the end goal, we can better understand how all types of intelligence are critical to organizational success.

**VISUAL/SPATIAL** – learning visually and organizing ideas spatially. Seeing concepts in action in order to understand them. The ability to "see" things in one's mind in planning to create a product or solve a problem.

**VERBAL/LINGUISTIC** – learning through the spoken and written word. This intelligence was always valued in the traditional classroom and in traditional assessments of intelligence and achievement.

**MATHEMATICAL/LOGICAL** – learning through reasoning and problem solving. Also highly valued in the traditional classroom, where students were asked to adapt to logically sequenced delivery of instruction.

**BODILY/KINESTHETIC** – learning through interaction with one's environment. This intelligence is not the domain of "overly active" learners. It promotes understanding through concrete experience.

**MUSICAL/RHYTHMIC** – learning through patterns, rhythms and music. This includes not only auditory learning, but the identification of patterns through all the senses.

**INTRAPERSONAL** – learning through feelings, values and attitudes. This is a decidedly affective component of learning through which students place value on what they learn and take ownership for their learning.

**INTERPERSONAL** – learning through interaction with others. Not the domain of children who are simply "talkative" or "overly social." This intelligence promotes collaboration and working cooperatively with others.

**NATURALIST** – learning through classification, categories and hierarchies. The naturalist intelligence picks up on subtle differences in meaning. It is not simply the study of nature; it can be used in all areas of study.

**EXISTENTIAL** – learning by seeing the "big picture": "Why are we here?" "What is my role in the world?" "What is my place in my family, school and community?" This intelligence seeks connections to real world understandings and applications of new learning.

**After 20 years of research and 60,000 exit interviews, the Saratoga Institute reports that 80% of turnover is directly related to unsatisfactory relationships with one's boss.**

According to a recent Gallup Organization study of approximately 1 million workers, the number one reason people leave their jobs is because of "bad bosses."

Another recent Gallup study found poorly managed workgroups are an average of 50 percent less productive and 44 percent less profitable than well-managed groups.

The top five retention factors included:

- 1) Exciting Work/Challenge (48.4%);
- 2) Career growth/learning (42.6%);
- 3) Relationships/working with great people (41.8%);
- 4) Fair pay (31.8%); and
- 5) Supportive management/great boss (25.1%).

### **Putting It All Together**

✓ Team Building

✓ Synergy

“The whole is greater than the sum of its parts.”

**Always look for the positives and how those positives can be harnessed toward the goals that need to be accomplished.**

What are some practical strategies that will promote successful team building and successful cross generational communications?



## Leadership Ethics

# POST First-Line Supervisor Program

**Instructional Goal:**

The instructional goal is to encourage open dialogue among supervisors concerning leadership ethics.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify the foundational principles concerning leadership ethics.
2. Identify six steps for leading ethically.
3. Define credibility.
4. Identify key steps toward effective role modeling.

## **Food for Thought**

How do ethics and supervision interrelate?

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What does ethical leadership look like to you?

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Do you believe:

A person's ethical behavior impacts his/her ability to lead others?

As a leader/supervisor, you must develop an acceptable behavior and performance pattern?

As a leader/supervisor, you are a role model, and your actions will speak louder than your words?

### **Foundational Principles for Ethical Leadership**

To be ethical means to be in accordance with rules or standards for right conduct.

Ethical leadership means doing the right thing for the right reason.

Ethical leadership involves:

- **Self-Discipline**
- **Disciplined thinking**
- **Disciplined emotions**
- **Disciplined actions**
- **Doing the right thing even when no one is watching you**

Principles

#### **1. Ethical**

- You must have the desire to do the right thing.
- It's not about being perfect; it's about doing the right thing.
- Ethical leadership starts with you as the leader/supervisor.

#### **2. Trustworthy**

- Strong relationships are important.
- Trust is the prerequisite for loyalty.

#### **3. Define a path for others to follow**

- Well developed and defined mission statements are important.
- Well developed and established core values are essential
- You need to have the ability and courage to carry out the first two principles
- Mere compliance to policies is not enough

#### **4. Must believe ethics is profitable**

- You must believe that doing the right thing will not put you in last place.

## Six Steps to Leading Ethically

1. Reflect on Values

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2. Establish Trust

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3. Establish a shared ethical vision

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4. Communicate the ethical vision and code of conduct

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5. Act

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6. Monitor and sustain ethical behavior

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Gehrke, J. 6 steps for ethical leadership in today's organizations. Retrieved from [ezinearticles.com/?6-Steps-for-Ethical-Leadership-in-Todays-Organizations&id=934392](http://ezinearticles.com/?6-Steps-for-Ethical-Leadership-in-Todays-Organizations&id=934392)

### Key Steps toward Effective Role Modeling

“The first key to greatness is to be in reality what we appear to be.”--Socrates

**Credibility is about being**

- **Trustworthy**
- **Sincere**
- **Reliable**

**Credibility is achieved through good role modeling.**

Key Steps to effective role modeling:

**Step One: Clarify Values**

- ü Values are **permanent beliefs**
- ü Values help determine what to do and what not to do
- ü Values are deep seated pervasive standards that **influence** every aspect of life

## Step Two: Create Shared Values

Shared values make a significant difference in work attitudes and performance.

- **Encourage ethical behavior**
- **Reduce levels of job stress and behavior**
- **Facilitate understanding about job expectations**
- **Foster teamwork**

## Step Three: Pay attention to how self and others are living the values

Intentional Modeling: Focuses people's attention, energy, and effort on the expected behaviors until the actions become standard operating procedures.

People pay more attention to the values that are actually **used/modeled** instead of the values that are only given **lip-service**.

### Reflection:

- Are my decisions, actions, attention, and use of time tangible evidence of what I say I value?
- Are my decisions, actions, attention, and use of time tangible evidence of what the organization says should be shared values?

## Clarifying Values

Instructions:

1. On the list of twenty-two values, remove the eleven values that are the least important to you.
2. With the remaining eleven values, remove the six values that are the least important to you.
3. With the remaining five values, select the two that are least important to you and rank them fourth and fifth.
4. With the remaining three values, rank them in order of importance, first, second, and third.

### Values

ACHIEVMENT	opportunity to excel and produce significant results
BALANCE	blending work and life
CONCENSUS	making decisions everyone can live with
COMPETENCE	being capable and effective
CREATIVITY	finding new ways to do things
EXCELLENCE	having high quality standards
FAMILY	taking care of and spending time with loved ones
FAIRNESS	respecting the rights of others
GROWTH	continuous learning; self-awareness
HEALTH	physical wellness and strength
INDEPENDENCE	free to work on one's own
INTEGRITY	acting in accordance with one's beliefs
OPENNESS	open dialogue; free exchange of ideas
PEACE	free of conflict

POWER	having a sense of control
SPIRITUALITY	relationship to a higher purpose
SELF EXPRESSION	willing and able to share ideas and opinions
STABILITY	predictable; structured; safe
TEAMWORK	working in co-operation with others toward a common goal
TRADITION	respect for the way things have always been done
VARIETY	frequent changes; new challenges
WEALTH	financially comfortable; flourishing

Adapted from: Eagle Vision Leadership Development Group. (n.d.) Clarify your values. Retrieved from <http://www.ethicalleader.com>

### **Measuring your Ethical Leadership**

Can you truly abide by the rules?

- ü You cannot discriminate against an employee on basis of sex, religion, race, national origin, sexual orientation, age, disability
- ü You shall not be involved in a dating relationship with your supervisor or subordinate
- ü You cannot sexually harass employees or create a hostile work environment toward your employees

#### **Five Standards of Ethical Office Practices and Leadership**

Standard I: **Fair Access** – of our agency’s services to the public and our employees

Standard II: **Public Trust** – citizens have given us a level of trust to do what is right

Standard III: **Safety and Security** – we are bound to provide a level of safety and security to the public and our employees

Standard IV: **Teamwork** – we are part of a public leadership system that includes legislators, other law enforcers, emergency services, prosecutors and judges.

Standard V: **Objectivity** – we have a social leadership role that requires us to put personality or feelings aside and demonstrate objectivity.

Kouzes (coauthor of the Leadership Challenge) says that leaders are deemed **credible** when they do the following:

1. Practice what they preach
2. Walk the talk
3. Consistent
4. Put their money where their mouth is
5. Follow through with their promises
6. Do what they say they are going to do



Growing Pains – Please read the article on the following page and answer the following:

1. Have you ever found yourself in this position?

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2. What does this article teach us about the importance of credibility?

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3. What does this article teach us about personal ethics?

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### **Growing Pains** **New supervisor needs advice**

Dear Bullethead:

I just got promoted. That's the good news. The bad news? Everyone seems to think they can put one over on me because they know all the stuff I used to do when we worked patrol together. Every time I try to hold one of the guys accountable, I get, "Hey, come on, it's me. Remember when we..."

I really want to be a good supervisor and I know my job is different now, but I just don't know how to make the change. I've thought about talking to my boss, but I'm afraid she'll think I don't have what it takes and I won't make probation.

How do I turn into a good supervisor? I think I got promoted because I was a good cop, but I'm realizing that being a good cop doesn't make you a good supervisor. Help!

Bullethead responds: New Supe', you're in luck because ol' Bullethead wasn't born a wise old salty dog (and I'm still not old). Matter of fact, I was one of the biggest jackasses in the industry. I'm not sure the statute of limitations is up on some of the stupid things I've done, but because I want to help—and because it's always fun to laugh at myself—I'll throw one out there. The rest of you just shut it.

I can already hear the gasps of horror and the "Bullethead did bad things" comments. I never did anything illegal or immoral—just stupid. The sorts of things that should have, and sometimes did, land me in Internal Affairs.

Plenty of the stuff I did was just standard patrol crap. One incident that should've gotten me fired was exceptionally jackass. I was booking some chump parolee. He was running his mouth, and I was giving it back to him and letting it escalate like an amateur. He gave me the standard, "If you didn't have that badge and gun..."

We were in the booking room, so my weapons were already off. I pulled my badge off and got into the cage with him. I had another officer lock the cage door, and I took a seat on the stool next to him in full view of all the video cameras watching the booking room. Although stupid, young Bullethead was not a punk, so the parolee shut his pie hole.

Still, let's take a closer look at this one. Had parolee boy jumped, we would've each beat each other silly. I put the other officers and the agency at risk with this one, but I was too stupid to care. I've thought about it for

years, and I still can't think of a reasonable way to talk my way out of that one. The only thing I can say is, I should've been disciplined for taking the bait, and if a fight had come from it, I should've been fired.

Enough laughing about how stupid ol' Bullethead was. You've been down the road, so you know the tricks. You also know how you would've talked your way out of things, so you should have your supervisor arguments ready. Times change, police work changes and now you've changed. If a subordinate hits you with your history, give it back to him with a laugh: "Yeah, remember all the crazy stuff we used to do, those days are gone." (You are walking the walk now, right?)

You can't pretend it didn't happen because that will kill your credibility, so just embrace it as the good ol' days and make it clear it's no longer OK. Invite your squad for a cup and shoot the poop about the crazy times. After you joke about it, switch into Supe' mode and make it clear it's a new day. They'll come around.

If not, slap 'em. I don't advocate discipline by force, but if they're pushing to see how far you'll let them go, you gotta set the flare pattern and make it clear which way the traffic must move.

Your lieutenant should be a good resource. You were put into your spot to lead and teach, and so was she. You teach cops, and she teaches sergeants. Don't go to her and complain that the troops are giving you a hard time—she'll bounce you like a superball. But hit her up with ideas about where you are, where you're going and how you plan to get there. If she's worth those bars, she'll let you present an issue and a plan, and only adjust small pieces. As she adjusts, you can ask other questions.

Like I said, this is an easy fix, so go laugh at your former self. Then finish laughing and start leading.

### **Fact or Fiction?**

- |  |   |   |
|--|---|---|
| 1. Image is more important than character.                           | T | F |
| <hr/> <hr/>  |   |   |
| 2. Leaders have more rights than followers.                          | T | F |
| <hr/> <hr/>  |   |   |
| 3. Leadership is a position of power.                                | T | F |
| <hr/> <hr/>  |   |   |
| 4. A leader can lead by position regardless of example.              | T | F |
| <hr/> <hr/>  |   |   |
| 5. Charisma is fundamental to leadership.                            | T | F |
| <hr/> <hr/>  |   |   |
| 6. A leader's personal and public life do not have to be consistent. | T | F |
| <hr/> <hr/>  |   |   |
| 7. Integrity isn't essential to success.                             | T | F |
| <hr/> <hr/>  |   |   |

Kouzes, J. and Posner, B. The leadership challenge. San Francisco, CA: Jossey-Bass Inc.

## **Ethical Dilemmas**

Read the following ethical dilemmas and make a decision. Be prepared to discuss the reasoning behind the decisions you make.

1. You are a new supervisor for a large agency with multiple divisions. To get a better understanding of how the agency functions, the director has asked you to spend a few days observing operations in the other divisions. While visiting one of these divisions, you notice an employee having difficulty with his balance and coordination. The supervisor of this employee is not currently in the office. Do you talk to the employee? Do you wait until the employee's supervisor arrives and talk to her? Or do you ignore the problem?
2. A new supervisor has been appointed to your department. After a couple of months on the job it becomes clear that she is not qualified for the position. You and a couple of other supervisors have been covering for her in the hopes that she would eventually catch on; instead, she has become dependent on the extra help. Do you go to management and explain the situation knowing she might lose her job? Do you continue to work with her? Or do you cut off support and let what happens, happen?
3. Your manager has asked you to draft a proposal addressing more effective methods for training new employees. You work hard on this project and turn in an exemplary product. Several months later you discover that your manager is receiving a commendation for his new field-training program. This program is the proposal you researched and wrote. Do you talk to him about taking credit for your work? Do you go to someone higher up and discuss the issue with them? Or do you just let it go?
4. As a supervisor, you notice one of your officers appears to be struggling emotionally. Since his wife just had twins, you understand why he appears tired and a bit stressed. You try to talk to him about taking time off, but he refuses and says everything is fine. However, as the days go by, you notice that he is becoming less successful at controlling his anger. Do you try talk to him again about taking time off? Do you force him to take time off? Do you refer him to employee assistance? Or do you ignore it knowing that eventually he will calm down?

## Instructions

Answer the questions in this survey according to how you currently perceive your work group or organization and your own leader actions. DO NOT answer these questions according to how you would prefer them to be or how you think they should be. This information is for your use, not your chain of command's to determine if you need to take action to improve the Ethical Climate in your organization.

Use the following scale for all questions in Sections I and II.

<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Neither Agree nor Disagree</b>	<b>Agree</b>	<b>Strongly Agree</b>
1	2	3	4	5

### Section I:

#### Individual Character – “Who are we?”

This section focuses on the commitment of your organization's members to Department values. Please answer the following questions based on your observations of the ethical commitment in your unit of assignment.

- \_\_\_\_ A. In general, the members of my unit demonstrate a commitment to Department values (honor, selfless service, integrity, loyalty, courage, duty, and respect).
- \_\_\_\_ B. The members of my unit typically accomplish a goal or an objective by “doing the right thing” rather than compromising Department values.
- \_\_\_\_ C. I understand, and I am committed to, the Department's values as outlined in the Department written directives.

**Total = \_\_\_\_\_**

### Section II:

#### Unit/Workplace Policies & Practices – “What do we do?”

This section focuses on what you, and the leaders who report to you, do to maintain an ethical climate in your workplace. (This does not mean your supervisors. Their actions will be addressed in Section IV).

- \_\_\_\_ A. We provide clear instructions that help prevent unethical behavior.
- \_\_\_\_ B. We promote an environment in which subordinates can learn from their mistakes.
- \_\_\_\_ C. We maintain appropriate, not dysfunctional, levels of stress and competition in our unit.
- \_\_\_\_ D. We discuss ethical behavior and issues during regular counseling sessions
- \_\_\_\_ E. We maintain an organizational motto, philosophy, and mission that is consistent with Department values.

- \_\_\_\_F. We submit unit reports that reflect accurate information.
- \_\_\_\_G. We ensure unit members are aware of, and are comfortable using, the various channels available to report unethical behavior.
- \_\_\_\_H. We treat fairly those individuals in our unit who report unethical behavior.
- \_\_\_\_I. We hold accountable (i.e., report and/or punish) members of our organization who behave unethically.

**Total = \_\_\_\_\_**

**Use the following scale for all questions in Section III:**

<b>Never</b>	<b>Hardly Ever</b>	<b>Sometimes</b>	<b>Almost Always</b>	<b>Always</b>
1	2	3	4	5

### Section III:

#### Unit Leader Actions – “What do I do?”

This section focuses on what you do as the leader of your organization to encourage an ethical climate.

- \_\_\_\_A. I discuss department values in orientation programs when I welcome new members to my organization.
- \_\_\_\_B. I routinely assess the ethical climate of my unit (i.e., sensing sessions, climate surveys, etc.)
- \_\_\_\_C. I communicate my expectations regarding ethical behavior in my unit, and require employees to perform tasks in an ethical manner.
- \_\_\_\_D. I encourage discussions of ethical issues in After Action Reviews, training meetings, seminars, and workshops.
- \_\_\_\_E. I encourage unit members to raise ethical questions and concerns to the chain of command or other appropriate individuals, if needed.
- \_\_\_\_F. I consider ethical behavior in performance evaluations, award and promotion recommendations, and adverse personnel actions.
- \_\_\_\_G. I include maintaining a strong ethical climate as one of my unit’s goals and objectives.

**Total = \_\_\_\_\_**

**Use the following scale for all questions in Section IV.**

Note: the scale is reversed for this section (Strongly Agree is scored as a “1,” not a “5”)

<b>Strongly Agree</b>	<b>Agree</b>	<b>Neither Agree nor Disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
1	2	3	4	5

**Section IV:**

**Environment/Mission Factors – “What surrounds us?”**

This section focuses on the external environment surrounding your organization. Answer the following questions to assess the impact of those factors on the ethical behavior in your organization.

- \_\_\_\_\_A. My unit is currently under an excessive amount of stress (i.e., inspections, limited resources, training events, deadlines, etc.).
- \_\_\_\_\_B. My higher unit leaders foster a ‘zero defects’ outlook on performance, such that they do not tolerate mistakes.
- \_\_\_\_\_C. My higher unit leaders over-emphasize competition between units.
- \_\_\_\_\_D. My higher unit leaders appear to be unconcerned with unethical behavior as long as the goal, objective or mission is accomplished.
- \_\_\_\_\_E. I do not feel comfortable bringing up ethical issues with my superiors.
- \_\_\_\_\_F. My peers in my unit do not seem to take ethical behavior very seriously.

**Total = \_\_\_\_\_**

**Summary:**

**Place the Total Score from each section in the spaces below:**  
 (A score of 1 or 2 on any question requires some immediate leader action.)

- Section I – Individual Character Total Score \_\_\_\_\_
- Section II – Unit/Workplace Policies & Practices Total Score \_\_\_\_\_
- Section III – Unit Leader Actions Total Score \_\_\_\_\_
- Section IV – Environmental/Mission Factors Total Score \_\_\_\_\_

**ECAS TOTAL SCORE (I + II + III + IV) = \_\_\_\_\_**

- |   |   |                                    |
|---|---|------------------------------------|
| <b>25 – 75</b>  | <b>76 – 100</b>                         | <b>101 – 125</b>                   |
| Take <b>Immediate</b> Action to Improve Ethical Climate | Take Actions to Improve Ethical Climate | Maintain a Healthy Ethical Climate |

*(This Assessment Survey is adapted from the LACP’s Leadership in Police Organizations, 2003.)*



# Legal Issues Supervisor Responsibility

## POST First-Line Supervisor Program

**Instructional Goal:**

The Instructional Goal is to provide an introduction and overview of legal issues that first line supervisors will most likely encounter while on the job and a general overview of their responsibilities should an issue arise.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify to the incidents that qualify employees under the Family Medical Leave Act.
2. Explain the requirements for protection under the American Disabilities Act.
3. Identify special provisions regarding law enforcement under the Fair Labor Standards Act.
4. Identify provisions under NRS 616A-617 concerning Worker's Compensation Laws.
5. Explain the rights given to employees protected under the Uniformed Services Employment and Reemployment Rights Act.
6. Explain the difference between callback and overtime pay.
7. Explain supervisor responsibility, as outlined in agency/departmental/state/county/or city policy, in regard to the following issues:
  - a. Sexual and Discriminatory Harassment
  - b. Workplace Violence
  - c. Email Usage and Storage
  - d. Internet Usage
  - e. Affirmative Action Plan and Equal Employment Opportunities
8. Identify the important supervisory issues in regard to labor contracts.
9. Identify general supervisory guidelines when dealing with forfeiture and nuisances.



## Legal Laundry List

- Family Medical leave Act (FMLA)
- American with Disabilities Act (ADA)
- Fair Labor Standards Act (FLSA)
- Worker's Compensation
- Sexual & Discriminatory Harassment
- Workplace Violence
- Consensual Relationships
- Employment Discrimination
- Affirmative Action and EEO

### Family Medical Leave Act (FMLA)

Covered employers must grant an eligible employee up to a total of **12** work weeks of unpaid leave during any **12-month period** for one or more of the following reasons:

- Birth or care of a **newborn**
- Placement of a child with employee for **adoption/foster** care.
- Care of an **immediate family member (spouse, child, or parent)** with a serious health condition; or
- To take **medical leave** when the employee is unable to work because of a serious health condition.

#### FMLA - What is a Serious Health Condition?

- Defined as injury/illness requiring inpatient care or outpatient care that required **continuing treatment** or supervision by a health care provider.
- Continuing treatment normally requires:
  - Incapacitation of **3-days or more**
  - Pregnancy
  - Chronic serious health conditions
  - **Does not apply to short term common illnesses, stress, or voluntary surgery**

#### FMLA – Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in National Guard or Reserves may use their 12-week leave:

- Attend certain military events
- Arranging alternative child care
- Addressing certain financial/legal arrangements
- Attending certain counseling sessions
- Attending post-deployment reintegration briefings
- Special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period

#### U.S. Department of Labor (Revised 2012)

##### Wage and Hour Division

#### **Fact Sheet #28: The Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons. This fact sheet provides general information about which employers are covered by the FMLA, when employees are eligible and entitled to take FMLA leave, and what rules apply when employees take FMLA leave.

## COVERED EMPLOYERS

The FMLA only applies to employers that meet certain criteria. A **covered employer** is a:

- Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer;
- Public agency, including a local, state, or Federal government agency, regardless of the number of employees it employs; or
- Public or private elementary or secondary school, regardless of the number of employees it employs.

## ELIGIBLE EMPLOYEES

Only eligible employees are entitled to take FMLA leave. An **eligible employee** is one who:

- Works for a *covered employer*;
- Has worked for the employer for at least *12 months*;
- Has at least *1,250 hours* of service for the employer during the 12 month period immediately preceding the leave\*; and
- Works at a location where the employer has at least *50 employees within 75 miles*.

The 12 months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not count *unless* the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in service. See "FMLA Special Rules for Returning Reservists".

## LEAVE ENTITLEMENT

Eligible employees may take up to **12 workweeks** of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to **26 workweeks** of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. See Fact Sheets 28F: Qualifying Reasons under the FMLA and 28M: The Military Family Leave Provisions under the FMLA.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the employer's approval.

Under certain conditions, employees may choose, or employers may require employees, to "substitute" (run concurrently) accrued paid leave, such as sick or vacation leave, to cover some or all of the FMLA leave period.

An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

## **NOTICE**

Employees must comply with their employer's usual and customary requirements for requesting leave and provide enough information for their employer to reasonably determine whether the FMLA may apply to the leave request. Employees generally must request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave. See [Fact Sheet 28E: Employee Notice Requirements under the FMLA](#).

Covered employers must:

- (1) Post a notice explaining rights and responsibilities under the FMLA (and may be subject to a civil money penalty of up to \$110 for willful failure to post);
- (2) Include information about the FMLA in their employee handbooks or provide information to new employees upon hire;
- (3) When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA-qualifying reason, provide the employee with notice concerning his or her eligibility for FMLA leave and his or her rights and responsibilities under the FMLA; and
- (4) Notify employees whether leave is designated as FMLA leave and the amount of leave that will be deducted from the employee's FMLA entitlement.

See [Fact Sheet 28D: Employer Notice Requirements under the FMLA](#)

## **CERTIFICATION**

When an employee requests FMLA leave due to his or her own serious health condition or a covered family member's serious health condition, the employer may require certification in support of the leave from a health care provider. An employer may also require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition. See [Fact Sheet 28G: Certification of a Serious Health Condition under the FMLA](#). For information on certification requirements for military family leave, See [Fact Sheet 28M\(c\): Qualifying Exigency Leave under the FMLA](#); [Fact Sheet 28M\(a\): Military Caregiver Leave for a Current Servicemember under the FMLA](#); and [Fact Sheet 28M\(b\): Military Caregiver Leave for a Veteran under the FMLA](#).

## **JOB RESTORATION AND HEALTH BENEFITS**

Upon return from FMLA leave, an employee must be restored to his or her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot be counted against the employee under a "no-fault" attendance policy. Employers are also required to continue group health insurance coverage for an employee on FMLA leave under the same terms and conditions as if the employee had not taken leave. See [Fact Sheet 28A: Employee Protections under the Family and Medical Leave Act](#)

## **OTHER PROVISIONS**

Special rules apply to employees of local education agencies. Generally, these rules apply to intermittent or reduced schedule FMLA leave or the taking of FMLA leave near the end of a school term.

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under the FLSA regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to

the “salary basis” requirements for FLSA’s exemption extends only to an eligible employee’s use of FMLA leave.

## **ENFORCEMENT**

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA.

**For additional information, visit our Wage and Hour Division Website: [www.wagehour.dol.gov](http://www.wagehour.dol.gov) and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, (866) 4-USWAGE (866-487-9243).**

## **Questions and Answers**

### **1. Is there a precise definition of a “serious health condition”?**

No. The Department of Labor regulations attempt to define a serious health condition but, judging by the number of court cases, they do not do a very good job. The FMLA broadly describes a serious health condition as an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

### **2. What does “continuing treatment” mean?**

The term “continuing treatment” is difficult for employers to interpret. The DOL regulations describe five different scenarios, including:

- a period of incapacity of more than three consecutive calendar days involving two or more treatments, by or under the orders of a health care provider, or treatment by a health care provider on at least one occasion that results in a supervised regimen of continuing treatment (for example, prescription medications or specialized therapy);
- pregnancy (including severe morning sickness) and time needed for prenatal visits;
- a chronic health condition, such as asthma, diabetes, or epilepsy;
- a long-term condition such as Alzheimer’s, a severe stroke, or the terminal stages of a disease; and
- restorative surgery after an accident or other injury, or a condition that is likely to result in a period of incapacity of more than three consecutive calendar days if left untreated, such as physical therapy for severe arthritis or chemotherapy for cancer.

(Note: any period of incapacity that is the result of pregnancy or a chronic serious health condition, such as morning sickness or an asthma attack, qualifies for FMLA leave even if the employee does not receive treatment from a health care provider or the absence does not last more than three days.)

### **3. Is there any indication in the regulations of what is not considered a “serious health condition”?**

Yes. Conditions that only require taking over-the-counter medications, such as aspirin and antihistamines, do not qualify. In addition, the following are not considered serious health conditions:

- Conditions that require drinking plenty of fluids or any similar activities that can be initiated without a visit to a health care provider, unless something more serious is involved;
- Routine dental problems and periodontal disease;
- The common cold, flu, earache, upset stomach, minor ulcer, and headache (other than migraine); and
- Cosmetic treatments (such as for acne or plastic surgery), unless inpatient hospital care is required or complications develop.

### **4. What are some examples of “serious health conditions”, according to recent court cases and DOL opinions?**

The courts and the DOL have found the following medical problems to be serious health conditions:

- A peptic ulcer, even though it caused only short periodic absences, because the employee was under the continuing treatment of a health care providers and the condition was chronic (*Victorelli v. Shadyside Hospital*, 128 F.3d 184 (3rd Cir. 1997));
- Chicken pox, because the employee received treatment for it twice by a doctor, the doctor told the employee that he could not work for more than three days, and he was contagious while on leave (*George v. Associated Stationers*, 932 F. Supp. 1012 (N.D. Ohio 1996));
- Various ailments experience all at one time, including hyperthyroidism, back pain, sinusitis, high blood pressure, infected cyst, and depression, although the court found that no one symptom by itself would qualify (*Price v. City of Fort Wayen*, 117 F.3d 1022 (7th Cir. 1997));
- Asthma and migraines could be serious health conditions even though treatment for the conditions may be brief (DOL Advisory Opinion, 7/13/95); and
- The cold or flu may be a serious health condition, if the individual is incapacitated for more than three consecutive days and receives continuing treatment by a health care provider as defined in the regulations (DOL Advisory Opinion, 12/12/96).

##### **5. What are generally not found to be “serious health conditions”?**

The following generally were not found to be serious health conditions:

- Food poisoning, since it did not require inpatient or continuing care (*Oswalt v. Sara Lee Corp.*, 74F3d 91 (5th Cir. 1996); and
- A neck injury, even though the employee visited a doctor and attended physical therapy sessions, since there was not evidence that medical treatment was necessary, and the employee was not required to be absent for more than three consecutive days (*Haefling v. UPS*, 169 F.3d 494 (7th Cir. 1999).

##### **6. How much leave may a husband and wife take if they are employed by the same employer?**

- (a) A husband and wife who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken:
  - (1) for birth of the employee's son or daughter or to care for the child after birth;
  - (2) for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; or
  - (3) to care for the employee's parent with a serious health condition.
- (b) This limitation on the total weeks of leave applies to leave taken for the reasons specified in paragraph (a) of this section as long as a husband and wife are employed by the “same employer.” It would apply, for example, even though the spouses are employed at two different worksites of an employer located more than 75 miles from each other, or by two different operating divisions of the same company. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave.
- (c) Where the husband and wife both use a portion of the total 12-week FMLA leave entitlement for one of the purposes in paragraph (a) of this section, the husband and wife would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for a purpose other than those contained in paragraph (a) of this section. For example, if each spouse took 6 weeks of leave to care for a healthy, newborn child, each could use an additional 6 weeks due to his or her own serious health condition or to care for a child with a serious health condition. Note, too, that many State pregnancy disability laws specify a period of disability either before or after the birth of a child; such periods would also be considered FMLA leave for a serious health condition of the mother, and would not be subject to the combined limit.

#### **Fact Sheet #28M: The Military Family Leave Provisions under the Family and Medical Leave Act**

**(Revised February 2013)**

The military family leave provisions of the Family and Medical Leave Act (FMLA) entitle eligible employees of covered employers to take FMLA leave for any “qualifying exigency” arising from the foreign deployment of

the employee's spouse, son, daughter, or parent with the Armed Forces, or to care for a servicemember with a serious injury or illness if the employee is the service member's spouse, son, daughter, parent or next of kin.

## QUALIFYING EXIGENCY LEAVE

A covered employer must grant an eligible employee up to **12 workweeks** of unpaid, job-protected leave during any 12-month period for qualifying exigencies that arise when the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of an impending call or order to covered active duty.

Covered active duty means:

for members of the **Regular** Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country; or

for members of the **Reserve** components of the Armed Forces (members of the National Guard and Reserves), duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

Deployment to a foreign country includes deployment to international waters.

Qualifying exigencies for which an employee may take FMLA leave include making alternative child care arrangements for a child of the deployed military member, attending certain military ceremonies and briefings, or making financial or legal arrangements to address the military member's absence. See [Fact Sheet 28M\(c\), Qualifying Exigency Leave](#), for additional information about qualifying exigencies under the FMLA.

## MILITARY CAREGIVER LEAVE

A covered employer must grant an eligible employee up to a total of **26 workweeks** of unpaid, job-protected leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness. The employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.

A covered servicemember is either:

a **current** member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or

a **veteran** of the Armed Forces (including the National Guard or Reserves) discharged within the five-year period before the family member first takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness. A veteran who was dishonorably discharged does not meet the FMLA definition of a covered servicemember.

For a current servicemember, a serious injury or illness is one that may render the servicemember medically unfit to perform his or her military duties. For a veteran, a serious injury or illness is one that rendered the veteran medically unfit to perform his or her military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work. For veterans, it includes injuries or illnesses that were incurred or aggravated during military service but that did not manifest until after the veteran left active duty.

See [Fact Sheets 28M\(a\), Military Caregiver Leave for a Current Servicemember under the FMLA](#), and [28M\(b\), Military Caregiver Leave for Veteran under the FMLA](#), for additional information on these provisions, including the definition of a serious injury or illness for a covered servicemember, and certification requirements. See also the "[Employee's Guide to the Family and Medical Leave Act](#)" and the "[Employee's Guide to Military Family Leave](#)" for additional information, including the employee's requirement to provide notice of their need for leave.

## **ENFORCEMENT**

It is unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided by the FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to the FMLA. [See Fact Sheet 77B: Protections for Individuals under the FMLA](#). The Wage and Hour Division is responsible for administering and enforcing the FMLA for most employees. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress. If you believe that your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division or file a private lawsuit against your employer in court.

### **FMLA – Points**

- ☐ Law contains eligibility guidelines for employees based upon number of hours worked.
- ☐ Time clock is different for classified and unclassified staff (calendar vs. fiscal year)
- ☐ Employer can require certification from doctor
- ☐ Leave may be intermittent except for child birth/adoption
- ☐ Employee must provide reasonable notice to employer of leave, when possible
- ☐ FMLA leave should be counted concurrently with other leave time (medical/worker's comp, ADA, etc.)
- ☐ Employer must designate the leave as FMLA to prevent "double dipping"
- ☐ Employee has right to return to same or equivalent position

### **American with Disabilities Act (ADA)**

- ☐ ADA is a Federal law that prohibits discrimination against qualified individuals with disabilities in all conditions of employment
- ☐ A *disability* is defined as a physical or mental impairment that substantially limits one or more of the person's major life activities, a history of such impairment, or being regarded as having such impairment
- ☐ Prohibits an employer from retaliating against an employee that exercises ADA rights.

### **Major Life Activities**

Must have a disability or have a relationship or association with an individual with a disability.

A person who has a physical or mental impairment that substantially limits one or more major life activities (caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting, and mental and emotional processes such as thinking, concentrating, and interacting with others), a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

### **Disability Not Always Clear**

- ☐ Drug addiction is an impairment under ADA.
- ☐ However, services can be withheld if an addict is illegally using controlled substances.
- ☐ Persons who have been rehabilitated or are in a treatment program and no longer using drugs are protected
- ☐ Alcohol is not a controlled substance, but alcoholism can be considered a disability

### **Why the ADA?**

- ☐ The ADA is intended to "level the playing field" for employees with disabilities.
- ☐ Qualified employees must be afforded the same opportunities to succeed.
- ☐ **Reasonable accommodations** must be made to allow individuals to participate equally, **unless it would impose an undue hardship on the employer.**

## **Qualified Individuals**

- ⌞ A person who meets the legitimate skill, experience, education or other requirements of a position that he or she holds or seeks and who can perform the essential functions of the position **with or without reasonable accommodation**.
- ⌞ A person is not qualified if he or she poses a significant risk to the health or safety to himself, herself or others and if the employer cannot eliminate that risk by reasonable accommodation.

## **Reasonable Accommodations**

- ⌞ Changes or adjustments to the job or work environment that may include:
  - acquiring or modifying equipment or devices;
  - job restructuring;
  - part-time or modified work schedules;
  - reassignment to vacant positions;
  - adjusting examinations, training materials, or policies;
  - providing readers and interpreters; making the workplace readily accessible and usable by people with disabilities

## **Help Available**

Federal and state programs available to assist employees and employers Nevada Department of Employment, Training and Rehabilitation

## **ADA Points**

- Illegal to fail to provide a reasonable accommodation unless it presents an undue hardship.
- Find the most “reasonable” accommodation.
- ADA contains strict confidentiality requirements
- It is the responsibility of the employee to request an accommodation (in general terms)

## **Fair Labor Standards Act (FLSA)**

The Fair Labor Standards Act establishes:

- Minimum Wage
- Overtime pay
- Recordkeeping
- Child Labor Standards
- Prescribes standards for the basic minimum wage and overtime pay.
- Requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-one-half-times the regular rate of pay.
- The Department of Labor may recover back wages, either administratively or through court action, for the employees that have been underpaid in violation of the law. Violations may result in civil or criminal action.

## **Special provisions regarding Law Enforcement:**

- 43 hour workweek
- Canine pay

## **Call-Back**

- ⌞ Compensation earned for returning to duty after a member has completed his regular shift
- ⌞ Requested to return to duty with less than 12 hours’ notice
- ⌞ Call-back affects PERS
- ⌞ Overtime does not affect PERS



## **FLSA Points**

- ⌞ FLSA overtime rules apply to hours worked not hours paid. Sick leave, vacation time, holidays, jury duty, etc., are not considered as part of the 40-hour base toward which overtime is calculated.
- ⌞ You may require employees to obtain permission to work overtime. If they fail to obtain permission, you may refuse
- ⌞ FLSA will require overtime for non-exempt employees if you allow, suffer or permit them to work overtime.
- ⌞ You can unintentionally change an employee's status by treating them as nonexempt when they are exempt

## **Worker's Compensation Laws**

NRS 616A to 616D establishes the Nevada Industrial Insurance Act. NRS 616A to 617 must be interpreted and construed to ensure the quick and efficient payment of compensation to employees who are injured or disabled employees at a reasonable cost to the employers who are subject to the provisions of those chapters.

- ⌞ Pay salary and benefits to employees that suffer an illness or injury at work and arising out of and in the course of employment.
- ⌞ Employee must promptly notify the employer of the injury.

## **Workers' Compensation**

Governed by:

- § Nevada Revised Statutes
  - Chapter 616
  - Chapter 617
- § Nevada Administrative Code
- § Case Law
- § Department Policy/Regulations

## **Responsibilities, reporting and deadlines**

An employee is required to report all accidents as soon as possible to their supervisor.

A Notice of Injury, C1, must be completed within 7 days of the incident.

If an injury requires medical treatment, the employee must obtain treatment within 90 days of the accident.

The medical provider must complete a Physician's Report of Injury, C4. The medical provider must provide the insurer and employer a copy of the C4 within 3 days of the medical exam.

An employee is required to obtain a Physician's Physical Assessment form from the physician after each medical exam and provide a copy to their supervisor no later than 3 days after the exam. The supervisor should fax a copy to the W/C liaison or Loss Control Coordinator immediately.

The supervisor is required by law to complete an Employer's Report of Injury, C3, after notification of medical treatment. Notification of medical treatment can be either be written or verbal. The supervisor must fax a copy of the C3 immediately to the W/C liaison or the Loss control Coordinator.

## **Fines**

NRS 616C.045 states that it is the employers' responsibility to complete and provide the insurer with the C3, the accident report, within 6 days of the notification of medical treatment; failure to do so may result in a \$1000 fine for each violation

**REMEMBER!!!!!!!!!!**

**As a supervisor it is your responsibility to complete the C3**

**Leave Choice Options**

- ∩ Total temporary disability is paid by the insurer when an employee is temporarily unable to work
- ∩ If the employee chooses to use leave time, the insurer's disability check will be used to "buy back" some of the employee's leave

**Early to Work Program (mandated by the Governor for state workers)**

- ∩ An employee is required to obtain a Physicians Physical Assessment form at each doctor visit
- ∩ An employee is required to provide a copy of the Physicians Physical Assessment form to their supervisor no later than 3 days after the medical exam
- ∩ The supervisor is to fax the Physicians Physical Assessment form to the W/C liaison or Loss Control Coordinator immediately.

**EXPOSURES**

**Bloodborne pathogen**

- **All** exposures – are to be reported immediately; follow up with C3
- **Significant exposures** – an employee is to be excused immediately to obtain medical treatment, there is a **two hour** window in which Rx is to be administered.
- **All other exposures** – employees **are to be tested within 72 hours** (NRS) unless declination is signed by employee.

**Heart and Lung Benefits for Police and Fire – NRS 617**

Criteria – full time continuous uninterrupted and salaried uniformed employee – 2 years for Lung and 5 years for Heart and complied with annual physicals

None of the predisposing factors on a continuous basis

- Obesity
- Uncontrolled hypertension
- Smoking
- Chewing tobacco
- Uncontrolled diabetes
- Elevated lipids/Triglyceride

Benefit provided by workers' compensation

- Expenses as a result of a disease of the heart and/or lung including wage compensation, medical, and death benefits

**Uniformed Services Employment and Reemployment Rights Act (USERRA)**

USERRA prohibits discrimination of those who are serving or have served in the:

**Armed Forces**

**National Guard**

Commissioned Corps of the Public Health Services

Provides reemployment rights

Maintenance of benefits and health insurance plans during service

## **Sexual Harassment**

There are two basic theories of sexual harassment:

- ⌞ Quid pro quo (i.e., employment benefits conditioned upon sexual conduct); and
- ⌞ Hostile work environment.

Under both theories if the conduct is unwelcome and has a demonstrated effect on the employee's conditions of employment, it may constitute unlawful sexual harassment

### **Quid Pro Quo**

Involves situations in which a supervisor exploits his or her authority to exact sexual favors from a subordinate.

Quid pro quo sexual harassment occurs when submission to or rejection of such conduct is used as the basis for employment decisions affecting that individual

### **Hostile Work Environment**

Employee is required to work in an environment that unreasonably interferes with his or her work performance.

Conduct must be sufficiently severe and pervasive to create an intimidating, hostile, or offensive work environment.

Conduct need not be sexual in nature to constitute harassment. Any unwelcome conduct directed at a person because of his or her gender can constitute actionable harassment.

### **Legal Requirements for Hostile Work Environment**

- ⌞ Must discriminate against a protected class
- ⌞ Must be pervasive
- ⌞ Must be severe
- ⌞ It is reasonable that the employer knew or should have known and did not intervene

### **Protected Classes**

- Age (over 40)
- Disability
- Equal Pay Compensation
- Genetic Information (GINA)
- Harassment
- National Origin
- Pregnancy
- Race/Color
- Religion
- Retaliation
- Sex (Male/female, lesbian, gay, bisexual, gender identity)
- Sexual Harassment

### **Liability for Harassment**

- ⌞ Department may be held legally accountable for harassment carried out by supervisors or by an employee's co-workers.
- ⌞ Employer must respond in a timely fashion to all reported instances of harassment.
- ⌞ Employer is presumed liable if they knew or should have known and fail to respond.

### **Sexual Harassment Prevention Practice Points**

- ⌞ Know the sexual harassment policy.
- ⌞ Be a role model for your staff.
- ⌞ Identify potential problems and address them promptly.
- ⌞ Create an open door policy where people feel comfortable confiding in you.
- ⌞ Maintain confidentiality to the extent possible.
- ⌞ Take action on all complaints even if recipient asks you not to.

## **Supervisor's Responsibility**

It is your responsibility to take action if you know, or should have known, about questionable behavior in your workplace - even if an employee does not complain to you about sexual harassment

## **Other Discriminatory Harassment**

The same general principles (such as unwelcomeness, severe or pervasive, hostile environment) that you have learned constitute sexual harassment also apply to other forms of harassment except that the harassment is based on a protected characteristic other than sex.

Essentially, conduct that constitutes these other forms of harassment is any:

- ⌞ verbal, visual, or physical conduct that belittles, mocks or shows hostility toward an individual because of another characteristic protected by law (such as race, color, religion, national origin, age and disability among others) of that individual or of his or her relatives, friends or associates, and that:
- ⌞ has the purpose or effect of creating an intimidating, hostile, or offensive work environment, or unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

## **Policies and Procedures**

A supervisor should be responsible for knowing the policies and procedures related not only to the law enforcement agency, but also those adopted by the governing body. For example, review federal, state, and local government as well as agency policy regarding the following:

1. Sexual Harassment
2. Discrimination
3. Workplace Violence
4. Email Usage and Storage
5. Affirmative Action Plan
6. Equal Employment Opportunities

## **Supervisory Liability**

Title VII: federal law that prohibits employment discrimination

42 US Code: acting under the color of state law and deprivation of a person's constitutional rights

- ⌞ Personal involvement in the constitutional deprivation
- ⌞ Sufficient causal connection between the supervisor's wrongful conduct and the constitutional deprivation

## **Labor Contracts – NRS 288**

Know the contents of the labor contract that applies to the employees being supervised.

Understand the rights of management.

## **Other Legal Issues You May Encounter**

- ⌞ Ethics Issues –classified and unclassified employees
- ⌞ Open Meetings/Public Records
- ⌞ Contracts
- ⌞ Tenure/Merit/Performance Evaluation
- ⌞ Hiring/Background/Reference Checks
- ⌞ Subpoenas
- ⌞ Confidentiality
- ⌞ HIPPA (Health Insurance Portability & Accountability Act 1996)

- n FERPA (Family Educational Rights and Privacy Act)
- n Workplace Violence
- n Fair Employment Law
- n Forfeitures Issues

## **Top 10 Legal Mistakes by Supervisors**

**Mistake #1: Mishandling Employee Complaint Issues.**

**Mistake #2: Failing To Apply Policies, Procedures And Employee Discipline Consistently.**

**Mistake #3: Failure To Give Constant Feedback (Good And Bad) To Employees and Failure To Document Problems.**

**Mistake #4: Failing To Conduct Honest & Effective Performance Reviews.**

**Mistake #5: Failing To Understand & Follow The Ever-changing Wage & Hour Laws.**

**Mistake #6: Creating A Perception Of Retaliation.**

**Mistake #7: Failing To Manage And Resolve Conflict Before It Escalates Into Workplace Violence Or Litigation.**

**Mistake #8: Failing To Promptly Respond To Leave and Accommodation Requests.**

**Mistake #9: Carelessly Using E-mail.**

**Mistake #10: Failing To Keep Good Records.**



## Media/PIO

# POST First-Line Supervisor Program

**Instructional Goal:**

The instructional goal is to allow supervisors the opportunity to discuss strategies for building positive and effective relationships with the media.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Explain why it is important to maintain a positive relationship with the media.
2. List local media sources.
3. Identify what national media sources law enforcement agencies may come into contact with.
4. Define what types of media sources law enforcement agencies may come into contact with.
5. List steps law enforcement should take to provide public information.
6. Identify key concepts to remember when dealing with the media and public.

The media is a fact of life and is not going to go away. So understanding the media and building effective and positive relationships with the media are extremely important.

## Media Impression

What types of encounters have you had with the media?

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How would you rate your various encounters with the media?

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Do you think the media understands law enforcement's job? Why or Why not?

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Do you think law enforcement understands the media's job? Why or Why not?

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Have you personally taken the time to cultivate a positive relationship with the various media contacts within your jurisdiction?

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### Why talk to the media?

- The media's audience is your citizens
- Sometimes, the communication line is essential (Emergencies, Disasters, Escapees, etc.)
- The public has the right to know, and you have an obligation to tell them.

In general, Law Enforcement can prevent the media from obtaining access to info or areas not available to the public, but once media acquires the info, the constitutional right to publicize is virtually insurmountable.

Branzburg v Hayes, 408 US 665, 1992

Houchins v KQED, 438 US 1, 1977

Press Enterprise Co v Superior Court of California, 106 S. Ct 2735, 1986

- You can impact the public's perception of your agency.
- **Maintain Control**- if an agency will not supply pertinent, accurate, topical facts in a timely fashion, the media will find someone, somewhere, to fill the time with speculation, opinion, and innuendo.

“If you do not feed the media beast, it will feed on you.” -- unknown



## Do Not Make Assumptions

Never underestimate a reporter or assume that he/she doesn't understand the situation.

Always treat the media as professionals.

News reporters are inherently busy.

Deadlines are huge concerns to the media.

## Media Relations

How can cultivating positive relationships with the local media help law enforcement agencies?

August 02, 2012

PoliceOne.com

## Destroying Myths & Discovering Cold Facts with Force Science Institute

At the latest ILEETA training conference, Rick Rosenthal, a veteran TV news anchor who's now a law enforcement consultant, delivered some mixed metaphors you might find comforting as you contemplate the possibility of an OIS in your jurisdiction and the publicity firestorm that may well ignite in its aftermath.

- The media are not the bone-crushing, "900-pound gorilla" that many in police work imagine, he said. "That's a myth."
- When the media show up and try to get you to jump, you don't have to "play frog."
- With proper planning, you won't become "media roadkill."
- You (or someone from your agency) will have to deal with reporters when news breaks. "Engagement is inevitable," Rosenthal said. "Victory is only optional."

These days, after more than 30 years in broadcast journalism, many of them with Chicago superstation WGN, he spends full time training law enforcement in "key strategies and tactics for winning with the media."

After his generalized presentation at ILEETA, Force Science News asked him specifically how agencies and their personnel can best deal with reporters after an OIS or other major use of force.

Here are 10 steps he recommends for winning under such crisis conditions:

**1.) Build rapport with reporters before you need it.** An OIS obviously is a special media event, but the kind of media relationship you need to build to handle it successfully is an ongoing process that needs to begin well before a shooting occurs, Rosenthal believes. Much of the advice he offers for managing the media after an OIS can be put in place and practiced beforehand, through routine, daily interactions, to build a bridge of trust and credibility.

"Part of the media's job is to witness what law enforcement does, but that doesn't necessarily make them the enemy," he says. "Working with them and helping them now on other stories will give you a better chance of exercising some control over them when a crisis hits."

**2.) Provide 24/7 accessibility.** Your pre-event preparation should include designating and training one or more spokespersons to represent your agency when an OIS or other critical incident goes down. Except in large, highly active departments, "this cabinet-level position does not have to be a full-time assignment," Rosenthal explains, but whoever is recruited "should have some rank and street experience and want to do the job — not someone being punished with the assignment."

Since shootings don't happen when convenient, an information specialist must be on call 24/7, Rosenthal says. From a news viewpoint, prompt and easy accessibility may be the single most winning characteristic of a spokesperson — that, and an authoritative knowledge base.

The spokesperson must have “access to all incident scenes, to decision-makers, to the latest relevant developments, and to current policies and organizational decisions, plus a relatively free hand in speaking for the agency,” Rosenthal says.

He likens trained spokespersons to a SWAT team — “an insurance policy... they’re ready for things that may never happen, and you hope you never need them.”

But like SWAT operators, “you don’t just turn ‘em loose and hope they can muddle through by flying by the seat of their pants. Hope is not a strategy and wishful thinking is not a substitute for a planned and practiced response.”

**3.) Protect your officer and the scene.** Rosenthal opposes giving the media access to involved officers after an OIS, considering the emotional stress they’re likely to be under and the potential legal ramifications of what they might say. Likewise, he’s firm about setting strict media limits at the shooting scene.

“The media are not entitled to any greater right to penetrate the incident scene — don’t call it a crime scene — than any other private citizen,” he says. “The police get the incident scene, the media get everything beyond the taped perimeter.

“Reporters can be arrested for interfering with law enforcement if they intrude on the scene against orders, but by the same token for the police to try to control the media’s movement outside the perimeter is a dreadful mistake. That opens you up immediately to charges of suppression and cover-up.

“The department spokesperson should be at the scene, all questions should be directed to him, and he should promise that the media will receive a news briefing shortly at a location of the agency’s choosing, most likely away from the drama of the shooting location.”

**4.) Feed the animals early and often.** In Rosenthal’s terminology, talking to the media is “feeding the animals.” And the more information they are fed after an OIS, “the less likely they’ll go foraging on their own, finding far less knowledgeable and far less credible ‘sources’ for ‘news’ that is often based on innuendo, hearsay, speculation, vengeance, and biased personal opinion.”

In the wake of a shooting, the media basically have a three-ply need, he says:

- Information (who, what, when, where, why, and how) and what you (your agency) are going to do about it...
- In a user-friendly form (i.e., some pithy sound bites)...
- With pictures (so the TV audience can “see what the story looks like”).

He recommends that the first press briefing be held no longer than two hours after the incident. Then, depending on how “high-profile” (controversial or complex) the case is, you should follow with three formal updates per day:

- midmorning to accommodate noon newscasts
- mid-afternoon for the evening shows
- and early evening for nighttime news filings

These briefings, conducted either by the department spokesperson or top brass, should convey as much factual information as possible, as timely as possible, without truly jeopardizing a successful investigation or possible prosecution. Despite law enforcement skepticism, he argues that “most mainstream media reporters do try to be fair and accurate, and by giving them solid information, you significantly increase the probability that the truth will be printed and broadcast.”

He suggests that the provisions of the federal Freedom of Information Act can serve as guidelines in achieving a reasonable working balance between what can be shared and what should be withheld:

### **Freedom of Information Act Exemptions**

The Freedom of Information Act entitles the following exemptions on documents being requested by the public:

1. Those documents properly classified as secret in the interest of national defense or foreign policy;
2. Related solely to internal personnel rules and practices;
3. Specifically exempted by other statutes;
4. A trade secret or privileged or confidential commercial or financial information obtained from a person;
5. A privileged inter-agency or intra-agency memorandum or letter;
6. A personnel, medical, or similar file the release of which would constitute a clearly unwarranted invasion of personal privacy;
7. Compiled for law enforcement purposes, the release of which
  - a. could reasonably be expected to interfere with law enforcement proceedings,
  - b. would deprive a person of a right to a fair trial or an impartial adjudication,
  - c. could reasonably be expected to constitute an unwarranted invasion of personal privacy,
  - d. could reasonably be expected to disclose the identity of a confidential source,
  - e. would disclose techniques, procedures, or guidelines for investigations or prosecutions, or
  - f. could reasonably be expected to endanger an individual's life or physical safety;
8. Contained in or related to examination, operating, or condition reports about financial institutions that the SEC regulates or supervises; or
9. And those documents containing exempt information about gas or oil wells.

“If you do choose to withhold facts, help the media understand why you are doing so,” he advises.

He offers these cautions to keep in mind during a briefing for reporters:

- Videotape every encounter you have with the media, whether it’s a press conference or individual interview. This is good protection against being misquoted or quoted out of context.
- Avoid saying, “No comment.” Verbally stonewalling or putting your hand over a camera lens makes you look guilty. “In short, you lose.”
- Language that works within police circles may sound less tactful when used for a civilian audience. Calling the use of deadly force against a suspect a “good” shooting, for example, may not set as well with some civilian sensitivities as terming it “within policy.”
- The more controversial a shooting is, the tougher the media questions will be. Anticipate what aggressive reporters will ask and rehearse concise, confident answers ahead of time.

**5.) Skip the spin cycle.** “To win with the media, you have to give it to them straight,” Rosenthal says. “The minute you get imaginative and try to spin the facts or speculate about elements that are unknown, you have chosen to be stupid, because that kind of creativity will ultimately trip you up.

“If the facts of a shooting are not fully known, say so. Stress that your agency always takes these matters very seriously and that a thorough investigation is underway to determine what did or did not happen. Promise that to the extent possible, you will keep the media and the public fully informed every step of the way. And in turn, ask that the media not speculate on or judge what transpired, pending confirmation of the full picture.

Again, he has some cautions:

“Never stage a ‘perp walk’ of a suspect with the sole purpose of satisfying the media. This has been declared a violation of a suspect’s constitutional rights.” Of course, you want to shield the involved officer from becoming a media exhibit, as well.

If you don’t know the answer to a question, admit it. “Then promise to share that information when you do know it, if allowed to by policy, procedure, and the law.”

Beware of talking “off the record.” Don’t do it, Rosenthal counsels, unless two criteria are both met: “there’s something important to be gained for your organization in doing so and you are fully confident in trusting the reporter involved with your professional life. Otherwise, don’t take the chance.”

**6.) Consider an outside investigation.** In some jurisdictions, OISs are automatically investigated by an outside agency, to forestall any suspicion of a whitewash. “Even if you don’t have to do this, it’s smart public relations,”

Rosenthal says. And from a practical standpoint, it takes some of the pressure off of you for keeping the media fed with updates as the process progresses.

**7.) Promptly douse flaming arrows.** If it's possible to milk any controversy or air time out of a shooting, it won't be long before professional activists and aggrieved relatives of the "victim" try to dominate the TV cameras. "It's important to respond immediately — in the same news cycle — to their accusations and allegations," Rosenthal says. "Every time they shoot a flaming arrow onto the tarpaper roof of your department, somebody'd better be up there putting out the fire. If you choose to say nothing, you lose."

When critics' statements can be countered with facts, clearly itemize them, he advises. When the facts are still unknown or uncertain, point out that the accusers are "entitled to their opinion, but that's all it is" until the investigation is complete. Encourage the media to come to you for a response before reporting outsiders' statements. Their compliance may be one of the payoffs of long-term rapport building.

If you feel you're getting the short end of biased coverage by news outlets themselves, it may help to remind media brass that reporters are expected to adhere to a detailed Code of Ethics issued by the Society of Professional Journalists. This provides specific guidelines for "seeking truth and reporting it," which specify, among other things, that distortion of the truth "is never permissible."

"Law enforcement often feels it has no recourse against mistreatment by the media, but there is accountability," Rosenthal says. "If you're treated unfairly, you need to rear up on your hind legs and fight back."

**8.) Don't swat every mosquito.** In some cases, Rosenthal concedes, you may realistically be best off to ignore ethical transgressions. Bloggers, for example, aren't bound by the same restraints as professional reporters.

"They can annoy you, like a mosquito in a camping tent," he says, "but they can't really do you much harm if the facts are on your side and you argue them forcefully with the mainstream media. You need to know what bloggers are saying, but you can't swat every mosquito. If you're open, the conventional media will report what you're doing and this will be enough to significantly tip the scales in your favor."

If your shooting has drawn national attention, a greater threat will be what Rosenthal calls "the down-and-out hacks from trash TV, like Nancy Grace and Geraldo Rivera." Tactics with them — and their occasional local counterparts — are simple: don't cooperate.

"What they do is spectacle, and that is not a game you should play. Odds are that cooperating with these sensationalists will be a losing proposition. You're within your rights to say no."

**9.) 'Fess up to UgSits.** "When you mess up, 'fess up and dress up" — that's a good mantra for winning with the media when something ugly, like a bad (out of policy) shooting, occurs, Rosenthal insists. He calls such challenging events "UgSits" and says they're best met head on, not dodged. "Failing to deal with an UgSit is not an option," he says.

"Within no more than two hours from the time the first media inquiries are made, hold a full-dress news conference, confront the issue with a brief statement by your agency head, and then take questions. The longer you wait, the more time the naysayers and other critics will have to hammer you unopposed.

"You'll take hits, but don't try to defend the seemingly indefensible, justify the unjustifiable, or excuse the inexcusable. In the case of an unjustified shooting, stress that it was the behavior of an individual officer, not of the agency. Empathize with the situation and the complainants. Focus on discipline and, where appropriate, on changes in policy, procedures, and/or training."

**10.) Have the patience of a saint.** "Reporters aren't stupid but they are generalists and in some cases they may be ignorant about specialty areas," such as law enforcement policies and procedures and the realities of use-of-force, Rosenthal says. Take the time and patience to educate them if they ask "dumb" questions or exhibit knowledge gaps.

"They may argue with you, repeat questions you've already answered, criticize you and the department, bait you, and frustrate you," he notes. But above all, you must not respond in kind. Ever. You must always be

deliberate, calm, cool, and courteous. If you lose your head, you will become the focus of the story instead of the OIS, and your outburst will inevitably end up forever on YouTube, a personal and professional nightmare.”

Even if you master Rosenthal’s 10 tips, remember that media relations, especially in a crisis situation, are always a bit dicey, he says. “No one will ever hit a home run every time at bat. But by following ‘best efforts’ strategies and tactics, you can achieve far greater influence over the coverage you get and your batting average will go way up.”

About the author: Rick Rosenthal offers one-, two-, and three-day, in-depth, law enforcement-specific courses on "how to work with the media so they don't work on you." His training includes a lifetime guarantee for future consultation on media issues, free of charge. He can be reached at 847-446-6839 or via email at: [rarcomm@sbcglobal.net](mailto:rarcomm@sbcglobal.net).

**Local Media Contacts:** [www.easymedialist.com/us/state/nevada.html](http://www.easymedialist.com/us/state/nevada.html)

Some of the local media contacts in the Carson/Gardnerville/Reno region:

- Reno Gazette Journal
- Nevada Appeal
- Gardnerville Record Courier
- Sparks Daily Tribune
- KNPB TV 5
- KRNV TV 4
- KTVN TV 2
- KOLO TV 8

Some of the local media contacts in the Las Vegas region:

- Las Vegas Sun
- KLAS TV 8
- KLVS TV 10
- KNEWS AM 970
- KTNV TV 13
- KVBC TV 3
- Boulder City News
- Henderson Home News
- Laughlin Times
- Pahrump Valley Times

Some of the rural media contacts:

- Battle Mountain Bugle
- Elko Daily Free Press
- Ely Daily Times
- KENV TV 10
- Lahontan Valley News
- Humboldt Sun
- Mason Valley News
- Fernley Leader—Dayton Courier

Some national media sources:

- CNN
- Associated Press—AP Wire e-mail [info@ap.org](mailto:info@ap.org)

LAS VEGAS	CARSON CITY	RENO
P.O. Box 70	102 N. Curry St.	P.O. Box 22000
Las Vegas NV 89125-0070	Carson City, NV 89703-4934	Reno, NV 89520-2000
(702) 382-7440	(775) 687-4190/4191	(775) 322-3639
	FAX (775) 687-8606	FAX 322-3763

**Types of Media**

- TV
- Radio
- Newspaper
- Electronic

## Steps to take when providing public information

### Visual/Audio Media Interviews

- Take control – Be Proactive
- Tell the truth – Stick to the facts
- Be prepared
- Be aware of visual nonverbal communication
- Speak clearly and refrain from annoying speech patterns
- Know what can and cannot be released
- Be professional

### Print Media Releases and Interviews

- Make sure written statements are **complete, accurate** and **readable**.
- Make sure written press releases are **free** of **spelling** and **grammar mistakes**
- Know what can and cannot be released.

### Media on scene

- Designate **one person** to deal with the media.
- Deliver information in a **timely manner**
- Provide a **safe place** where the media can gather without getting in the way or jeopardizing the situation.
- Give the **facts** in a **clear** and **concise** manner.

### Key Concepts

- Be **sincere**
- Project **credibility**
- Be nice, responsible and **careful**
- **Keep it simple**
- Look at the reporters not the camera
- Appearance and body language are important
- Make sure you understand the question before answering
- Avoid “shop” lingo and acronyms
- Be ready to think on the spur of the moment
- Play what if scenarios in your head so you are prepared if an event happens

Free webinar from the Multijurisdictional Task Force Training: Dealing with the Law and the Media  
<https://secure.macointernational.com/mctft/wedcasts.w.aspx?ID=515>



## Performance Evaluation

# POST First-Line Supervisor Program

**Instructional Goal:**

The instructional goal is give supervisors the opportunity to openly discuss performance evaluation policies, to discuss issues they may be facing concerning performance evaluations, and to create solutions regarding those issues.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Discuss work performance standards.
2. Review the proper way to complete work performance standards and evaluations.
3. Identify the major purposes of performance evaluations.
4. Identify the characteristics of effective performance evaluations.
5. Explain why performance evaluations sometimes fail.



## Performance Evaluation Survey

Check the statements that best reflect your current beliefs about performance evaluations.

- Performance evaluations are helpful to the employee and the supervisor.
- Performance evaluations are a waste of time unless the agency is trying to terminate an employee.
- The performance evaluation process is clear, concise, and easy to use.
- The performance evaluation process is highly subjective and difficult to use.
- The performance evaluation process is meaningful.
- The performance evaluation process is ineffectual.
- I dislike giving performance evaluations so I put it off as long as possible.
- I enjoy doing performance evaluations and take the time to review employees every quarter.
- I received sufficient training on how to properly evaluate employee performance.
- I received little to no training on how to properly evaluate employee performance.
- Employees understand the performance evaluation process and look forward to the opportunity to talk with their supervisors.
- Most employees do not understand the performance evaluation process and do not look forward to having their performance reviewed by their supervisor.
- Most performance evaluations are an accurate reflection of employee performance.
- Most performance evaluations leave out significant information and do not accurately reflect employee performance.

If I could change one thing about the performance evaluation process, I would

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### **Work Performance Standards are needed for the following reasons:**

- Define Expectations
- Set Guidelines/Boundaries
- Communicate Expectations

### **Work Performance Benefits to the Employee**

- Foundation for success
- To **encourage & motivate**
- Used to evaluate the employee
- Effective **two-way communication**

## Work Performance Standards Legal Authority

### State Employees:

- NRS 284.335
- NAC 284.468
- SAM 0521.0

### Non-State Employees:

- Policy and Procedures

## Work Performance Standards

### **NRS 284.335 states in part, "Standards of performance for work; records and ratings for service.**

1. The appointing authorities and other supervising officers of the various state departments, agencies and institutions, after consultation with the director, shall establish standards of work performance for each class of positions. Each appointing authority shall provide each of its employees with a copy of the standards for his position.
2. The director shall:
  - (a) Maintain service records of performance efficiency, character and conduct by a system of service ratings based upon those standards.
  - (b) Establish regulations with respect to service ratings, and prescribe the extent to which service ratings must be considered in determining the advisability of transfers, the promotion of an employee to a higher class, the question of demotion or dismissal of any employee, increases and decreases in salary of an employee within the salary range established under this chapter, and in all other decisions relating to the status of employees."

### **NAC 284.468 Standards for performance of work.**

1. A standard for the performance of work is a written statement prepared on a form prescribed by the Department of Personnel of the results or behavior, or both, expected of an employee when the job elements of the employee's position are satisfactorily performed under existing working conditions. Standards are required for all classified positions.
2. The appointing authority is responsible for ensuring that each position has standards and that each employee is evaluated using those standards. The supervisor has responsibility for establishing the initial standards, but the employee must be given the opportunity to provide comments when the standards for his position are revised.
3. The appointing authority has final approval of the standards for a position.
4. Standards must be reviewed annually and amended when appropriate.
5. Each employee must be provided with a copy of the standards for his position.
6. As used in this section, "job elements" means the principal assignments, job tasks, goals, objectives, responsibilities or related factors, or any combination thereof

**INFORMATIONAL NOTE: SAM 0521.0 Safety and Health Program provides:**  
"Safety responsibilities must be reported in Work Performance Standards."

**Example Job Element:** "Will adhere to all workplace safety policies and procedures."



## DIVISION OF HUMAN RESOURCE MANAGEMENT DEVELOPING WORK PERFORMANCE STANDARDS

Work performance standards are required for all classified positions. The supervisor\* is responsible for establishing the initial standards, but standards must be reviewed annually and amended, as appropriate. Employees must be given an opportunity to comment when standards are revised. (NAC 284.468)

The work performance standards form is intended to provide maximum flexibility for you to identify job elements applicable to a job. You may develop standards based on principal assignments, related factors (e.g. customer service, teamwork, etc.) or develop standards based on goals or competencies. Job elements should reflect only the principal assignments, goals and responsibilities of the job, not minor assignments and responsibilities. Minor assignments and responsibilities should, whenever possible, be included within a broader description of the principal assignments and responsibilities of the job.

Competency-based assessments are becoming more and more prevalent in organizations. Competencies are generally defined as knowledge, skills and abilities exhibited by individuals as they work to accomplish key results. Competencies may be specific to the individual job or may be applicable to all employees in an organization. Competencies that apply to all employees in the organization are referred to as “core competencies.” An example of a core competency applicable to all employees in an organization may be customer service or teamwork. A competency for teamwork may be described like this:

“Openly communicates, shares ideas, and supports team members; keeps members informed of developments and plans, and works to achieve team goals.”

Competencies are defined in terms of behaviors as opposed to results standards that include quantitative and qualitative measures of what is accomplished. Behavior-oriented standards focus on the manner or process in which results are accomplished. Examples of a competency-based and results-based standards for a receptionist who answers telephones may be described like this:

### Results standard (Focus on *what* is accomplished):

Answers telephone 95% of the time within the third ring.

### Behavior standard (Focus on *how* results are to be attained):

Clearly answers the telephone following prescribed telephone procedures; demonstrates good telephone demeanor; responds to callers requests for information or transfers the call to other personnel who can provide assistance.

*\*NOTE: Employee work performance standards are the foundation for a sound employee appraisal process. Employees must know what is expected of them and to what degree they will be held accountable for the standards that have been established for their job. Training on the development of work performance standards is offered on-line through the Division of Human Resource Management. Supervisors are strongly encouraged to complete this training prior to the development of work performance standards.*

NPD-14 Developing WPS.doc  
10/1/07 Revised 3/12



**DIVISION OF HUMAN RESOURCE  
MANAGEMENT  
EMPLOYEE WORK PERFORMANCE  
STANDARDS FORM**

Supervisors are responsible for establishing the initial standards, but standards must be reviewed annually and amended when appropriate. The employee must be given the opportunity to provide comment when the standards are revised (NAC 284.468).

<b>Employee Name:</b>	<b>Last</b>		<b>First</b>		<b>Ini</b>		<b>Employee ID #</b>	
<b>Class Title:</b>							<b>Date Standards Est/Rev:</b>	
<b>Department/Division:</b>								
<b>Agency # (3 digits):</b>		<b>Home Org # (4 digits):</b>		<b>Position Control #:</b>				

I have read and understand the work performance standards for this position. I understand these standards may be modified after discussion with my immediate supervisor and with the concurrence of the appointing authority.

<b>Employee Signature:</b>		<b>Date:</b>	
<b>Supervisor Title &amp; Signature:</b>		<b>Date:</b>	
<b>Reviewing Officer Title &amp; Signature:</b>		<b>Date:</b>	
<b>Appointing Authority Title &amp; Signature:</b>		<b>Date:</b>	

<b>Job Elements</b> (Defined as principal assignments, goals, responsibilities and/or related factors.)	<b>*Weighted Value</b>	<b>Performance Standards</b>
<b>Job Element #1:</b>		
<b>Job Element #2:</b>		
<b>Job Element #3:</b>		
<b>Job Element #4:</b>		
<b>Job Element #5:</b>		
<b>Job Element #6:</b>		
<b>Job Element #7:</b>		
<b>Job Element #8:</b>		

\*If a weighted value is not designated, each job element has an equal weight.

**Distribution: Original to Agency; Copy to Employee; Copy to Supervisor**

NPD-14 Est. 1/03  
Revised 3/12

## Group Activity

In your group read the following work performance standard examples and choose those you think are incorrectly written. Be prepared to provide supporting comments.

1. “Must have the knowledge, skill and ability to research, process and prepare appropriate paperwork in a timely manner.”

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2. “Must effectively prioritize tasks and work assignments to ensure deadlines are met with no more than two minor infractions in a three month period.”

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3. “Must maintain a professional and productive relationship with managers, supervisors, and coworkers at all times with no failure to comply.”

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4. “Will adhere to all workplace safety policies and procedures at all times with no failure to comply.”

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5. “Should work assigned 8 hour shift with no more than two personal phone calls per shift as outlined in the Acceptable Work Standards Policy.”

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6. “Must maintain proper care and maintenance of equipment as outlined in the Agency Policy Manual with no more than one minor infraction within a twelve month period.”

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7. “Must be knowledgeable in dealing with difficult people with less than two minor incidents in a twelve month period.”

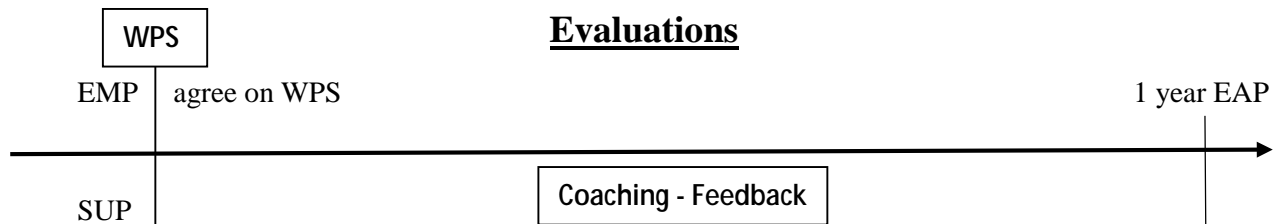
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8. “Must enforce and adhere to guidelines related to proper evaluation of employee performance as outlined in NRS 284.340 and NAC 284.470 with no failure to comply.”

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Evaluations should be an ongoing process not just a once a year occurrence.

- Informal
  - Coaching: The process of encouraging, correcting and challenging your team members on a daily basis.

**Should informal evaluations/coaching be documented? Why?**

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**Be aware of NRS 289.040:** Law enforcement agency prohibited from placing unfavorable comment or document in administrative file of peace officer; exception; right to respond; provision of copy of comment or document; right to review administrative file under certain circumstances.

1. Except as otherwise provided in subsection 3, a law enforcement agency shall not place any unfavorable comment or document in any administrative file of a peace officer maintained by the law enforcement agency unless:
  - (a) The peace officer has read and initialed the comment or document; or
  - (b) If the peace officer refuses to initial the comment or document, a notation to that effect is noted on or attached to the comment or document.
2. If the peace officer submits to the law enforcement agency a written response within 30 days after the peace officer is asked to initial the comment or document, the peace officer's response must be attached to and accompany the comment or document.

## **Legal Authority: NRS 284.337, 284.340, 284.338 Employee Appraisals**

**NRS 284.337 states, “Reports: Duties of supervisor.** An employee whose duties include the supervision of an employee who holds a position in the classified service shall:

1. For filing at the times specified in NRS 284.340, prepare reports on the performance of that employee. In preparing a report, he shall meet with the employee to discuss goals and objectives, to evaluate the employee’s improvement in performance and personal development, and to discuss the report.
2. Provide the employee with a copy of the report.
3. Transmit the report to the appointing authority.”

**NRS 284.340 states, “Reports: Duties of appointing authority.** Each appointing authority shall:

1. Report to the Director, in writing, the efficiency of his subordinates and employees, and other information, in such manner as the Commission may prescribe by regulation.
2. File reports with the Director on the performance, during the probationary period, of each of his employees who holds a position in the classified service. A report must be filed at the end of the 2nd and 5th months of employment if the probationary period is 6 months, or at the end of the 3rd, 7th and 11th months of employment if the probationary period is 12 months.
3. File a report annually with the Director on the performance of each of his employees who holds a position in the classified service and has attained permanent status. The report must be filed at the end of the 12th month next following the attainment of permanent status, and at the end of every 12th month thereafter. If the report is not filed on or before the required date, the performance of the employee shall be deemed to be standard.
4. If any report he files with the Director on the performance of an employee who holds a position in the classified service includes a rating of substandard, file with the Director an additional report on the performance of the employee at least every 90 days until the performance improves to standard or until any disciplinary action is taken.
5. Provide the employee with a copy of each report filed.”

**NRS 284.338 states, “Reports: Training in proper preparation.**

An employee who is required to prepare a report on the performance of an employee who holds a position in the classified service must, before he prepares the report, have received training in its proper preparation. The training must be:

1. Provided within 6 months of the employee’s appointment; and
2. Provided or approved by the Director.”

(Added to NRS by 1989, 1055)



STATE OF NEVADA
EMPLOYEE APPRAISAL & DEVELOPMENT REPORT

1. Employee Name: Last First Initial

2. Class Title: 3. Employee ID #:

4. Dept/Div/Section: 5. Date Evaluation Due:

6. Agency # (3 digits): Home Org # (4 digits): Position Control #: 7. Date Next Evaluation Due:

8. Probationary/Trial Period (check one): OR Permanent (check one):
6 month Probation/Trial: [ ] 2nd month [ ] 5th month [ ] Other
12 month Probation/Trial: [ ] 3rd month [ ] 7th month [ ] 11th month [ ] Other [ ] Annual [ ] Other

9. Work Performance Standards: [ ] are an accurate reflection of the position [ ] will be revised to reflect changes

10. Overall Rating from Page 2, Number 14 (check one):
[ ] Does Not Meet Standards\* [ ] Meets Standards [ ] Exceeds Standards

\* If a rating of "Does Not Meet Standards" is given, another evaluation must be completed within 90 days. The rating may affect adjustments in salary based on merit (NAC 284.194) and longevity pay (NAC 284.270).

Rater's Printed Name:

Rater's Signature & Title: Date: (mm/dd/yy)

11. Additional Supervisory Review (optional): [ ] Agree [ ] Disagree (Comment Required)

Printed Name:

Signature and Title: Date: (mm/dd/yy)

12a. Date employee received evaluation document: Employee's Initials: (Does not indicate agreement or disagreement.)

b. Employee Response: NAC 284.470 requires that you complete the section below and sign the report on performance within 10 working days after discussion with your supervisor.

[ ] Agree [ ] Disagree [ ] Request Review\* (If you disagree with the report and request a review, you must specify the points of disagreement below or attached.)

c. Employee Signature: Date evaluation returned to supervisor:

13. Appointing Authority Review: [ ] Agree [ ] Disagree (Comment Required)

Appointing Authority's Printed Name:

Appointing Authority Signature & Title: Date: (mm/dd/yy)

\* Note - Reviewing Officer uses form NPD-15R to respond to employee's request for review as outlined in NAC 284.470



**Employee Evaluation & Development Report – Page 2**

Employee Name: (Last)		(First)		(Initial)	
Employee ID #:					

14. Job Elements (Transfer from Employee Work Performance Standards form and provide a numerical rating of 1 = DMS; 2 = MS; or 3 = ES for each job element in column (A).	(A) Rating	(B) Weighted Value	(C) Weighted Rating
Job Element #1:			
Job Element #2:			
Job Element #3:			
Job Element #4:			
Job Element #5:			
Job Element #6:			
Job Element #7:			
Job Element #8:			
Job Element #9:			
Job Element #10:			
<b>Overall Rating (Scale: 1 to 1.50 = DMS; 1.51 to 2.50 = MS; 2.51 to 3 = ES)</b> <i>(A “does not meet standards” rating may affect adjustments based on merit (NAC 284.194) and longevity pay (NAC 284.270). Another evaluation must be completed within 90 days (NRS 284.340).</i>		X	

**15. Rater’s Comments:** *(A “does not meet standards” rating for any job element must include a detailed explanation of the deficiencies.)*

**16. Development Plan & Suggestions:** *(The supervisor will address how the employee can enhance performance and achieve standards; indicates recommendation for further development and training. This section should be discussed with the employee.)*

**17. Merit Award Program:** *(Provide information to employee relating to the Merit Award Program established in NRS 285.020.)*  
 Please check method(s) used:

Employee Handbook  
  State Human Resource website:  
  Other (List details) \_\_\_\_\_  
<http://hr.nv.gov/>

**Distribution: Original to Division of Human Resource Management; Copy to Agency; Copy to Employee**

## INSTRUCTIONS FOR THE COMPLETION OF EMPLOYEE APPRAISAL & DEVELOPMENT REPORT (NPD-15)

**NUMBERS 1-6:** Enter requested information, the employee's identification number is necessary for filing the appraisal at the Division of Human Resource Management-Central Records.

**NUMBER 7:** Enter the date the next appraisal is due as determined in Number 8.

**NUMBER 8:** Date appraisal is due as required by NRS 284.340, based on full-time equivalent employment. Probationary employees must be evaluated at the intervals indicated on the NPD-15 form. Full-time permanent employees must be evaluated at the end of the 12th month following the attainment of permanent status and at the end of every 12<sup>th</sup> month thereafter.

**NUMBER 9:** The rater checks the appropriate box indicating whether Work Performance Standards (WPS) for the next rating period will be revised.

**NUMBER 10:** Overall appraisal rating is carried forward from Number 14 and the appraisal is signed and dated by the rater.

**NUMBER 11:** This is an **optional** field that allows for another level of supervisory review within the agency (e.g. rater's supervisor). The Appointing Authority or the rater's supervisor may require this section to be completed. Check with your agency for guidance.

**NUMBER 12:** As required by NAC 284.470, the employee must complete, sign and date this section of the appraisal within 10 working days after discussion takes place between the employee and his or her immediate supervisor.

- a. The date the document is received by the employee is entered on line 12a and the employee initials the document. This starts the 10 working day period allowed to review the evaluation. The employee may choose to use all or a portion of the 10 working day period for the review before returning the evaluation to the supervisor. Only sections 12b and 12c are required to be completed if the employee returns the appraisal on the same date it is received.
- b. The employee indicates whether he/she agrees with the appraisal. If the employee disagrees with the appraisal and requests a review, he/she must respond and identify the specific points of contention.
- c. The employee's signature is required plus the date that the evaluation is returned to the supervisor. If the employee is unavailable for signature, or refuses to sign, a notation should be made in this section explaining the reason the employee has not signed the appraisal.

**INFORMATIONAL NOTE:** If an employee disagrees with the appraisal, he or she may request a review by a reviewing officer. The reviewing officer must complete the review form NPD-15R and return a copy to the employee indicating his or her agreement or disagreement with the supervisor's appraisal of the employee. The original should be attached to the NPD-15. The reviewing officer will be the supervisor of the person who prepared the appraisal or an individual chosen by the Appointing Authority.

**NUMBER 13:** The Appointing Authority will be the last one to sign the appraisal and must indicate agreement or disagreement with the supervisor or, if the employee requested a review, the reviewing officer. If the Appointing Authority disagrees with the overall rating or a particular aspect, this should be explained in the comments area of this section.

**NUMBER 14: Job Elements.** Each job element is rated in Column A with one of three possible rating levels using a numerical value (e.g. Does Not Meet Standards (DMS) = 1, Meets Standards (MS) = 2, Exceeds Standards (ES) = 3). ***Please note that whole number ratings are used, not fractions, to rate individual job elements. Overall Rating Scale:*** 1 to 1.50 = Does Not Meet Standards; 1.51 to 2.50 = Meets Standards; 2.51 to 3 = Exceeds Standards. There are *two methods* of calculating a rating of job elements. The first is used when all job element listed on the WPS are weighted equally. The second is used if the job elements do not have equal weights.

*Method One*, where **all job elements are equally weighted**, the rating for the job elements appears only in column "(A) Rating" of the appraisal. An example of the computation for a non-weighted rating utilizing Method One is:

<u>Job Element</u>	<u>Rating</u>
#1	3 (Exceeds Standards)
#2	2 (Meets Standards)
#3	2 (Meets Standards)
#4	2 (Meets Standards)
#5	1 (Does Not Meet Standards)
	10

Divide the total rating score (10) by the total number of job elements (5) to arrive at the overall rating score of 2. In this example, the overall rating of job elements is "Meets Standards (2)."

*Method Two* assumes that **all job elements are not of equal importance**, and a percentage weight is given to them. The sum of the percentage weights for all job elements must equal 100%. Weights are established at the beginning of the rating period and included in the WPS. The percentage weight assigned to each job element is recorded on the Employee Appraisal and

Development Report in column "(B) Weighted Value." An example of the computation for a rating utilizing Method Two is shown below.

Job Elements	(A) Rating	X	(B) Weighted Value	=	(C) Weighted Rating
#1	3		.35		1.05
#2	2		.20		.40
#3	2		.20		.40
#4	2		.15		.30
#5	1		.10		.10
			1.00 = 100%		2.25 = Meets Standards

Occasionally an employee’s WPS reflect a job element that the employee has not had the opportunity to be assigned. This may be due to the employee being new to the position or the job’s focus is changed for that rating period. When it is known that an element will not be performed during that rating period, the WPS should be changed prior to the beginning of the rating period to reflect only those job elements that will be performed. When it is determined that a job element on the WPS was not performed and the rating period has ended, then the job element that the employee was not assigned to perform must not be considered in the employee’s appraisal.

If the WPS include an element that was not assigned and the job elements are not weighted, this is easily handled by averaging the scores for the other job elements to arrive at the rating. When the job elements are weighted, the value of the weighted element that was not performed must be proportionately divided between the remaining job elements. To do this, the first step is to determine the weighted rating based on the job elements that were performed. The example below assumes Job Element #5 with a 10% weighted value was not performed.

Job Elements	(A) Rating	X	(B) Weighted Value	=	(C) Weighted Rating
#1	3		.35		1.05
#2	2		.20		.40
#3	2		.20		.40
#4	2		.15		.30
#5	N/A		N/A		N/A
			.90 = 90 %		2.15

The final appraisal score is determined by dividing the weighted rating (Column C) by the percentage represented by the weighted value of the elements that were rated (column B):

$$2.15 / .90 = 2.39 = \text{Meets Standards}$$

**NUMBER 15: Rater’s comments.** This section is utilized by the supervisor to document the employee’s accomplishments as well as deficiencies over the course of the rating period. Please note that comments are required for any rating on a job element that “Does Not Meet Standards.” A detailed explanation of the deficiencies in meeting WPS should be included in this section and should offer specific examples. All written comments should be stated in a factual manner with an objective tone.

**NUMBER 16: Development Plan and Suggestions.** This section should be completed and discussed with the employee during the appraisal. Document a specific action plan to help the employee achieve standards in the future and build on strengths. Document recommendations for further development and training that will prepare the employee to achieve the best performance possible. When preparing a development plan for supervisors and managers, the training requirements of NAC 284.498 should be considered.

**NUMBER 17: Merit Award Program.** Pursuant to NRS 284.337, information relating to the Merit Award Program will be provided to the employee during the discussion of the employee’s appraisal. The rater will check the method(s) used to convey that information.

**NOTE:** *The effective date of an appraisal is the date it is received by the Division of Human Resource Management – Central Records.*

## GUIDELINES FOR RATING JOB ELEMENTS

For rating purposes, there are three levels of performance. A numerical value is given to each level in order to compute the non-weighted and weighted performance rating. The three levels and their numerical values are:

(DMS) does not meet standards = 1

(MS) meets standards = 2

(ES) exceeds standards = 3

The following examples are provided as a guide in determining the level of performance. They may be applied individually to each job element or the entire job.

- (DMS) Has not successfully or consistently achieved the established performance standard(s); fails to grasp a basic understanding of the requirements for the job element(s); work needs to be checked and frequently corrected; errors exceed established standard(s); inconsistent in meeting established timeframe(s); needs direction and assistance on a regular basis; has difficulty following through on assignment(s); needs prompting on a regular basis.
  
- (MS) Has successfully achieved performance standard(s); errors or exceptions are within established standard(s); performs duties assigned as stated in job element(s); meets time frame(s) and follows through on assignment(s); may occasionally need direction and assistance; has good knowledge of current job requirements; has some knowledge of related work; understands the purpose of the position and how it interacts with other positions.
  
- (ES) Has successfully achieved the performance standard(s) and exceeded the standard(s) for the job element(s); overall performance is clearly better than the established standard(s); skills in relation to the technical requirements of the job exceed standard(s); has skill to be consistently successful in meeting difficult challenges; work seldom needs review or correction; works independently; does not need direction or assistance; possesses a depth of job knowledge that reaches into related work.



## **Characteristics of Effective Performance Evaluations**

### 1. **Valid performance review process**

- Through analysis of the job (Core duties)
- Standardized for all employees (forms and process)
- Not biased
- Performed by people who have adequate knowledge of the person or job
- Appeal process built into the system

### 2. **Objective – use of documentation**

- Information should be collected throughout the year in a working file
  - What information can be included in a performance evaluation?
- 
- 
- 

- What information cannot be included in a performance evaluation?
- 
- 
- 

### 3. **Ongoing yearlong process**

### 4. **Professional in language and format**

## **Developmental Plans**

Developmental plans are helpful as they help the supervisor understand the goals and desire of their employees.

The employee should have input on the developmental plan.

### **Activity – Developmental Plans**

Focus On:

- Ø Performance Improvement
- Ø Changed Responsibilities
- Ø Career Development

Read through the following developmental plan statements. Circle the number of the best examples. Be prepared to discuss your choices.

1. Employee will be provided cross training in related areas of the job to enhance knowledge skills and abilities.
2. Employee will be provided specialized training in challenge areas to help build confidence and enhance abilities.
3. Employee should ask for assistance when needed.
4. Employee will be provided training related to the budget of the department.
5. Employee is very capable and has expressed an interest in training new staff. Employee will be coached through the process to develop their skill as a trainer.
6. Employee should attend additional training to enhance their knowledge, skills, and abilities in their job.
7. Extra effort will be made to develop a “team” environment. The focus will be on effective 2-way communication, cooperation, and support of all staff within the work environment.

### **Why the process fails**

1. Not seen as important
2. Centralization of the process

3. Recency effect – employees are judge on what they did last week instead of last year
4. Lake Woegegone – all employees are given the same rating. Supervisor does not take evaluations seriously
5. See you next year syndrome - you are doing fine, see you next year

**Can you think of other reasons why the process fails?**

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Prevent failure by proper preparation.

**Supervisor Preparation for the Appraisal**

**Prepare Yourself by:**

- Listing the employee’s strengths.
- Identifying ways the employee can improve.
- Listing job changes you anticipate.
- Considering how you plan to address problems.
- Identifying future opportunities for the employee.
- Discussing the evaluation with your management.
- Assessing how you’ve done as a supervisor.
- Considering input for their developmental plan.

**Employee Preparation for the Appraisal**

**Employees should be able to answer:**

- What particular parts of the job interest you most?
- What particular parts interest you least?
- How do you feel you have carried out the main tasks you are responsible for?
- What tasks could have been performed more effectively and how?
- What, if any, were the reasons preventing you from being more effective in these areas?
- What tasks do you feel you have performed particularly well and why?
- What areas, if any, are unclear in the job?
- What extra help or guidance do you feel you need to do the present job more effectively?
- Where do you see your future in say, five years’ time?
- What input do you have for your developmental plan?

Giving your employee as list of questions to answer and return to you helps you with the evaluation and makes the employee feel like you care about their input. It is a win/win situation.

**Remember, if you give an employee above standard or below standard you must have documentation to back your rating.**

**Sample Narrative Evaluations**

The following statements summarize performance in various categories.

**Please Note:**

1. Choose a statement only if it relates to an employee's specific job duties.
2. These statements are not intended to be used alone; rather they are sample narratives of words that may be used to introduce several examples of an employee's performance.

The examples used with the sample narrative should support the opening statement used to evaluate performance under each factor.

<b>Factor</b>	<b>Unsatisfactory</b>	<b>Needs Attention</b>	<b>Good</b>	<b>Very Good</b>	<b>Excellent</b>
<b>Quantity of Work</b>	<p>Fails to complete required amount of work for the position.</p> <p>Always behind in work. Does not utilize time efficiently.</p>	<p>Volume of work is not satisfactory to keep department running properly.</p> <p>Works at slow pace; needs encouraging and urging.</p>	<p>Turns out volume of work that consistently meets required standard.</p> <p>Amount of work completed is satisfactory.</p> <p>Works at steady pace.</p>	<p>Rapid worker; output exceeds requirements, both in volume and timeliness.</p> <p>Completes more work than is required.</p> <p>Typically asks for additional work and uses time efficiently.</p>	<p>Produces an extremely high volume of work. Far exceeds expected standards.</p> <p>Very fast worker; consistently exceeds requirements.</p> <p>Independently seeks to contribute.</p>
<b>Quality of Work</b>	<p>Errors existed in ____ % of work; less than established requirements.</p> <p>Continually makes errors, requiring excessive amount of checking and re-work.</p>	<p>Occasionally careless; makes recurrent errors; needs checking and improvement.</p> <p>Makes errors, requiring some amount of re-work.</p>	<p>Very few errors--consistent worker. Equals expected standards.</p> <p>Meets established requirements for accuracy and neatness.</p> <p>Completes work on time.</p>	<p>Very careful and neat; rarely makes errors; consistently exceeds normal requirements.</p> <p>Exceeds minimum requirements of accuracy and neatness.</p> <p>Very few errors.</p>	<p>Always very accurate. Far exceeds expected standards.</p> <p>Consistent high degree of accuracy and neatness. Work can be relied upon.</p>



<b>Factor</b>	<b>Unsatisfactory</b>	<b>Needs Attention</b>	<b>Good</b>	<b>Very Good</b>	<b>Excellent</b>
<b>Job Knowledge</b>	<p>Lacks minimum job knowledge in ...</p> <p>Makes no effort to increase knowledge.</p> <p>Unsatisfactory knowledge of routine phases of job.</p>	<p>Possesses limited knowledge of ...</p> <p>Seldom makes effort to improve knowledge.</p>	<p>Possesses satisfactory knowledge of ...</p> <p>Frequently demonstrated desire to increase knowledge.</p>	<p>Has better than average knowledge in ...</p> <p>Continually strives to increase knowledge by ...</p>	<p>Demonstrates complete and accurate knowledge of ... by ...</p> <p>Continually maintains expert knowledge of ... by ...</p>
<b>Dependability</b>	<p>Does not comply with established systems and procedures.</p> <p>Does not adapt to changing situations.</p> <p>Does not complete work assigned.</p> <p>Fails to accept responsibility for his/her actions.</p>	<p>Attempts to follow procedures but makes frequent errors.</p> <p>Occasionally tries to get others to complete or follow through on duties assigned</p> <p>Resists responsibility for his/her actions.</p> <p>Plans &amp; organizes time &amp; tasks ineffectively.</p>	<p>Generally consistent and follows through on completing assigned work.</p> <p>Follows all systems, procedures, etc.</p> <p>Accepts responsibility for his/her actions. Can be relied on to meet job requirements.</p> <p>Usually plans &amp; organizes time &amp; tasks well.</p>	<p>Consistently follows through on details of work assigned.</p> <p>Accepts full responsibility for his/her actions.</p> <p>Plans and organizes time &amp; tasks very efficiently and effectively.</p>	<p>Accomplishes workload responsibilities on time without prompting.</p> <p>Highly motivated to improve personal contribution to the department.</p> <p>Accepts full responsibility for his/her actions and independently takes steps to resolve situations.</p>

Factor	Unsatisfactory	Needs Attention	Good	Very Good	Excellent
<b>Communication &amp; Interaction Skills</b>	<p>Unwilling to work with and assist others.</p> <p>Creates conflicts in the department and/or with customers.</p>	<p>Works with and assists others only when requested.</p> <p>Not courteous to customers or other staff.</p> <p>Written work products are poorly organized and contain many grammatical errors.</p>	<p>Generally works well with and assists others.</p> <p>Always courteous to customers.</p> <p>Written and/or oral presentations/ products are clear and well-organized</p>	<p>Eagerly volunteers to work with and assist others.</p> <p>Develops and maintains good working relationships.</p> <p>Written and/or oral presentations/ products are clear, organized, concise, and tactfully presented.</p>	<p>Exceptionally effective at working with and assisting others.</p> <p>Continually striving to improve working relationships; good at resolving conflicts.</p> <p>Written and/or oral presentations/ products receive numerous compliments for quality, clarity, and effectiveness.</p>
<b>Judgment</b>	<p>Inability to realize consequences of actions.</p> <p>Decisions often wrong or ineffective.</p> <p>Does not prioritize or ask relative importance of tasks.</p>	<p>Judgment causes problems too often to be acceptable.</p> <p>Close supervision needed whenever judgment is required.</p>	<p>Good judgment resulting from sound evaluation of circumstances.</p> <p>Most decisions and actions are correct.</p> <p>Prioritizes tasks effectively.</p>	<p>Able to understand consequences of actions and carefully determine best action to take.</p> <p>Consistently makes good decisions.</p> <p>Prioritizes tasks effectively and anticipates and resolves problems.</p>	<p>Consistently and quickly arrives at correct decision, even on highly complex matters.</p> <p>Anticipates and resolves problems, and takes into account consequences of decisions on organization and customers.</p>

<b>Factor</b>	<b>Unsatisfactory</b>	<b>Needs Attention</b>	<b>Good</b>	<b>Very Good</b>	<b>Excellent</b>
<b>Initiative</b>	<p>Resists new tasks and responsibilities associated with the job as it grows.</p> <p>Requires constant supervision.</p> <p>Needs close supervision to start and complete duties.</p>	<p>Reluctant to accept new tasks and responsibilities associated with the job as it grows.</p> <p>Too frequently requires supervision.</p> <p>Does little to improve work performance.</p>	<p>Accepts new tasks and responsibilities associated with the job as it grows.</p> <p>Requires average supervision.</p> <p>Satisfactorily completes duties. Sometimes looks for things to do when work is done.</p>	<p>Eager to accept new tasks and responsibilities associated with the job as it grows.</p> <p>Works independently with limited supervision.</p> <p>Often seeks ways to improve performance in the organization. Makes constructive suggestions.</p>	<p>Seeks out new tasks and responsibilities and looks for ways to enhance the organization.</p> <p>Consistent self-starter; needs minimal supervision.</p> <p>Continually seeks better ways to improve job and department.</p> <p>Asks to learn new duties. Self-starter; makes significant contributions to the job and the organization.</p>

## **Evaluation and Recognition Systems Article**

Read the article on the next 3 pages and then answer the following questions.

1. What specifically do you like about the ten star program?

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2. What specifically do you dislike about the ten star program?

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3. Would an evaluation system like this work in your agency? Why or why not?

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4. If you were allowed to use this system, but had to scale it down, what areas of evaluation would you keep?

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## **Article from Law and Order Magazine – Evaluation and Recognition Systems**

**Written by Randy Means** - *Randy Means is a partner in the Charlotte, NC law firm of Thomas and Means, LLP, and specializes entirely in police operations and administration. He formerly served as head of legal training for North Carolina's state law enforcement training center and then police attorney for the city of Charlotte. He is the primary legal instructor for the IACP.*

Assuring core competencies and adherence to professional standards is as important as anything we do internally. But police work is sufficiently different from other types of governmental endeavor as to require a separate and different system of employee evaluation.

Last month's column discussed why law enforcement evaluation systems have failed historically. This article describes an evaluation system that is more relevant and less subjective than those used in the past. The system can be used as a tool of employee recognition even if it is not used as a system of official evaluation.

### **Evaluating the Lifeguard**

A useful analogy can be drawn between the work of a law enforcement officer and that of a lifeguard. A vast difference exists between what a good lifeguard does most of the time and what one has to be able to do. An evaluation that only considered actual performance during a rating period would often completely ignore the matter of preparedness, which is, of course, a primary professional requirement of a high functioning lifeguard.

In fact, one can sensibly argue that preparedness to do things that a lifeguard rarely (or never) does is the most important aspect of the professionalism of a lifeguard. Because this is also true in police work, professional evaluation in law enforcement must also take major account of the matter of preparedness. So, the officer is properly evaluated by measurement of his ability to do certain things, even if those particular things did not actually play out in real-life performance during a particular rating period.

For example, even if an officer didn't have to do anything particularly physical during a given evaluation period, the officer would nonetheless be evaluated partly on his ability to perform physical tasks. Though they are rarely (or maybe never) used, these are still critically important in certain defining (sometimes life and death) moments in law enforcement.

### **The 'Ten Star' System**

In the "Ten Star" system of evaluation and/or recognition, "stars" would be awarded for each of 10 rating categories, provided the officer met certain high standards during the rating period. A gold star would be given for an "excellent" rating; a silver star would be given for a "good" rating. An officer who was rated good or excellent in all 10 rating categories would be recognized as a "Ten Star Officer." Good or excellent ratings in nine categories would be recognized with nine stars, and so on. The officer's "stars" would be worn on service ribbons on the uniform as visible symbols of excellence.

### **The Preparedness Ribbon**

The first star in the "Ten Star" system would represent knowledge. There are, of course, certain things that an officer must know in order to make proper decisions and to take appropriate actions. At a minimum, this would include knowledge of law, policy, and other critical professional information. So even if an officer did not have to use a particular point or area of professional knowledge during the evaluation period, the officer would nonetheless be evaluated partly on the basis of professional knowledge. The measuring stick would be performance on a test administered during the rating period. A good score would earn a silver star, an excellent score a gold star.

The second star would represent the presence of good human relations skills. Interpersonal communication skills are part of the most important skill set in law enforcement, and proper evaluation of a professional law enforcement office requires measurement of those skills. Assessment of this skill set would involve graded role play performance analogous to firearms proficiency tests. One's score on a series of role play performances

would determine the officer's rating in this critical area of preparedness, even if the officer didn't have to actually do those particular things during the evaluation period.

The third and fourth stars would represent the officer's level of physical preparedness to perform essential physical tasks that don't always occur during a rating period and the officer's ability to apply competently the tactical skills that are critical to professional law enforcement. So the officer's score on a valid physical fitness test and scores on a series of tests of tactical proficiencies would determine the officer's eligibility for the "physical fitness star" and the "tactical proficiency" star.

Driving skills might be included with the tactical proficiency measurements in view of their obvious (often life and death) importance to safe and effective law enforcement work. These two stars would complete the "preparedness ribbon" that would be worn with gold or silver stars in recognition of good or excellent levels of preparedness in these critical areas of core competency.

### **The Performance Ribbon**

Like the "preparedness ribbon," the "performance ribbon" would allow display of up to four stars. The first star would be earned by demonstrated reliability during the rating period. The first criterion for attaining this star would be adherence to rules—avoidance of misconduct. Additional criteria would be identified by committee.

The second star would represent attitude. While attitude is not everything, it is one of the most valuable attributes an officer can bring to the workplace. Good and excellent attitudes would earn silver and gold stars, respectively. The third star would be earned by good or excellent productivity during the performance period—the amount of work performed. The key to proper measurement of productivity is careful recognition of the differences in officer work types, work areas, geographic assignments, work shifts, and in some places, even seasons of the year.

The last star of the performance ribbon would represent not the amount, but the quality, of work performed during the rating period. Unlike most of the previously identified ratings areas, this one—like the attitude rating—unavoidably involves a good bit of subjectivity. This is dangerous in evaluation systems but is necessary in this case.

### **The Remaining Ribbon**

Academic education is generally valued as a positive in society at large and in professional workplaces in particular. Most law enforcement agencies show at least some preference in both hiring and promotion processes for those who have achieved certain levels of academic attainment. Some agencies will even pay for officers to go to college.

In view of the importance obviously attached to academic achievement, it seems natural that it would also be recognized by a star in the evaluation system. A silver star could represent a bachelor's degree, a gold star a master's degree. Alternately, an associate's degree and a bachelor's degree could be symbolized by silver and gold, respectively.

The second star on this ribbon, and the final one in the Ten Star system, would reflect the officer's level of community involvement outside his on-the-job requirements. Law enforcement agencies hugely value the participation of police officers in community affairs and activities. Working with youth programs, helping the elderly, assisting the disabled, and other similar initiatives all tend to show police officers in a favorable, humanitarian light and tend to improve police-community relations.

The critical importance to law enforcement of good community relations suggests the appropriateness of recognizing the extra effort that some officers bother to invest in the community. A committee could establish pre-identified criteria by which officers could earn gold and silver stars and could consider applications for stars based on other involvements not contemplated in pre-identified criteria.

## **Objectivity-Subjectivity Ratio**

The four “preparedness” ratings would be based on assessments that one’s own supervisor(s) would not control and would involve entirely objective criteria. The four “performance” ratings would involve some supervisory discretion but would still rely heavily on objective criteria. The education rating would be strictly objective, and the community involvement rating would be controlled by objective criteria applied by committee rather than a supervisor. So, two of the 10 categories would rely on partially subjective supervisory ratings. Eight of the 10 categories would be entirely in one’s own control.

This article is a thumb-nail sketch of a system that has far more sophisticated facets than have been described here. For more detailed information on the tests and scoring methods mentioned and the ways that this system can be used to create overall numerical ratings, contact the author by e-mail.

## **Ten Stupid Things Supervisors/Managers Do To Screw Up Performance Appraisal**

Performance appraisals aren't fun. But a lot of the time they are agonizing because supervisors/managers do really dumb things, ending up destroying a process that is important to everyone (or should be).

### **Stupid Thing #1: Spending more time on performance appraisal than performance PLANNING, or ongoing performance communication.**

Performance appraisal is the end of a process that goes on all the time - a process that is based on good communication between manager and employee. So, more time should be spent preventing performance problems than evaluating at the end of the year. When managers do good things during the year, the appraisal is easy to do and comfortable, because there won't be any surprises.

### **Stupid Thing #2: Comparing employees with each other.**

Want to create bad feelings, damage morale, get staff to compete so badly they will not work as a team? Then rank staff or compare staff. A guaranteed technique. And heck, not only can a manager create friction among staff, but the manager can become a great target for that hostility too. A bonus!

### **Stupid Thing #3: Forgetting appraisal is about improvement, not blame.**

We do appraisal to improve performance, not find a donkey to pin a tail on or blame. Managers who forget this end up developing staff that don't trust them, or even can't stand them. That's because the blaming process is pointless, and doesn't help anyone. If there is to be a point to performance appraisal it should be getting manager and employee working together to have everyone get better.

### **Stupid Thing #4: Thinking a rating form is an objective, impartial tool.**

Many companies use rating forms to evaluate employees (you know, the 1-5 ratings?). They do that because it's faster than doing it right. The problem comes when managers believe that those ratings are in some way "real", or anything but subjective, often vague judgments that are bound to be subjective and inaccurate. By the way, if you have two people rate the same employee, the chances of them agreeing are very small. THAT'S subjective. Say it to yourself over and over. Ratings are subjective. Rating forms are subjective. Rating forms are not behavioral.

### **Stupid Thing #5: Stopping performance appraisal when a person's salary is no longer tied to the appraisals.**

Lots of managers do this. They conduct appraisals so long as they have to do so to justify or withhold a pay increase. When staff hit their salary ceiling, or pay is not connected to appraisal and performance, managers don't bother. Dumb. Performance appraisal is FOR improving performance. It isn't just about pay (although some think it is ONLY about pay). If nothing else, everyone needs feedback on their jobs, whether there is money involved or not.

**Stupid Thing #6: Believing they are in position to accurately assess staff.**

Managers delude themselves into believing they can assess staff performance, even if they hardly ever see their staff actually doing their jobs, or the results of their jobs). Not possible. Most managers aren't in a position to monitor staff consistently enough to be able to assess well. And, besides what manager wants to do that or has the time. And, what employee wants their manager perched, watching their every mood. That's why appraisal is a partnership between employee and manager.

**Stupid Thing #7: Cancelling or postponing appraisal meetings.**

Happens a whole lot. I guess because nobody likes to do them, so managers will postpone them at the drop of a hat. Why is this bad? It says to employees that the process is unimportant or phony. If managers aren't willing to commit to the process, then they shouldn't do it at all. Employees are too smart not to notice the low priority placed on appraisals.

**Stupid Thing #8: Measuring or appraising the trivial.**

Fact of life: The easiest things to measure or evaluate are the least important things with respect to doing a job. Managers are quick to define customer service as "answering the phone within three rings", or some such thing. That's easy to measure if you want to. What's NOT easy to measure is the overall quality of service that will get and keep customers. Measuring overall customer service is hard, so many managers don't do it. But they will measure the trivial.

**Stupid Thing #9: Surprising employees during appraisal.**

Want to really waste your time and create bad performance? This is a guaranteed technique. Don't talk to staff during the year. When they mess up, don't deal with it at the time but SAVE it up. Then, at the appraisal meeting, truck out everything saved up in the bank and dump it in the employee's lap. That'll show 'em who is boss!

(IF YOU ARE DOING A GOOD JOB AS A SUPERVISOR AND COACHING THERE SHOULD BE NO SURPRISES DURING AN EVALUATION)

**Stupid Thing #10: Thinking all employees and all jobs should be assessed in exactly the same way using the same procedures.**

Do all employees need the same things to improve their performance? Of course not. Some need specific feedback. Some don't. Some need more communication than others. And of course jobs are all different. Do you think we can evaluate the CEO of Ford using the same approach as we use for the person who cleans the factory floor? Of course not. So, why do managers insist on evaluating the receptionist using the same tools and criteria as the civil engineers in the office?

It's dumb. One size does not fit all. Actually why do managers do this? Mostly because the personnel or human resource office leans on them to do so. It's almost understandable, but that doesn't make it any less dumb.



## **How to Evaluate Employee Performance in 16 Easy Steps**

How do I fairly evaluate an employee? When evaluating an employee for a periodic review, a raise, or a promotion, you need to have a checklist of measurable performance criteria that can be applied consistently to all members of your department. This article uses simple language to help you objectively evaluate how employees have performed their job duties and how they stack up against other employees in the same position.

NOTE: Keep these performance criteria in mind when preparing to meet with your boss on your own employee performance review!

### **EVALUATION TECHNIQUE**

Below are 15 performance criteria and performance levels. Using these criteria as a guideline will ensure that you have fairly evaluated the employee. To obtain an overall rating of the employee, apply a performance level by number to each of the performance criteria. Add the total performance numbers and divide by 15.

Things You will Need:

- Knowledge of employee's job requirements
- Record of classes / training attended throughout the year
- Attendance records
- Productivity reports
- Previous year's performance review

### **Step 1 - PERFORMANCE CRITERIA**

AMBITION / INITIATIVE - Does employee demonstrate ambition in the position (not to move out of it, but to perform it) and take initiative to improve the process, product, or overall work environment?

### **Step 2 - ATTENDANCE**

Has the employee's attendance (even within company guidelines) had a negative impact on the department productivity or morale? Has the employee's attendance been exemplary?

### **Step 3 - ATTITUDE / COOPERATION**

What is the employee's attitude towards you, towards peers, towards the work in general? Is he or she a pleasure or a chore to work with? Is the employee reasonably flexible when asked to perform a job function outside his or her normal duties, or to work outside his or her normal hours for a special project?

### **Step 4 - COMMUNICATION SKILLS**

Does the employee have the ability to adequately communicate with peers, managers, and customers/public? Have there been any issues created, or solved, due to the employee's communication skills?

### **Step 5 - DEPARTMENT AND COMPANY ORIENTED**

Does the employee have a broader view and deeper understanding than simply his or her own duties? Does he or she speak of the department or company with pride?

### **Step 6 - FOCUS**

Is the employee able to maintain focus on the task at hand? Does he or she have difficulty prioritizing job duties above personal business or socializing with other employees?

### **Step 7 - IMPROVEMENT FROM PREVIOUS EVALUATION**

Has the employee demonstrated marked improvement from the previous performance evaluation?

### **Step 8 - INTEGRITY**

Does the employee demonstrate ethical behavior in the workplace? Does he or she respect the privacy of other employees and of customers/public?

### **Step 9 - KNOWS WHEN TO ASK**

Is the employee able to differentiate between independence and arrogance in the performance of job duties? Does he or she know when to ask a question rather than simply making a guess and moving on?

### **Step 10 - LEVEL OF TECHNICAL KNOWLEDGE**

Does the employee have and demonstrate an acceptable level of technical knowledge to perform his or her job duties?

### **Step 11 - PRODUCTIVITY / DEADLINES**

Is the employee able to consistently meet productivity requirements and project deadlines?

### **Step 12 - QUALITY OF WORK**

Has there been positive or negative feedback from others regarding the quality of the employee's work? What have you observed regarding the employee's work quality?

### **Step 13 - RELIABILITY / GO-TO PERSON**

Is the employee reliable? Does he or she consistently demonstrate competence and dependability? Is he or she your "go-to" person?

### **Step 14 - STRESS MANAGEMENT**

How does the employee deal with changes in the work environment? Is he or she able to sift through the "noise" and focus on breaking down the task at hand in order to complete it on time? How does the employee interact with other members of the department when tensions are high?

### **Step 15 - TEAMWORK / PITCHING IN**

If the department is short-handed, does the employee willingly pitch in to finish tasks assigned to others in the department as appropriate? Does the employee volunteer to assist?

**Step 16 - PERFORMANCE LEVELS** – using your department's performance level guidelines, do you have the proper documentation to justify the evaluation?

- 1) Needs Improvement - Employee has not fully mastered the requirements of the job or is not able to perform in a way that reflects understanding of the job duties. Needs additional training or practice to meet standards.
- 2) Minimally Acceptable - Employee meets some of the essential functions, but has not demonstrated mastery of all job requirements.
- 3) Meets Standards - Employee has little or no difficulty applying the technical/knowledge requirements of the position to perform in a fully competent manner.
- 4) Exceeds Standards - Employee often exceeds standards in some aspects of the job, and fully and consistently meets standards in all remaining aspects.
- 5) Outstanding - Employee possesses and applies a depth of job knowledge that makes the job look easy. Continually enhances knowledge and skills through self-study and structured training. Mentors other employees, as appropriate.

## **Evaluation Guidelines**

Any good sample performance evaluations form will encourage the proper use of words. The appraisal can be a truly powerful tool for any good manager.

Managers must ensure that they use language that supports discussion, yet does not offend or is perceived as making inappropriate personal judgments.

**The following guidelines are helpful to remember when completing our sample performance evaluations form:**

- Use objective, behavioral language when describing performance.
- Avoid vague, opinionated or judgmental comments. This will only place the employee on the defensive, and is a miss-use of your authority.
- Make sure to comment on every goal, behavioral and/or performance factor. Just giving a rating is not enough. Provide some depth as to how you came to your conclusion.
- Choose specific, concrete examples for each behavioral or performance expectation.
- Elaborate; provide more details for especially high or low ratings. Give the employee a good sense of how you came to your conclusion.

These are examples of statements to AVOID when using our sample performance evaluations form. You will notice that each statement contains a personal judgment.

**Language to avoid includes:**

- I feel that . . . (Personal opinion, leave out.)
- I like . . . (Personal opinion, leave out.)
- She is lazy. (Highly judgmental, serves no purpose – focus only on the behavior itself.)
- He has an attendance problem. (Just state facts, i.e., number of times sick, late, etc.)
- She is good with customers. (No basis for the statement, be more specific, and stick to the facts)
- She has a terrible attitude – He is a great leader. She is highly engaged. (All lack specific basis for the statement, and therefore only provide an opinion or judgment. Stay with the facts – facts will relate better what you are wanting to communicate.)

**Here now are a few good examples of how to write great narrative that is highly factual, and does not make a judgment that could place the employee on the defensive:**

- Tracy has successfully planned, organized and developed the phone center by the stated completion date of 1-4-11. All supplies and equipment have been ordered on time and in an appropriate quantity, staying well below the stated budget. Tracy has trained staff effectively as they are taking 30 calls per hour, well above the projected goal of 20 calls per hour.
- Jessie consistently smiles, uses a pleasant tone and calls customers by name. She is a good listener, which is how she so effectively is able to resolve customer issues so effectively. Jessie has received numerous customer feedback surveys praising her customer service skills. She works well with her co-workers and pro-actively shares best practices with her team in an effort to help her peers.

Proper questioning is very important. Questions should be prepared in advance and should be structured to facilitate open and honest discussion. Managers need to use quality tools, such as our sample performance evaluations form, to maintain a healthy balance between telling, seeking and listening.

**Some common but highly effective lines of questioning might include:**

- What do you consider to be your most important achievement in the past year?
- What elements of your job interest you the most?
- What do you consider to be the most important tasks for the coming year?
- Tell me more about that?

- How do you feel about . . . ?
- Do you have any ideas for improving . . . ?
- What do you think might have caused that to happen?

Using this type of questioning, the employee will become more involved in their own performance evaluation – and that is what a true leader is working to achieve.

The performance review must be a time when open communication exists and the employee is allowed and encouraged to speak about how they feel their everyday work life is progressing.

Your employees are your company's future. Using our sample performance evaluations form, now is a terrific time to connect with your employees and investigate just how bright that future is.

Managers cannot allow this process to turn into simply a "yes sir" event. Use our free sample performance evaluations form to make the process more easily achievable.

### **Use the S.M.A.R.T. principle when writing goals:**

- Be **S**pecific
- Make sure goals are **M**easurable
- Ensure goals are realistic and **A**ttainable
- Make goals **R**esults-oriented
- Make goals **T**ime specific

Next, let's discuss how we can quickly create a personal development plan.

Remember, employers who "invest" time, energy and money in their employees, get it all back multi-fold in terms of increased production and improved customer/employee retention.

Key points to consider while creating a useful development plan include:

- Explore strategies to improve overall skill level
- Explore opportunities for career growth
- Explore ways to improve performance in a current position
- Consider ways to enhance or expand roles and responsibilities
- Identify key skills needs for promotion

Strategies for investing in and supporting employees might include:

- On the job training seminars or classes
- Joining professional organizations
- Encourage networking
- Provide additional mentoring
- Assign books, audio/video tapes, internet research for added learning
- Enroll in University courses or local seminars

### **How to Write Employee Evaluations**

Writing employee evaluations can be one of the most challenging duties in any manager's job description. Of course, if every employee was a star and you only had to give glowing job performance evaluations, life would be a breeze. Unfortunately, that's not the case. Read on for a step-by-step guide to writing employee evaluations.

Things You Will Need:

- Job description of employee's position
- Goals document
- Attendance records
- Notes from throughout the year

- A quiet time and private place to focus

### Step 1 - **MEET QUARTERLY**

Before any employee can be fairly evaluated, she must be aware of the job requirements and standards. Depending on your company's policies, you may have to meet more frequently than required. I recommend that you meet quarterly, even for 15 minutes, to discuss objectives and goals that you have worked with the employee to set for the year.

### Step 2 - **TAKE NOTES**

As a supervisor or manager, it is your job to be aware of performance achievements and deficiencies throughout the year. Don't evaluate the employee on the last month's work. When the time comes to write the employee evaluation, your notes will be invaluable.

### Step 3 - **BE SPECIFIC**

Along with the notes you will jot down regarding exemplary or less than adequate performance, you must also be able to give specific examples. Keep copies of samples of work that you want to remember, or refer to specific conduct or incidents in your notes.

### Step 4 - **BE FAIR**

Do not play favorites. Supervisors are human just like everyone else, but it's important when writing an employee evaluation to put aside personality differences and focus on performance. If the employee is particularly key in bringing a group together, or if he is divisive or disruptive, these details should be discussed and noted throughout the year.

### Step 5 - **MEASURE PRODUCTIVITY**

When establishing goals with the employee for the year, make them measurable. Depending on the position, this may be easy or it may be difficult. If you're producing physical products, quantity is easy to measure. If you're providing a service, you may have to be more creative and measure productivity by success with the customer (internal or external). Customer complaints or compliments may help you in this regard.

### Step 6 - **EVALUATE INITIATIVE**

Initiative is a great way to determine if the employee you're evaluating is above average, acceptable, or an under performer. Does he/she seek out work when he has the time? Does he/she sit back and chat on the phone rather than looking to pitch in on other projects?

### Step 7 - **CONSIDER TEAM SPIRIT**

Be sure to include comments, bad or good, in your evaluation with regard to the employee's overall impact on the group. Is he positive about assignments? Does she encourage questions from newer members of the team?

### Step 8 - **NOTE STRENGTHS and WEAKNESSES**

Cover the employee's strengths in the position. Make note of areas that could use improvement, and suggest ways to strengthen those areas (more training, mentoring, etc.). You will have made notes of particular incidents throughout the quarter that support each of these assessments.

### Step 9 - **CHECK ATTENDANCE**

When writing an employee evaluation, take into account the employee's attendance. Is he on time? Does she come late and leave early? How many occurrences of sick time are on record?

### Step 10 - **SET GOALS FOR NEXT PERIOD**

After the employee has been given his evaluation, take time to set measurable goals for the next evaluation period.

**Conclusion**

If I could change one thing about the performance evaluation process, I would . . .

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Name one thing you have learned about performance evaluations.

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Name one thing you might put into practice that you believe will be helpful concerning performance evaluations.

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## Personnel Law

# POST First-Line Supervisor Program

**Instructional Goal:**

The instructional goal is to familiarize supervisors with the issues surrounding peace officer rights.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify the legal obligation and community expectation for a law enforcement agency to conduct investigations into complaints of police misconduct.
2. Name the law enforcement unit that investigates complaints of police officer misconduct.
3. Identify the types of complaints concerning police officer misconduct.
4. Identify the two types of evaluations concerning complaints of police officer misconduct.
5. Identify the investigative process concerning complaints of police officer misconduct.
6. Identify common investigative rulings.
7. Identify the process of bifurcated investigations (the complaint alleges both procedural misconduct and criminal misconduct).
8. Identify the established due process rights for law enforcement officers as defined by NRS 289, Garrity v New Jersey, and Brady v Maryland.

**Course Overview**

- Unit Designation—PSU, IA, etc.
- Complaint Process—Receipt/Investigation/Disposition
- Employee Rights and the Law (NRS 289)



## Profession Standards Unit/Internal Affairs

- Ø Personnel trained to conduct internal investigations (civil and personnel laws)
- Ø Purpose is to respond to complaints and initiate appropriate investigations in a timely and effective manner.
- Ø Provide support, control, directions, expertise, and institutional memory for the organization.

### Why have an Internal Affairs Unit?

- Ø Community trust and integrity
- Ø We must police ourselves. Open door policy, accessible to the public
- Ø To protect personnel, the public and the department

What is the possible fallout if a law enforcement agency does not investigate complaints?

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### Types of Complaints

- Ø Oral
- Ø Written
- Ø Internal
- Ø Anonymous
- Ø 3<sup>rd</sup> Party

### Evaluation of Complaint

Formal Complaint – an allegation of misconduct that is unconstitutional, unlawful, or a material violation of department policy.

Informal Complaint – Resolved via supervisor inquiry. For minor complaints, not fitting listed criteria. Usual handled by first line supervisor.

### The Investigation

1. Employee is served “Notice of Internal Investigation” (aka Garrity)
2. Investigation begins and proceeds to conclusion
3. Disposition

### Garrity v. New Jersey 1967

- Ø Administrative, not criminal
- Ø Order to answer truthfully
- Ø Questions specifically, directly, and narrowly related to performance of duty or fitness for duty
- Ø Answers and fruits thereof cannot be used against the officer in criminal proceedings
- Ø Can be disciplined for refusal – compelled statement

## Garrity Rights – Frequently Asked Questions

### Why don't private sector employees have Garrity Rights?

The answer lies in the applicability of the rights contained in the United States Constitution and the Bill of Rights. The Constitution protects citizens from the actions of government, not the actions of private employers.

When a public employee is being questioned by their employer, they are being questioned by the government. Therefore, the Fifth Amendment applies to that interrogation, if it is related to potentially criminal conduct.

The Fourteenth Amendment makes this applicable not just to the federal government, but to state and local governments as well.

On the other hand, the Constitution does not protect citizens from the actions of private entities, such as private employers. If you work for a manufacturing company or a restaurant, for example, and your employer questions you about a potentially criminal matter, this is not a case of the government questioning you. Therefore, there is no protection from being compelled to incriminate yourself.

- **Aren't these "special rights" for public employees?**

Not at all. Regardless of whether one is a public employee or a private sector employee, everyone has the right not to be compelled to incriminate themselves when questioned by the government.

- **What's the difference between Garrity Rights and Weingarten Rights? And Loudermill Rights?**

These are entirely separate and distinct rights. People confuse them because they often come into play at the same time.

Garrity Rights apply to the right of a public employee not to be compelled to incriminate themselves by their employer. These rights are based on the 1967 United States Supreme Court decision *Garrity v. New Jersey*. Garrity Rights apply only to public employees, because they are employed by the government itself.

Weingarten Rights apply to the right of a unionized employee to request union representation for any investigatory interview conducted by their employer, in which the employee has the reasonable belief that the discussion could lead to disciplinary action. These rights are based on the 1975 United States Supreme Court decision *NLRB v. J. Weingarten Inc.* The Weingarten decision itself applies only to private sector employees, but the federal government and many states have extended similar rights to public employees via legislation, court decision, and/or rulings by state labor boards. In some cases, unionized public employees have enshrined Weingarten Rights into their collective bargaining agreements.

Loudermill Rights require due process before a public employee can be dismissed from their job. These rights are based on the 1985 United States Supreme Court decision *Cleveland Board of Education v. Loudermill*. Generally, these rights require a public employer to offer to have a "pre-termination" meeting with the affected employee; at this meeting, the employer presents their grounds for termination, and the employee is given the opportunity to respond.

Like Garrity Rights, these rights only apply to public employees because they are employed by the government itself, and the Constitution only applies to actions taken by the government. A private sector employee - for example, a manufacturing worker - possesses only Weingarten Rights, and only if s/he is in a unionized workplace.

A public sector employee possesses Garrity Rights and Loudermill Rights because their employer is the government, and possesses these rights whether or not they are in a unionized workplace. The same public sector employee may possess rights similar or identical to Weingarten Rights, provided they work in a unionized workplace.

Below is a scenario in which all three sets of rights could coexist. This demonstrates that public employees and their representatives must have a clear understanding of these three sets of rights - not only an understanding of how they are separate and distinct, but also an understanding of how their functions can overlap.

- **Can I be forced to waive my Garrity Rights?**

No. The United States Supreme Court ruled in 1968's *Gardner v. Broderick* that public employers cannot use a threat of termination to force employees to waive their constitutional rights.

However, some employers might attempt to convince or persuade an employee to cooperate by using leverage short of termination. By using penalties such as unwelcome schedule changes or assignment to unattractive duties, employers might try to bring about cooperation without making threats of severe discipline or

termination. Employees who give statements under such circumstances are very unlikely to be protected by Garrity, as courts would find that their cooperation was voluntary and not compelled.

- **Do Garrity Rights apply if I'm investigated by an outside agency?**

If you are a public employee and are investigated by an outside agency, Garrity Rights can still apply if you are clearly subject to severe disciplinary action or termination if you refuse to answer the outside agency's questions. Typically, your own agency will order you to cooperate with the outside investigator; if this order is made, and the penalty for refusing to comply is made clear and is severe (generally termination), then Garrity Rights apply.

Employees should be careful they are not assuming the nature and severity of the penalty; if your own employing agency does not make clear statements or have clear policies and procedures that require severe discipline or termination for refusal to participate in such an investigation, you are probably not protected.

A recent example is *U.S. v. Lamb*, a 2010 West Virginia case in which a firefighter was summoned by his captain to speak to federal law enforcement agents. A court determined that the employee's Garrity Rights had not been violated because the captain had not ordered the employee to answer the federal agents' questions, and the employee had not been threatened with termination for refusing to cooperate.

Be sure you are not relying solely upon the statements of the outside investigator; they do not have the power to discipline or terminate you. A court would probably rule that compulsion cannot be caused by threats made by an outside party.

- **What is "compulsion?"**

The Fifth Amendment states that the government cannot compel a person to incriminate themselves; Garrity brings this into the employment relationship, affirming that a governmental employer cannot compel their employees to incriminate themselves. The key to defining "compulsion" revolves primarily around one question: what is the penalty for refusing to answer questions? In general, the courts have found that if a public employer threatens an employee with severe administrative sanctions - usually termination - for refusal to answer questions, then the employee's statements are considered compelled and therefore unusable against the employee in any future criminal proceeding.

It is important to note, however, that the precise definition of "compulsion" has varied in court decisions across the country. The answer to the question, "What is compulsion?" can depend on where you live. Most courts, including the United States Supreme Court, have taken a broad view of "compulsion." Courts have ruled a variety of threatened penalties as sufficient to bring about "compulsion," including disbarment, suspension, demotion, and in general, any "substantial economic penalty."

However, some courts have held that only a threat of termination is sufficient to bring about compulsion, and further, that this threat must be made very clearly. The U.S. District Court of Appeals for the First Circuit, which covers the states of Maine, Massachusetts, and New Hampshire, has stated that only termination can cause compulsion, and that this threat of termination must be explicit in order for the employee to be protected by Garrity Rights (see *U.S. v. Indorato*). Other jurisdictions potentially subject to this narrow view include Illinois (*People v. Bynum*, 1987), Florida (*United States v. Camacho*, 1990), New Jersey (*New Jersey v. Lacaillade*, 1993), Idaho (*State v. Connor*, 1993), Minnesota (*United States v. Najarian*, 1996), Colorado (*People v. Sapp*, 1997, and *Hopp & Fleisch, LLC v. Backstreet*, 2005) and Wisconsin (*Wisconsin v. Brockdorf*, 2006).

To have a complete understanding of this question, you must be familiar with the case law in your area.

- **Does management have to advise an employee of their rights?**

In federal employment and in states under the jurisdiction of the United States Court of Appeals for the Seventh Circuit (Illinois, Indiana, Wisconsin), the employer has the affirmative duty to inform the employee of their Garrity Rights. Public employers in the state of California must also advise employees of their rights.

The requirement in federal employment stems from the 1973 case *Kalkines v. United States*. This is why, in federal employment, the documents advising employees of their rights are routinely called "Kalkines Warnings." The requirement in the Seventh Circuit stems most notably from *Confederation of Police v. Conlisk and Atwell v. Lisle Park District*, leading some to give this doctrine the name "Conlisk-Atwell."

It can also be argued that a similar approach was embraced by the Second Circuit (Connecticut, New York, Vermont) in *Uniformed Sanitation II*, in which the court said that public employees "subject themselves to dismissal if they refuse to account for their performance of their public trust, after proper proceedings, which do not involve an attempt to coerce them to relinquish their constitutional rights" (625). The phrase "after proper proceedings" has been interpreted by some to mean an advisement of the employee's rights.

Whether based on *Kalkines*, *Conlisk-Atwell*, or *Uniformed Sanitation II*, these advisements usually take the form of a document advising the employee of their rights.

In California, the duty to advise public employees of their rights results from the 1985 case *Lybarger v. City of Los Angeles*, in which the court found that the state's Public Safety Officers Procedural Bill of Rights required such an advisement if the employee could potentially be charged with a criminal offense.

Outside of federal employment, the states of the Seventh Circuit (and perhaps the states of the Second Circuit), and the state of California, public employers have no such obligation.

In other jurisdictions, many public employers have voluntarily adopted the practice of administering an advisement document prior to questioning.

· **Are Garrity Rights automatically "triggered," or must they be granted/extended?**

I am of the opinion that Garrity Rights can be triggered by the actions/statements of the public employer, regardless of whether any prior affirmation or discussion of those rights ever takes place.

As soon as the employer orders the employee to answer questions and threatens them with severe discipline (usually termination) for refusing to answer, Garrity Rights, in my opinion, automatically apply. The order to answer and the threat of termination trigger use/derivative use immunity for the statements the employee makes. At no time does the employer have to say "I am activating your Garrity Rights." Similarly, the triggering of Garrity Rights does not require the employee to "invoke" them. Once the employee is ordered to answer and threatened with termination for refusing to do so, use/derivative use immunity applies to their subsequent statements during that interview.

In *Uniformed Sanitation II*, the Second Circuit said, in reference to the original Garrity case, "the very act of the attorney general in telling the witness that he would be subject to removal if he refused to answer was held to have conferred such immunity" (626).

In a footnote to *Wiley v. Mayor and City Council of Baltimore*, the Fourth Circuit stated, "Garrity immunity is self-executing." The court did note, however, that "In an appropriate case, it might be necessary to inform an employee about its nature and scope" (778). Other courts which have held that Garrity Rights can be "triggered" include the Eleventh Circuit in *Hester v. City of Milledgeville* and the Fifth Circuit in *Gulden v. McCorkle*.

· **Can Garrity Rights be "invoked" by the employee?**

Sort of, but not really. What some may view as an "invocation" of one's rights is really just a statement of rights - rights that exist whether or not the employee "invokes" them. Garrity protection depends on whether they are ordered to answer questions, whether the answers to those questions could incriminate the employee, and whether there is a severe penalty - usually termination - for refusing to answer questions.

What the employee can invoke is their Fifth Amendment right not to give a statement. However, this right disappears once Garrity is triggered. Once the employee has been threatened with severe discipline or termination for refusal to answer, they are protected by Garrity and its use/derivative use immunity, and can no longer stand on the Fifth Amendment. See *Uniformed Sanitation II*.

In one possible scenario, an employee is called in for questioning, and is told they are required to answer questions. They are also told that if they refuse, they will be terminated. The employee emphatically announces, "I am invoking my Garrity Rights." What does this mean? Their invocation does not trigger their protection - the actions of the employer triggered Garrity protection before the employee said a word. Does their invocation now entitle them not to answer questions? Absolutely not. As previously stated, once use/derivative use immunity has been activated, the employee can no longer refuse to answer questions. So it is difficult to ascertain what the employee's invocation of their rights actually accomplishes. However, it must be acknowledged that an employee in an investigatory situation should endeavor to "cover all the bases" and make sure all parties are aware of the rights and obligations in place at the time; thus an invocation/affirmation of these rights certainly does no harm.

In an alternate scenario, the employee is called in for questioning, and upon entering the room, emphatically announces, "I am invoking my Garrity Rights." What does this mean? They have not been given any directives, nor have they been threatened with any penalty, real or implied. No compulsion has occurred yet. Therefore, Garrity Rights have not yet been triggered, notwithstanding the employee's invocation. Again, in a legal sense, the employee invocation accomplishes little; but it does no harm, as long as the employee fully understands it.

- **What is use/derivative use immunity?**

When people are given complete immunity from prosecution for a particular crime, it is known as "transactional" immunity.

In Garrity Rights cases, the immunity is not complete "transactional" immunity. In 1972's *Kastigar v. United States*, the Supreme Court held that immunity for compelled statements only applies to the use of the statements themselves, and to any evidence gained as a result of the protected statements. This is known as "use and derivative use" immunity, in which "use" is the use of the protected statements, and "derivative use" pertains to any evidence gained as a result of the protected statements. It is also known as "use plus fruits" immunity.

This means that the person in question can still be prosecuted for the offense under investigation, as long as the prosecution relies solely on evidence other than the protected statements and their fruits.

The result is that in many cases, what is known as a "Kastigar Hearing" takes place, in which the prosecution must demonstrate that its case rests solely on evidence other than the protected statements and their fruits.

Recently, this was significant in relation to the Nisour Square incident of September 16, 2007. On that day, Blackwater military contractors in Iraq killed 17 civilians in Baghdad's Nisour Square. In December 2008, the United States Department of Justice brought criminal charges against five of the contractors who had been involved, but the charges were dismissed in late 2009 because the prosecution had utilized evidence that was gained as a result of compelled statements.

It should be noted that full transactional immunity for compelled statements does apply in the Commonwealth of Massachusetts, as a result of the 1988 state supreme court decision in *Carney v. City of Springfield*.

- **If I have Garrity protection, can I still take the Fifth and refuse to answer questions?**

No. In "Uniformed Sanitation II," the court determined that once employees are protected by Garrity - meaning, their statements are protected by "use/derivative use" immunity - they are no longer able to refuse to answer questions. This is because once use/derivative use immunity is assured, the employee is no longer being required to give self-incriminating statements.

- **I made statements after being told that if I refused to answer questions, I would face "discipline up to and including termination." Are my statements protected?**

You are on potentially shaky ground, depending on where you live. In the states of the U.S. Court of Appeals for the First Circuit (Maine, Massachusetts, and New Hampshire), the courts would likely find that your statements were voluntary because, while termination was a possibility, other less-severe sanctions were

possibilities as well. See, for example, *United States v. Indorato*, *Commonwealth v. Harvey*, *Singer v. Maine*, *Dwan v. City of Boston*, and *New Hampshire v. Litvin*.

A number of other jurisdictions potentially subject to this narrow view include Illinois (*People v. Bynum*, 1987), Florida (*United States v. Camacho*, 1990), New Jersey (*New Jersey v. Lacaillade*, 1993), Idaho (*State v. Connor*, 1993), Minnesota (*United States v. Najarian*, 1996), Colorado (*People v. Sapp*, 1997, and *Hopp & Flesch, LLC v. Backstreet*, 2005) and Wisconsin (*Wisconsin v. Brockdorf*, 2006).

While many courts would find "discipline up to and including termination" coercive enough to trigger Garrity protection, it is also not hard to imagine other courts finding that coercion has not occurred if dismissal was possible but not definite. Obviously, then, the only way to be completely sure your statements are protected is to ensure that you are unequivocally subject to termination for refusal to answer. Otherwise, you gamble with the possibility that a court will deem your statements voluntary.

#### • **What happened to Chief Garrity after *Garrity v. New Jersey* was decided?**

Edward Garrity returned to his job as police chief of the township of Bellmawr, New Jersey. In 1969, just two years after the Garrity decision by the Supreme Court, he received the J. Edgar Hoover Award for Law Enforcement in New Jersey.

He retired from the Bellmawr police department in 1978, after serving as chief of police since 1951. Upon his retirement, he joined the Camden County Prosecutor's Office. He died in 2000.

It is also interesting to note that his father, James Garrity, was Bellmawr's chief of police from 1930-1949. So with just a two-year gap from 1949-1951, a member of the Garrity family was the township's police chief from 1930 to 1978.

#### • **Does Garrity protect false statements?**

No. If an employee makes false statements under Garrity protection, they can be prosecuted for making false statements, and their statements can be used against them in that prosecution.

A number of courts have ruled that Garrity does not protect false statements. See *McKinley v. City of Mansfield* (6th Cir. 2005), *U.S. v. Veal* (11th Cir. 1998), *FOP Lodge No. 5 v. City of Philadelphia* (3rd Cir. 1988), *U.S. v. Devitt* (7th Cir. 1974), and *U.S. ex. rel. Annunziato v. Deegan* (2nd Cir. 1971).

The United States Supreme Court has repeatedly ruled that the Fifth Amendment does not shield perjured or false statements. See *U.S. v. Wong* (1977), *U.S. v. Mandjuano* (1976), and *U.S. v. Knox* (1969).

#### • **Does Garrity apply to drug tests, breathalyzer tests, etc?**

No. Remember that Garrity Rights relate to the right not to be compelled to incriminate oneself. Courts have consistently found that this Fifth Amendment right applies only to statements, not to physical evidence. In *Schmerber v. California*, the United States Supreme Court stated that "the privilege is a bar against compelling 'communications' or 'testimony,' but that compulsion which makes a suspect or accused the source of 'real or physical evidence' does not violate it" (764). This doctrine as far back as far back as 1910's *Holt v. United States* and even 1886's *Boyd v. United States*.

More recently, in the 2008 case *Illinois v. Carey*, a police officer who had been arrested for DUI argued that his breathalyzer results should be suppressed because he had been threatened with termination if he refused to take the test. The Illinois appellate court disagreed, saying that "it is well settled that the Fifth Amendment applies only to testimonial or communicative evidence and that it does not apply to physical evidence" (1139).

### **Criminal versus Internal**

- Ø Separate but parallel investigations
- Ø Cannot be compelled to make statement in criminal investigation
- Ø Internal has access to **criminal investigation**.

- Ø Criminal does not have access to **internal investigation**
- Ø Concurrent or Consecutive Investigations?

### **Proving the Allegations**

- § The **charges** and **specifications** must conform to the proof and vice versa.
- § The employee is only called upon to defend that with which they have been charged. To do otherwise deprives them of the ability to prepare a defense.
- § The **burden of proof** is on the **agency**
- § It is the civil standard of **preponderance**/substantive evidence.

### **Substantial /Preponderance of Evidence**

- § Is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion?
- § It takes **much less evidence** to find an employee **guilty** of a disciplinary violation than a crime.

### **Investigation Findings/Disposition**

1. **Unfounded**: Where the act(s) alleged did not occur
2. **Exonerated**: Where the act(s) which were the basis for the complaint occurred, but the investigation shows such acts were justified, lawful and proper
3. **Not Sustained**: Where there is insufficient facts to prove or disprove the allegations
4. **Sustained**: Where there is sufficient facts to prove the allegations
5. **No Finding**:
  - A. Where the complainant failed to disclose promised information to further the investigation.
  - B. The investigation revealed another agency was involved and the complaint or complainant has been referred to that agency.
  - C. The complainant wished to withdraw the complaint
  - D. The complainant is no longer available for clarification of significant facts which would complete the inquiry.
6. **Failure of Policy/Training**  
Where there is a clear indication the agency policy and/or training placed the employee in a “catch-22 situation”

## **NRS 289 Rights of Peace Officers**

### **NRS 289.020 Punitive action: Prohibited for exercise of rights under internal procedure; opportunity for hearing; refusal to cooperate in criminal investigation punishable as insubordination.**

1. A law enforcement agency shall not use punitive action against a peace officer if he chooses to exercise his rights under any internal administrative grievance procedure.
2. If a peace officer is denied a promotion on grounds other than merit or other punitive action is used against him, a law enforcement agency shall provide the peace officer with an opportunity for a hearing.
3. If a peace officer refuses to comply with a request by a superior officer to cooperate with his own or any other law enforcement agency in a criminal investigation, the agency may charge the peace officer with insubordination. (Added to NRS by 1983, 2098)

### **NRS 289.025 Confidentiality of home address and photograph of peace officer in possession of law enforcement agency; exceptions.**

1. Except as otherwise provided in subsections 2 and 3 and NRS 239.0115, the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.
2. The photograph of a peace officer may be released:
  - (a) If the peace officer authorizes the release; or
  - (b) If the peace officer has been arrested.
3. The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:
  - (a) A report of a 911 telephone call.
  - (b) A police report, investigative report or complaint which a person filed with a law enforcement agency.
  - (c) A statement made by a witness.
  - (d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child. (Added to NRS by 2005, 621; A 2007, 2087, 2815)

### **NRS 289.027 Law enforcement agency required to adopt policies and procedures concerning service of certain subpoenas on peace officers.**

1. Each law enforcement agency shall adopt policies and procedures that provide for the orderly and safe acceptance of service of certain subpoenas served on a peace officer employed by the law enforcement agency.
2. A subpoena to be served upon a peace officer that is authorized to be served upon a law enforcement agency in accordance with the policies and procedures adopted pursuant to subsection 1 may be served in the manner provided by those policies and procedures. (Added to NRS by 2007)

### **NRS 289.030 Law enforcement agency prohibited from requiring peace officer to disclose financial information; exception. A law enforcement agency shall not require any peace officer to disclose his assets, debts, sources of income or other financial information or make such a disclosure a condition precedent to a promotion, job assignment or other personnel action unless that information is necessary to:**

1. Determine his credentials for transfer to a specialized unit;



2. Prevent any conflict of interest which may result in any new assignment; or
3. Determine whether he is engaged in unlawful activity. (Added to NRS by 1983, 2096)

**NRS 289.040 Law enforcement agency prohibited from placing unfavorable comment or document in administrative file of peace officer; exception; right to respond; provision of copy of comment or document; right to review administrative file under certain circumstances.**

1. Except as otherwise provided in subsection 3, a law enforcement agency shall not place any unfavorable comment or document in any administrative file of a peace officer maintained by the law enforcement agency unless:
  - (a) The peace officer has read and initialed the comment or document; or
  - (b) If the peace officer refuses to initial the comment or document, a notation to that effect is noted on or attached to the comment or document.
2. If the peace officer submits to the law enforcement agency a written response within 30 days after he is asked to initial the comment or document, his response must be attached to and accompany the comment or document.
3. If a peace officer is the subject of an investigation of a complaint or allegation conducted pursuant to NRS 289.057, the law enforcement agency may place into any administrative file relating to the peace officer only:
  - (a) A copy of the disposition of the allegation of misconduct if the allegation is sustained; and
  - (b) A copy of the notice of or statement of adjudication of any punitive or remedial action taken against the peace officer.
4. A peace officer must be given a copy of any comment or document that is placed in an administrative file of the peace officer maintained by the law enforcement agency.
5. Upon request, a peace officer may review any administrative file of that peace officer maintained by the law enforcement agency that does not relate to a current investigation. (Added to NRS by 1983, 2097; A 1991, 2213; 2005, 621)

**NRS 289.050 Consequences of refusal to submit to polygraphic examination.**

1. If a peace officer refuses to submit to a polygraphic examination:
  - (a) No law enforcement agency may take any disciplinary or retaliatory action against the peace officer; and
  - (b) No investigator may make a notation of such a refusal in his report or in any other manner maintain evidence of such a refusal.
2. Evidence of any refusal by a peace officer to submit to a polygraphic examination is not admissible at any subsequent hearing, trial or other judicial or administrative proceeding. (Added to NRS by 1983, 2097; A 2001, 1663)

**NRS 289.055 Establishment and availability of written procedures for investigating complaints and allegations of misconduct. Each agency in this State that employs peace officers shall:**

1. Establish written procedures for investigating any complaint or allegation of misconduct made or filed against a peace officer employed by the agency; and
2. Make copies of the written procedures established pursuant to subsection 1 available to the public. (Added to NRS by 1999, 948)

**NRS 289.057 Investigation of allegation of misconduct; suspension without pay; review of file by peace officer in certain circumstances; law enforcement agency prohibited from keeping or making record of investigation or punitive action in certain circumstances.**

1. An investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action.
2. Except as otherwise provided in a collective bargaining agreement, a law enforcement agency shall not suspend a peace officer without pay during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.
3. After the conclusion of the investigation:
  - (a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.
  - (b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.  
(Added to NRS by 2005, 620; A 2007, 422; 2011, 1750)

**NRS 289.060 Notification and requirements for interview, interrogation or hearing relating to investigation; prohibition against use of certain statements or answers in subsequent criminal proceedings.**

1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 48 hours before any interrogation or hearing is held relating to an investigation conducted pursuant to NRS 289.057, provide a written notice to the peace officer who is the subject of the investigation. If the law enforcement agency believes that any other peace officer has any knowledge of any fact relating to the complaint or allegation against the peace officer who is the subject of the investigation, the law enforcement agency shall provide a written notice to the peace officer advising the peace officer that he or she must appear and be interviewed as a witness in connection with the investigation. Any peace officer who serves as a witness during an interview must be allowed a reasonable opportunity to arrange for the presence and assistance of a representative authorized by NRS 289.080. Any peace officer specified in this subsection may waive the notice required pursuant to this section.
2. The notice provided to the peace officer who is the subject of the investigation must include:
  - (a) A description of the nature of the investigation;
  - (b) A summary of alleged misconduct of the peace officer;
  - (c) The date, time and place of the interrogation or hearing;
  - (d) The name and rank of the officer in charge of the investigation and the officers who will conduct any interrogation or hearing;
  - (e) The name of any other person who will be present at any interrogation or hearing; and
  - (f) A statement setting forth the provisions of subsection 1 of NRS 289.080.
3. The law enforcement agency shall:

- (a) Interview or interrogate the peace officer during the peace officer's regular working hours, if reasonably practicable, or revise the peace officer's work schedule to allow any time that is required for the interview or interrogation to be deemed a part of the peace officer's regular working hours. Any such time must be calculated based on the peace officer's regular wages for his or her regularly scheduled working hours. If the peace officer is not interviewed or interrogated during his or her regular working hours or if his or her work schedule is not revised pursuant to this paragraph and the law enforcement agency notifies the peace officer to appear at a time when he or she is off duty, the peace officer must be compensated for appearing at the interview or interrogation based on the wages and any other benefits the peace officer is entitled to receive for appearing at the time set forth in the notice.
  - (b) Immediately before any interrogation or hearing begins, inform the peace officer who is the subject of the investigation orally on the record that:
    - (1) The peace officer is required to provide a statement and answer questions related to the peace officer's alleged misconduct; and
    - (2) If the peace officer fails to provide such a statement or to answer any such questions, the agency may charge the peace officer with insubordination.
  - (c) Limit the scope of the questions during the interrogation or hearing to the alleged misconduct of the peace officer who is the subject of the investigation. If any evidence is discovered during the course of an investigation or hearing which establishes or may establish any other possible misconduct engaged in by the peace officer, the law enforcement agency shall notify the peace officer of that fact and shall not conduct any further interrogation of the peace officer concerning the possible misconduct until a subsequent notice of that evidence and possible misconduct is provided to the peace officer pursuant to this chapter.
  - (d) Allow the peace officer who is the subject of the investigation or who is a witness in the investigation to explain an answer or refute a negative implication which results from questioning during an interview, interrogation or hearing.
4. If a peace officer provides a statement or answers a question relating to the alleged misconduct of a peace officer who is the subject of an investigation pursuant to NRS 289.057 after the peace officer is informed that failing to provide the statement or answer may result in punitive action against him or her, the statement or answer must not be used against the peace officer who provided the statement or answer in any subsequent criminal proceeding. (Added to NRS by 1983, 2097; A 1993, 2379; 2005, 622; 2011, 1750)

**NRS 289.070 Use of polygraphic examination in investigation.**

- 1. During an investigation conducted pursuant to NRS 289.057, the peace officer against whom the allegation is made may, but is not required to, submit to a polygraphic examination concerning such activities.
- 2. A person who makes an allegation against a peace officer pursuant to NRS 289.057 may not be required to submit to a polygraphic examination as a condition to the investigation of his allegation, but may request or agree to be given a polygraphic examination. If such a person requests or agrees to be given a polygraphic examination, such an examination must be given.
- 3. If a polygraphic examination is given to a peace officer pursuant to this section, a sound or video recording must be made of the polygraphic examination, the preliminary interview and the post-examination interview. Before the opinion of the polygraphic examiner regarding the peace officer's veracity may be considered in a disciplinary action, all records, documents and recordings resulting from the polygraphic examination must be made available for review by one or more polygraphic examiners licensed or qualified to be licensed in this State who are acceptable to the law enforcement

agency and to the officer. If the opinion of a reviewing polygraphic examiner does not agree with the initial polygraphic examiner's opinion, the peace officer must be allowed to be reexamined by a polygraphic examiner of his choice who is licensed or qualified to be licensed in this State.

4. The opinion of a polygraphic examiner regarding the peace officer's veracity may not be considered in a disciplinary action unless the polygraphic examination was conducted in a manner which complies with the provisions of chapter 648 of NRS. In any event, the law enforcement agency shall not use a polygraphic examiner's opinion regarding the veracity of the peace officer as the sole basis for disciplinary action against the peace officer.

**NRS 289.080 Right to presence and assistance of representatives at interview, interrogation or hearing relating to investigation; confidential information; disclosure; record of interview, interrogation or hearing; right of subject of investigation to review and copy investigation file upon appeal.**

1. Except as otherwise provided in subsection 4, a peace officer who is the subject of an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during any phase of an interrogation or hearing relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer.
2. Except as otherwise provided in subsection 4, a peace officer who is a witness in an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during an interview relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer. The presence of the second representative must not create an undue delay in either the scheduling or conducting of the interview.
3. A representative of a peace officer must assist the peace officer during the interview, interrogation or hearing. The law enforcement agency conducting the interview, interrogation or hearing shall allow a representative of the peace officer to explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.
4. A representative must not otherwise be connected to, or the subject of, the same investigation.
5. Any information that a representative obtains from the peace officer who is a witness concerning the investigation is confidential and must not be disclosed.
6. Any information that a representative obtains from the peace officer who is the subject of the investigation is confidential and must not be disclosed except upon the:
  - (a) Request of the peace officer; or
  - (b) Lawful order of a court of competent jurisdiction.

Ê A law enforcement agency shall not take punitive action against a representative for the representative's failure or refusal to disclose such information.

7. The peace officer, any representative of the peace officer or the law enforcement agency may make a stenographic, digital or magnetic record of the interview, interrogation or hearing. If the agency records the proceedings, the agency shall at the peace officer's request and expense provide a copy of the:
  - (a) Stenographic transcript of the proceedings; or
  - (b) Recording on the digital or magnetic tape.
8. After the conclusion of the investigation, the peace officer who was the subject of the investigation or any representative of the peace officer may, if the peace officer appeals a recommendation to impose

punitive action, review and copy the entire file concerning the internal investigation, including, without limitation, any recordings, notes, transcripts of interviews and documents contained in the file.

(Added to NRS by 1983, 2098; A 1991, 647; 1993, 2380; 2005, 623; 2011, 1752)

**NRS 289.085 Inadmissibility of evidence obtained unlawfully during investigation.** If an arbitrator or court determines that evidence was obtained during an investigation of a peace officer concerning conduct that could result in punitive action in a manner which violates any provision of NRS 289.010 to 289.120, inclusive, and that such evidence may be prejudicial to the peace officer, such evidence is inadmissible and the arbitrator or court shall exclude such evidence during any administrative proceeding commenced or civil action filed against the peace officer.

**NRS 289.090 Investigation concerning alleged criminal activities.** The provisions of NRS 289.057, 289.060, 289.070 and 289.080 do not apply to any investigation which concerns alleged criminal activities. (Added to NRS by 1983, 2098; A 2005, 624)

**NRS 289.100 Limitations on application of chapter.**

1. This chapter does not prohibit any agreements for cooperation between the law enforcement agency and agencies in other jurisdictions.
2. This chapter does not affect any procedures which have been adopted by the law enforcement agency if those procedures provide the same or greater rights than provided for in this chapter.

**NRS 289.110 Report concerning improper governmental action; investigation of report; reprisal by employer prohibited.**

1. A peace officer may disclose information regarding improper governmental action by filing a report with:
  - (a) The district attorney of the county in which the improper governmental action occurred; or
  - (b) The Attorney General if the district attorney referred to in paragraph (a) is involved in the improper governmental action.
2. Upon the filing of a report pursuant to subsection 1, the district attorney or Attorney General may investigate the report and determine whether improper governmental action did occur. Upon the completion of the investigation the district attorney or Attorney General:
  - (a) If he determines that improper governmental action did occur, may prosecute the violation. The Attorney General may prosecute such a violation if the district attorney fails or refuses so to act.
  - (b) Shall notify the peace officer who filed the report of the results of the investigation.
3. The employer of a peace officer shall not take any reprisal or retaliatory action against a peace officer who in good faith files a report pursuant to subsection 1.
4. Nothing in this section authorizes a person to disclose information if disclosure is otherwise prohibited by law.
5. This section does not apply to a peace officer who is employed by the State.
6. As used in this section, "improper governmental action" means any action taken by an officer or employee of a law enforcement agency, while in the performance of his official duties which is in violation of any state law or regulation. (Added to NRS by 1991, 2212)

**NRS 289.120 Judicial relief available for aggrieved peace officer.** Any peace officer aggrieved by an action of his employer in violation of this chapter may, after exhausting any applicable internal grievance procedures, grievance procedures negotiated pursuant to chapter 288 of NRS and other administrative remedies, apply to the district court for judicial relief. If the court determines that the employer has violated a provision of this chapter,

the court shall order appropriate injunctive or other extraordinary relief to prevent the further occurrence of the violation and the taking of any reprisal or retaliatory action by the employer against the peace officer. (Added to NRS by 1991, 2213)

## **The Brady Rule**

§ Brady v. Maryland 373 U.S. 83 (1963)

The court held that evidence favorable to the accused, and withheld by the prosecution, violated the defendant's constitutional due process right to a fair trial

### **Brady Fallout**

- § Have held that this includes evidence which could be used to attack the credibility of a material witness (is an officer ever not a material witness?).
- § Six subsequent court rulings, as recent as 2000 and a pending case before U.S. 9th circuit, leaning toward mandatory disclosure
- § Findings of misconduct based on honesty will become critical
- § Files and records will be sought and granted on a greater basis now
- § If they lie, it's goodbye!

### **Police Officer Truthfulness and the Brady Decision**

*Jeff Noble, Commander, Irvine, California, Police Department*

Truthfulness and the 1963 Brady decision have become hot topics in law enforcement circles. Although years went by without much concern with the Brady decision, recent U.S. Supreme Court decisions have enforced Brady to include evidence maintained in a police officer's personnel files. Under Brady, evidence affecting the credibility of the police officer as a witness may be exculpatory evidence and should be given to the defense during discovery.

Indeed, evidence that the officer has had in his personnel file a sustained finding of untruthfulness is clearly exculpatory to the defense. To remind the reader, in 1963 the Supreme Court ruled in *Brady v. Maryland* that the defense has the right to examine all evidence that may be of an exculpatory nature. This landmark case stands for the proposition that the prosecution will not only release evidence that the defendant might be guilty of a crime but also release all evidence that might show that the defendant is innocent as well. Today many police executives have recognized the importance of officer credibility and have established a "No Lies" proclamation. As simple as No Lies sounds, it is far more complex and difficult to manage. Lies are not a fixed target; rather, deception exists on a continuum, from what is commonly called social lies or little white lies to egregious misconduct that warrants dismissal or prosecution. The true challenge is in dealing with deceptive conduct that lies somewhere in the middle of the continuum-not so far on one end of the continuum for termination and not far enough toward the other end of the continuum to be justifiable or excusable.

### **No Lies**

Law enforcement executives have responded to these judicial decisions by imposing strict rules and, on the surface, No Lies seems great. This black-and-white rule certainly appears to be one upon which everyone can agree. To achieve a goal of maintaining the officer's and the department's credibility, ruling out all lies is the simplest solution and the easiest to enforce. But are police administrators really prepared to enforce the rule as it is communicated in the No Lies maxim?

There is an adage in management circles that rules should be explained and tools provided so employees can achieve the vision set out for them. No Lies, however, does not express the true concern of police administrators. Rather, the concern is with improper, intentional, deceptive conduct that affects an officer's credibility, whether that deceptive conduct consists of lying, making material omissions, or engaging in other unacceptable deliberate actions.

Not only should there be a policy defining improper, intentional, deceptive misconduct but there should also be a clear definition of deceptive conduct that is accepted by an agency. In police work, deceptive conduct in some areas is not only condoned but also encouraged or even required. The key to developing a policy is an understanding of the difference between deceptive conduct and deceptive misconduct.

### **What Is Lying?**

In *Lying* (New York: Vintage, 1999), Sissela Bok defines a lie as any intentionally deceptive stated message. According to Bok, these are statements that are communicated either verbally or in writing. Lying is a subset of the larger category of deception, and deception is undertaken when one intends to dupe others by communicating messages meant to mislead and meant to make the recipients believe what the agent (the person performing or committing the act) either knows or believes to be untrue. Deception encompasses not only spoken and written statements but any conduct that conveys a message to the listener. Deceptive conduct can range from verbal statements or writings to physical expressions such as a shoulder shrug, eye movement or silence any intentional action that conveys a message.

Historically, not all intentionally deceptive conduct in social interactions has been considered improper. Indeed, as early as the Middle Ages, Saint Thomas Aquinas classified deceptive conduct as helpful, joking, or malicious. Aquinas argued that lying helpfully and lying in jest may be acceptable forms of conduct, whereas telling malicious lies, lies told deliberately to harm someone, was a mortal sin.

Acknowledging that some deceptive conduct is acceptable helps to define deceptive misconduct. For example, the classic dilemma, argued about for centuries, is what to do if a murderer approaches you and asks the location of his intended victim. If you tell the truth, the murderer will kill the victim. If you lie, the intended victim will have the opportunity to escape. Although this hypothetical dilemma forces you to choose between insufficient options with no other choices, it is illustrative of Aquinas's argument. Lying to a murderer to protect a potential victim is helpful, and it may be both morally and ethically the proper thing to do because it is the lesser of evils under the circumstances.

### **Officer Truthfulness: Relevant Case Law**

*Haney v. City of Los Angeles*, 109 Cal. App. 4th 1 (2003).

*Ziegler v. City of South Pasadena*, 73 Cal.App.4th 391 (1999).

*Brogan v. United States*, 118 S. Ct. 805 (1998).

*LaChance v. Erickson*, 118 S. Ct. 753 (1998).

*Ackerman v. State Personnel Board*, 145 Cal. App. 3d 395 (1983).

*Gee v. California State Personnel Board*, 5 Cal. App. 3d 713 (1970).

*Brady v. Maryland*, 83 S. Ct. 1194 (1963).

### **Lies Justified by Investigative Necessity**

In the performance of their duties, police officers frequently engage in a significant amount of deceptive conduct that is essential to public safety. Consider lying to suspects, conducting undercover operations, and even deploying unmarked cars. Presenting a suspect with false evidence, a false confession of a crime partner, or a false claim that the suspect was identified in a lineup are but a few of the deceptive practices that police officers have used for years during interrogations. These investigatory deceptive practices are necessary when no other means would be effective, when they are lawful, and when they are aimed at obtaining the truth.

Some, like John P. Crank and Michael A. Caldero in *Police Ethics* (Cincinnati: Anderson, 1999), have argued that accepting these types of deceptive practices places the police on a slippery slope, which will create a belief by officers that all deception is acceptable, or a perception by the public that diminishes the trustworthiness of officers. It may be true that some persons who engage in serious misconduct began with minor acts of deception, but it does not follow that all deception is a gateway to serious misconduct. Most police officers can distinguish

the differences and do not conclude that specific, lawful deception implies the rightness of all deception. The majority of police officers are quite capable of applying the Constitutional test of whether that deceit would make innocent persons confess to a crime that they did not commit.

### **Lies Made in Jest**

Where specific lies can be supported by rational argument as justified, other lies may be deemed excusable by the same type of ethical analysis. Lies made in jest, although sometimes callous and hurtful, do not affect an officer's credibility unless they are in such bad taste that they call into question the person's judgment in general. Between officers, embellishments and exaggerations are commonplace in the descriptions of the misfortunes of others. A sense of humor, even where some deception is involved, can and does help responsible persons cope with great stress and grim circumstances. Indeed, a sense of humor and a sense of proportion may be inseparable under the worst circumstances. Although humor is an acceptable practice at the appropriate time, humor is not a shield to the disciplinary process. When jokes become intentionally harmful to others, they become malicious lies that should be dealt with accordingly. Agency leaders should not strive to create such a sterile workplace that humor is forbidden, for they would succeed only in making themselves objects of derision and ridicule. Police leaders should seek to establish and enforce reasonable standards.

Deception concerning trivial matters, often told to spare another's feelings may also be excusable. These white lies are meant not for any personal gain but rather for social courtesy. Not every social situation calls for the whole truth. How do I look? What do you think? Sometimes benign statements or tactful silence are the most appropriate responses.

In *The Varnished Truth* (Chicago: University of Chicago Press, 1994), David Nyberg asserts that acts of deception are such common practice in human communication that deceptive conduct would be impossible to prevent entirely by any rule, law, policy, or manner of enforcement. From the social kindness of white lies to embellishments, exaggerations, and boastful behavior, we frequently conceal the truth for a variety of reasons. We not only condone these activities but also teach our children the art of deception from an early age. Children learn from their parents, friends, television, books, and other sources how to deceive. Children quickly learn how to maintain a poker face, so their hand is not easily identified by their body language, or in sporting activities where young athletes fake a throw or head-fake an opponent by looking one way and going another.

Our laws and culture have even created exceptions to the unvarnished truth such as in advertising, recognizing that there is speech that tends to embellish the value of a product, but because these speech patterns are so common and easily recognized, they do not dupe a reasonable, mature person into a false belief. This exception, called puffery, encompasses terms like "world's best," "the greatest," "the purest," and so on.

### **Malicious Lies**

Although lies justified by necessity, lies told in jest, and white lies may be acceptable forms of deception in law enforcement, malicious lies are the true evil of officer misconduct. The difference between lies justified by necessity or lies made in jest and malicious lies is the presence of actual malice by the communicator. Here, malice would include not only lies told with a bad intent but also lies that exceed the limits of legitimacy.

For example, a police officer may be tempted to testify falsely to imprison a criminal. The officer's intent may be a worthy objective to the public; removing a criminal from society and the officer may validate his intent in his own mind by believing that he is engaging in a greater good. But this lie would violate the standard by which we would say the lie was reasonable and appropriate under the circumstances given the status obligations of the person engaging in the lie. Although the intent may be legitimate, the actions are malicious. This malice is the motive by which any sense of limits or constraint or fidelity to law and policy is destroyed.

It is important to understand that motive or intentions can be mixed, so that a person may deceive in order to pursue some worthwhile, utilitarian goal (such as public safety) and at the same time have a malicious disregard for the rights of the suspect and for the laws, policies, and limits that apply to policing. This willingness to betray basic principles of honesty attacks the very public safety that the person believes himself to be pursuing. A police officer who by malicious disregard goes beyond the limits of legitimacy is a threat to the public safety,



since the officer may end up violating anybody's rights, and this poisons the idea that the lie is advancing public safety.

## **Deception Continuum**

Perhaps it is easier to assess intentional deceptive conduct on a continuum. At one end is intentional, malicious, deceptive conduct that will take one of three forms:

- Deceptive action** in a formal setting, such as testifying in court or during an internal affairs investigation
- Failure to bring forward information** involving criminal action by other officers, also known as observing the so-called code of silence
- Creation of false evidence** that tends to implicate another in a criminal act

Intentional, malicious, deceptive conduct in any of these three areas will permanently destroy an officer's credibility. Should an officer violate these standards, there is no alternative in an employment context other than termination or permanent removal from any possible activity where the officer could be called upon to be a witness to any action.

At the other end of the continuum are lies justified by necessity, which may be defended, based on the circumstances and excusable lies, including lies made in jest and white lies, which like minor embellishments and exaggerations are not intended to harm others or convey a benefit to the communicator. These types of deceptions are at least excusable if not acceptable.

Deceptive conduct at either end of the continuum can be dealt with easily. At one end, the conduct does no harm and no action is necessary. At the other end, there is great harm and there is no option other than the termination of the officer's employment. The problem is not the conduct at the ends of the continuum, but rather the conduct that falls somewhere in between. Consider the following example:

A supervisor asks an officer whether a particular report has been completed. The report itself is of very little consequence, and the question was prompted by a routine administrative action rather than any specific employee concern. The officer has not submitted the report but quickly replies that the report has been turned in, fearing what would be at most a minor counseling by the supervisor. The officer then immediately completes the report and turns it in before the supervisor can discover the lie.

In this example, the officer was dishonest. He was asked a direct question by a supervisor and he failed to respond truthfully. Although the officer had no opportunity for reflection, there is no excuse for his misconduct. The question was not posed as part of a formal process, the officer was not engaging in an action to protect another officer, and there was no conduct that would place a community member at risk of a false prosecution. Similarly, there is no evidence that the officer's deceit was either justified or excusable.

What is left is conduct that falls somewhere in the middle of the continuum. The officer's response is certainly not acceptable, but it leaves the question of whether it is far enough on the other end of the continuum to be grounds for termination. There is a strong argument for termination in this case. After all, the officer was asked a direct question by a supervisor about a work-related subject and the officer responded untruthfully. The difficulty for managers is balancing the need of the department and community to have officers that are beyond reproach against the recognition that all officers are human beings and that they have human failings. The officer's response may best be described as a spontaneous, unintelligent statement, and there are other factors that should be considered in making a final determination. Is the officer remorseful? Does the officer recognize the error? Does the officer have an otherwise acceptable record with the department? Was the underlying issue one of very little consequence?

Consider the following:

A dispatcher asks an officer if he is available for a call. The officer radios that he is out of service and unavailable, when in fact he does not want to receive a call because it is near the end of his shift. Based on the officer's statement, the dispatcher assigns the calls to another officer.

As in the last scenario, the officer's conduct is neither justifiable nor excusable. However, the conduct probably does not amount to the end of the scale that mandates termination. It is this type of intentional, deceptive, misconduct that can be termed "administrative deception" that creates consternation for police management. The conduct may not warrant termination, but a sustained finding of untruthfulness creates a Brady issue that many believe will prohibit the officer from continuing his employment. The question then becomes, does Brady mandate termination on the basis of any lie or act of deception?

### **Brady Analysis**

The No Lies rule causes managers to deem that Brady has taken their discretion away on these cases that fall outside the justified or excusable categories. But removing management discretion is not the Brady rule. Brady stands for the proposition that evidence that may be exculpatory in nature must be given to the defense. In a case where an officer will be testifying as a witness to an event, the officer's credibility is a material issue and his lack of credibility is clearly potentially exculpatory evidence and therefore sustained findings of untruthfulness must be revealed.

It seems that the analysis often stops at this point, suggesting that if there is evidence regarding an officer's credibility, the officer can no longer be placed in a position where he may become a percipient witness in an investigation. If that evidence is that the officer violated the far right of the continuum-deception in a formal process, participation in a code of silence, or planting evidence both Brady and responsible management principles dictate the termination of the employee. But what if the misconduct is in the middle area of the continuum? Working through the complete Brady analysis and court evidence admission process will help the manager make this determination.

First, it is important to understand that even though the defense gets the information-and they should get it-there is no guarantee that the defense will be able to present the evidence of officer misconduct to the jury. It is the court, not the defense that makes this determination. In its decision to admit evidence, the court will weigh the evidence to determine if it is more probative than prejudicial. Not all evidence of deceptive conduct by an officer will be admissible.

Think about an officer who engages in a secretive extramarital affair. At a minimum, the officer has lied to a spouse and broken a vow (an oath) to remain faithful. If there is evidence that the officer has maliciously lied for his own benefit, it certainly follows that the officer's credibility and testimony may be questioned. Although the officer may have committed a mortal sin according to Aquinas, the evidence of the officer's deception will probably never be heard in court. This type of evidence would be prejudicial against the officer's credibility, but at the same time it offers very little probative evidence on the officer's credibility while testifying in court and therefore most judges would not permit this evidence to be introduced.

Courts are likely to treat many administrative lies in the same manner. The court would probably view these administrative lies as evidence that would uniquely tend to evoke an emotional bias against the officer as an individual and would have very little effect on the issues. But even if the court allows the evidence to be presented to the jury the analysis has not been completed. The prosecutor will be able to present evidence in an effort to rehabilitate the officer. How long ago did the misconduct occur? Was it of a relatively minor administrative issue? Did the officer show appropriate contrition? Was the officer punished? Did the misconduct occur more than once? Has the officer received training as a result of the discipline? Did the officer that made the statement immediately make a subsequent truthful admission? Is there evidence that the officer's conduct has changed?

Police managers should weigh all of the factors of deceptive actions that fall at the middle of the continuum and use their management discretion on a case-by-case basis. In some cases, termination will follow. In others, it may not.

Managers should also be warned that there would be a strong temptation to use euphemisms in describing the officer's misconduct to protect the officer and the agency against potential Brady issues. In the examples cited above, managers may choose to discipline for the underlying misconduct-failing to complete a report and failing to respond to a call, rather than disciplining the officers for their statements. This type of discipline would send

the wrong statement to both the officers and the organization. The officers should be disciplined for their deceptive misconduct as well as the underlying conduct. If management did anything else they would be engaging in intentional deceptive misconduct on a greater level than the officer. In the above examples, the officers' statements were spontaneous, where management's actions to discipline for only the underlying misconduct were thoughtfully chosen to hide the officer's deceit.

The key in making a decision regarding a particular middle-of-the-continuum deception is whether management can defend their decision or thoughtfully tell their story. The decision must be able to withstand rigorous analysis from those on all sides of the issue. In making the final decision, the chief of police must determine whether he or she can stand in front the community and defend the department's position. If so, then the chief should deal with the issue directly and honestly; if not, there is no alternative other than termination.

No Lies has started a conversation, but refinement of that discussion focuses our energy on the areas of deceptive conduct that cause the real concern for police administrators. In law enforcement, malicious deceptive conduct includes intentional deceptive conduct in a formal setting, the code of silence, and the false implication of another in a criminal act. A violation of any of these precepts should effectively and permanently end an officer's career. Both honesty and the reputation for honesty in law enforcement are absolutely essential. Those who are not able to meet these expectations simply are not able to fulfill the essential job requirements of a peace officer.

Law enforcement managers should be able to recognize deceitful conduct at either end of the scale and deal with the conduct appropriately. The issues that fall somewhere in the middle of the continuum are obviously much more difficult. The issue is not whether these middle ground deceptions are acceptable; they clearly are not. Any intentional deceptive conduct that is not justified or excusable is inappropriate. The issue for police managers is whether they have management discretion and whether there is any punishment available to them other than termination. The answer is that police chiefs have discretion available to them and that not every act of intentional deception may be worthy of termination. But management must be warned that with their discretion comes a duty to punish the inappropriate behavior and the willingness to deal with the officer's action for years in the future.

In life, there are often second chances, and sometimes even more. In law enforcement, there are no second chances when it comes to the integrity of our officers and ourselves. In law enforcement, malicious deceptive conduct is untenable and cannot be tolerated at any level in the organization.

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## **Consent Decrees**

A settlement of a lawsuit or criminal case in which a person or company agrees to take specific actions without admitting fault or guilt for the situation that led to the lawsuit.

A consent decree is a settlement that is contained in a court order. The court orders injunctive relief against the defendant and agrees to maintain jurisdiction over the case to ensure that the settlement is followed. (Injunctive relief is a remedy imposed by a court in which a party is instructed to do or not do something. Failure to obey the order may lead the court to find the party in [Contempt](#) and to impose other penalties.) Plaintiffs in lawsuits generally prefer consent decrees because they have the power of the court behind the agreements; defendants who wish to avoid publicity also tend to prefer such agreements because they limit the exposure of damaging details. Critics of consent decrees argue that federal district courts assert too much power over the defendant. They also contend that federal courts have imposed conditions on state and local governments in [Civil Rights Cases](#) that usurp the power of the states.

Most civil lawsuits are settled before going to trial and most settlements are private agreements between the parties. Typically, the plaintiff will file a motion to dismiss the case once the settlement agreement has been signed. The court then issues a dismissal order and the case is closed. However, if the defendant does not live up

to the terms of the settlement agreement the plaintiff cannot reactivate the old lawsuit. This means filing a new lawsuit with the court and going to the end of the line in order to process the case.

In more complex civil lawsuits that involve the conduct of business or industry, and in actions by the government against businesses that have allegedly violated regulatory laws, consent decrees are regularly part of the settlement agreement. A court will maintain jurisdiction and oversight to make sure the terms of the agreement are executed. The threat of a contempt order may keep defendants from dragging their feet or seeking to evade the intent of the agreement. In addition, the terms of the settlement are public.

Certain types of lawsuits require a court to issue a consent decree. In [Class Action](#) settlements, Rule 23 of the Federal Rules of Procedure mandates that a federal district court must determine whether a proposed settlement is fair, adequate, and reasonable before approving it. Under the Antitrust Procedures and Penalties Act (the Tunney Act), 15 U.S.C.A. § 16(b)-(h), the court must review proposed consent decrees in antitrust suits filed by the [Justice Department](#). The statute directs the court to review certain items, including whether the decree advances the public interest.

The U.S. Supreme Court, in *Local No.93, Int'l Ass'n of Firefighters v. City of Cleveland*, 478 U.S. 501, 106 S.Ct. 3063, 92 L.Ed.2d 405 (1986), ruled that consent decrees "have attributes both of contracts and of judicial decrees." The division between contracts and judicial decrees suggests that consent decrees are contracts that resolve some issues through the consent of the parties. However, for some issues, the decree contains judicial acts rendered by the judge, not the parties. Commentators have noted that these dual attributes require a court to determine when it is appropriate to "rubber-stamp" a proposed settlement and when it is more appropriate for the court to treat the proposal as it would any judicial order.

The federal courts have been criticized for using consent decrees to reform prison systems, school systems, and other government agencies. Some courts have maintained oversight of agencies for many years and have imposed conditions that have cost state and local governments substantial amounts of money. Congress intervened in one litigation area when it passed the Prison Litigation Reform Act of 1995 (Pub.L. 104-134, 110 Stat. 1321). The law imposed strict limits on what federal courts could do in the future to improve prison conditions through the use of consent decrees. In addition, it gave government agencies the right to seek the termination of consent decrees, many of which had lasted for decades.



## Policy for Supervisors

# POST First-Line Supervisor Program

Why do agencies need policy?

- Ø Agencies need policy to ensure a safe, structured, user-friendly, nondiscriminatory workplace.
- Ø Policies are needed to empower the employees within the workplace not to encumber them.

Bottom line: Policy is about finding middle ground.

**Instructional Goal:**

The instructional goal of this lesson is to give supervisors an opportunity to discuss policy and the issues surrounding the supervision of officers in regard to policy.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Define policy.
2. Define procedure.
3. Define rule.
4. Define mission statement.
5. Identify first-line supervisor's responsibilities concerning policy.
6. Identify key words in policy that require caution.
7. Identify problem areas in regard to policy.
8. Explain the legal ramifications behind poor dissemination of policy.
9. Explain the legal ramifications behind poor policy training.
10. Identify key characteristics of effective policy training.

# Policy Formulation

## Questionnaire

Answer the following questions concerning policy.

1. I believe policy is important because:

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2. As a first-line supervisor, I believe the most important job I do regarding agency policy is

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3. As a first-line supervisor, the most important thing I need to know about agency policy is

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4. I believe most employees view agency policies in a negative light.

T or F

5. I believe most first-line supervisors view agency policy as a responsibility for management only.

T or F

6. I believe most first-line supervisors know and understand most of the policies within the agency.

T or F

7. I believe most agency policy supports the mission statement of the agency.

T or F

8. If I could change one thing about policy within the agency, I would

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## Definitions

### **Policy**

- Guiding principles that must be followed
- It sets limits of discretion
- Flexible
- Broad in scope

### **Procedure**

- Method of performing a task
- Guide to doing something
- Chronological series of interrelated steps

## Difference Between Policy/Procedure

### Policy

- Guide decision making
- Room for managerial discretion
- Integral part of organizational strategies
- Formulated by top management

### Procedure

- Drive actions
- Detailed and rigid
- Tactical tools
- Laid down at lower organizational levels

### **Rule/Regulation**

- Mandate that requires or prohibits specified behavior
- **No room for discretion**
- **Does not bend**

### **Mission Statement**

- **Philosophy of an agency**
- Belief/Value statement that sets the tone of the agency

### **First-line Supervisor Responsibilities**

1. Enforce **agency policy**
2. **Train** employees on agency policy
3. **Disseminate** agency policy and keep track
4. **Ensure proficiency\_& understanding** in regard to agency policy
5. **Interpret** agency policy (to some degree)
6. **Identify problem areas**

**Can you think of other responsibilities?**

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## **The Loss of Common Sense in Policing**

### **Written by Jay Burch**

How do you train officers to balance doing what they are told with using some common sense? How do you train them to sort out following the letter of the policy or they will be in trouble versus following the spirit of the law or they will be in trouble? Do you write exhaustive policies to cover all eventualities or write brief policies to cover the overall issue of policing? Every department struggles with this balance on a recurring basis.

When I first became a police chief, one of my initial objectives was to create a much more streamlined (and thinner) policy and procedure manual. I had come from an organization that had policy and procedure manuals both about 4 inches thick! I promised myself at the time that if I ever made chief of police, those thick books would disappear overnight.

Actually, I did start off with a manual that had much less policy information in it but then discovered a problem typical to all police managers. If I counseled with an officer or supervisor regarding what was a common sense issue, at least common sense to me, that was not necessarily stated policy in the department, the officer would ask how he could “obey or disobey” an unwritten policy.

I mean, do we really need a written policy that says a police officer shall not have a cigarette dangling from his mouth while contacting a traffic violator? Or a big dip of tobacco bulging from the officer’s bottom lip or cheek? This looks unprofessional? Really? This has to be in writing? Six months later, I’m looking at my 4-inch-thick policy manual.

### **Crisis Management Easier?**

The easy part of our job as police managers is actually during a crisis event. We lock into autocratic mode and just bark out orders demanding that the troops fall in line and respond to the crisis without questions. “Just do it,” is what we say because we don’t have time to explain the “whys and wherefores” due to the crisis at hand. We might even get away with saying, “Because I said so,” a time or two during a crisis event. We can then sit back and watch the troops charge the mountain. Job over.

So how does one handle a more “routine” call where an officer ignores policy, common sense, or both? For instance, you have a policy that states any violent arrestee have leg / foot restraints put on him before being placed in a squad car. You find a memo on your desk saying a violent prisoner (without leg restraints) was trying to kick out a window of a squad car.

The officer told the arrestee not to do that (but didn’t follow policy). So when the arrestee finally kicked out the window (through the bars I might add), THEN the officer decides it’s a good idea to put the restraints on the person so he can’t kick out the other windows.

Even if your department had no policy for this situation, is this not the rocket’s red glare of using plain common sense? When questioned, the officer’s response is along the lines of, “Well, with the bars on the window, I didn’t think the guy could really kick it out.” This is why most police chiefs are gray headed and/or balding.

### **The Common Sense Factor in Policing**

Some say that college-educated people make better employees than those who have no college. With policing being such a unique profession, I have witnessed both sides of the argument. I believe most of us in the business would rather have an officer with minimal education but great common sense and character than a highly educated person with no common sense.

Apparently, neither characteristic is dependent on the other. I believe common sense is the single important key to effective policing, and most of my colleagues seem to agree. Not that I do not advocate getting an education. Education gives us more “tools in our tool belt,” and I want employees to get as much education as possible. But common sense is more telling of a person’s ability to be successful in policing, in my opinion.

Most officers, command staff members and administrators can think back over their careers and remember one or two of the best cops to ever hit the streets. When asked what the most telling characteristic these “super” cops possessed, the majority of the responses seem to be related to common sense in one way or another. Other common terms related directly or indirectly to common sense are people who have “street smarts,” use their “sixth sense,” have good “gut feelings” or “gut instincts,” or play a “hunch” and so on.

The great cops I worked with in my career may not have been the best report writers, the best communicators (in either oral or written word), maybe didn’t always follow the letter of policy and procedure, and certainly didn’t always have the best interpersonal skills, but they were great cops because of their common sense. Anyone who didn’t learn from them had only themselves to blame. Granted, these officers know policy and the law but use their common sense to their advantage and know where to draw the line.

### **Nature Versus Nurture**

Can we teach common sense? I have had this question posed several times, and I still do not know the answer. I think someone who lacks common sense can improve his skills marginally just by being around someone blessed with common sense. But can he become great at using or developing common sense over time? I’m not so sure. To me, common sense is a gift that most good police officers seem to be blessed with.

Looking back on my career, I can’t recall too many officers who came into the business with poor common sense skills and became great or even good officers. Many rookies with little or no common sense never make it out of field training. Those who do make it out of training are often the reason(s) we have so much mundane policy and procedure in writing. Then again, it takes common sense to understand and correctly interpret policy too! This is why police administrators often feel caught in a no-win situation.

Do age and/or maturity yield more common sense or just more experience? Age and maturity don’t always create more common sense in police officers. It is often our experience that teaches us what to do and not to do in most situations. Even an older or more mature officer can be just a marginal employee if he suffers from lack of common sense.

In policy matters, veterans who lack common sense are just as apt to disobey, forget or misinterpret policy as the newest officer. Those officers may be the reason for specific policies too because they need something in writing to understand what to do and what not to do.

### **Not Critical? Use Common Sense**

Use common sense and discretion when things aren’t as critical. One venue to try to teach common sense is during training. Allow the new recruits a little time when the call or event is not critical to use and hone what common sense they have. Allow them to use their discretion to solve a problem or interpret a policy even though the field training officer (FTO) may have resolved the problem or interpreted policy a different way.

As long as the recruit’s decision doesn’t get us sued, violate the law or policy and isn’t unethical, let him run with it. The recruit’s actions may push the line on one or more of those issues, but as long as the lines are not crossed, why not let the recruit learn from it?

We talk about lack of common sense sometimes involving new officers, but sometimes I think they suffer more from lack of confidence because we don’t let them learn from their own experiences. Building confidence may just help develop what little common sense some new officers may have.

We try to shape and mold them into our own personal image, and that won’t work most times. I don’t want my employees to be a “mini-me” (though some of them may disagree), but I do want them to function and grow under the standards “umbrella” established by our own good employees’ professionalism and character. And yes, policies and procedures are a part of that umbrella.

### **Spirit of the Law**

As a member of an independent police command committee, I have reviewed policies and procedures in departments of all sizes, from fewer than 20 employees to more than 4,000 employees. I have noticed that most

of the policies, as well as most of the laws we build our policies around, are discretionary in nature. These policies can be used as guidelines to proper police procedure that do have some built-in flexibility, i.e., discretion.

We are looking for compliance, and this simple fact seems difficult for some officers to understand. We have the option, in most cases, to take a report, warn, cite, arrest, or take an enforcement action or not. We look at the SPIRIT of the law or policy—not the LETTER of the law—to do what is right in a situation.

In this regard, this is where we try to teach our employees discretionary tactics. One young officer involved in several physical confrontations was counseled about taking any questions or resistance personally. He felt his authority was being challenged, and instead of just seeking compliance, he felt the need to exhibit his authority through physical confrontation. He is beginning to understand but still struggles with this as do many new (and especially younger) officers.

An example of the spirit of the law would be an officer seeing a person smoking marijuana at an event in which the officer is working security. This person is among several hundred at the event, and only a few officers are there to keep the peace. The officer does not see any others smoking marijuana and the event is otherwise peaceful, although alcohol is being served.

The young officer I spoke of above would likely dive into the crowd to go after a person with a joint—thus possibly starting a melee with the others in attendance. In this example, the officer does not confront the person smoking and the event goes off without a hitch. How many of us would have confronted the smoker? It's a tough call, but the difference is in doing things right and doing the right thing.

### **Letter of the Law**

Other laws or policies come with no wiggle room, such as family violence, use of force, pursuits, and search and seizure. Those laws or policies come with the words “shall take a report,” “shall arrest,” “shall” do this or that, and so forth. These laws or policies don't require much in the way of common sense. They are in writing. They are required, so the officer must do what the law or policy says—no deviation.

Does a person with no common sense struggle with the letter of the law, too? Of course, because now there is the matter of interpretation. The law says an officer SHALL take a report involving family violence. The officer goes to the scene and yes, there was a little pushing and shoving, but no one is hurt and no marks on anyone to indicate physical violence.

So, the officer just takes off with maybe a warning to the people fighting. Right? Not according to the letter of the law or policy. The officer is now in violation of the state law and also department policy. The officer tried to use discretion when it was not available or allowable by law. Lack of common sense? Maybe.

One officer recently went to a disturbance call regarding a woman locked out of her house by her drunk boyfriend with whom she lived. During the course of the interview, the woman, who also appeared intoxicated, told the officer that earlier in the day, the man in the house had pointed a gun at her and threatened her with it. She said the guy has lots of guns. But that was earlier in the day, right? So, no report was taken, even though state law and police policy require a report involving family violence.

The interesting part of this is that the officer who did not report is a veteran officer who is also known for his common sense. The issue here is that common sense is not always a factor in how well or how poorly one does his job. Lack of common sense in this business is a hardship—no question. In this case, however, it was just laziness from an officer who did not want to do any paperwork—so it became a disciplinary matter.

### **No Magic Solutions**

As a police administrator, my quest for a rather thin and short policy and procedure book was short lived. It seems it is almost a badge of honor for some employees to have a policy “named” after them. When the book comes out, the officer knows it was something he recently did and maybe was written up for. People with no common sense, especially the younger applicants, often have none because they have no life experience.

As part of our recruiting efforts, education is important, personal history is extremely important, as well as things like maturity, character and ethical standards. But maybe we need to incorporate into our background investigations the question of common sense. We could have the references give us an example of what good common sense is and how the applicant applied it in a certain situation. Certainly we can ask common sense-type questions in our oral boards.

For example, I like the scenario of two well-dressed men shooting at each other in front of a bank. Officers arrive on scene and have to determine which one is the bad guy. One applicant told me he'd shoot the guy closest to him. What? He repeated his answer—twice. When asked why he would do that, he said "He's the closest threat to me." Let's hope this guy is not wearing the uniform out there somewhere!

Police policy and procedure manuals are also impacted by national or state accreditation in addition to civil service or collective bargaining agreements. Regardless of the size or depth of our policies, however, most issues within the department can be handled successfully by employees who rely on sound reasoning and common sense. Sure, having good common sense may not make a person a great police officer, but it's a good bet that the officer won't have a policy statement written on his behalf because of something off the wall he did either.

Through solid recruiting, training, having your common sense employees influence the newer employees, police administrators may be able to build a great department. As a result, a police chief having a department where the large majority of the employees have great common sense just might be the Holy Grail—the small, thin policy book we all seek!

*Chief Jay Burch is a 21-year veteran police officer and has been a police chief for more than eight years, currently with the Mount Pleasant, TX Police. Burch has a master's degree in law enforcement administration from Sam Houston State University, is a Master Certified Peace Officer in Texas, and a state licensed police instructor. He conducts police leadership and supervisor training, police department organizational assessments, and conducts chief executive interviews for municipalities and county agencies. He can be reached at [jburch47@suddenlink.net](mailto:jburch47@suddenlink.net).*

## The Loss of Common Sense in Policing?

1. How do you train officers to balance doing what they are told with using some common sense?

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2. Do you believe that common sense has become a rare commodity among employees?

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3. Can you teach common sense?

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4. Can you test for common sense?

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5. As a supervisor, what issues do you constantly have to be on tip of when working with an employee who lacks common sense?

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### Identifying Problem Areas

First-line supervisors are closest to the employees and are the best people to identify problem areas to management.

- Action of employees indicate confusion about appropriate way to behave
- Certain **critical areas** are not being handled the same way across the board.
- There are **legal issues/questions**
- There are **compliance issues/questions** with governmental regulations.
- There are issues concerning **fair treatment**

### Enforcing Policy—Key Words

- Shall – **mandatory** or **compulsory acts** (Prohibitive term – no room for discretion)
- May – **open to options** (Judgmental term – use your best judgment)
- Should – **recommended actions** (Discouraging term – keeps certain actions from happening as much as reasonable possible)

## Dissemination & Documentation

- Dissemination to **all employees** is a **requirement** not an **option**
- **Convenient access**
- Title block in place/**not** in **memo format**
- Documentation? Liability?

## Policy Training

All training in policy needs to meet the following criteria:

- **Valid/Legally binding**
- **Relevant**
- **Useful**
- **Professional**
- **Current**

Distinguish the difference between “need to know” and “need to reference.”

Training things to consider:

- How will you track mandatory policy training?
- How will you prove dissemination of policy to all personnel?
- How will you defend legal/liability suits concerning policy failures?

## Legal Issues

An agency can be held responsible if it:

- **Fails to have a policy in place**
- Has a policy, but has **failed** to **review** it – the policy has become outdated or worse illegal.
- Has a policy, but has **failed** to **enforce** it or is enforcing haphazardly.
- Has a policy, but **enforcement** is **irregular** or does not pass the **fairness test**
- Has a policy, but **fails** to **adequately disseminate** it.
- Has a policy, but **failed** to **ensure** all affected employees **understood** it.

## Case Law

**A supervisor should be responsible for knowing the policies and procedures related not only to the law enforcement agency he works for, but also those adopted by the governing body.**

Liability of a municipality cannot be predicated upon respondent superior in an action brought under 42 U.S.C. § 1983. See *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978).

42 United States Code, Section 1983

(1) A person acting under color of state law (2) committed an act that deprived the claimant of some right, privilege, or immunity protected by the Constitution or the laws of the United States.

A person deprives another of a constitutional right, within the meaning of section 1983, if he does an affirmative act, participates in another’s affirmative acts, or omits to perform an act which he is legally required to do that causes the deprivation of which the plaintiff complains.

In *Monell*, the Supreme Court held that municipalities and other local governmental units can be held liable under 42 U.S.C. § 1983, however limited the liability to injuries inflicted pursuant to government “policy” or “custom”. (*Webb v. Carson City* led to the change in NRS 248.040—deputy sheriffs are not policymakers for the sheriff or the county.) Therefore, in a section 1983 action, the supervisor can be held liable for his own actions that would be separate and apart from the government’s liability.

A supervisor may be personally liable if there exists either (1) his personal involvement in the constitutional deprivation or (2) a sufficient causal connection between the supervisor's wrongful conduct and the constitutional violation. Supervisory liability exists even without overt personal participation in the offensive act if supervisory officials implement a policy so deficient that the policy itself is a repudiation of constitutional rights and is the moving force of the constitutional violation.

**Shaw v Stroud, 13 F. 3d 791 (4th Cir. 1994)**

- The supervisor had actual or constructive knowledge that his subordinate was engaged in conduct that posed a pervasive and unreasonable risk of constitutional injury to citizens
- The supervisor's response to that knowledge was so inadequate as to show deliberate indifference to or tacit authorization of the alleged offensive practices
- There was an affirmative causal link between the supervisor's inaction and the particular constitutional injury suffered by the plaintiff

**Sutton v Utah State School for the Deaf & Blind, 173 F. 3d 1226 (10th Cir. 1999)**

- Failure to train amounts to deliberate indifference to the rights of person with whom his subordinates comes into contact, the inadequacy of training may serve as the basis for Section 1983 liability.

**Supervisory Liability, Written by Randy Means**

While the term "supervisor" is often used to describe a first-line supervisor, supervisory liability can be incurred by any supervisor: first-line, second-line, third-line, and so on. Any police commander can be sued personally for supervisory liability where there are alleged supervisory failures.

In lawsuits brought under state law (for negligence, as an example) the law varies somewhat from state to state on when a supervisor can be held liable for the actions of a subordinate. Most lawsuits against police, however, involve claims of federal constitutional misconduct and are brought under Title 42 of the United States Code, Section 1983. These actions are commonly referred in legal shorthand simply as Section 1983 lawsuits.

Whereas it is well understood that in a Section 1983 lawsuit, policies and/or customs of bad supervision in hiring, training, and discipline can cause municipal liability, the personal liability of supervisors themselves is a somewhat different issue. When, for example, might a police lieutenant be held personally liable for constitutional misdeeds on the part of his subordinates?

While the Supreme Court has not spoken directly to this issue, lower courts have. They have created a sort of deliberate indifference standard similar to the one used by the Supreme Court for municipal liability cases. Following is a brief survey of how some high federal courts have gone about determining whether a police supervisor should be held personally liable for the violation of constitutional rights by an officer under his supervision.

In *Shaw v. Stroud*, 13 F. 3d 791 (4th Cir. 1994), the Fourth Circuit United States Court of Appeals listed the elements necessary, in its view, for a finding of supervisory liability, 1) the supervisor had actual or constructive knowledge that his subordinate was engaged in conduct that posed a pervasive and unreasonable risk of constitutional injury to citizens like the plaintiff, 2) the supervisor's response to that knowledge was so inadequate as to show deliberate indifference to or tacit authorization of the alleged offensive practices, and 3) there was an affirmative causal link between the supervisor's inaction and the particular constitutional injury suffered by the plaintiff. Showing a pervasive or unreasonable risk of harm requires evidence that the conduct is widespread or has occurred at least on several different occasions. Continued inaction in the face of documented widespread abuses creates a clear case of deliberate indifference by supervisors, according to the Fourth Circuit.

The First Circuit United States Court of Appeals creates this set of requirements for proof of supervisory liability, 1) a grave risk of harm, 2) the supervisor's actual or constructive knowledge of that risk, 3) his failure to take easily available measures to address that risk and, 4) an affirmative connection between the supervisor's conduct and the subordinate's violative act or omission. *Camillo Robles v. Hoyos*, 151 F. 3d 1 (1st Cir. 1998).

According to the First Circuit: “Notice is a salient consideration in determining the existence of supervisory liability...Nonetheless, supervisory liability does not require a showing that the supervisor had actual knowledge of the offending behavior; ‘he may be liable for the foreseeable consequences of such conduct if he would have known of it but for his deliberate indifference or willful blindness.’” Quoting from *Maldonado-Denis v. Rodriguez*, 23 F. 3d 576 (1st Cir. 1994).

The Tenth and Third Circuits, among some other lower courts, require personal direction or actual knowledge and acquiescence for proof of supervisory liability. See, for example, *Baker v. Monroe Township*, 50 F. 3d 1186 (3rd Cir. 1995) and *Lankford v. City of Hobart*, 73 F. 3d 283 (10th Cir. 1996). Other courts hold that a reckless disregard of apparent risks is sufficient even though there was no proof of actual or constructive knowledge. See *Rascon v. Hardiman*, 803 F. 2d 269 (7th Cir. 1986).

The Second Circuit sets out this test for supervisory liability, 1) the supervisor, after learning of the wrong, failed to remedy it, 2) the supervisor created a policy or custom under which the unconstitutional practices occurred or were allowed to continue, 3) the supervisor was grossly negligent in managing subordinates who caused the illegality.

Whatever else can be said about the test or standard for proving supervisory liability, lower courts seem to agree that it requires more than mere negligence. The hurdle for plaintiffs is higher than that. See *Daniels v. Williams*, 474 U. S. 327 (1986). In *Braddy v. Florida Department of Labor and Employment Security*, 133 F. 3d 797 (11th Cir. 1998), the Eleventh Circuit says, “The standard by which a supervisor is held liable in her individual capacity for the actions of a subordinate is extremely rigorous.”

Failure to train can also be a basis for individual supervisory liability. See for example, *Sutton v. Utah State School for the Deaf & Blind*, 173 F. 3d 1226 (10th Cir. 1999) where the Court of Appeals stated: “Where a supervisor’s failure to train amounts to deliberate indifference to the rights of persons with whom his subordinates comes into contact, the inadequacy of training may serve as the basis for Section 1983 liability.”

It is clear that many lower courts intend to impose liability on the individuals who create policies and customs roughly on the same evidentiary basis as would support a finding of municipal liability. If that is true, then wherever there is liability to the municipality, there would be corresponding personal liability exposure to supervisors (from first-line to chief).

Clearly, the same involved-officer testimony that aids the plaintiff’s municipal liability claim, i.e., “this happens all the time, and if there is anything wrong with that, nobody ever told me,” also would aid the plaintiff’s claim against individual supervisors. The liability fates of individual supervisors and of the municipality itself are inevitably closely linked.

Probably the reason there are not more claims against individual supervisors is that if the plaintiff can get to individual supervisors, the governmental entity has fallen also, which is what the plaintiff’s attorney wanted most in the first place. Nonetheless, it is appropriate that supervisors at all levels have a sense of when and if they might find themselves personally liable for the actions of their subordinate officers.

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

*Randy Means is a partner in the Charlotte, NC law firm of Thomas and Means, LLP, and specializes entirely in police operations and administration. He formerly served as head of legal training for North Carolina’s state law enforcement training center and then police attorney for the city of Charlotte. He is the primary legal instructor for the IACP. He has conducted law enforcement training in 47 states and Canada and is the author of a “The Law of Policing.” He can be reached at [rbmeans@aol.com](mailto:rbmeans@aol.com).*





# Preventing Law Enforcement Suicide

## POST First-Line Supervisor Program

**Instructional Goal:**

The instructional goal is to alert supervisors of the importance of their role in preventing law enforcement suicide.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify general indicators associated with an increased risk of suicide.
2. Identify general life stressors unique to law enforcement.
3. Identify common obstacles to law enforcement suicide intervention.
4. Identify early warning signs.
5. Identify supervisory responsibilities concerning law enforcement suicide intervention.
6. Identify resources available to help concerning law enforcement suicide intervention.

## **Basic Facts**

- Life expectancy, after retirement, of a police officer is much shorter than that of the general population.
- The suicide rate, divorce rate, and a host of other health related issues, including alcohol abuse, are much higher for police officers than the current national averages.
- Law enforcement officer kill themselves by a 3 to 1 ratio more than they are killed by others.
- The ratio for law enforcement suicide may be higher because many law enforcement suicides are purposefully misclassified on death certificates.
- The risk of law enforcement suicide is over three times that of the general population and this risk has appeared to increase over the past decade.



# BADGE OF LIFE

## POLICE MENTAL HEALTH Quarterly Newsletter October 2014

### THE SOBERING TRUTH:

Police Officers died as the result of suicide in **2012: 126**  
Police Officers died as the result of gunfire in **2012: 49**  
Police officers (est.) in US with symptoms of PTSD: **125,000**

*For every police suicide, almost **1,000 officers** continue to work while suffering the painful symptoms of PTSD.*



**Among the most maddening things I face** are the inquiries from the press, asking “How many police suicides” have happened in the recent past and, particularly, who the departments are that are having the greatest problems. To the former question, we give them the numbers. To the latter question, we simply refuse to answer. And why? Because, as I try patiently to explain, they are overlooking the “Big Picture.” There’s a lot of befuddlement over this and I continue in my effort to help them understand.

The “Big Picture” is not suicide prevention. Pure and simple. Instead of suicide prevention, we need to focus our efforts on police mental health. In an emotionally healthy squad, there are no suicides. And how do we achieve and maintain a healthy squad? Through leadership that begins in the Chief’s office. Individual police chiefs need to come forward and vocally support, in front of their personnel, the importance of an effective peer support program and the necessity for annual mental health checks. The benefits extend far beyond suicide prevention. They include fewer citizen complaints and lawsuits, less sick leave used, fewer grievances and, perhaps most importantly, fewer injuries. It’s a fact that an officer who is depressed or anxious is a danger to himself and his partner officers who are relying on him to be sharp and attentive.

It takes time to change a culture, be it the media or law enforcement. It can happen, however, by everyone assuming responsibility for the outcome. “Everyone” includes the chief, his management and supervisory team, peer team members, and each individual in uniform. That— is the “Big Picture.”

--Ron Clark, RN, MS, Chairman of the Board



**The police memorial—where’s the rest of it?** In 1963, John F. Kennedy established Peace Officers Memorial Day on May 15 of each year to honor disabled officers. That’s right. Memorial Days were intended to recognize the scarred living as well as the dead. But the meaning of that day has been forgotten in our ceremonies and tributes as we focus only on those who have lost their lives and ignore the victims of physical and emotional injuries incurred in the line of duty. How has this happened? How can we regain our focus on those law

enforcement veterans who are left on the outside looking in? Read more on this at [Police Memorial](#)

**In 2012, Badge of Life found** that 126 police officers (ten per month) died of suicide nationally, reaffirming the fact that more police officers die from self-inflicted wounds than do at the hands of felons. How do we know this? We rely on nonprofit organizations to find the information and disseminate it. These organizations range from Badge of Life, which invested hundreds of hours into its research, to smaller organizations that specialize in far higher, more hysterical numbers (400 or more) based on guesswork. Neither is the answer. Instead, we need to see a formal, governmental process by which police suicide data and profiles can be gathered, stored and released.



A system able to do it is already in place and capable of doing the job. Why should we do this? Because it is impossible to develop and implement new suicide prevention and mental health programs in law enforcement unless we have accurate data and background information with which to evaluate them. Continue at [suicide statistics](#)



**Everyone seems to understand how a “critical incident,”** such as a shooting, the loss of a partner, or watching the death of a child can lead to posttraumatic stress disorder (PTSD). There remains, however, a lack of understanding about “cumulative” PTSD—the form that is often more insidious and difficult to manage. Cumulative PTSD is the compilation, often over years, of seemingly minor episodes that are retained and often disable. Like bumblebee stings, they accumulate until they are no longer manageable—the screams, the abuses, the dead bodies, the pleas of the injured to make them whole again.

There is a preventive step, however—a means of preventing this stockpiling of experiences from becoming toxic. Read more at [cumulative PTSD](#)

“The minute you hear somebody scream, your initial reaction is, ‘Oh my God’ and you start freaking out. But you just have to — no matter how hard your heart is pounding — you have to keep your voice calm and it takes a while to learn that,” said a Colorado dispatcher who asked that her name not be used.



While maintaining a calm voice can be learned, many said they just can't learn to shake some calls. A number of the operators said that calls involving children are particularly difficult as well as calls where they hear someone die, whether it is from injuries or suicide.

Too often forgotten in the spiraling world of emergency responders and PTSD is the dispatcher who, from the telephone to the radio, must handle the most horrific of calls. Compounding the stress of this job is the fact that, at the end of the incident, the dispatcher often never knows the end result or the resolution of the call. More at [Dispatchers](#)



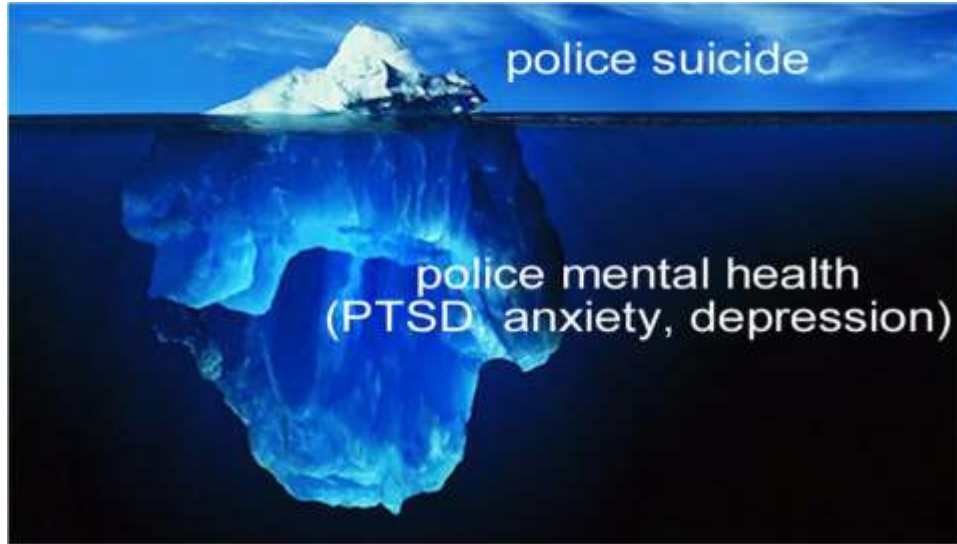
***Our newsletter is quarterly.*** If you know of someone who might like to subscribe, please pass it on. Our newsletter, as well as all materials and services provided by Badge of Life, are free and can be obtained by just dropping a line to Ron Clark at [badgeoflife@gmail.com](mailto:badgeoflife@gmail.com)

And visit us at our website, <http://www.badgeoflife.com/>



## Police Suicide

The Tip of the iceberg.



### **What IS the Police Mental Health Check?**

**An overview of the program essential for police officer survival on the streets.**

A Badge of Life Article

Simply put, this is an annual process in which we suggest an officer visit a licensed therapist once a year for at least one visit as a “checkup,” in the same way one visits a doctor for an annual physical or a dentist for a cleaning and check for cavities and other problems.

The most critical part of the mental health check program is that it be voluntary and that the department knows nothing about it. They don’t have to know when you see the dentist for a checkup, do they?

**Still sound uncomfortable?** Make you squirm? Relax, and just think about it. Your career is one of the most toxic, dangerous, violent and traumatic in the world. You deal with “unhealth” on the streets every day and night, then go home and try to lead a healthy home life.

You are dealing with stress, yes—but more importantly, you are dealing with TRAUMA on a continuum. While each traumatic incident may not disable you or give you PTSD, you are dealing with it nonetheless, year after year, decade after decade.

Does it wear at you? Yes!

This isn’t about being “strong” or “tough.” It’s about surviving—on the streets and at home.

Doing an annual mental health check doesn’t mean “something is wrong.” In fact, it’s better that you do it BEFORE something “is wrong.” Saying “Get help when you need it” isn’t enough for cops—just like a physical exam, be smart and be “ahead of the curve.” We call it “prevention.” The idea is to accomplish a number of things:

1. Bring up issues that are currently bothering you. How are things going?
2. Explore the past year and look for areas of concern or in which you might wish to make changes.
3. Examine your coping and resiliency skills during stressful and traumatic events. What are your coping mechanisms? Are they healthy? How might you improve on them?
4. How are things at home?
5. Set goals for the next year.
6. Know a therapist already—so they will be there if you do need them!

## **HERE'S THE DEAL:**

*This is voluntary. You don't have to go! You don't have to see the dentist, either--ever. You can let your teeth rot and "gum it" the rest of your life.*

*You don't have to see your family doctor for an annual checkup—you can just wait until you have an incurable disease.*

*That black mole on your leg? You can ignore it—and die. IT'S ALL ABOUT CHOICES—HEALTHY ONES.*

Just like a physical or dental exam, you may find two or more visits necessary. Again, these are confidential visits, and the goal is emotional survival in one of the world's most stressful jobs.

### **Saving your life on the streets:**

Being in top shape, emotionally, can save your life on the streets. If you—or your partner—are stressed and worried about something going on in your life, you can lose that quarter to a half second of reaction time that could mean the difference between life and death.

### **Confidentiality:**

Client-patient confidentiality covers most things, barring (in most states) a threat to self or others, or elder abuse or child abuse. The therapist is required to report those things—and otherwise it's confidential. Discuss it with them to be sure. Absolute assurance of confidentiality and privacy is why many officers go outside the department for this kind of thing.

### **Wouldn't I have to pay for a private therapist?**

Probably, but more than likely it would just be a co-pay. But look--perhaps you already pay something for a gym or workout program. Your mental health is just as important as your physical health! If it's a choice of going or not going, we recommend you do so. The salary of most police officers can handle the co-pay and the mental health return beats the alternatives.

### **Will I lose my "macho," or "mojo," as a result of going to "touchie-feelie therapy?"**

Of course not. Those who have seen counselors with the serious goal of resolving issues and developing their strengths know therapy is hard work, can be challenging, and isn't for the faint of heart if you want to accomplish something. The goal is to come out stronger, with a quicker and clearer "warrior's edge" than ever.

### **How do I select a therapist?**

First, don't sit around waiting until you can find a "cop doc." It's great if you can find one, but we see too many officers delaying treatment because they can't find a therapist who "already knows about police work." More important than having someone telling they already know what it's like because they're a cop is having a therapist/psychologist who is well trained in handling stress, trauma and PTSD. Can they "get it" when you talk to them? That's what matters.

Ask your peer support officer, or your family doctor—do some shopping. See someone, above all, who is licensed to do therapy. Make sure the therapist is a "good fit" for you--like selecting a doctor for your back, you may want to try more than one. Listening, interactive skills and expertise are the most important considerations.

It's your own health.

*"The thing about denial is that it doesn't feel like denial when it's going on."*

— Georgina Kleege



## PTSD is Both an Emotional AND Physical Injury

We must recognize that posttraumatic stress disorder (PTSD) is a physical, as well as an emotional injury.

by

Andy O'Hara, Founder,

Badge of Life Mental Health for Police Officers

Richard L. Levenson, Jr., Psy.D., CTS, Vice Chairman, Badge of Life Ron Clark, RN, MS, Chairman, Badge of Life

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*"Suicide is a whispered word, inappropriate for polite company. Family and friends often pretend they do not hear the word's dread sound even when it is uttered. For suicide is a taboo subject that stigmatizes not only the victim but the survivors as well." –Earl Grollman*

It was in 1984 that Phil Donahue coined the unfortunate phrase, "Suicide is a permanent solution to a temporary problem." Joining other empty-minded quotes about suicide as "cowardly," "angry" and "vengeful," Donahue's comment would show up in every power point, lecture and conversation about suicide. It would also set the understanding of mental illness and suicide back centuries.

A "solution," permanent or otherwise, is defined as "finding a specific answer to or way of answering a problem." Donahue was, therefore, suggesting that a suicide victim is rational enough to examine the problem (PTSD and depression), weigh the options (to live or not live), identify the specific answer (suicide) and put it into play. Suicide, in the mind of the uneducated, is little more than a simple choice, one made on the veranda on a summer day with a glass of lemonade. No one thinks of it as any more-- such as the result of an injury (like PTSD) that renders the victim unable to make such a decision.

Sadly, this is the way society needs to think of suicide—as "a choice." We don't *want* to think of suicide being caused by the confusion, pain and desperation of a mental disorder. That would disempower us and force us to look deeper. If it was beyond the victim's control, we could no longer blame them!

So, it's all about "*bad choices*." The victim of suicide was in complete control, made a bad decision, kind of like going right or left at the intersection, and made the wrong decision.

This is how stigma begins—by shaming the victim for "screwing it up" and "making the wrong decision." If only we had been sitting on the veranda, sipping lemonade with them when they were going through the "plusses and minuses" of committing suicide, we might have been able to slip a bit of sound logic into the rational discussion. But the victim didn't invite us, damn them—another "bad choice!"

Once they are dead, we shun the family as though they pulled the trigger. No suicide note in the world will save them from our judgment—we cast them out, children included, from the police family.

When we hold our memorials, we will say, "It was not how they died that made them heroes, it was how they lived." But inside, we know we're lying. *Of course* it's about the way they died! Look at Michael Pigott of New York, Aaron Gililand of the California Highway Patrol, Paul McCarthy of the Massachusetts State Police—all heroes without question.

But they blew it, we say. They allowed the psychological trauma that hit them during their heroic events to affect them—that's not allowed to happen, say police chiefs. Not only did they come out of it with PTSD, it drove them to suicide. And we don't want to hear that! Many a hero lies dead and unrecognized because we failed to understand the terrible wound that killed them.

Let's look more closely at this issue of suicide, the myth of choice, and our perception of police suicides. Are we in the 21<sup>st</sup> century—or still in the Middle Ages?

**POLICE SUICIDES:** A 2008 study ([NSOPS, O'Hara, Violanti](#)) shows there are 141 – 145 police minimum of suicides each year in the United States out of 875,000 officers. Of these suicides, a minimum of eleven percent are the result of the police job itself ([Aamodt and Stalnaker](#), Table 9). Unfortunately, police departments refuse to accept the possibility that law enforcement work can lead to suicide.

**POSTTRAUMATIC STRESS DISORDER (PTSD):** Police officers have been long recognized as vulnerable to PTSD because of the long-term, violent, toxic environment in which they work. In some ways, a cop's work may be even more traumatic than that of a soldier sent into a war zone, says clinical director [Beverly Anderson](#). "The police officer's job, over many years, exposes and reexposes them to traumatic events that would make anybody recoil in horror." Nonetheless, amazingly, there are some states that refuse to recognize the existence of PTSD in police work.

In states that do recognize PTSD, challenges remain. Departments that accept and validate an injury report for PTSD will then refuse to recognize the job relatedness of suicide by that *same officer a week later*, no matter how closely linked it is to the same traumatic incident on the job.

Three years of tracking has yet to reveal a suicide that has been recognized as "line of duty," even though several highly publicized cases are clearly such ([see Pigott](#)).

An abundance of literature is available about [the impact](#) a traumatic incident has on the brain, thus leading to PTSD. Changes occur, both [physically and chemically](#), that are major and often long-lasting.

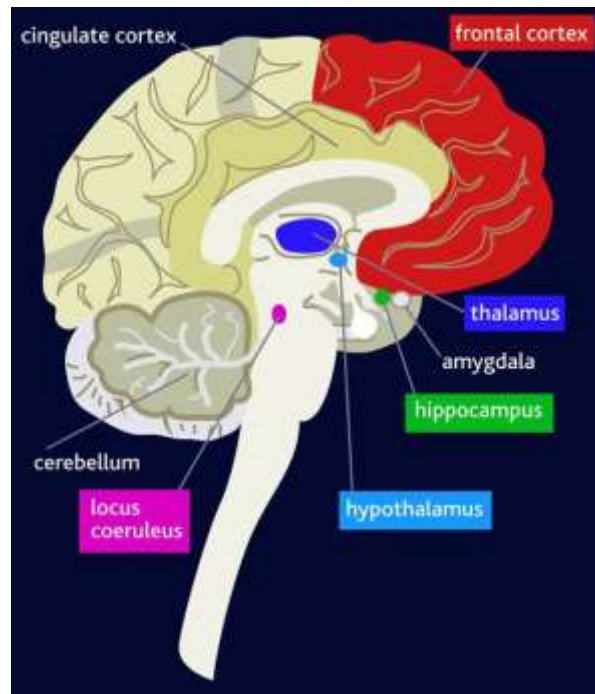
To date, there is no one medication available to treat PTSD, making control of the symptoms a confusing and sometimes life-long battle.

**THE "INJURED IN THE LINE OF DUTY" ISSUE:** There is widespread confusion (and ignorance) about whether or not it is possible to be injured, both psychologically and physically, in performing the police job and, if so, that such an injury (the classic example being posttraumatic stress disorder) can lead to suicide. Much of this has to do with a lack of understanding of the nature of PTSD itself. There are several key points to remember:

1. PTSD is clearly defined as an [injury](#). It is not genetic. It is not a disease. It is the one and *only* psychiatric disorder in the Diagnostic Manual of Mental Disorders (DSM-IV) that is *caused by an external source*. It is not "caught," and it is not the fault of the victim.
2. **Trauma:** The medical definition for "trauma," which includes "injury," is "Any injury, whether physically or emotionally inflicted." Trauma" has both a medical and a psychiatric definition.

Medically, "trauma" refers to a serious or critical bodily injury, wound, or shock. This definition is often associated with trauma medicine practiced in emergency rooms and represents a popular view of the term. In psychiatry, "trauma" has assumed a different meaning and refers to an experience that is emotionally painful, distressful, or shocking, which often results in lasting mental and physical effects.

3. PTSD is a physical injury to the brain—*it is just as physical as a concussion and it is real*.
  - a. There are clear, measureable [physical changes](#) that immediately begin taking place to the hippocampus, which controls learning, memory, stress and our emotional responses to fear. The hippocampus actually decreases in mass and begins to atrophy.



- b. The amygdala, the “fear center” of the brain, becomes overactive.
- c. “Those who have PTSD have abnormal levels of stress hormones. Studies show that individuals with PTSD have lower levels of cortisol than those who do not have PTSD and higher than average levels of epinephrine and norepinephrine. The above three mentioned hormones are responsible for creating the "flight or fight" response to stress. In turn, this means that the person with PTSD lives in constant "flight or fight" mode.”
- d. [Researchers believe](#) that the medial prefrontal cortex, which regulates emotional and fear responses, becomes dysfunctional.
- e. Simply put, PTSD alters levels of numerous stress related chemicals and hormones that would otherwise maintain emotional and decision-making balances in the brain. This can easily trigger depression, commonly raising the likelihood of suicide.
- f. Richard Levenson, Psy.D., who specializes in anxiety and depressive disorders, Post- Traumatic Stress Disorder, and the effects of medical/physical conditions on psychological health and well-being points out that *“suicide with many police officers is a function of a severe PTSD and depression. While this may be obvious to us, it is not to all. We know that biological changes take place in the brain because medication reverses those changes, at least to some extent, as it alleviates depression. However, severe depression can be hidden from others, and just because a department command doesn’t see it, doesn’t mean it doesn’t exist.”*
- g. Memory, concentration and decision-making are impaired, having a clear impact on the individual’s ability to make a sound "decision" about something like suicide. (3)

It is understandably difficult for a “warrior culture” like law enforcement to accept that something “in the mind” could be an injury. The prevailing thought is that the PTSD victim should simply realize he is “in trouble,” see a counselor, take medications and “get better.” One, two and three. Would we ask the same of an officer who has been beaten on the head by a suspect with a hammer? Of course not. We can see the telltale signs of a concussion in the officer’s eyes and gait and perhaps see blood. We will send him to the hospital and pray for his survival. If he dies, no matter how much later, we will honor him and place his name on a memorial wall as a hero.

If, however, that same officer makes a complete recovery from the concussive injuries but is psychologically traumatized by the incident and commits suicide a few months later, we will bury him secretly without honors, refusing to recognize the injury that killed him, and we will cast away his family in disgrace.

Not even his assailant is blamed for his death—this is suicide, and the victim as at fault.

What is confusing about PTSD is that the victim has no visible scar, does not limp and has no other visual signs of injury. The victim acts and talks quite “normally.” This is not a gauge of how they are feeling inside with the injury, however, or the nightmares, flashbacks, anxiety attacks and depression they are experiencing. Still, progress is being made to recognize the role that stress and, more importantly, trauma can play in police suicides. Take for example:

1. In 2010, at its conference, the [International Association of Chiefs of Police](#) emphasized that stress in law enforcement can contribute to police suicide, even presenting a class on how “how critical incidents and prolonged stress can affect and alter a law enforcement officer.” [italics ours]
2. On the issue of “choice” in suicides, John Violanti, PhD, a former NY state trooper and world renowned police mental health researcher at the University of NY at Buffalo, stated in March, 2011, “*Advances in the understanding of the neurobiological mechanisms of posttraumatic stress disorder (PTSD) suggest that inhibitory mechanisms that act to minimize distracting stimuli and enhance attentional control may be disrupted in this disorder. Results suggest that there are disruptions in frontal attentional brain mechanisms in police officers with high PTSD symptomatology. In short,*” Violanti says, “*frontal areas of the brain are responsible for reasoning and making decisions. PTSD impairs this human ability. ‘Rational’ decisions are disrupted.*”
3. PTSD and depression have been recognized as [co-occurrent](#). “Patients with at least one major depressive episode who have or have had PTSD were significantly at greater risk of suicide attempts than patients with a major depressive episode and no PTSD,” says [Maria Oquendo, M.D.](#)
4. Compared to other anxiety disorders, persons with PTSD are high in risk of anger impulsivity.

*Lack of impulse control is considered a key contributor to suicide* ([Brunner and Saddath](#)).

### **SUMMARY – WE NEED TO RISE FROM THE MIDDLE AGES**

The practice of “blaming the victim” in a suicide is an old one, going back to the Middle Ages and based on a deep, visceral fear of suicide. Behind this fear is a deeply rooted need to distance oneself from the act by proclaiming it to be shameful and even sinful act, dooming one for eternity and blackening the family name forever.

We still practice this custom in the 21<sup>st</sup> century, but in more “sophisticated” ways. Rather than burning down the victim’s home and family with it, we employ pseudo-scientific platitudes like, “Suicide is a cowardly act,” or “Suicide is an angry act.”

This is fear at work. We don’t want to believe PTSD, depression or suicide could happen to us. So we build up our defense like this: “*Joe was my comrade. I thought Joe was a hero. But Joe committed suicide. Joe was weak and a coward. I am not weak or a coward like Joe. Therefore I will not commit suicide.*”

In spite of what Joe may have done in his life, our personal integrity is threatened by the mere thought of a police officer (like us) committing suicide. We feel we must distance ourselves completely from anything associated with it. This includes the spouse and children who, after a few polite telephone calls, are cast away from the police family as “untouchables.” The name of the deceased officer, even the heroic deeds that may have driven him to suicide, are erased from memory. He is buried in near secret and his name is forgotten, never to be seen in a place of honor for the sacrifice he made. This must end. When an officer is injured while in the line of duty and dies of his wounds we must honor him--not disgrace him.

*There are pretenders to piety as well as to courage. –Moliere*

### **The Top 10 Problems**

- #1. Work Stress
- #2. Depression/Mood Disorder
- #3. Anxiety/Phobias
- #4. Marital/Couples
- #5. PTSD

- #6. Substance Abuse
- #7. Family/Parenting
- #8. Legal
- #9. Medical/Physical Complaints
- #10. Aggression/Violence

### **Personal Awareness - Who Are You?**

- Authoritative
- In command
- No mistakes
- Image armor
- Needs action
- Risk taker
- Hyper vigilant
- Cynical
- Less willing to socialize
- Negative attitude about people
- More suspicious
- More pessimistic
- Less talk about feelings

### **Dangerous Traits**

- Image Armor
- Responsibility Absorption Behavior
- Numbing Effects
- Anger-Related Issues

## **Psychological Risk Factors of Police Work**

### **Paradox of police work:**

- Officers are taught to **trust their instincts**, yet to deny or **hide their feelings**.
- Officers must maintain **control** of their **emotions** and **behavior** while simultaneously **dealing** with out of **control** people and situations.
- Officers enter situations to be of **help** and **service** and yet can be mistakenly viewed as **agents** of excessive **force** and even **danger**
- **Unpredictability** – the continuous physical “**ups and downs**” of the work are physiologically difficult for the body, and the **depression** and **anxiety** are **symptoms**
- **Lack of control**- renders officers vulnerable to feelings of helplessness and hopelessness.
- **Irregular shifts** - makes it difficult to maintain regular eating, sleeping and exercise habits
- **Paramilitary nature of law enforcement culture** – encourages denial/suppression of normal feelings/reactions (“suck it up”) which over the long term, can result in depression and related problems.
- **Chronic Stress** – can lead to debilitating physical/medical problems, and depression may be a result of these problems or a contributing factor.
- **Control** – officers are taught to maintain control at all costs, including and especially control of their emotions.
- **Constricted Relationships** – difficult to drop the mantle of control with friends and family, which makes it difficult to accept help from others.
- **Limited Trusting, Supportive Relationships** – officers often times trust only their partners.
- **Fear** - contradictory messages about how law enforcement should handle their own fear. On the one hand, police officers are taught to listen to their instincts, and on the other hand, they are taught to act despite their fears.

- **Unresolved grief and guilt** - officers involved in traumatic deaths often carry feelings of unresolved grief and guilt.

### **Obstacles that Hinder**

- Denial that the problem exists
- Officers often resist seeking help
- Overall belief that a referral to a mental health professional would mean loss of job or demotion
- Supervisors who protect troubled officers
- Suicide prevention programs can work only if members of a department feel free to take advantage of it

### **Messages that Need to be Heard:**

- Seeking help will not result in job termination or punitive action
- All information will be respected and kept confidential
- There are other ways for dealing with situations, no matter how hopeless it seems at the time
- Someone is available to help them with their problem

### **Role of the Supervisor and Suicide Prevention**

- Know indicators for high risk
  - Age
  - Gender
  - Ethnicity
  - History
  - Extreme Stressors
  - Loss or lack of resources
- Be aware of stressors
  - Relationships
  - Financial
  - Health
  - Major Life Events
  - Holidays
- Look for warning signs
  - Changes in mood or behavior
  - Pronounced decreases in productivity or quality of work
  - Unusual or unexplained spikes in the use of sick leave
  - Feelings of hopelessness and helplessness
  - Changes in appetite or weight
  - Difficulty making decisions
  - Difficulty concentrating
  - Appears over anxious
  - Flat mood
- Be prepared to intervene
  - Communicate with your people
  - Assure officers that support and assistance is available
  - Take all threats seriously
  - Never leave a suicidal officer alone
  - Develop a plan for dealing with suicidal officers

Know your agency's policy and procedure for dealing with a suicidal officer  
If possible, refer the suicidal officer to a certified mental health professional  
After initial critical incident, continue to monitor

- Know what resources and/or programs are available

Employee Assistance Programs  
Agency Chaplain  
Agency Psychologist  
Critical Incident Support Groups  
Agency Specific Support Groups

### **Stressors Unique to Law Enforcement**

- Shift work
- Sleep deprivation
- Critical Incident exposures
- Cumulative and organizational stress
- Leadership issues
- Retirement

### **QPR – Be Your Brother's Keeper**

Like CPR it is an intervention for suicide prevention that stands for:

- Q = **Question**
- P = **Persuade**
- R = **Refer**
- **QPR is not intended to be a form of counseling or treatment.**
- **QPR is intended to offer hope through positive action.**

### **Statistics**

- Suicide is the 8th leading cause of death
- Suicide rate in Law Enforcement is 4:1 to Line of Duty Deaths
- A Police Officer Suicide = a line of duty death
- Cops commit suicide utilizing their weapons
- Often alcohol and marital problems are evident

### **Your Feelings About Suicide**

Your feelings about suicide affect this intervention - reluctance to get involved, fear, denial, shock & anger and lack of understanding

In simple terms suicidal people see suicide as the solution to their problem.

### **QPR – Suicide Myths and Facts**

- Myth: No one can stop a suicide, it is inevitable.
- Fact: If a law enforcement officer in a crisis gets the help they need, they will probably never be suicidal again.
- Myth: Confronting an officer about suicide will only make them angry and increase the risk of suicide.
- Fact: Asking someone directly about suicidal intent lowers anxiety, opens up communication and lowers the risk of an impulsive act.

- Myth: Only experts can prevent suicide.
- Fact: Suicide prevention is everybody's business, and anyone can help prevent the tragedy of suicide
- Myth: Suicidal officers keep their plans to themselves.
- Fact: Most suicidal officers communicate their intent sometime during the week preceding their attempt.
- Myth: Those who talk about suicide don't do it.
- Fact: People who talk about suicide may try, or even complete, an act of self-destruction.
- Myth: Once an officer decides to complete suicide, there is nothing anyone can do to stop them.
- Fact: Suicide is the most preventable kind of death, and almost any positive action may save a life.



## How Can I Help? Ask the Question

### QPR

#### Suicide Cues & Warning Signs

The More Clues and Signs Observed, the Greater the Risk.

#### Take All Signs Seriously

#### Signs/Cues to Look For:

##### Warning Signs:

- Despair,
- Hopelessness,
- Depression
- Previous suicide attempts
- Previous suicide by loved one, friend, colleague
- Increase alcohol
- Marital/family issues
- Financial crisis
- Departmental changes
- Making a will
- Giving away possessions
- Sudden change in religion
- Increased anger
- Co-worker complaints
- Change in work habits
- Any change that is out of the ordinary

##### Direct verbal Cues:

- “I wish I were dead”
- “If \_\_\_\_\_ doesn’t happen I’m going to kill myself”
- “I have decided to kill myself”
- “I am going to commit suicide”
- “I am going to end it all”

##### Indirect Verbal Cues:

- “My family would be better off without me”
- “Soon you won’t have to worry about me anymore”
- “Here take this-I won’t be needing it”
- “They will be sorry”
- “I cannot take it much longer”
- “I’m tired of life, I just can’t go on”
- “Who cares if I’m not around anymore”
- “I just want out”
- “I won’t be around much longer”
- “Pretty soon you won’t have to worry about me”

##### Behavioral Cues:

- Making or changing a will
- Giving away possessions

- Sudden interest or disinterest in religion
- Relapse into substance abuse

Situational Cues:

- Rejection by a loved one or divorce
- Anticipated loss of financial security
- Death of spouse, friend - especially if by accident/sudden/unexpected
- Being fired or suspended
- A recent unwanted move
- Loss of any major relationship
- Diagnosis of a serious or terminal illness
- Sudden unexpected loss of freedom
- Fear of punishment
- Loss of a cherished therapist, counselor, or leader
- Fear of becoming a burden to others

**QPR – Tips for Asking the Suicide Question**

- If in doubt, don't wait, ask the question
- If the person is reluctant, be persistent
- Talk to the person alone in a private setting
- Allow the person to talk freely
- Give yourself plenty of time
- Have your resources handy; QPR, phone numbers, counselor's name and any other information that might help

**Remember: How you ask the question is less important than that you ask it**

**Q = Question**

Less Direct Approach:

- “Have you been unhappy lately? “
- “Have you been very unhappy lately? “
- “Have you been so very unhappy lately that you've been thinking about ending your life?”
- “Do you ever wish you could go to sleep and never wake up?”

Direct Approach:

- “You know, when people are as upset as you seem to be, they sometimes wish they were dead. I'm wondering if you're feeling that way, too?”
- “You look pretty miserable; I wonder if you're thinking about suicide?”
- “Are you thinking about killing yourself?”

**NOTE: If you cannot ask the question, find someone who can.**

**P = Persuade**

**How to Persuade Someone to Stay Alive**

- Listen and give them your full attention
- Remember, suicide is not the problem, only the solution to a perceived insoluble problem
- Do not rush to judgment
- Offer hope in any form

### Then Ask:

- “Will you go with me to get help?”
- “Will you let me help you get help?”
- “Will you promise me you won’t kill yourself until we’ve found some help?”

Your willingness to listen and to help can rekindle hope, and make all the difference.

### **R = Refer**

- Suicidal officers often believe they cannot be helped, so you may have to help them get the help they need.
- The best referral involves taking the officer directly to someone who can help.
- The next best referral is getting a commitment from them to accept help, then making the arrangements to get that help.
- The third best referral is to give referral information and try to get a good faith commitment not to attempt suicide. Any willingness to accept help at some time, even if in the future, is a good outcome.

### **IMPORTANT!**

If you are dealing with an officer that is not open to referral of any sort and you believe significant risk for suicide, it is very important that you initiate the proper departmental psychiatric emergency protocols to ensure the officer’s safety as well as the safety of others is secured.

### **Intervening**

- Know your agency’s policy and procedure for dealing with a suicidal officer
- If possible, refer the suicidal officer to a certified mental health professional
- After the initial critical incident, continue to monitor the situation and ensure that the officer continues to receive support and counseling

### **Resources**

- Employee Assistance Programs—[dop.nv.gov](http://dop.nv.gov) and [www.cophealth.com](http://www.cophealth.com)
- Agency Chaplain
- Agency Psychologist
- Critical Incident Support Groups
- Agency Specific Support Groups

For effective QPR, remember: Since almost all efforts to persuade someone to live instead of attempt suicide will be met with agreement and relief, don’t hesitate to get involved or take the lead.

- Say: “I want you to live,” or
- “I’m on your side...
- We’ll get through this.”
- Get others involved. Ask the person who else might help. Fellow officers, respected supervisor, family, friends, brothers, sisters, pastors, priest, rabbi, bishop, physician, union, hotlines, counseling, etc.
- Join a Team. Become a contact person for QPR in your Department or union. Offer to work with therapists, psychiatrists, clergy or whomever is going to provide counseling or treatment.
- Provide information and get permission for follow up with a visit, a phone call, whatever way feels comfortable to you, let the person know you care about what happens to them.
- **Caring may save a life.**

### **Self-Care & Protective Measures**

- Monitor your emotions - keep track of how you feel
- Talk to your partner, to your fellow officers

- Share your life with family and friends - the good, bad and the ugly
- Believe in a higher power than yourself
- Rewrite you “Core Beliefs” as a Public Servant/life
- Stick to the basics of good health
- Exercise, Balanced diet, Regular sleep habits
- Engage in a program of ACTIVE relaxation (and we're not talking about grabbing a beer at the corner tavern here...)
- Take time off
- Laugh as much as you can, particularly at yourself
- Work to make positive changes in law enforcement culture
- Get involved in something you believe in (volunteer program for kids/schools, etc.) QPR!

### **Trust Your Judgment**

- Don't worry about being disloyal, breaking a trust, better than attending their funeral with the “If only...”
- Be your brother's keeper and utilize QPR
- One person can make a difference.
- Think about how you, in a supervisory position, can make a difference.

### **Suicide Prevention**

#### **AID LIFE:**

**A – Ask.** Do not be afraid to ask, “Are you thinking about hurting yourself?” or “Are you thinking about suicide?”

**I – Intervene immediately.** Take action. Listen and let the person know he or she is not alone.

**D – Do not keep it a secret.**

**L – Locate help.** Seek out a professional, a peer support person, chaplain, friend, family member or supervisor.

**I – Involve Command.** Supervisors can secure immediate and long-term assistance.

**F – Find someone to stay with the person now.** DO NOT leave the person alone.

**E – Expedite.** Get help NOW. An at-risk person needs immediate attention from professionals.

#### **Things to Do:**

1. Ask permission to secure weapon(s), including backup(s).
2. Immediately contact your Assistance Program.
3. Identify someone who can provide on-scene support.
4. Do not leave the person alone.
5. Assess if your safety is in jeopardy
6. Assist individual with meeting responsibilities until the situation is stabilized.

#### **Suicide Risk Factors:**

1. Threatens to harm self
2. Prior suicide attempt(s)
3. Disturbance in sleep/appetite/weight
4. Thinking is constricted – all or nothing, black or white
5. Increased risk taking behavior
6. Has plan and means for suicide

7. Emotionless/numb
8. Angry/agitated
9. Sad/depressed
10. Hopeless, not future-oriented; giving away valued possessions
11. Problems at work/home
12. Recent loss (status, loved one, position, etc.)
13. Under investigation
14. Socially isolated/withdrawn
15. Increased consumption of alcohol/drugs

**How do you Remember the Warning Signs of Suicide?**

Here's an Easy-to-Remember Mnemonic:

IS PATH WARM?

I - Ideation

S - Substance Abuse

P - Purposelessness

A - Anxiety

T- Trapped

H - Hopelessness

W - Withdrawal

A - Anger

R - Recklessness

M - Mood Changes

A person in acute risk for suicidal behavior most often will show - Warning Signs of Acute Risk:

- Threatening to hurt or kill him or herself, or talking of wanting to hurt or kill him/herself; and/or,
- Looking for ways to kill him/herself by seeking access to firearms, available pills, or other means; and/or,
- Talking or writing about death, dying or suicide, when these actions are out of the ordinary.

These might be remembered as expressed or communicated ideation. If observed, seek help as soon as possible by contacting a mental health professional or calling 1-800-273-TALK (8255) for a referral.

Additional Warning Signs:

- Increased substance (alcohol or drug) use
- No reason for living; no sense of purpose in life
- Anxiety, agitation, unable to sleep or sleeping all the time
- Feeling trapped - like there's no way out
- Hopelessness
- Withdrawal from friends, family and society
- Rage, uncontrolled anger, seeking revenge
- Acting reckless or engaging in risky activities, seemingly without thinking
- Dramatic mood changes.

If observed, seek help as soon as possible by contacting a mental health professional or calling 1-800-273-TALK (8255) for a referral.

## **20 tips for helping a traumatized officer** - By Dr. Alexis Artwohl and Scott Buhmaster

Dr. Alexis Artwohl is a prominent police psychologist, trainer, consultant, researcher and author. Scott Buhmaster is the Managing Editor for PoliceOne.com and the Director of Training and Content for the PoliceOne Training Network.

What you say to an officer who has been through a traumatic event like a shooting can have a powerful, potentially lifelong, impact. What you do, and don't do, can make the difference between helping him through a difficult experience and unintentionally casting him into a nightmare.

Certainly all officers want to help each other navigate tough times, but without putting thought into your statements and actions after an officer experiences a traumatic event, you run the risk of making things worse...potentially *much worse*. With that, here are 20 tips for helping, not hurting, a traumatized officer:

### **1. Initiate contact.**

For some, it may be difficult to make contact with an officer who has just been through a traumatic event because you're not sure what to say. It's easier to act like nothing happened or to nod knowingly in the hall and wait until a later time when you can talk about something else. Having the courage to make contact through a phone call, e-mail or note can be of great value to the traumatized officer. All you need to do is let the officer know that you're thinking of them and that you're there to help in any way you can. When you make that contact, be sure to mention that you're there to help the officer's spouse and family as well. Remember, too, that in shooting incidents the non-shooting officers may be traumatized as well so keep them in mind and reach out.

### **2. Offer to stay with the officer.**

If a noticeably traumatized officer lives alone, assertively offer to stay with them for the first day or two after the event, or find a mutual friend who can. The companionship may prove comforting and, depending on the level of the officer's traumatization, could be crucial to their overall well-being. You could also consider having the officer stay with you in your home.

### **3. Let the officer control the extent of your contact.**

An officer who has been through a traumatic event may want some down time with their family or just some time alone to think, process and relax. Keep the offer to maintain contact open without limit, but don't force the issue. Officers vary in how much contact is comfortable to them during stressful times.

### **4. Don't ask for an account of the incident.**

By the time you have contact with them, officers involved in a traumatic event has probably shared the details of their incident with investigators several times. They have also likely played it over and over again in the heads and they're tired. Don't force an officer to go through the narrative again, rather tell them that you're here to listen anytime they may have something to share. Also remember that there is often no legally privileged confidentiality for peer discussion, so whatever gets said can and may end up in court. Officers should not be discussing the details of their event with peers until the investigation is over and all personnel have been legally and administratively cleared.

### **5. Phrase your questions.**

Ask questions that show support and acceptance such as, "Is there anything I can do to help you or your family?"

### **6. Don't direct their feelings.**

Accept their reaction as normal for them and avoid suggesting how they "should" be feeling. Officers have a wide range of reactions to traumatic events. Suggesting that they should feel differently may cause increased anxiety, confusion and frustration.

**7. Don't impose a "timeline".**

Remember that it can take time to bounce back from a traumatic event and that timeline can differ for each officer. Resist making judgments on how much time *you* think it should take for an officer to be "back to normal." Be patient, accepting and non-judgmental. Let an officer's emotional aftermath run its course without pressure to hurry through it.

**8. Listen...well.**

Remember, one of the most important keys to helping a traumatized officer is non-judgmental listening.

**9. Resist the temptation to say, "I understand how you feel".**

Feel free to share the details of a similar experience you might have had to help them know they are not alone in how they feel, but keep it brief! Remember, this is not the time to work on your own trauma issues with this person. If your friend's event triggers some of your own emotions, find someone else to talk to who can offer support to you (and remember that it's important to do so.)

**10. Don't encourage the use of alcohol.**

It is best for officers to avoid all use of alcohol for a few weeks so they can process what has happened to them with a clear head and true feelings uncontaminated by drug use.

**11. Don't "congratulate" officers after shootings.**

Officers often have mixed feelings about deadly force encounters and may find such comments offensive. Also avoid making flippant comments about the event, like "Nice work. That guy had it coming" or calling the officer names like "terminator." Even if it's done with the intention of lightening the mood, such comments can be painful and damaging.

**12. Offer positive statements about the officers themselves such as, "I'm glad you're OK."**

**13. Skip the second-guessing.**

You may find yourself second-guessing the shootings, but keep your comments to yourself. Critical comments have a way of coming back to the involved officers and accomplish nothing positive.

**14. Accentuate the positive.**

Encourage the officers to take care of themselves and acknowledge their positive coping mechanisms.

**15. Don't let negative behavior slide.**

Gently confront a traumatized officer with negative behavioral or emotional changes that persist for longer than one month. Those prolonged negative behaviors can signal a compounding problem that could get worse with time, not better. Encourage them to seek professional help and help them find it if you can.

**16. Don't ridicule.**

Don't refer to officers who are having emotional problems as "mental" or other derogatory terms. Stigmatizing each other encourages officers to deny their psychological injuries and not get the help they need for fear of ridicule.

**17. Educate yourself.**

Learn about trauma reactions by reviewing written materials or consult with someone who has familiarity with this topic. This will not only help you help fellow officers who have been traumatized, but it will help you understand some of your own feelings should you be involved in a traumatic event.

**18. Keep things the same, but acknowledge that something happened.**

Don't pretend like the event didn't happen but do treat officers like you always have. Don't avoid them, treat them as fragile, or otherwise drastically change your behavior with them. Most officers want to return to their normal routine as soon as possible.

**19. Offer help proactively.**

If you know there is something you can do to help relieve a traumatized officer in some way—like taking the officer's kids out for a day with your family or helping with home maintenance chores—offer the help proactively. Consider saying, "My wife and I are taking the kids to the zoo. We'd like to take your kids along, OK?" or "I've got my mower in the back of the truck and I'm in the neighborhood. Can I stop by and mow the lawn real quick?" This takes the onus off the officer to ask for the help. Instead, it becomes as easy as just accepting it.

**20. Remember that in this case, your mother was right: "If you don't have anything nice to say, don't say anything at all."**

**"The Pain Behind the Badge": Powerful new documentary explores officers' trips to the edge—and back.**

A few hours earlier, Sgt. Clarke Paris, a veteran of 22 years on the Las Vegas Metro Police, had finished a shift on which he'd responded to 5 suicide calls, the victims ranging from a 70-year-old man to a 13-year-old boy.

Now he was lazily floating with his wife in their backyard pool, but the desert sun could not bake out of his soul an unsettling sense that "my suitcase was finally packed with more than it could hold."

He started to tell his wife that the job was getting to him, but he couldn't get a full sentence out before "I broke down bawling like a baby."

As he alternated between sobs and stuttered words, vivid career moments flashed back to him: the 4-month-old baby starved to death by its parents...the "little girl with the sweetest smile" whose stepfather had smashed her face so hard with his fist that he shattered her eye socket...the 2 Midwestern college girls who'd been tied up and sodomized at knife point, terrified, weeping and helpless...the drunk driver who ran over him when he worked motors....

When his wife was finally able to understand that an accumulation of typical cop stressors was sledge-hammering the man she perceived as "strong and brave and everything you think of in a police officer," she asked if he wanted to quit the force.

No, he insisted, he loved the job. What he wanted—the idea suddenly hit him "out of nowhere"—was to film a documentary that would illustrate the emotional price cops pay for their ringside seat at the human circus.

His wife was incredulous. Make a documentary? Paris by his own admission can't work his VCR!

Yet 15 months later, this determined sergeant is today the proud parent of a powerful film that in 104 compelling minutes shows how law enforcement officers can be pushed to the brink of despair by the things they experience and yet, with proper help, can be brought back to emotional wholeness that renews their zest for life and for their profession.

"Every day as a police officer you get slapped in the face with a dose of your own mortality. Over time, you're exposed to every bad thing that can happen to a human being," Paris told Force Science News. "You have to dissociate yourself from all that in order to function. You feel you can never let down that wall or people will think you're weak. But the toll of keeping up that front is so much greater than anyone can ever imagine."

His film, "The Pain Behind the Badge," focuses on 3 officers, each with more than a decade of service, who eventually reached a breaking point from cumulative emotional stress. Two actively plotted their suicides; the third, with a marriage crumbling in the wake of a fatal shooting, was potentially headed toward the same dire



level of disintegration. All managed to revitalize their lost spirits with the aid of effective police counseling programs.

Paris hopes that from identifying with their experiences, other officers who are hurting (and may not even recognize the symptoms of dangerous distress) will realize they are not alone in their feelings and be motivated to seek help. And he hopes departments will be spurred to begin addressing a pressing problem in policing that too many have swept under the carpet for too long. “I want this film to save lives,” he says.

It wasn’t long after he launched his ambitious project that Paris made 2 “flabbergasting” discoveries that kept driving him forward, despite formidable obstacles:

- First he came across sobering statistics about police suicides. “Every year,” he says, “2 to 3 times more officers commit suicide than die in the line of duty—roughly one officer every day. We’re more danger to ourselves by far than the bad guys are.”
- Second, he learned first-hand that many administrators don’t want the problem discussed. “Often when I approached departments looking for officers to interview, chiefs were afraid that talking about the stress of the job would make recruitment even harder or would affect the public’s confidence if the outside world knew about this.”

Despite repeated turndowns, Paris kept pushing until he found 2 long-time Las Vegas officers—Troy D’Ambrosio and Sgt. Ruben Hood— and 1 from New York City—

Jonathan Figueroa of NYPD—who were willing to tell their dramatic stories on camera. He recruited a cameraman, director and technical guru—Jonathan Giddinge, the founder of 100 Watt Productions and the son of a Vegas sergeant—who was willing to work on spec. And when a local businessman who’d promised to fully fund the venture suddenly got cold feet, Paris decided to pick up all expenses himself, drawing on “the Bank of Clarke’s Credit Cards.”

To date, he estimates, the project has cost him some \$42,000 from his own pocket—and he considers it worth every penny.

In the film, the officers candidly recount their background on the street, their “breaking point” and their recovery. Three experts on police stress—Dr. David Joseph, a police psychologist from Oakland, CA; Philip Riccobono, a licensed clinical social worker and retired NYPD sergeant; and Sgt. Tom Harmon, director of the Las Vegas Police Employee Assistance Program—offer insights and observations about the universality of the officers’ experiences and the techniques and benefits of practical intervention.

For each of the 3 officers, the tipping point at which the cumulative stress of working the street became overwhelming involved a life-claiming event.

Hood told the camera: “I’ve seen a lot of terrible things in my career. The thing that led me to collapse probably wasn’t the worst thing—just the 1 thing at the right time that led to a perfect storm.”

Specifically, he got into a down-and-dirty alley fight with “an incredibly strong” burglary suspect he was trying to handcuff. As Hood struggled furiously to get the cuffs closed around the man’s wrists, he could “feel tendons in the suspect’s arm tearing, his shoulder popping.” All the while, the suspect was screaming, “Don’t kill me!”

In the end, after being successfully restrained with the help of another officer and sitting quietly for a few moments, the suspect slumped over, dead.

In D’Ambrosio’s case, it looked initially like *he* would be the fatality. When he pulled up at a house on a “threatening-suicide” call, a deranged teenager suddenly jumped on the hood of his squad, pointed a gun at him and threatened to “blow your fuckin’ head off.” “I never had a feeling of such extreme fear,” D’Ambrosio says.

But fueled by anger at the prospect of his 6-month-old daughter being left fatherless, he ducked, whipped out his pistol and sent multiple rounds blasting through the glass and into the assailant. D’Ambrosio remembers “a wave of blood flying” from the suspect’s body. When he realized he was alive and the offender was down, “I felt very good, but I also felt guilt about what I did to him. I didn’t know how to handle it.”

Figueroa had been a responder to the collapsed Twin Towers on 9/11, where the death toll among officers for a single day was record-breaking. For 3 months he joined in the grisly task of picking body parts (“a skull...a hand...”) from the debris and experienced a corrosive sense of survivor’s guilt.

Then on a shift when he was assigned elsewhere “to recoup,” a plane crashed near New York City and he was sent to work that scene. Among the horrors he encountered there was the corpse of a woman still belted in her seat, holding her dead baby on her lap. “It seemed like an out-of-body experience,” Figueroa recalls. “Nobody should have to see that.”

At the time, he displayed no outward emotion. But several years later, after hearing that a 9/11 responder had died apparently from related health problems, Figueroa broke down crying uncontrollably at work. From there, things got “worse and worse,” he said. “I couldn’t think straight, I couldn’t focus, I couldn’t function, I couldn’t even watch TV. All that seemed to happen on it was people getting killed.”

He began suffering headaches, blurred vision, dizziness, palpitations, panic attacks. He lost 17 pounds, unable to eat without vomiting or being struck with severe diarrhea. He went 3 to 5 days at a time without sleep; “whenever I closed my eyes, I’d jump up in a panic. I started to see myself in the deaths I had seen.” He went so far as getting a cat scan, thinking he might have a brain tumor.

Unable to see a way out, “I made up my mind,” Figueroa says. “I was going to drag myself in to work, take my gun, and put it to my head and I was going to finally get some sleep. I couldn’t take it anymore.”

After the death of the suspect he’d struggled to handcuff, Hood experienced a steep emotional descent as well. “Every bad call, every bad thing I’d ever seen, every smell, every feeling, every injury that I’d had or inflicted, it all came back. I just couldn’t face it.” When he insinuated at work that he was hurting emotionally, “I always got the same response: ‘Aw, he was just a piece of crap. Why are you worrying about him?’ People were trying to tell me how I should feel, and they didn’t have a clue.”

Hood started drinking “very heavily,” crying a lot, not eating, not working out, not being able to sleep. “I felt this agony, misery, pain,” he says. “I hated *me*.” And in his mind’s eye, he began to imagine “a faceless cop taking his life.”

Hood decided that when his family was out on errands, he’d go out to their dog run and shoot himself—the dog run so as not to “get anything dirty in the house.”

D’Ambrosio experienced many of the same symptoms of stress overload that the other 2 describe, but his despair never sank to the suicidal level. He did seem destined, however, to losing an important part of his life: his marriage.

Neither he nor his wife seemed able to initiate a discussion of his shooting, even though the repercussions of it were secretly eating at both of them. Rather than open up, they “just walked past each other in the house, day after day after day,” while their relationship foundered.

After 3 years, when the strain finally reached a crisis point, the D’Ambrosios turned to the Las Vegas Police Employee Assistance Program for marriage counseling and, in the process, D’Ambrosio found that the therapy offered there helped him lay the lingering demons of his shooting to rest as well.

Figueroa and Hood, despite considerable initial skepticism, also got into counseling programs. In both cases, last-minute reflections on their families and a realization of how devastated their suicide would be to their loved ones kept them from pulling the trigger and launched them on a slow but successful climb back to emotional stability.

“I’m back to loving life and living in the moment,” Figueroa says. “What’s old is new for me again. I enjoy my job. I’m having fun. It’s great for me to be back out there.”

He says that the officer aid program that helped him, the volunteer Police Organization Providing Peer Assistance, gave him “the tools to deal with life, and that’s so great because now I can deal with it.”

In hopes of reaching the broadest possible audience with the message of hope his film conveys, Clarke Paris has applied to enter the documentary in 10 major film festivals throughout the U.S. and has sent copies to major television outlets to stir interest in prime-time broadcasting.

Meanwhile, Paris, a POST-certified instructor, is optimistic that as word of the film spreads individual agencies will engage him to screen it for their personnel and conduct an 8-hour training block he has built around it.

Enthusiastic about the documentary, Sheriff Douglas Gillespie, head of the Las Vegas Metro Police, has urged him to do whatever he can to get the message out. "He told me that too often administrators overlook this problem until it's too late," Paris says. "He has even agreed to take DVD copies of the film with him to law enforcement conferences to help heighten the awareness."

The mission is an urgent one, Paris says. Near the end of "The Pain Behind the Badge," the screen fills with these haunting statements:

- From 1997-2007, 1,800 officers were killed in the line of duty, while 4,900 officers committed suicide, according to the National P.O.L.I.C.E. Suicide Foundation.
- Fewer than 2% of all police agencies have police suicide prevention programs.
- There are no federally funded programs in place for the prevention of police suicide.
- During the time it took to produce the film, an estimated 329 officers took their own lives.

[NOTE: Paris points out that no matter how dark a personal situation may seem, help for officers is available. For referrals and other assistance, LEOs or those concerned about them can call the Police Organization Providing Peer Assistance at 212-298-9111 ([www.poppanewyork.org](http://www.poppanewyork.org)) or the National P.O.L.I.C.E. Suicide Foundation at 866-276-4615 ([www.psf.org](http://www.psf.org)).

### **Practical pointers for preventing "suicide by inches"**

"There's no doubt that law enforcement is a tough profession," says Dr. Bill Lewinski, the behavioral scientist who heads the Force Science Research Center at Minnesota State University-Mankato. "The stuff you run into can emotionally bury you unless you take care of yourself."

Suicide, the most emphatic form of self-destruction, is one potential outcome, as "The Pain Behind the Badge" makes clear. In a typical year, an estimated 400 of the 870,000 LEOs in the U.S. take their own lives. But many more are committing what the legendary psychiatrist Karl Menninger called "suicide by inches," Lewinski points out.

"This refers to more gradual behaviors of self-destruction, like excessive spending in an effort to buy happiness, excessive drinking or compulsive adultery as means of escape, addictively overworking at the cost of relationships with spouse and kids.

"For a relatively few officers, these patterns may eventually culminate in suicide, but for a great many more such behavior dramatically erodes the quality of life as it's being lived. They experience a kind of suicide of the soul that long-range can be as devastating as pulling the trigger."

Police recruits are selected in part "for their good mental health, and most officers maintain that status by and large throughout their careers, despite the ravages of the profession," Lewinski says. "But for some, their innate personality traits and professional circumstances conspire to push them toward a breaking point."

Adds Dr. Beverly Anderson, a police psychologist who heads the Washington (D.C.) Metropolitan Police Employee Assistance Program: "No human being, no matter how healthy, well trained or well adjusted, is immune to the long-term effects of cumulative stress or sudden critical incidents. A police officer's 20-plus years of 'peacetime combat' can wreak a heavy toll personally and professionally."

What can you do to strengthen your defenses against the emotional risks of the job...or to pull a fellow officer back from an abyss of self-destruction? Lewinski and other experts offer these practical suggestions and observations:

### **1. Open up to a “talk buddy”.**

“The way to have a long and successful career [in policing] is to realize very early that you are going to see and experience things that are not normal,” says Sgt. Tom Harmon, director of the Las Vegas Police Employee Assistance Program, a 22-year veteran who appears in the documentary. “The way to survive that is to deal with your emotions and reactions as they come along. Don’t let them build up.”

“That means genuinely opening up—recognizing and unloading what’s troubling you emotionally to someone who’s a good listener and supportive, in a non-choir practice atmosphere,” says Lewinski.

That can be a tough assignment for cops, who often tend to be heavily invested in maintaining an impermeable, “rub dirt on it and get back in the game” facade. Yet hiding behind a thick emotional wall, which may seem to be self-protective, usually proves to be “the greatest stressor over the years,” Harmon explains.

A spouse, a civilian friend, a fellow officer, a pastor—“anyone who cares about you and is warm, trusted, nurturing and insightful could fill the role” of a talk buddy, Lewinski says. In turn, you can help them by providing a sounding board for any issues they may want to share. Officers with this kind of give-and-take communication in place, he says, “tend to survive tough times much better.”

### **2. Develop a purpose outside of police work.**

“Officers can become so addicted to the unique excitement of the job that they over-invest themselves in the cop lifestyle. They live for working,” Lewinski says. “Then they find out later that they’ve sacrificed everything that’s truly meaningful in life—family relationships, for instance—for a profession that too often is not very supportive or nurturing, and they end up bitterly disappointed and disillusioned.

“The police world can be so seductive that your life can get really out of balance unless you find something outside the job that gives you purpose and helps replenish you emotionally. Maybe it’s coaching Little League or riding your motorcycle in charity runs or hunting or running marathons. I knew one really tough SWAT commander who built dollhouses as a hobby and won prizes in competition. The key is getting a self-fulfilling mix in your life that’s emotionally nourishing rather than draining like the job can be at times.

“An important part of that needs to involve tending to loving relationships. Have lunch with your spouse without other cops present. Devote time on a regular basis to being alone as a couple, doing fun things you both enjoy. Look for creative ways to say ‘I love you.’ Nurture what’s important to you.

“An officer who develops a life that’s balanced does so because he makes that a priority. He controls his life to make it happen.”

### **3. Be alert for troublesome symptoms.**

“In today’s relentlessly plugged-in world of cell phones, iPods, computers and other sources of constant mental racket, it’s important to take time periodically to calmly and candidly assess your emotional state,” Lewinski notes. “That can help prevent an unconscious drift into dangerous waters.”

These are among the symptoms that Washington’s Beverly Anderson and Dr. Kevin Jablonski, a psychologist with the Los Angeles Police Dept., recommend checking for. Unacknowledged and untended, they can lead to crippling depression, even suicide.

- Withdrawal from friends and family
- Loss of interest in activities you usually find enjoyable
- Thoughts/feelings of hopelessness
- An increase in the use of alcohol or “deadening” medication
- Obsession with “unsolvable” personal or financial problems
- Mood swings
- Longing for a relationship that has broken up
- Persistent feelings of gloom, sadness, lethargy

- Poor sleeping patterns
- A dread of going to work
- An increase in sick days
- Chronic irritability, impatience, lashing out and criticism of others
- Emotional numbing, where you “just don’t feel anything.”

Officers who are contemplating suicide may talk about “getting their things in order quickly,” such as writing a will, or state that “their problems will soon be completely resolved, says Jablonski.

“The everyday stress of being a police officer can lead to serious difficulties when you add personal problems, too,” warns Anderson. “When such stressors are prolonged and overwhelming, your ability to cope becomes difficult.”

In “The Pain Behind the Badge,” Dr. David Joseph, a police psychologist in Oakland, Calif., observes that the self-sufficient “can do” attitude toward problem-solving that serves officers so well on the street can sometimes be a detriment in facing emotional warning signs. The belief that you “can fix any problems that come up” may cause you to delay or avoid seeking outside help when it is critically needed for the challenges you face.

In reality, Joseph says, if symptoms like those listed above persist for more than 2 weeks, professional intervention may be in order.

#### **4. Consider a yearly “psych check”.**

The police-run website, [www.badgeoflife.com](http://www.badgeoflife.com), devoted to psychological survival for officers, recommends that cops “visit a mental health professional once a year, with the same diligence they get their teeth cleaned or go for an annual physical examination.”

Dr. John Violanti, a retired New York trooper who has written several books on law enforcement stress and trauma, endorses this idea as “a possible useful tool in preventing fully developed PTSD and possible maladaptive coping,” such as self-destructive behavior. “In a sense,” he says, an annual mental health prescription “is ‘inoculation’ against future psychological problems.”

Lewinski agrees. Committing to the ritual of a yearly psych check “forces you to focus on what’s going on in your life, to take stock of yourself and how you’re doing,” he explains. “Without that obligation, when do we take time to evaluate our mental health and our relationships?”

Anderson points out, however, that before officers can overcome their “inherent distrust of mental health services” and seek counseling, no matter how distressed they may be, they usually need assurance of “strict confidentiality.” Most will engage in a productive meeting only if the counselor involved pledges not to report back to the officer’s department anything discussed in the session, or even that a visit was made.

Generally, she says, the confidentiality of what’s revealed to an independent, licensed therapist is protected under the Supreme Court decision of *Jaffe v. Redmond* (1996). But before discussing problems, an officer should get in writing from the therapist a precise clarification of the limits of confidentiality. Otherwise, what’s said may be subpoenaed. Normally, legal privilege is not extended to fitness-for-duty evaluations or peer-counselor conversations.

#### **5. Intervene supportively.**

Often troubled officers won’t—or can’t—evaluate themselves critically enough to confirm the need for help. In Anderson’s words, cops “are champions at the art of emotional cover-up.” More likely than not, it will take an astute friend, family member, supervisor or fellow officer to spot that an officer is on the slippery slope of deterioration.

“If you see warning signs in another officer, it can literally be a life-saving show of friendship and concern for you to intervene,” Lewinski says. “The primary resource for an officer in need has always been fellow officers

who step forward and throw him or her a lifeline. Changing destructive behavior is always easier when you have someone willing to work with you on it.

“You need to be direct, perhaps even harsh, in laying out the negative behavior you’re seeing and the consequences it’s having on the officer and other people around him. But your directness needs to be expressed with some sensitivity in a way that is encouraging and supportive rather than just blatant criticism. He needs to know that you’re going to be there for him and help him find the resources that can lead him out of the woods.

“Of course, ultimately the affected officer has to make the decision to do some things differently in his life. Once he moves out of denial and accepts that he needs to change, then he opens up numerous possibilities for creating positive change.”

## **6. Lobby your department.**

“The old attitude among agencies regarding any emotional problems officers might have was ‘If you can’t stand the heat, get out of the kitchen,’ “Lewinski says. “Fortunately, that is changing.”

Progressive departments are now instituting such services as:

- Police suicide prevention training for recruits, in-service personnel and management at all levels.
- Family seminars and support groups to discuss relationship problems, communication skills and conflict resolution.
- Stress awareness programs.
- Methods for tracking high-risk officers and getting them professional intervention when needed.

Still, Lewinski laments, “there remain many agencies that do not understand that they have an obligation to help their officers who are out there protecting people.

“Officers need more than cars and guns to do their job well and come home safely at the end of shift. Agencies need to be lobbied vigorously to proactively provide services that address their officers’ psychological well-being. It’s an important way of saying, ‘We appreciate who you are and we will help make the most of working for us.’”

### **About the author**

The FSRC was launched in 2004 by Executive Director Bill Lewinski, PhD. - a specialist in police psychology - to conduct unique lethal-force experiments. The non-profit FSRC, based at Minnesota State University-Mankato, uses sophisticated time-and-motion measurements to document-for the first time-critical hidden truths about the physical and mental dynamics of life-threatening events, particularly officer-involved shootings. Its startling findings profoundly impact on officer training and safety and on the public's naive perceptions.

## **Practical Police Psychology with Dr. Laurence Miller Warning Signs of Suicide**

Coworkers, family members, and friends can all be valuable resources in identifying people in distress who may be at risk for suicide. Clues may be few or many, verbal or behavioral, direct or indirect, with any combination possible.

**Threatening self.** Verbal self-threats can be direct: “I’d be better off with a bullet in my brain.” or indirect: “Enjoy the good times while you can — they never last.”

**Threatening others.** Often, self-loathing is transmuted into hostility toward others, especially toward those believed to be responsible for the subject’s plight. Verbal threats against others can be direct: “I oughta cap that damn supervisor for writing me up.” or indirect: “People with that kind of attitude deserve whatever’s coming to them.”

**Nothing to lose.** The subject behaves insubordinately or obnoxiously, without regard to career or family repercussions: “I’ll come in to work whenever I damn please. What are they gonna do — fire me?” “Yeah, I

called her a bitch — she’s gonna divorce me anyway and take the house and kids, so what do I care what she thinks?”

***Surrender of weapons or other lethal means.*** The subject may fear his/her own impulses, but be reluctant to admit it: “I’m cleaning out my basement this week. Why don’t you hold on to these guns for me?” or “I’ve been a little forgetful lately, so I’m letting my husband hand me out my pills.”

***Cry for help.*** “I’ve been feeling exhausted lately. Maybe I ought to check in to the hospital to see if there’s something wrong with me.”

***Brotherhood of the damned.*** “You know that news story about the guy in Ohio who got fired and divorced and killed his boss, his family, and himself? I know how that poor bastard felt.”

***Overwhelmed.*** “My girlfriend just left me, my kids won’t talk to me, my checks are bouncing, I’m drinking again, and the cops want to talk to me about some bullshit stolen car. I just can’t take all this.”

***No way out.*** “If I go down for that stolen car thing, that’s my last strike. I could go to jail when I didn’t do nothing? No friggin’ way that’s happening.”

***Final plans.*** Without necessarily saying anything, the subject may be observed making or changing a will, paying off debts, showing an increased interest in religion, giving away possessions, making excessive donations to charities, and so on.

About the author: Laurence Miller, Ph.D., is a clinical and forensic psychologist and law enforcement educator and trainer based in Boca Raton, Fla. Dr. Miller is the police psychologist for the West Palm Beach Police Department, mental health consultant for Troop L of the Florida Highway Patrol, a forensic psychological examiner for the Palm Beach County Court, and a consulting psychologist with several regional and national law enforcement agencies. Dr. Miller is an instructor at the Criminal Justice Institute of Palm Beach County and at Florida Atlantic University, and conducts continuing education and training seminars around the country.

## **Police Suicide Statistics by Pamela Kulbarsh - Updated: April 7, 2011**

During the year 2010, reports the Badge of Life Police Suicide Prevention Group, there were 145 police suicides in the United States, a slight increase over 2009, during which there were 143. The suicide rate for police officers remains 17/100,000, compared to the general population's rate of 11/100,000.

The Badge of Life Organization recently released their preliminary 2009 police suicide statistics. There were 143 police suicides in 2009, a slight increase from 2008 police suicides of 141. In 2009 there were 127 in the line of duty deaths. Officer suicide rates are at least double of the general population. Any law enforcement suicide is one too many. World Suicide Prevention Day is observed on September 10 each year to promote worldwide action to prevent suicides. Various events and activities are held during this occasion to raise awareness that suicide is a major preventable cause of premature death.

The 2009 Badge of Life police suicide study provided additional demographic information:

- Ages 40-44 are at highest risk of suicide, representing 27% of all suicides.
- Service time at highest risk was twenty years plus.
- Officers with less than ten years on the job had a suicide rate of 17%.
- 64% of suicides were a surprise.

There is no easy or full proof way to identify which officers are most at risk for taking their own lives. Every officer has his or her breaking point. The stresses of daily life, coupled with stresses from tragic/critical events, can push a police officer to end his/her life. Recognizing the signs and symptoms of stress and depression before an officer reaches that breaking point is essential.

The top predictors for suicide for anyone are: a diagnostic mental disorder, alcohol or substance use, loss of social or family support, and the availability and access to a firearm. 90% of officers commit suicide using a gun. Additionally, about 90% of the time, an officer is drinking heavily when he/she kills himself/herself.

Statistically, most officers that commit suicide are white males, working patrol and are entering middle-age. They have experienced a recent loss, real or perceived. Most have no record of misconduct. Most shoot themselves while off duty.

The foremost researcher in stress in the world, Hans Selye, said that police work is *the most stressful* occupation. Officers witness life's most horrible scenes. Nothing can possibly prepare a police officer for what he or she might encounter on the job. They are first on scene when a child dies, a woman is raped, a senseless homicide, a teenager's suicide, a car ablaze with victims trapped, drug overdoses, and domestic violence calls. These calls have an effect on even the most seasoned officers. The calls add up. The job lacks balance. Most other professions experience more of a blend of the good with the bad, not so for an officer; it is frequently one heart wrenching call after another. Additionally, an officer's life is in danger every day, they can never let their guard down; never turn off the adrenaline pump. While officers generally operate well under stress, too much stress may have disastrous outcomes.

Officers often work 10-12 hour shifts, at hours most people could not conceive of. There is often disruption in their lives due to rotating shifts. Overtime is often mandatory, and a call to court for testimony can further disrupt an officer's sleep routine and requirements. Meals are often a luxury due to the demands of the beat. Family and other personal relationships are forced to the back seat. They want to protect their families from the horrors they have to deal with routinely, refusing to discuss their work with significant others. Family members may feel left out, confused, neglected. Resentments often build.

Other sources of officer stress are related to the ever present scrutiny by the command cadre as well as criticism from the public and media. There is an overwhelming sense of disappointment when an officer is not chosen for a promotion he/she felt was due. Couple this with frustration from the criminal justice system, despite the officer's best efforts, the bad guys get off. Cliques within a department can make an officer feel ostracized. Officers have an increased risk of contracting serious diseases, also adding to their stress. Emphasis on political correctness and cultural diversity also can create additional stress for any officer.

Most importantly, law enforcement officers are subject to repeated critical incident stress. Any critical incident can trigger a post-traumatic stress disorder. PTSD can surface immediately or years after exposure to the traumatic event. PTSD frequently becomes a vicious cycle of despair that leads to the use of maladaptive coping skills including suicide. Depression, the most significant risk factor for suicide, is a hallmark symptom of PTSD. Untreated PTSD can also lead to flashbacks, phobias, anxiety and panic disorders. The effects of PTSD may be evidenced by an officer's decreased job performance, divorce and alcohol/substance abuse, and eventually by suicide. When alcohol or other chemicals are used in an attempt to relieve stress, suicide rates and other problems multiply.

Many obstacles may prevent an officer from seeking professional help for his or her depression, anxiety or suicidal thoughts. There are concerns that if they tell their chain of command their careers will be ruined, they will be determined not fit for duty, their gun will be confiscated, they will be viewed as weak and all hopes of advancement will be destroyed. They may fear being terminated. There is always a fear of confidentiality. The officer worries about the reactions, including further alienation and retribution from peers. The stigma of mental illness remains rampant among many law enforcement officers. The idea of needing help implies cowardice and an inability to fulfill the role of an officer. Officers with a history of depression or anxiety are identified as the weak-link, the guy who folds under pressure. So the officer tries to solve his problems personally and quietly, often with disastrous results.

Law enforcement officers are much more hesitant than average citizens to seek psychiatric treatment. Often they mistrust mental health professionals. Perceptions of clinicians as *bleeding hearts* who get criminals out of sentences and incarceration can fuel this mistrust. There are also frequent misperceptions of psychiatric evaluations and mental health treatment. An officer may perceive the help as a humiliating and emasculating experience: they have been *fine* all their lives; thus they can get through this stress without getting *shrunk*. There may also be an underlying fear that the psychiatrist may find something more or really wrong with him.



Virtually all suicides are preventable with appropriate intervention. Departments must do more to reduce the risk of one of their own taking his or her life. Departments should include suicide awareness training for officers and command focusing on identification of at risk officers, prevention programs and training. Departments also need to implement debriefing strategies after each critical incident. They must also debrief in the event that an officer succeeds in completing suicide. Officers are frequently referred to as *brothers* and *sisters*; survivors of the suicide of a family member are up to nine times more likely to commit suicide themselves in comparison with the average person.

The department should assist the officer in finding treatment where his or her needs are best met. A department psychiatrist may have more knowledge of the officer and his or her current pressures. However, the department's clinician may also be involved in evaluating the officer's mental status in regards for fitness for duty. An outside therapist, not involved in the police departmental process, may seem more trustworthy to the officer. Foremost, the officer, psychiatrist, and department need clarification related to the officer's confidentiality and the chain of command prior to initiating psychotherapy or psychopharmacology.

If you are an officer reading this, you may know a peer at risk. As an officer you are frequently called to check the welfare of a possibly suicidal citizen, to prevent a suicide. As a peer you must do the same for another officer. Be aware of signs that someone may be suicidal such as:

- talking about suicide
- making statements related to hopelessness or helplessness
- a preoccupation with death
- a loss of interest in things the officer once cared about
- making detailed arrangements related to insurance and finances
- giving away valued or prized possessions

Notice what is going on in his/her life.

- Is he/she recently separated or divorced, did he/she lose custody of a child?
- Has he/she been involved in a critical incident or under scrutiny by an internal affairs investigation?
- Is the officer pulling away from others, is job performance suffering?
- Is he having increased medical complaints, does he leave work or miss work frequently?
- Do you suspect he/she is abusing alcohol or other substances?
- Do you see a red flag or have a gut level concern?

If you answered yes to any of these questions, do something now.

- ü Ask the officer what is going on in his or her life.
- ü Ask if they are okay and how they are handling a current stressor.
- ü Ask them if they feel depressed, and ask them about suicidal thoughts.
- ü Help them get the help they need before they take a life - their own.
- ü If they won't seek help on their own go to a trusted supervisor with your concerns.
- ü Yes, this is one situation where you may have to break the code of silence.
- ü If something is still not being done, go to someone else: the chaplain, your union representative, the department clinician.

You are willing to go to any lengths for an officer who needs assistance on a call; you are willing to risk your life for him at every scene.

Do something today to prevent the loss of an officer by his or her own hands.

- If you are an officer who is hurting and contemplating suicide, reach out now. There are many people who really do care about you, who really do want to help you, who don't want to attend your funeral.
- Seeking help is a sign of strength not of weakness.
- It is the first step in reestablishing control in your life.
- Always remember when there is life there is hope.

**In Loving Memory to the fine men and women, who dedicated themselves to helping others and saving lives, yet tragically took their own. It's not how you died, but how you lived.**

## **A Manifesto for The Perfect Life - Police Officer Builds a New Life after Suicide Attempt**

### **Police Suicides Finally Make Front Page News**

Thanks to [American Police Beat](#) and the [San Francisco Police Officer's Association](#) for putting the issue of police officer suicides on the "front page". On the front page of their February 2011 edition, American Police Beat magazine features an article by [Gary Delagnes](#) the president of the San Francisco Police Officer's Association entitled: "We need to talk about suicides".

Police officer suicides are an issue that is long since overdue for serious discussion within our profession. We need active discussion, awareness training and action because If we don't care about it, who will. We are leaving a legacy for our police families to deal with because we are too ignorant or afraid to handle the fact that more of our brothers and sisters are falling at their own hands than are being murdered in the line of duty. This is an issue that should be discussed in Command Staff meetings as much as in Roll Call sessions about the world.

### **The Problem**

Statistics indicate that somewhere between 2-6 times more officers kill themselves each year than are killed by the bad guys.

A quarter of female police officers and nearly as many male officers assigned to shift work had thought about taking their own lives, a study of police work patterns and stress has shown\*.

### **What to Do?**

We Need to Discuss This Topic Now. It should be a part of [Roll Call Training](#) and at every level of your organization. We should ask:

- Did You Know Someone Who Committed Suicide?
- Have You Ever Contemplated Suicide Yourself?
- How Should We Help Someone We Think May Be Contemplating Suicide?

### **Possible Warning Signs of Impending Suicide\*\***

- Talking about suicide or death
- Giving direct verbal cues, such as "I wish I were dead" and "I'm going to end it all"
- Giving less direct verbal cues, such as "What's the point of living?", "Soon you won't have to worry about me," and "Who cares if I'm dead, anyway?"
- Isolating him- or herself from friends and family
- Expressing the belief that life is meaningless or hopeless
- Giving away cherished possessions
- Exhibiting a sudden and unexplained improvement in mood after being depressed or withdrawn
- Neglecting his or her appearance and hygiene

### **Warning Signs Specific to Cops\*\***

- Announce that they are going to do something that will ruin their careers, but that they don't care.
- Admit that they feel out of control.
- Appear hostile, blaming, argumentative, and insubordinate OR appear passive, defeated, and hopeless.
- Develop a morbid interest in suicide or homicide.
- Indicate that they are overwhelmed and cannot find solutions to their problems.
- Ask another officer to keep their weapon OR inappropriately use or display their weapon.

Begin behaving recklessly and taking unnecessary risks, on the job and/or in their personal lives.

Carry more weapons than is appropriate.

Exhibit deteriorating job performance (which may be the result of alcohol or drug abuse).

\*\*Source: [The Suicide Prevention Resource Center](#)

Addiction to alcohol and sometimes prescription pain medications also can be a huge warning sign to problems leading up to a police officer's suicide. A Chicago police department study documented alcohol abuse in 60% of police officer suicides.

In many cases other officers are left saying: "wow, I saw the problem growing and should have done something earlier"

### **Get Help**

If you feel that you are struggling with your own problems contact your Employee Assistance Program (EAP) or other health care or support provider or seek that help for one of your peers that is in trouble.

### **Family Support**

Build a strong network of support with families of your officers and staff. They are the first line of defense against police suicide and are also an amazing resource for your agency if you build that network early.

Also visit the website of The Law Enforcement Family Support Network at [lawenforcementfamilysupport.org/](http://lawenforcementfamilysupport.org/)

They advocate on behalf of law enforcement families so that they may have the tools, education and support needed to remain healthy and connected. They also provide education and resources for officers, family members, departments and policy makers to understand and address the educational needs and cumulative stress issues of the law enforcement profession.

### **Peer Support**

There are many peer to peer support networks out there and you can find them in many agencies now. Contact yours, or if need be, start a new one. The [Critical Incident Stress Foundation or CISM International](#) can offer guidance.

"True Blue Valor" - In our [Law Enforcement Survival Institute Training Sessions](#) we talk about the concept of "True Blue Valor". True Blue Valor is when a cop has the courage to confront a buddy who is slipping professionally and personally and endangering themselves, their peers and the public. If you think it takes courage to confront an armed suspect, consider what it would take for you to confront one of your friends about their problems which are affecting their lives and job performance. It takes a system of organizational support and professional leadership to foster and nurture the concept of True Blue Valor.

The Important Thing About Family & Peer Support Networks is Than You Have to Build Them NOW Before a Problem Arises!

## **If You Need Help Call Now!**

**Safe Call Now:** (206) 459-3020 or visit their website to learn more: [www.safecallnow.org/](http://www.safecallnow.org/)

Safe Call Now was founded and is run by public safety employees. These are people from Law Enforcement, Fire, EMS, Corrections, Civilian Support Staff and their Families, who want to help their peers in crisis. If you need help **CALL THEM!**

**CopLine:** (800) 267-5463 or [www.copline.net/](http://www.copline.net/) - Check first to see if they are operational.

**The National Suicide Prevention Lifeline:** (800) 273-TALK (8255) [www.suicidepreventionlifeline.org/](http://www.suicidepreventionlifeline.org/)

**Law Enforcement Survival Institute Training** at [www.copsalive.com/lesi/](http://www.copsalive.com/lesi/)

**Pain Behind the Badge** at [thepainbehindthebadge.com/](http://thepainbehindthebadge.com/)

Sources of Information on Police Suicide: **National Police Suicide Foundation** [www.psf.org/](http://www.psf.org/)

**Badge of Life** [www.badgeoflife.com/suicides.php](http://www.badgeoflife.com/suicides.php)

Above all don't let one more police suicide occur. Do your part today to protect your friends and loved ones. CopsAlive was founded after one of my peers committed suicide, and I wish that I had known more and done more before that happened.

CopsAlive.com was founded to provide information and strategies to help police officers successfully survive their careers. We help law enforcement officers and their agencies prepare for the risks that threaten their existence. We do this by Helping Law Enforcement professionals plan for happy, healthy and successful lives on the job and beyond. We think the best strategy is for each officer to create a tactical plan for their own life and career.

**The Law Enforcement Survival Institute (LESI)** works with individuals and organizations to help them create and sustain success in their lives and careers as law enforcement professionals. It is the primary goal of The Law Enforcement Survival Institute to become the preeminent source for training, resources and information about how to create and sustain a happy, healthy and successful life and career while providing superior law enforcement service to your community.

[www.sprc.org/featuredresources/customized/lawenforcementpersonnel.asp](http://www.sprc.org/featuredresources/customized/lawenforcementpersonnel.asp)

- National Suicide Prevention Lifeline (800) 273-8255
- National P.O.L.I.C.E. Suicide Foundation (866) 276-4615
- Nevada Suicide Hotlines:
  - Reno Crisis Call Center (800) 992-5757
  - Suicide Prevention Hotline (800) 885-4673
- Cop Line (800) 267-5463
- Safe Call Now (206) 459-3020 or [safecallnow.org](http://safecallnow.org)
- Cops Alive [www.copsalive.com](http://www.copsalive.com)
- In Harm's Way: Law Enforcement Suicide Prevention [policesuicide.spcollege.edu](http://policesuicide.spcollege.edu)
- Badge of Life (Psychological Survival for Police Officers) [www.badgeoflife.com](http://www.badgeoflife.com)
- Bottles and Badges [www.bottlesandbadges.org](http://www.bottlesandbadges.org)



## Principles of Leadership

# POST First-Line Supervisor Program

**Instructional Goal:**

The Instructional Goal is to provide participants with an opportunity to explore various principles of leadership.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Define leadership.
2. Identify key principles of leadership.

## **Food For Thought**

Are Leaders born or made?

Are leaders a product of circumstances?

What is the difference between being a leader and being a boss?

## **BOSS OR LEADER**

The boss drives his men; the leader coaches them

The boss depends on authority; the leader on goodwill

The boss inspires fear; the leader inspires enthusiasm and confidence

The boss says "I"; the leader says "WE"

The boss says "get there on time"; the leader gets there ahead of time

The boss fixes blame for the problem; the leader solves problems

The boss knows how it is to be done; the leader shows how it is to be done

The boss says "go"; the leader says "Let's go"

The boss uses people; the leader develops people

The boss sees today; the leader also looks at tomorrow

The boss commands; the leader asks

The boss never has enough time; the leader makes time for things that count

The boss is concerned with things; the leader is concerned with people

The boss lets his people know where he stands; the leader lets his people know where they stand

The boss works hard to produce; the leader works hard to help his people produce

The boss takes the credit; the leader gives it

The boss makes work drudgery; the leader makes work interesting

## Defining Leadership

Howard Gardner, PhD: “A leader is an individual who significantly affects the thoughts, feelings and/or behaviors of a significant number of individuals.”

*Author of Leading Minds: An Anatomy of Leadership – Professor of Cognition and Education and Adjunct Professor at Harvard Graduate School of Education – Senior Director of Harvard Project Zero*

Fred A. Manske, Jr.: “The ultimate leader is one who is willing to develop people to the point that they eventually surpass him/her in knowledge and ability.”

*Author of Secrets of Effective Leadership – recognized as an exceptional leader during his tenure as Senior Vice President of Federal Express and during his accomplishment in the turn-around of Purolator Courier.*

Kenneth Blanchard, PhD: “The key to successful leadership today is influence, not authority.”

*Author of The One Minute Manager – Co-founder of The Ken Blanchard Companies – a full service global management training and consulting company*

Peter Drucker (1909-2005): “Effective leadership is not about making speeches or being liked; leadership is defined by results not attributes.”

*Doctorate in international law – Author of thirty-nine books – Developed the first executive MBA program in the country at Claremont Graduate University*

Kouzes and Posner: Leadership is “the art of mobilizing others to want to struggle for shared aspirations.”

*Authors of The Leadership Challenge:*

*James M. Kouzes is Chairman and CEO of TPG/Learning Systems. He is also a speaker and business consultant*

*Barry Z. Posner is the Dean of Leavey School of Business and Administration and Professor of Leadership at Santa Clara University*

Warren Bennis: “Leadership is the capacity to translate vision into reality.”

*Author of Becoming a Leader and Learning to Lead – considered one of the nation’s foremost authorities on organizational development, leadership, and change*

William A. Cohen: “Extraordinary achievements demand extraordinary leaders.”

*Author of The New Art of the Leader and Founder of the Institute of Leader Arts. He is a retired Major General from the Air Force Reserve.*

Steven Covey: “Leadership is communicating peoples’ worth and potential so clearly that they are inspired to see it for themselves.”

*Author of Seven Habits of Highly Effective People and founder of Covey Leadership Center.*

What is your definition of leadership?

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# **Key Principles of Leadership: ONE MINUTE MANAGER**

Ken Blanchard/Spencer Johnson

**Set Goals:** People need to understand what they are supposed to be doing, and they need to know whether they are doing a good job.

1. Agree on your goals
2. See what good behavior looks like
3. Write out each of your goals on a single sheet of paper using less than 250 words
4. Read and re-read each goal
5. Take a minute every once in a while out of your day to look at your performance
6. See whether or not your behavior matches your goal
7. S.M.A.R.T. (specific, motivating, attainable, relevant, trackable)

**Praise:** People need to understand what good performance looks like and be encouraged to continue repeating that behavior.

1. Tell people up front that you are going to let them know how they are doing
2. Praise people immediately
3. Tell people what they did right—be specific
4. Tell people how good you feel about what they did right, and how it helps the organization and the other people who work there
5. Stop for a moment of silence to let them “feel” how good you feel
6. Encourage them to do more of the same
7. Shake hands or touch people in a way that makes it clear that you support their success in the organization

**Reprimand:** People need to know when they have done something wrong, and they need to be held accountable. Reprimanding is about behavior not about the individual person

1. Tell people beforehand that you are going to let them know how they are doing
2. Reprimand people immediately
3. Tell people what they did wrong—be specific
4. Tell people how you feel about what they did wrong—be straight forward
5. Stop a few seconds of uncomfortable silence to let them feel how you feel
6. Shake hands, or touch them in a way that lets them know you are honestly on their side
7. Remind them how much you value them
8. Reaffirm that you think well of them but not of their performance in this situation
9. Realize that when the reprimand is over, it's over

Remember it is not fair to reprimand someone if they don't know what the rules are. People need to be trained to know what good behavior looks like. Give them the tools to be successful.

**“The best minute I spend is the one I invest in people”**

## Situational Leadership Model - Ken Blanchard

### Competence versus Commitment

An effective leader is able to move between each leadership style, recognizing that a worker will have different developmental levels for different tasks.

### Development Levels (Worker)

D1 = Low competence, Variable commitment

D2 = Low competence, High commitment

D3 = High competence, Low/Variable commitment

D4 = High competence, High Commitment

### Leadership Styles (Leader)

S1 **Directing:** The leader provides specific direction and closely monitors task accomplishment.

S2 **Coaching:** The leader continues to direct and closely monitor task accomplishment, but also explains decisions, solicits suggestions, and supports progress.

S3 **Supporting:** The leader facilitates and supports people's efforts toward task accomplishment and shares responsibility for decision-making with them.

S4 **Delegating:** The leader turns over responsibility for decision-making and problem solving to people.

**Which type of leadership style do the various development levels need?**

## LEADERSHIP: Situational Leadership – The 4D's of Your Employees

Written by [Lisa Dunbar](#) Published on June 9, 2011

Some supervisors apply a "one size fits all" approach to supervision. The Situational Leadership II model suggests that a supervisor should vary his or her style of leadership based on the employee's developmental level. Ken Blanchard, creator of the [Situational Leadership II model](#), believes that all employees pass through a job cycle of development going from a D1 to a D4 as they mature on the job. However, without appropriate supervision, some employees can get stuck. That can prove to be a challenge, not only for employees, but supervisors.

An employee's developmental level is based on his or her level of competence at the job and commitment to the job. Competence is defined as the knowledge and skills from education, training and experience. Commitment is a combination of confidence and motivation. Confidence is a person's ability to do a task well; motivation is a person's interest in doing a task well. Each development level is comprised of either low or high amounts of each. Let's look at what we might see for employee performance at each level. Let's look at his theory and how we might apply it.

### **Your Staff and Employees**

**D1:** The first of the four developmental styles is called a 'D1' for Developmental Level One. This level is characterized by a **low level of competence** and yet, a **high level of commitment**. We all typically start here as new employees. But it doesn't end there. D1s are also older employees with new tasks or jobs. What are typical behaviors for new employees or employees who are excited about a new task or promotion? They are eager to please and do whatever tasks they are asked to do. They arrive early and stay late, and often commit lots of hours to the task at hand. They want to learn everything they can about the responsibilities of the position. They are like sponges, soaking it all up. Sound perfect? Remember, they have *low competence* so they may be eager, but they aren't necessarily skilled or have the knowledge to do the job well.

**D2:** About six months down the road (sometimes earlier, sometimes later), what happens to our eager beaver new employee? The bloom falls off the rose. The honeymoon period is over and the reality of the job sets in and this D1 becomes a D2. The employee now has gained **some competence** or skills but his or her commitment takes a nose dive (**low commitment**), particularly if the job didn't add up to what he or she thought it should be. Employees at this level typically ask the question, "So this is the job?" and those D1s that arrived early and stayed late are now watching the clock and stretching the boundaries. They typically do the minimums, especially if others do the same. Eager to fit in, your D1 will now look around and adopt some of those disappointing, negative behaviors that you so hopefully wanted to eradicate. D2s can leave you scratching your head and saying, "what happened?" You may even entertain the thought that you made a huge mistake in hiring this person for the job in the first place.

Blanchard would say, "Rejoice, this is growth." Your D1 employee is progressing and you should come to expect that every D1 will become a D2 someday – after all, you don't want them to stay forever a D1. There is no set time period. A person can pass quickly through one level to the next or get stuck there. It all depends on the level of competence and commitment.

Sometimes we do a disservice to our D1s – excited to entice good employees to come to work for us, we paint a beautiful, exaggerated picture of the organization or the job. Then we realize that the greater we played up the job or the organization in the interview or orientation process, the farther the drop to reality for the D2.

**D3:** D3s have a **high level of competence** (they know the work); but **variable commitment** to the job. In other words, they have good and bad days. D3s can leave other staff members wondering, "hmm... I wonder what kind of mood he'll be in today?" D3s may have experienced disappointments from being passed over for promotions or job assignments. They may have dashed expectations of where they thought they would be in their career. They could be harboring unresolved issues and lots of "stamps" with others. D3s have roadblocks that are preventing them from having a consistent high level of commitment to the job. This is a typical stopping place for employees and without intervention, can easily become a permanent home.

**D4:** D4s are our star performers; they have a *high level of both competence and commitment*. They are ready to take on new challenges, work independently and often are the first ones to be promoted. But guess what? When they get promoted, where do they end up? Yes, back to D1s again and the cycle starts all over.

### **You as a Manager or Supervisor**

Right now you may have suddenly found yourself among the Ds or might have easily identified the level of some of your staff. So, how do we deal with such vast differences in employees? How do we, as supervisors and managers, help employees move to the D4 star performer? Blanchard would argue that your supervision or leadership style needs to change based on the developmental level of the employee – D1s need a different approach than D4s.

He defines leadership as a combination of directive and supportive behaviors. **Directive behavior** is defined as telling, and showing people what, when and how to do it and providing frequent feedback. **Supportive behavior** involves praising, listening, encouraging and involving others in decision-making. Leadership style is based on the amount of directive and supportive behavior given to the employee by the supervisor. Each level needs a different combination or dose of each.

**S1:** D1s need a directive approach where the supervisor is highly involved in the assignment of tasks and teaching the employee how to perform the job. The supervisor assists the employee in learning about the organization and its values, as well as helps the employee with goal setting and learning the skills he or she needs to perform the job. It is both **highly directive and supportive** – it's a teaching style.

**S2:** Oh yes, our D2s. At first glance, you may want to hit them over the head with a 2x4 or send them packing, but the D2 needs exactly the opposite. In fact, what they need is a good coach. If you are or were involved in sports teams, think about the characteristics of someone who you saw as a good coach. Perhaps, you coach a team yourself. Think about what your team needs from you. For me, a good coach quickly corrects problem behaviors and sets the standard for good performance. At the same time, a good coach sees the potential in an

individual and encourages him/her to do the task well. A good coach gives lots of immediate feedback and is quick to both praise and reward good performance and address poor performance. D2s need supervisors who can be **good coaches** and **deal with their problematic behaviors quickly and effectively**.

**S3:** What do you think is most needed by a D3 employee? A D3 **doesn't need much direction**, but needs **lots of support**. A D3 needs to talk about the past issues that have comprised his or her commitment. Most of all, D3s desperately need help to resolve past conflicts and move forward. They may need assistance with crafting new goals and building a new vision for work or place in the organization. This employee needs guidance in order to re-ignite his or her faith in the job and the organization. Simply, D3s need you to stop and listen.

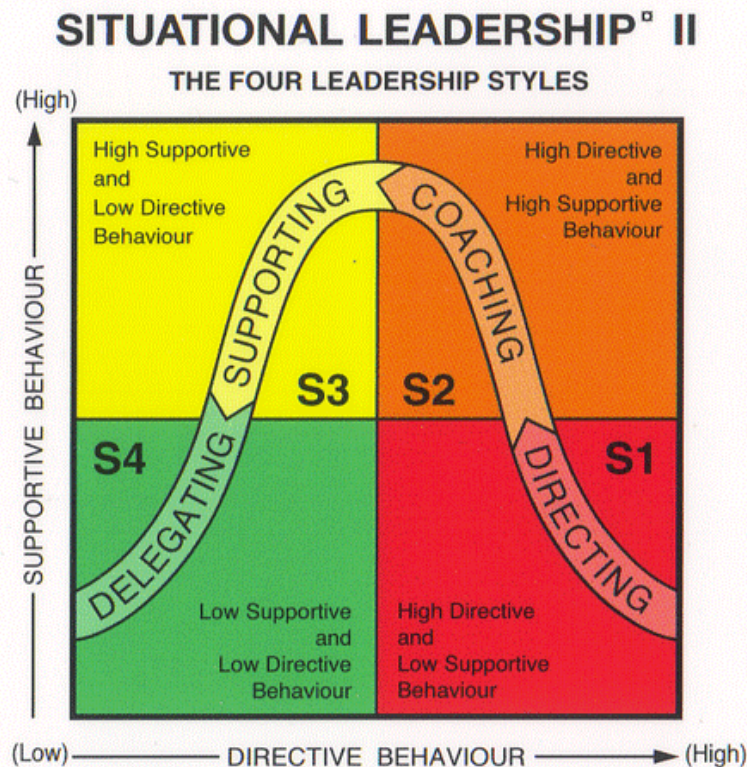
**S4:** Finally, our D4s; what do you think they need? They need permission to excel. They need tasks delegated to them so that they can achieve and succeed. They need room to teach D1s and lead others. D4s want growth opportunities and goals. They want a supervisor who will **empower them**. They do not want to be micro-managed, have goals set for them or a lot of directive behaviors from their supervisor.

Ironically, often unknown to them, D4s want to know that their supervisor or manager recognizes that when they get that new task or promotion, they are going to be D1s again. They don't want a supervisor who assumes that the individual has failed or wasn't ready for the new promotion when he or she asks for more direction or help. Instead, the supervisor sees it as expected, allowing that staff member to move quickly around the cycle again...and again.

### Your Challenge

So, how have you applied the Situational Leadership II model in your own supervision or management of others? Here's a challenge for you. Take the team of employees you oversee and write their names down on a piece of paper. Next to their name mark down what level you think they're at (D1, D2, D3, D4) as employees and what level of supervisory skill would work best for them. Try the supervisory skills we've talked about in this post for a month and see what happens.

We think this new year will be the year of the Innovative Leader. A leader forged in the challenging times of the past few years and yet, still tackles the workplace issues with unwavering optimism and pragmatism. The Innovative Leader has a backpack full of managerial skill sets, a head full of rapid decision-making and problem-solving talents, and a heart ready to serve others for the sake of the company.



# **Key Principles of Leadership: THE LEADERSHIP CHALLENGE**

James Kouzes & Barry Posner

## 1. **Challenge the process**

- Be willing to change the status quo
- Be willing to take risks
- Be willing to be innovative
- Be willing to recognize good ideas and support them
- Be willing to learn from failures as well as successes

## 2. **Inspire a shared vision**

- Be willing to see possibilities
- Enlist others into the vision
- Forge unity of purpose
- Ignite the flame of passion in others

## 3. **Enable others to act**

- Enlist support and assistance
- Work to make people feel strong, capable and committed

### **Model the way**

- Be clear about guiding principles
- Be willing to work hard and show persistence
- Be clear about operational plans

## 4. **Encourage the heart**

- Show people they can win
- Link rewards with performance
- Celebrate team accomplishments

*Titles are granted, but it's your behavior that wins you respect.*

# **Key Principles of Leadership: BECOMING A LEADER**

Warren Bennis

## 1. **Guiding vision**

- Be clear about what the goal is
- Be persistent in the face of setbacks and failures

## 2. **Passion**

- Believe
- Inspire

## 3. **Integrity**

- Walk the talk
- Keep promises and commitments

4. **Trust**

Keep learning  
Keep growing

5. **Curiosity/Daring**

Be willing to take risks  
Be willing to try new things  
Be open to new ideas

“Becoming a leader is more than an act of will – it takes curiosity, vision, integrity, and work. Lots of work.”

## Warren Bennis

According to Bennis’ theory, true leaders understand themselves, possess both a vision and the ability to translate that vision to their teams and are able to establish an environment of trust.

Bennis identified 13 characteristics which differentiate real leaders from mere managers and supervisors. True leadership then, according to Bennis’ management theory, is the difference between various pairs of tendencies (the first one in each pair being a trait of management/supervision and the second a trait of leadership). The 13 traits are:

1. Administration vs. innovation
2. Carbon copy vs. original
3. Maintenance vs. development
4. System or structure focus vs. people focus
5. Control vs. inspiration
6. Acceptance vs. investigation
7. Short-range vs. long-range perspective
8. Interest in “how” and “when” vs. interest in “what” and “why”
9. View toward bottom line vs. view toward horizon
10. Imitation vs. origination
11. Acceptance vs. challenge of/to status quo
12. Conformity (i.e., “good soldier” mentality) vs. individuality
13. Desire to do things right vs. ability to do the right things

### **A manager**

**is someone who:**

- Plans and budgets;
- Organizes and allocates resources;
- Controls and solves problems.

### **A leader**

**Is someone who:**

- Shows a direction;
- Aligns and influences;
- Motivates and inspires.



### **Six Personal Qualities – Warren Bennis**

1. **Integrity**- alignment of words and actions
2. **Dedication**- to job and staff
3. **Magnanimity**- giving credit where it is due, being gracious in defeat
4. **Humility**- the opposite of arrogance
5. **Openness**- able to listen to ideas, suspend judgment until after you have heard someone else’s idea
6. **Creativity** - able to think outside the box, take a new and different viewpoint on things

# **Key Principles of Leadership: THE ART OF LEADERSHIP**

William A. Cohen

1. **Make others feel important**
  - A. People are hesitant to follow someone whose agenda is him/herself
2. **Promote your vision**
  - A. Have clear ideas
  - B. Promote the vision as worthwhile
3. **Treat others as you want to be treated**
  - A. Sincerely care about others
  - B. Show respect
  - C. Develop relationships
4. **Take responsibility**
  - A. Be responsible for your actions
  - B. Be responsible for the actions of those you lead
  - C. Admit mistakes
5. **Praise in public, criticize in private**
6. **See and be seen**
  - A. Take opportunities to talk to with your team
  - B. Take opportunities to motivate your team
7. **Use competition as a positive force**
  - A. Promote team work to reach objectives
  - B. Accentuate the positive to reach objectives

## **Cohen – 4 Elements of Leadership**

1. Focus on the Vision and the Mission
2. Develop and Communicate Beliefs
3. Empower Others
4. Show the Way and do What You Say

## **Cohen – 7 Methods of Taking Charge in a Crisis or High Risk Situation**

1. Establish your objective at once
2. Communicate what you want done
3. Act boldly
4. Be decisive
5. Dominate the situation
6. Lead by example
7. Dump people who cannot do the job

## **Cohen – 7 Actions to Develop Your Charisma**

1. Show your commitment
2. Look the part of your vision
3. Dream big
4. Keep moving toward your goals
5. Do your homework
6. Build a mystique
7. Use the indirect approach

## Cohen – 4 Means of Building Leader Self-Confidence

1. Become an “uncrowned” leader
2. Be an unselfish teacher and helper of others
3. Develop your expertise
4. Use positive energy

### Leadership Attributes

The Leadership Challenge: What values (personal traits or characteristics) do you look for and admire in your superiors? Administered to over 20,000 people on four continents

- |                    |                     |
|--------------------|---------------------|
| 1. Honest          | 11. Courageous      |
| 2. Forward-looking | 12. Cooperative     |
| 3. Inspiring       | 13. Imaginative     |
| 4. Competent       | 14. Caring          |
| 5. Fair-Minded     | 15. Determined      |
| 6. Supportive      | 16. Mature          |
| 7. Broad-minded    | 17. Ambitious       |
| 8. Intelligent     | 18. Loyal           |
| 9. Straightforward | 19. Self-controlled |
| 10. Dependable     | 20. Independent     |

Which attributes do you think are most important?

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Which attributes do you think are most important to your subordinates?

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Are there other attributes you would add to these lists?

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### Sun Tzu (350 B.C.):

#### Great leaders possess the following attributes

1. Intelligence
2. Honesty
3. Humanity
4. Courage
5. Discipline

#### Sun Tzu’s 5 Constant Factors

1. “The Moral Law” – Goals
2. “Heaven” – outside factors and influences
3. “Earth” – develop a “real-world” game plan
4. “The Commander” – that is you, whether you like it or not. Be sincere, kind, courageous, wise – but lay down the law when you have to.
5. “Method and Discipline” – surround yourself with a team you respect and that respect you.



## Marine Corps Leadership Traits

The 14 leadership traits are qualities of thought and action which, if demonstrated in daily activities, help you earn the respect, confidence, and loyal cooperation of others. It is extremely important that you understand the meaning of each leadership trait and how to develop it, so you know what goals to set as you work to become a good leader and a good follower.

### JUSTICE

**Definition:** Justice is defined as the practice of being fair and consistent. A just person gives consideration to each side of a situation and bases rewards or punishments on merit.

**Suggestions for Improvement:** Be honest with yourself about why you make a particular decision. Avoid favoritism. Try to be fair at all times and treat all things and people in an equal manner.

### JUDGMENT

**Definition:** Judgment is your ability to think about things clearly, calmly, and in an orderly fashion so that you can make good decisions.

**Suggestions for Improvement:** You can improve your judgment if you avoid making rash decisions. Approach problems with a common sense attitude.

### DEPENDABILITY

**Definition:** Dependability means that you can be relied upon to perform your duties properly. It means that you can be trusted to complete a job. It is the willing and voluntary support of the policies and orders of the chain of command. Dependability also means consistently putting forth your best effort in an attempt to achieve the highest standards of performance.

**Suggestions for Improvement:** You can increase your dependability by forming the habit of being where you're supposed to be on time, by not making excuses and by carrying out every task to the best of your ability regardless of whether you like it or agree with it.

### INITIATIVE

**Definition:** Initiative is taking action even though you haven't been given orders. It means meeting new and unexpected situations with prompt action. It includes using resourcefulness to get something done without the normal material or methods being available to you.

**Suggestions for Improvement:** To improve your initiative, work on staying mentally and physically alert. Be aware of things that need to be done and then to do them without having to be told.

### DECISIVENESS

**Definition:** Decisiveness means that you are able to make good decisions without delay. Get all the facts and weight them against each other. By acting calmly and quickly, you should arrive at a sound decision. You announce your decisions in a clear, firm, professional manner.

**Suggestions for Improvement:** Practice being positive in your actions instead of acting half-heartedly or changing your mind on an issue.

### TACT

**Definition:** Tact means that you can deal with people in a manner that will maintain good relations and avoid problems. It means that you are polite, calm, and firm.

**Suggestions for Improvement:** Begin to develop your tact by trying to be courteous and cheerful at all times. Treat others as you would like to be treated.

## **INTEGRITY**

**Definition:** Integrity means that you are honest and truthful in what you say or do. You put honesty, sense of duty, and sound moral principles above all else.

**Suggestions for Improvement:** Be absolutely honest and truthful at all times. Stand up for what you believe to be right.

## **ENTHUSIASM**

**Definition:** Enthusiasm is defined as a sincere interest and exuberance in the performance of your duties. If you are enthusiastic, you are optimistic, cheerful, and willing to accept the challenges.

**Suggestions for Improvement:** Understanding and belief in your mission will add to your enthusiasm for your job. Try to understand why even uninteresting jobs must be done.

## **BEARING**

**Definition:** Bearing is the way you conduct and carry yourself. Your manner should reflect alertness, competence, confidence, and control.

**Suggestions for Improvement:** To develop bearing, you should hold yourself to the highest standards of personal conduct. Never be content with meeting only the minimum requirements.

## **UNSELFISHNESS**

**Definition:** Unselfishness means that you avoid making yourself comfortable at the expense of others. Be considerate of others. Give credit to those who deserve it.

**Suggestions for Improvement:** Avoid using your position or rank for personal gain, safety, or pleasure at the expense of others. Be considerate of others.

## **COURAGE**

**Definition:** Courage is what allows you to remain calm while recognizing fear. Moral courage means having the inner strength to stand up for what is right and to accept blame when something is your fault. Physical courage means that you can continue to function effectively when there is physical danger present.

**Suggestions for Improvement:** You can begin to control fear by practicing self-discipline and calmness. If you fear doing certain things required in your daily life, force yourself to do them until you can control your reaction.

## **KNOWLEDGE**

**Definition:** Knowledge is the understanding of a science or art. Knowledge means that you have acquired information and that you understand people. Your knowledge should be broad, and in addition to knowing your job, you should know your agencies policies and keep up with current events.

**Suggestions for Improvement:** Increase your knowledge by remaining alert. Listen, observe, and find out about things you don't understand. Study law, regulations, policy, procedure and other law enforcement literature.

## **LOYALTY**

**Definition:** Loyalty means that you are devoted to your country, your agency, and to your seniors, peers, and subordinates. You owe unwavering loyalty up and down the chain of command, to seniors, subordinates, and peers.

**Suggestions for Improvement:** To improve your loyalty you should show your loyalty by never discussing the problems of your agency or your unit with outsiders. Never talk about seniors unfavorably in front of your

subordinates. Once a decision is made and the order is given to execute it, carry out that order willingly as if it were your own.

## **ENDURANCE**

**Definition:** Endurance is the mental and physical stamina that is measured by your ability to withstand pain, fatigue, stress, and hardship.

**Suggestions for Improvement:** Develop your endurance by engaging in physical training that will strengthen your body. Finish every task to the best of your ability by forcing yourself to continue when you are physically tired and your mind is sluggish.

## **Bennis** **Manager/Supervisor vs. Leader**

Administration	vs.	Innovation
Carbon copy	vs.	Original
Maintenance	vs.	Development
System/Structure Focus	vs.	People Focus
Control	vs.	Inspiration
Acceptance	vs.	Investigation
Short-range	vs.	Long-range perspective
Interest in “how” “when”	vs.	Interest in “what” “why”
View toward bottom line	vs.	View toward horizon
Imitation	vs.	Origination
Acceptance	vs.	Challenge or/to status quo
Conformity	vs.	Individuality
Desire to do things right	vs.	Ability to do the right things

### **Class Discussion - Summing it all up**

Based on what was discussed in class, how would you answer the following?

1. One way I can become a better leader is by . . .

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2. One way I might apply today’s leadership lesson is by . . .

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3. Key leadership attributes I have are . . .

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4. Leadership attributes I need to work on are . . .

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5. I think the bottom-line about being a leader is . . .

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## **Law Enforcement Leadership: Don't Let it Become an Oxymoron**

Written by Jack R. Gates

American Police Beat

If you were to ask a random sampling of police supervisors the question, "What is leadership?" you are likely to get a number of different answers. True leadership is a highly valuable commodity in today's law enforcement community and yet each day we hear examples of bad leadership destroying what used to be a fine law enforcement agency. Too often rank is mistaken for leadership. Leadership has nothing to do with rank, title or privilege. Leadership isn't about giving orders, dictating policies or impressing superiors. Leadership isn't necessarily the sum of one's experience, training or education. Leadership is developed in one's character, and can be applicable in any law enforcement position, from the new recruit up to the chief administrator

When a lackadaisical administrator - this is especially true for a small department - fails to be a leader it will assuredly result in a downward spiral of morale and the loss of good officers who will choose to move into a better situation. When a department lacks leadership it opens itself up for the incompetent and corrupt to drop an anchor and plunder away. How is leadership defined?

The online Merriam-Webster Dictionary defines leadership as: "1. The office or position of a leader; 2. Capacity to lead; 3. The act or an instance of leading." With all due respect to Merriam-Webster, perhaps it can best be stated that the definition of leadership is the sum many things: Responsibility, integrity, loyalty, respectability, honesty, competence, and an ability to motivate and inspire by example.

According to the sixth President of the United States, John Quincy Adams, "If your actions inspire others to dream more, learn more, do more and become more, you are a leader." In other words, leadership is better defined by action, not position. In what ways can leadership affect a department? It's as different as north and south. Good leadership will foster a department's growth, efficiency and public image.

Bad leadership will see high turnover rates, decreasing public support and personnel who simply quit caring.

An effective law enforcement leader should cultivate the exceptional abilities of each officer and nurture them in ways that spark professional development and reward excellence. Leaders should capitalize on strengths and acknowledge achievements even if in the simplest of ways. A pat on the back and/or a "good job" statement can go far in keeping morale alive and well.

It is important that a good leader administer to his or her officers in a fair and meaningful way. Inconsistencies in rewarding and disciplining will take a serious toll on every member of a department. Correcting an officer means making a proper assessment of the mistake or improper action and being reasonable in the consequences.

Fairness, accessibility and being honorable in every facet of the position must be the tenets practiced of anyone in a leadership position for departmental success. Short of that, an agency will suffer a black eye and exemplary officers will find another place to practice their profession.

## How indecision killed the troops

by Executive Leadership on July 31, 2010 5:00pm

in Best-Practices Leadership, Leaders & Managers

All along, Gen. Ambrose Burnside had supported an unorthodox plan: Dig a long tunnel, load it with dynamite and blow a hole in the Confederate lines defending Petersburg, Va., a vital rail hub.

But a last-minute change from above threw Burnside into a funk, and he made a leadership error that cost the Union a speedy end to the Civil War and relieved Burnside of his command.

Originally, the plan had a division of trained Union soldiers rushing through the hole in the Confederate lines immediately after the blast, being careful to go around the resulting crater, not into it. But orders forced Burnside to choose another, untrained division to take the offensive.

Instead of choosing his best-led division, Burnside told three commanders under him to draw straws. The “winner”—Brig. Gen. James Ledlie—was arguably Burnside’s weakest commander.

You could have almost predicted that Ledlie would fail to instruct his men to go around the crater. Instead, they meandered into it and became sitting ducks for a Confederate counterattack that yielded more than 4,000 Union casualties and kept Petersburg in Confederate hands for another eight months.

**The lesson: Never leave important decisions to chance.**

— *Adapted from The Horrid Pit: The Battle of the Crater, the Civil War’s Cruellest Mission, Alan Axelrod, Carroll & Graf.*

## Profile of a leader

As you learn, share, and reflect throughout the next couple of weeks, create a personalized leadership profile. Covey’s habit number two says to begin with the end in mind. By identifying your beliefs concerning leadership, you begin on a journey of discovering the values and principles that make-up the foundation of your vision of what it means to be a leader. These will be shared with the group on the last Friday of the program.

**As a leader:**

How would I define leadership?

What are my beliefs about praising?

What are my beliefs about reprimanding?

What are my beliefs about challenging the process?

What are my beliefs about inspiring a shared vision?

What are my beliefs about enabling others to act?

What are my beliefs about modeling the way?

What are my beliefs about guiding principles?

What are my beliefs about encouraging the heart?



## Progressive Discipline

# POST First-Line Supervisor Program

## **Discipline is Communications & Consequences**

### **Instructional Goal:**

The instructional goal is to provide an opportunity for first-line supervisors to discuss discipline and how the use of progressive discipline can be an effective and positive tool.

### **Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Define progressive discipline.
2. Identify the four goals of progressive discipline.
3. Identify the steps to progressive discipline.
4. Define legal issues connected to discipline.
5. Write a written a reprimand containing all key components.
6. Define just cause.
7. Identify behaviors/performance issues that would merit disciplinary action.
8. Conduct a discipline interview. (Role-play)
9. Identify guidelines to be applied to situations where an employee is terminated for unsatisfactory work or misconduct on the job.

## **Brainstorm Activity**

What are some of your primary responsibilities toward the employees you supervise?

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**As a Supervisor you are responsible for seeing that each employee knows:**

- ü Objectives of the job and work group
- ü Duties and tasks to be performed
- ü Accepted methods of accomplishing duties
- ü Standards of performance
- ü Policies, rules, and regulations
- ü Proper conduct
- ü Good working relationships

### **Letter of Instruction**

- Tool for documenting coaching sessions
- Not part of the progressive disciplinary process
- Used to communicate areas identified as needing improvement
- Lists steps to bring performance to desired level
- Includes timeframe for completion
- Does NOT have Consequences
- Does not go in the employee's permanent file



## **Example: "Letter of Instruction"**

**(NOT part of the Disciplinary Process. To be used as a communication tool only.)**

A tool for documenting your coaching sessions. It is a written communication, (letter, memo, e-mail) that documents coaching sessions and communicates the commitment between you and an employee for an improvement in performance.

The letter of instructions is a tool that helps communicate your expectations for performance and behavior before it is necessary to pursue formal discipline, and it is not part of the progressive disciplinary process.

A letter of instruction is not placed in an employee's permanent file.

The following is an example of a well-written letter of instruction:

DATE: January 2, 2015  
TO: Officer xxxxxxxx  
FROM: xxxxxxxxxxxxxx, Supervisor  
SUBJECT: Letter of Instruction

As a follow up to our discussion regarding work priorities and your work performance standard element 3 and 4 (time management and work flow), I have outlined my expectations for improvement regarding the establishment of a formal (written) system of job priorities. This is an attempt to assist you in clarifying the relative importance of given jobs as work requests are received to improve overall work flow.

The following actions or indicators should be implemented by you within 30 days of receipt of this letter.

1. Compose a memorandum specifying relative priorities of typical work requests.
2. Submit a draft of this memorandum to me for review and approval prior to distribution to all Building Maintenance personnel.
3. Integrate into the listing of priorities typical miscellaneous work requests.
4. Attend at least one training session relating to time management and one relating to personal effectiveness.

We will meet weekly to discuss the implementation of this plan and its effect on your work flow. I will also be available to address any questions or concerns that may arise in the interim.

I would like to thank you in advance for your cooperation in addressing this issue.

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**Notice that consequences are not listed in the LOI.** As soon as you add consequences, a "letter of instruction" is considered to be disciplinary in nature.

As a supervisor you should keep a copy of any letter of instruction in a working file for the employee. The working files should only include objective facts and employees are allowed to view working files should they request it. There cannot be any secret files on employees in State service.

We need to ensure an employee realizes a letter of instruction is NOT punishment. We are using it to coach the employee back to the level of performance and behavior required by their position.

Coaching is necessary to develop an employee. Proper coaching can help us prevent or avoid the disciplinary process. Furthermore, documentation of coaching session is necessary to demonstrate that a supervisor has made every effort to help their staff be successful. Document your communication and the progress of the employee's performance. Remember even your worst employee does some things well.

Remember, the letter of instruction...

- Is NOT part of the Disciplinary Process;
- Is considered corrective in nature;
- Is used to communicate areas identified as needing improvement
- Include NRS, WPS, policy/procedure violated or needed to improve
- Lists steps to bring performance to desired level;
- Includes time frame for completion;
- Will identify how the supervisor will assist employee to be successful
- Is a commitment between the employee and supervisor;
- Does not have consequences;
- DOES NOT include any language referencing future disciplinary action;
- Does not go in an employee's permanent file;
- A copy is given to the employee

### **Progressive Discipline: Overview/Notes**

- Progressive Discipline is a process for dealing with **job-related** behavior that does not meet **expected** and **communicated** performance standards
- The intent is **not to punish**
- Intended to **help** employees to overcome **performance problems**
- If performance does not improve, **progressive discipline** gives the agency substantial documentation to be used for termination

### **Four Goals**

1. Inform the employee of inadequacies in performance or the existence of improper behavior
2. **Clarify** what constitutes **satisfactory** performance
3. **Instruct** the employee on what **action** must be taken to correct the performance
4. **Inform** the employee that **failure** to correct the performance or behavior issue will result in future progressive disciplinary action as stated in the agency policy

**Mandates for Nevada**

**Progressive Disciplinary Procedures**

**NRS 284.383** Use of disciplinary measures; employee entitled to receive copy of findings or recommendations; classified employee entitled to receive copy of policy explaining information relating to disciplinary action.

1. The Commission shall adopt by regulation a system for administering disciplinary measures against a state employee in which, except in cases of serious violations of law or regulations, less severe measures are applied at first, after which more severe measures are applied only if less severe measures have failed to correct the employee's deficiencies.
2. The system adopted pursuant to subsection 1 must provide that a state employee is entitled to receive a copy of any findings or recommendations made by an appointing authority or the representative of the appointing authority, if any, regarding proposed disciplinary action.
3. An appointing authority shall provide each permanent classified employee of the appointing authority with a copy of a policy approved by the Commission that explains prohibited acts, possible violations and penalties and a fair and equitable process for taking disciplinary action against such an employee.

(Added to NRS by 1979, 1353; A 1995, 233; 2011, 1495)

**State of Nevada 5-Step Progressive Disciplinary process**

Discipline:	Disciplinary Action:
1. Oral Warning	3. Suspension
2. Written Reprimand	4. Demotion
	5. Dismissal

**Prohibitions and Penalties**

Give examples of behaviors or performance issues that would merit discipline

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Most agencies have a Penalties and Prohibitions Policy. (See example of POST's Policy concerning Penalties and Prohibitions.)

## Discipline

**NAC 284.650 Causes for disciplinary action.** (NRS 284.065, 284.155, 284.383) Appropriate disciplinary or corrective action may be taken for any of the following causes:

1. Activity which is incompatible with an employee's conditions of employment established by law or which violates a provision of NAC 284.653 or 284.738 to 284.771, inclusive.
2. Disgraceful personal conduct which impairs the performance of a job or causes discredit to the agency.
3. The employee of any institution administering a security program, in the considered judgment of the appointing authority, violates or endangers the security of the institution.
4. Discourteous treatment of the public or fellow employees while on duty.
5. Incompetence or inefficiency.
6. Insubordination or willful disobedience.
7. Inexcusable neglect of duty.
8. Fraud in securing appointment.
9. Prohibited political activity.
10. Dishonesty.
11. Abuse, damage to or waste of public equipment, property or supplies because of inexcusable negligence or willful acts.
12. Drug or alcohol abuse as described in NRS 284.4062 and NAC 284.884.
13. Conviction of any criminal act involving moral turpitude.
14. Being under the influence of intoxicants, a controlled substance without a medical doctor's prescription or any other illegally used substances while on duty.
15. Unauthorized absence from duty or abuse of leave privileges.
16. Violation of any rule of the Commission.
17. Falsification of any records.
18. Misrepresentation of official capacity or authority.
19. Violation of any safety rule adopted or enforced by the employee's appointing authority.
20. Carrying, while on the premises of the workplace, any firearm which is not required for the performance of the employee's current job duties or authorized by his appointing authority.
21. Any act of violence which arises out of or in the course of the performance of the employee's duties, including, without limitation, stalking, conduct that is threatening or intimidating, assault or battery.
22. Failure to participate in an investigation of alleged discrimination, including, without limitation, an investigation concerning sexual harassment.
23. Failure to participate in an administrative investigation authorized by the employee's appointing authority.

[Personnel Div., Rule XII § D, eff. 8 11 73]—(NAC A by Dep't of Personnel, 10 26 84; 7 22 87; 12 26 91; 7 1 94; 11 16 95; R031 98, 4 17 98; A by Personnel Comm'n by R065 98, 12-07-2006)

**NAC 284.638 Warnings and written reprimands.** (NRS 284.065, 284.155, 284.383)

1. If an employee's conduct comes under one of the causes for action listed in NAC 284.650, the supervisor shall inform the employee promptly and specifically of the conduct.
2. If appropriate and justified, following a discussion of the matter, a reasonable period of time for improvement or correction may be allowed before initiating disciplinary action.
3. In situations where an oral warning does not cause a correction of the condition or where a more severe initial action is warranted, a written reprimand prepared on a form prescribed by the Division of Human Resource Management must be sent to the employee and a copy placed in the employee's personnel folder which is filed with the Division of Human Resource Management.

[Personnel Div., Rule XII § A, eff. 8-11-73; + Rule XV part § A, eff. 8-11-73; A 6-9-74; 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 11-16-95; A by Personnel Comm'n by R056-10, 10-26-2011)

**Progressive Discipline Steps**

(Please note that the steps may vary from agency to agency. Have participants refer to their agency policy concerning acceptable steps.)

**Step 1: Counsel/Coaching**

This is to clarify expectations and make sure the employee understands and is fully aware of job and behavior expectations. (See example Employee Coaching/counseling Worksheet Handout)

**Step 2: Discipline**

Verbal Warnings (See example Verbal Warning Form)

Written Reprimands (See Written Reprimand samples)

**Step 3: Disciplinary Action** (See POST's Prohibitions and Penalties Policy)

Suspension without pay

Involuntary demotion

Dismissal

**Written Reprimands**

Written Reprimands should include the following information:

- When can suspension without pay take place
- What are the parameters
- When can involuntary demotion be used as a disciplinary action
- When can dismissal take place

**Just Cause**

Just cause includes the conditions that must exist for discipline to be considered valid and supportable.

**1. Notice**

- Ø Did the employer give the employee forewarning or foreknowledge of the possible or probable consequences of the employee's conduct?
- Ø Was the notice given in writing?

**2. Reasonable Rule or Order**

- Ø Was the employer's rule reasonable related to the orderly, efficient, and safe operation of the employer's business?

Ø Was the standard of performance reasonable?

**3. Investigation**

Ø Did the employer, before administering the discipline to an employee, make an effort to discover whether the employee did in fact violate or disobey a rule of management?

**4. Fair Investigation**

Ø Was the employer's investigation conducted fairly and objectively?

**5. Proof**

Ø At the investigation, did the investigator obtain substantial evidence or proof that the employee was guilty as charged?

**6. Equal Treatment**

Ø Has the employer applied its rules and penalties evenhandedly and without discrimination to all employees?

**7. Penalty**

Ø Was the degree of discipline administered by the employer in a particular case reasonable related to the seriousness of the employee's proven offense?

**Disciplinary Interviews**

These are simply suggestions. Make sure to always follow agency policy and procedure.

**Before the meeting:**

**I. Identify the gap between what is expected and what is delivered**

A. Review the Work Performance Standards

1. Does the employee have the ability?
2. Does the employee have the tools/resources?
3. Does the employee have the authority?

B. Misconduct: A violation of NRS, NAC, Prohibitions and Penalties, or Agency Policies and Procedures

1. Did the employee clearly understand the rule or policy that was violated?
2. Did the employee know in advance that such conduct would be subject to disciplinary action?
3. Is there substantial evidence that the employee actually did violate the rule or policy?

**II. Identify good organizational reasons for resolution**

A. Was the rule that was violated reasonably related to the safe, efficient, and orderly operation of the agency?

B. How does it affect others in your Agency or Department?

1. Morale
2. Productivity
3. Safety
4. Efficiency

C. What is the effect on the environment or facility?

**III. Identify the consequences to the employee if the problem is not corrected**

A. Merit salary increase, longevity pay,

B. Opportunities for promotion,

C. Opportunities for training, etc.

**IV. Determine the appropriate action to be taken**

- A. What is the seriousness of the offense?
  - 1. Does it affect safety or security?
  - 2. Is there a past history of documented discipline with the employee?
- B. Were there any violations of agency "Prohibitions or Penalties?"
- C. Has the employee had proper training and/or counseling?
- D. Has the employee had a reasonable chance to improve?
- E. Has the employee given warning of the seriousness of misconduct?
- F. Have you consulted anyone before making a decision or taking action?
  - 1. For support of you action
  - 2. To make sure you are being consistent with similar infractions and situations
  - 3. Options:
    - a) Management
    - b) Personnel Officer
    - c) Deputy Attorney General
    - d) Other? \_\_\_\_\_

**V. Decide where to hold this confidential meeting.**

- A. In a private location without interruptions

**VI. Identify other resources for consultation**

- A. Employee Assistance Program referral?
- B. Others?

**VII. If your decision includes a progressive disciplinary response then complete the appropriate forms and paperwork**

- A. Oral Warning
- B. Written reprimand

**Supervisor Informal Checklist:**

- ü Identify statutes or regulations violated
- ü Visit the work area involved if applicable. Make sure you know all the conditions that may have influenced the violation
- ü Determine if there were any witnesses. Talk with these individuals as soon as possible to keep the facts clear in their memory. Request reports from witnesses. Insure the statements clearly describe the "who, what, where, when, why," and any other specific information.
- ü Make sure that the agency has consistently applied any rule, policy, or standard that was violated
- ü Attempt to ascertain if there have been prior disciplines concerning the exact same facts and what was the decision
- ü Obtain all evidence/facts related to the violation
- ü Discuss with higher-level officials
- ü Provide a timely response, either in written or verbal, depending on the outcome.

**Written Reprimand**

**The Form (NPD-52) or agency specific**

1. Date of the incident (or knowledge of).
2. The specific cause(s) for the reprimand: the specific rules violated or the performance problem that occurred.
3. Reference the previous oral warnings, or any other training or counseling the employee received about appropriate work performance.
4. A statement outlining the specific improvement in work performance or behavior expected, and a time limit in which the improvement must occur.
5. A statement that if the employee does not correct the problem, the supervisor will follow the state's progressive disciplinary guidelines, as they are outlined in the Nevada Administrative Code.

Notes:

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# STATE OF NEVADA WRITTEN REPRIMAND

NAME :	EMPLOYEE ID # :	BUDGET ACCOUNT # :
DEPARTMENT :	DIVISION :	
SECTION :	SUPERVISOR :	DATE :

A copy of this written reprimand will be placed in the employee's personnel folder maintained by the Division of Human Resource Management in accordance with NAC 284.638.

### STATEMENT OF SUPERVISOR

\_\_\_\_\_  
Supervisor's Signature \_\_\_\_\_  
Title

\_\_\_\_\_  
Employee's Signature \_\_\_\_\_  
Date  
*(Signature acknowledges receipt of reprimand only)*

\_\_\_\_\_  
Appointing Authority Review \_\_\_\_\_  
Date

**Group Activity**

**WRITTEN REPRIMAND**

NAME: John J. Employee	Employee ID#: 1111	Budget Account #: 9999
DEPARTMENT: Personnel	DIVISION: Field Services	
SECTION: 8	SUPERVISOR: Mike Mean	DATE: 03/13/12

A copy of this written reprimand will be placed in the employee's personnel folder maintained by the Division of Human Resource Management in accordance with NAC 284. 638.

**STATEMENT OF SUPERVISOR**

In your group, construct a Letter of Reprimand based on the following facts:

1. Employee has been counseled on two separate occasions addressing unprofessional conduct toward the public and co-workers. First counseling was December 10th and the second was January 15th.
2. Employee received an Oral Warning on February 1st after the two previous counseling sessions.
3. Employee was instructed to review Agency Policies and Procedures pertaining to acceptable conduct within the workplace.
4. Employee reviewed policies and procedures with you and signed that he read and understood what was expected of him.
5. On February 18th, the employee was observed exhibiting unprofessional conduct toward one of his co-workers.

***Remember to use clear concise statements and objective facts.***

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Employee's Signature  
*(Signature acknowledges receipt of reprimand only)*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Appointing Authority Review

\_\_\_\_\_  
Date

02/13  
NPD-52



### **During the interview:**

Get right to the point

**State the specific performance problem**

Review progressive disciplinary policy

Discuss the steps already taken

Give the employee time to respond and listen carefully to what the employee has to say

State the level of progressive discipline being issued and why

Obtain signature of employee on the appropriate form(s). If the employee refuses to sign have a witness sign.  
Employee receives a copy

Explain in detail the behavior you expect from the employee

A warning to the employee if performance/behavior does not improve further progressive disciplinary action may be taken

Obtain a firm commitment from the employee to meet your expectations.

Insist on an action plan. (How will they do it? What support will you provide?)

Emphasize your belief that the employee can improve

Make sure the employee knows that you will be writing a memo summarizing the interview as documentation

Assure the employee that you will provide appropriate feedback and guidance and be specific about how you will do this

### **After the interview:**

- Review your notes and make sure all relevant information is documented:
- The discussion
- Any previous discussions with exact dates
- Desired performance versus actual performance
- Statement of employee's agreement
- Warning that further progressive disciplinary action may be taken if performance/behavior does not improve.

Make sure the employee receives a copy of the goals, deadlines, and any other pertinent information discussed in the meeting.

**ORAL WARNINGS:** Remember to take notes and summarize the meeting. Provide the employee with a copy of the summary

Monitor the employee's behavior for improvements.

If the employee has improved, praise the employee and provide positive feedback

If the employee has not improved, consult your management for further action.

### **Document any improvement or failure to improve**

## Terminating an employee

Things to think about:

- Follow Policy
- Document every step
- Act without haste
- Allow employees dignity
- What do others need to know?
- The termination process is not easy and can be painful for any organization. However, not firing an employee who needs to be fired, can do more harm than good in the long run.

### State Employees

**NRS 284.385 states, "Dismissals, demotions and suspensions.**

1. An appointing authority may:
  - (a) Dismiss or demote any permanent classified employee when the appointing authority considers that the good of the public service will be served thereby.
  - (b) Except as otherwise provided in NRS 284.148, suspend without pay, for disciplinary purposes, a permanent employee for a period not to exceed 30 days.
1. Before a permanent classified employee is dismissed, involuntarily demoted or suspended, the appointing authority must consult with the Attorney General or, if the employee is employed by the Nevada System of Higher Education, the appointing authority's general counsel, regarding the proposed discipline. After such consultation, the appointing authority may take such lawful action regarding the proposed discipline as it deems necessary under the circumstances.
2. A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the dismissal, involuntary demotion or suspension and the reasons therefor. The notice may be delivered personally to the employee or mailed to the employee at the employee's last known address by registered or certified mail, return receipt requested. If the notice is mailed, the effective date of the dismissal, involuntary demotion or suspension shall be deemed to be the date of delivery or if the letter is returned to the sender, 3 days after mailing.
3. No employee in the classified service may be dismissed for religious or racial reasons.

[49:351:1953]—(NRS A 1963, 1049; 1977, 991; 1993, 2092; 2011, 1495)

**INFORMATIONAL NOTE: SAM 1702.0 provides: "Prior to the imposition of any suspension, demotion or termination of an employee, an appointing authority must first consult with the Attorney General regarding the proposed discipline."**

Know your agency policy and procedure regarding dismissals, demotions, and suspensions.

## Conducting a Disciplinary Interview

Choose two participants. Have one participant role play as the employee and the other as the supervisor. Have the whole class discuss the interview when completed.

### Situation:

Officer Listing has been working for Wannabe PD for three years. Overall he is a good employee; however, he is habitually careless when it comes to paperwork. His last supervisor covered for him by doing his paperwork for him.

Officer Listing was transferred to your department six months ago. Within the first week of moving over to your department, he failed to file the correct paperwork concerning his overtime. As his new supervisor, you counseled Officer Listing concerning the importance of filing the right paperwork and doing it in a timely manner. You walked him through the process and showed him where to access the proper forms. You made it clear to him that this was his responsibility and future lapses would be dealt with as a disciplinary matter. Officer Listing was receptive and assured you he would follow procedure.

On July 1, 2012, Officer Listing filed his overtime paperwork to you minutes before it was due. A quick glance tells you that the times and dates are not correct. Officer Listing replies that he knows he worked five hours of overtime he just doesn't remember the exact dates and times. He stated he didn't think it really mattered. Under policy, this is classified as negligent falsification of overtime records. You make it clear to Officer Listing that he is being given an oral warning and if he negligently files his paperwork again, he will be issued a written reprimand.

According to Wannabe PD policy under prohibitions and penalties, the penalties for negligent falsification of time and attendance records are oral warning (1st offense), written reprimand (2nd offense), suspension without pay (third offense), demotion (fourth offense), and dismissal (fifth offense).

On July 17th, Officer Listing once again filed his overtime paperwork with incorrect times and dates. This is his second offense. You have written a letter of reprimand and are now preparing to conduct an official disciplinary interview with Officer Listing.

## Legal Issues

Avoid common discipline mistakes

- Discrimination - Make sure all employees are given **fair** and **equal treatment**
- Defamation of Character – A statement about an employee or previous employee that is **false** and **injurious**
- Wrongful Discharge – Disciplinary action that is in violation of the agency's policies/procedures or contractual obligation.
- Constructive Discharge – Making an employee's work life so miserable they are forced to quit.

Written Reprimand:

1. Date of the incident
2. Specific cause
3. Reference previous warnings
4. Statement about improvement and timeline
5. Statement that if the employee does not correct the problem, the supervisor will follow progressive disciplinary guidelines

## NRS 284.390 (2)



## Future Trends

See article handouts—Education-Based Discipline: A New Approach and Education, not punishment, Creates a Better System

- Education-based Discipline (EBD)—Los Angeles County Sheriff's Office
- Alternative to traditional disciplinary suspensions
- The mission is to develop an individualized remedial plan with the involvement of the employee
- Based on the belief that excellence can only be attained through learning and practice
- EBD emphasizes education, training, and other creative interventions
- Employees are given a choice between suspension of pay or EBD
- All discipline, including EBD, is documented for purposes of progressive discipline

### AS A SUPERVISOR

YOU ARE RESPONSIBLE FOR SEEING THAT EACH EMPLOYEE KNOWS:

- The objectives of the job and of the work group
- The duties and tasks to be performed
- The accepted methods of accomplishing duties
- The standards of performance for the job
- How well the standards of performance are met
- How work can be improved and capabilities developed
- Policies, rules, and regulations that govern the work
- Proper conduct
- Good working relationships

### **What is Discipline?**

- Ø It is ensuring that employees follow the rules of conduct and policy established by agency management
- Ø Its ultimate goal is self-discipline or self-control. Ideally, discipline is the training that makes punishment unnecessary
- Ø Keep in mind that preventative action is preferable to corrective action. It frees you for doing your main job, getting the work done with and through your employees.

### **Therefore, our behavior becomes:**

- Ø Explaining the Rules
- Ø Modeling the Desired Behaviors
- Ø Establishing a Work Environment that encourages employee commitment
- Ø Fair enforcement of our employer's laws, rules, policies and procedures.

## **Discipline**

- To Train
- To Lead
- To Coach
- To Encourage
- To Communicate Behavior & Consequences

### **Conclusion**

- Always follow agency policy/procedures
- Document everything
- Be prepared
- Remember that progressive discipline should be a positive. It is an opportunity to help the employee to be successful. It should not be treated as an opportunity to punish.

## **Education, Not Punishment, Creates a Better System**

by Ted Hunt, Ph.D. (Retired LAPD)

Agencies are starting to learn that making officers suffer for their mistakes does not lead to positive change.

Discipline is one of the most important and controversial topics in laws enforcement. When the subject comes up, everyone pays close attention because it affects us all. Most law enforcement officers from the rank and file up to chiefs and sheriffs want personnel to comply with the “book” or the “manual” or whatever it is called in your agency.

Both association leaders and management report that only a handful of officers cause the majority of disciplinary problems, which means the vast majority of law enforcement officers are rarely subject to the disciplinary system.

But what happens when a good officer makes a mistake and is hit with severe punishment, typically a suspension without pay? It can turn a productive employee who has a positive attitude into a bitter one who becomes angry, unproductive and patiently waits to get revenge for what he or she feels is mistreatment by the department and management.

Law enforcement agencies work hard to ensure that the best candidates are selected and that they are well trained. But even the best of us can make a mistake. The underlying philosophy behind law enforcement discipline has long been the traditional “burn’em to learn’em” concept. That means punish the officer severely so he or she won’t repeat the same mistake. But the reality is a suspension harms the officer’s family as much as it does the officer.

We need to ask the obvious question. Does discipline mean punishment? And is there real value in the current punishment methodology? There are significance differences between discipline and punishment although the two terms are often used synonymously. Discipline means you learn from your mistakes. Punishment means you suffer for your mistakes.

The crux of the problem is that punishment does not work if you expect to improve performance. A coach cannot punish athletes into world class performance. Instead, effective coaches teach, educate, and train, as opposed to punishing, which rarely if ever leads to outstanding performance.

When it comes to economic punishment, many officers find ways to avoid it. Some turn to secondary careers during the suspension period, which negates the financial burden. Others have insurance policies which reimburse them for suspended days off, which also negates the impact of punishing by withholding pay. The most likely outcome the agency can count on from withholding pay is that the officer will become bitter and alienated from the agency.



Punishment is more focused on past misbehavior than on changing future behavior, which should be the goal of the program. There should be a rational link between what the agency plans to do (proposed discipline) and what was done (the misconduct). When you think about it, there is no rational link between officer misconduct and taking away that officer's pay.

Some law enforcement organizations around the country are starting to discuss ways they can improve the disciplinary system and move away from the punishment model. In California, Lee Baca, the sheriff of the Los Angeles county Sheriff's Department, is undertaking an impressive effort to change the way his deputies are disciplined. The innovative system provides an alternative to the traditional approach of suspension without pay.

Called "Education Based Discipline" or "EBD" for short, the program seeks to prevent the negative outcomes that exist with the present system, including the stigma of being ineligible for promotion and the inability to transfer. EBD is centered on the theory that people cannot be punished into excelling in life. Excellence can only be attained through learning and practice. For example, athletes who excel usually have superior knowledge, skills and abilities which have been taught and developed by coaches. Achievement also results from a desire within the athlete to excel.

All research available shows us that punishment rarely led to that kind of performance. Because physical and mental abuse rarely results in a positive change in behavior, education based discipline focuses on providing information and teaching new skills to the offending officer so they will be able to better handle a similar situation the next time it occurs. One of the key things that must happen to elicit a change in behavior is to show respect to the officer, their family, and the system.

Another way to show respect is to make it clear to the offending officer that they have a choice in terms of what form of discipline they will experience. EBD gives an officer the option of participating in behavior-focused education and training, or sticking with the traditional system of suspension without pay. Another exciting expectation is that EBD will help reduce management-employee conflict.

Officers opting for the new system will avoid becoming bitter and unmotivated. In addition, cash-strapped agencies and unions should see significantly reduced legal representation costs.

## **Education-Based Discipline: A New Approach**

by Capt. Mike Parker, LA County Sheriff

The young deputy shifted in his seat and looked nervously from side to side in a room full of his peers. Finally, he grimaced, raised his hand and somberly asked his question to the elected leader of the nation's largest sheriff's department: "Our Core Values include treating all people with fairness and dignity, even criminals. Yet when it comes to disciplining our own personnel, why doesn't fairness apply to us too sir? I made a mistake. We all make mistakes. I admitted my error and agreed that there should be consequences for my actions. Yet, when I was suspended without pay, my wife and children were also punished for my mistake. Isn't there a better way?"

Sheriff Lee Baca agreed. He had heard comments like these for over a decade as sheriff. He responded recently by writing to the highest ranking members of the Los Angeles county Sheriff's Department (LASD). He said: "Effective discipline should not debilitate the affected deputy," and "ineffective discipline is when we fail to be fair."

He went on to assemble a diverse project team of LASD experts, then announced the inception of Education-Based Discipline (EBD) as an option to disciplinary suspensions. Rights are preserved while employees choose between suspension of pay or EBD. In describing the need for this dramatic change he said, "Employees are led to the muddy waters of punitive discipline and made to drink, and then they get sick. Some are sick for the moment, and for some it takes a lifetime to cure."

## **What Discipline Isn't**

Discipline isn't supposed to be punishment. Its purpose is to work to ensure effective operation through employees compliance with acceptable rules of conduct and performance. The vast majority of employees nationwide remain with their departments long after discipline is imposed, and for many, their perception of disciplinary fairness will be seen in their future perspective and productivity. Sheriff Baca's view is that "Our leadership values require us to believe that until a deputy leaves our service, he or she will always be our responsibility."

## **What is Education-Based Discipline (EBD)?**

EBD is an innovative alternative to traditional disciplinary suspensions. EBD reduces management-employee conflict and embitterment that results from withholding employees pay. Instead, offering optional behavior-focused education and training department-wide, enhance communication, character competence and trust. The Mission of EBD is to develop an individualized remedial plan with the involvement of the employee, that emphasizes education, training, and other creative interventions thereby promoting a more comprehensive and successful outcome.

**GUIDELINES FOR DISCIPLINE  
AND  
EDUCATION-BASED ALTERNATIVES**



**Los Angeles County Sheriff's Department**  
*A Tradition of Service Since 1850*

Leroy D. Baca, Sheriff

(Revised 05/06/2009)

# **GUIDELINES FOR DISCIPLINE AND EDUCATION-BASED ALTERNATIVES**

## **PURPOSE AND INTENT**

This document is a guideline designed to assist supervisors, managers and executives in deciding when and how to impose discipline. It sets forth general practices and policies of the Department that should be followed in consultation with appropriate units such as the Internal Affairs Bureau (IAB), Employee Relations (ER) Unit, Advocacy Services Unit, Equity Unit and Office of Independent Review (OIR). It also serves to notify employees of departmental policy and practice relating to discipline. It establishes procedural requirements which should be met in order to properly impose discipline.

The purpose of discipline is to ensure effective and efficient departmental operations and employee adherence to reasonable and acceptable rules of performance and conduct.

In instances of either unacceptable conduct or performance, it becomes the responsibility of managers to impose the discipline. For the most part, such discipline should be corrective in nature and designed to impress upon the employee and the overall work force the necessity for proper conduct and performance. However, some misconduct is either not correctable through discipline or immediately renders the individual unsuitable for continued employment. In these cases, other options, including discharge, must be considered.

*\*Note: The procedures for reporting and investigating potential violations of the Policy of Equality are set forth solely in the Policy of Equality and associated Procedures, and supercede the procedures set forth in the Guidelines for Discipline. The Equity Oversight Panel (EOP) or any other entity authorized to make determinations with regard to discipline for violations of the Policy of Equality shall use the Guidelines for Discipline to assist them in making their determinations. If you have any questions regarding the Policy of Equality, please refer to Manual sections 3-01/121.00 through 3-01/122.25, or call the Ombudsperson's Office at (626) 300-3180.*

## **NON-DISCIPLINARY ACTIONS**

Not all inappropriate behavior will require imposition of discipline. In some cases non-disciplinary action, such as counseling accompanied by documentation in a performance log, may be more appropriate. An employee counseling or other non-disciplinary action should take place as soon after the unacceptable behavior or poor performance is first noted. The purpose of non-disciplinary action is to inform the employee of a potential problem which may result in discipline if it continues; and to help correct the problem before it becomes significant and/or to advise the employee of expected behavior.

## **DISCIPLINARY ACTION**

### **Progressive Discipline**

After the non-disciplinary approach is used or in some initial instances of misconduct or poor performance, the manager must impose discipline. Generally, discipline will follow a "progressive-step method." This method attempts to correct, resolve or remove the employee's performance problem or misconduct at the lowest, most effective level. It should be imposed when the manager can reasonably anticipate that the discipline will be effective.

The formal disciplinary steps from least to most severe are:

Written Reprimand  
Suspension  
Salary Step Reduction\*  
Bonus Removal  
Reduction  
Discharge

- \* In situations where the appropriate level of discipline is a 10 day or greater suspension, a manager may offer a step reduction approximately equivalent to the number of days of the suspension. An employee may also request a step reduction in lieu of a suspension.

It is not necessary to have imposed each lower step of discipline prior to imposing a given level. Circumstances may call either for by-passing or imposing repetitive discipline. Some factors, which may alter the progression, are the seriousness of the offense, the frequency or length of time between occurrences, or the attitude of the employee, especially his/her attitude regarding the most current incident (Please refer to the subsection - Steps for Disciplining).

### **Non-Progressive Discipline**

There are some acts of misconduct, which by their nature, are not appropriate for progressive discipline. These are conduct problems which the employee should have reasonably known to be unacceptable, without specific notice from the Department, or which are generally socially unacceptable.

Such behavior may include, but is not limited to, fraternization with inmates, drug usage, dishonesty, thievery, violent behavior, insubordinate behavior, or behavior which is illegal or places the individual or the Department in violation of federal, state or local laws, or court orders.

These acts may result in relatively harsh discipline, even discharge, without the use of progressive discipline.

## **UNACCEPTABLE OFF-THE-JOB CONDUCT**

An employee can be subjected to discipline for off-duty incidents. Where an employee's off-the-job conduct is related to and impacts the Department's operation or the employee's ability to perform competently, discipline up to and including discharge may be warranted.

Off-the-job conduct may also be subject to discipline when it is deleterious to the Civil Service system or County government without being specifically related to the job function or departmental operations. For example, an employee who cheats in a Civil Service examination or falsifies Civil Service examination applications is subject to disciplinary action up to and including discharge.

## **UNACCEPTABLE ON-THE-JOB BEHAVIOR**

Failure of an employee to perform his or her assigned duties so as to meet stated or implied standards of performance may constitute adequate grounds for suspension, reduction or discharge.

When based upon specific acts or omissions, grounds for discipline for noncompliance to standards may include, but are not limited to, qualitative as well as quantitative elements of performance such as failure to exercise sound judgement; failure to report information accurately and completely; failure to deal appropriately with the public; and failure to make productive use of human, financial and other assigned resources. Grounds for discipline may also include any behavior or pattern of behavior which negatively affects an employee's productivity or any behavior or condition which impairs an employee's qualifications for a position or for continued County employment. Such a pattern of behavior must be based upon specific acts or omissions and cannot be based on a mere subjective evaluation or feeling. An additional area of unacceptable conduct is excessive absences. An unreasonable number of absences over a significant period of time may result in an Unsatisfactory Performance Evaluation.

## **DECISION TO DISCIPLINE**

The imposition of the proper discipline stems from a determination of the facts, an evaluation of whether the facts reflect the employee misconduct, a judgment on the significance of the misconduct and the proper disciplinary action response. The determination of the facts always involves an investigation. The extent of the investigation is determined by the nature and seriousness of the allegations, performance problem or misconduct involved.

The evaluation of the facts shall be done prior to the imposition of any discipline. Any alleged misconduct must be analyzed and investigated. Misconduct may result from violations of Civil Service Rules, Departmental policies, federal law, state law and local ordinances.



Finally, the judgment of whether discipline is appropriate should be based upon several factors.

1. Seriousness of the offense; the impact, actual or potential, upon the department and/or the community.
2. The length of service and overall performance of the employee.
3. The attitude and culpability of the employee.
4. Previous discipline and the length of time since imposed.

### **PRE-DISPOSITION SETTLEMENT AGREEMENTS**

Pre-Disposition Settlement Agreements (PDSA) are an alternative method to a full investigation when conditions are right, especially when an employee readily acknowledges his/her error, wants to conclude the matter promptly, and the issue is not a serious policy violation. In addition to the matter being closed far more quickly, less investigatory time is needed. In the end, a fair process was implemented, the truth was documented, there is far less delay in the resolution, less resources were necessary to document what was known from the onset, and the employee's rights were preserved.

Founded cases which are not suitable for a PDSA include proposed discipline which would require executive force review, case review (a suspension of 16 days or more, discharge or demotion), removal from a Bonus position, and/or violations of the Policy of Equality.

A PDSA must have the approval of the employee's Unit Commander, Commander, and Chief along with the approval of the subject employee. The subject must accept responsibility for his/her actions, and must either write a responsibility memorandum or be interviewed on tape acknowledging the conduct. Refer to the Department's policy regarding the requirements for consulting with Employee Support Services Bureau for alcohol related discipline. The PDSA will be processed as required by IAB. This includes that the unit commander must contact and obtain concurrence from the IAB Captain regarding the proposed settlement agreement.

The ultimate decision on the determination of discipline rests with Departmental executives. However, the Department has agreed to consult with the Office of Independent Review (OIR) before committing to a disciplinary determination. Therefore, before presenting a PDSA proposal to the employee, the unit commander should consult with OIR regarding the provisions of the proposed agreement.

Each PDSA must include an offer of Education-Based Discipline (EBD) which follows the EBD guidelines (page 10). If accepted, the EBD plan is included in the PDSA. The

employee may decline EBD. However, if EBD is declined, the employee must be suspended for the amount of time indicated in the PDSA, without any suspension days held in abeyance.

### **RESPECT BASED DISCIPLINE**

After determining the preliminary findings of a "founded" administrative investigation (not involving a "Policy of Equality" violation), the unit commander shall personally meet with the subject employee for a Respect-Based Discipline (RBD) briefing session. This will take place before the "letter of intent to administer discipline" is presented. During the RBD briefing session, the unit commander:

1. shall not question the subject employee about the case (to ensure there are no Peace Officer's Bill of Rights or other employee rights issues).
2. will give the subject employee a CD ROM case file copy and the advisement/receipt form to sign (original to case file, copy to employee)
3. shall explain the Department's reasoning and concerns about the case and:
  - a. notify the subject that he/she may have ten business days to review the case file copy and respond to the unit commander in writing with any further information that might affect the outcome, if the employee wishes.
  - b. shall advise the employee that the written response should contain any additional information that he/she feels is relevant to the findings or the potential level of discipline
  - c. should mention to the employee he/she could consider discussing it with his/her representative if he/she chooses to
  - d. should mention the option of Education-Based Discipline (completed on duty) in lieu of suspension days without pay (the suspension will still be reflected on the employee's personnel record). The employee may request a specific EBD plan for himself/herself, but the unit commander will ultimately make the decision about the EBD plan to be offered.
4. Upon receipt of a subject employee's written response, the unit commander (division chief if it is 16 days or more) shall review and assess the information/input, and place it into the case's exhibit section. If he/she feels that additional investigation is warranted, he/she shall order it to be done.
5. Having evaluated the subject's input, as well as results of any additional investigation, the unit commander shall make a final discipline decision about the findings and the level of discipline. He/she shall notify the



subject of the final result verbally in person and, if still applicable, shall advise the subject that a "letter of intent to administer discipline" explaining the findings as well as the grievance process is forthcoming.

The RBD process enhances fairness, truth and trust. This is accomplished by working to ensure that all relevant facts and input are available to the discipline decision-makers before a "letter of intent to administer discipline" is presented. While preserving all employee rights including grievance rights, RBD enables a subject employee:

1. to better understand the allegations and the decision-maker's preliminary findings.
2. an opportunity to provide input over and above their responses to official interview questions.
3. the opportunity to enhance the perspective of the decision-maker by giving him/her the chance to hear facts and input offered by the subject before the grievance stage.
4. an opportunity for an employee to suggest their own EBD plan.

## **APPROPRIATE DISCIPLINE**

### **1. Written Reprimand**

A written reprimand is the lowest form of formal discipline and is normally issued when the incident impacts upon office or departmental operations, or when prior non-disciplinary actions have not corrected the pattern of behavior or performance. It is suggested that it:

- a. Describe or document the misconduct and its lack of acceptability;
- b. Identify previous counseling or discipline;
- c. Reference the expectations for future performance or conduct;
- d. Identify the disciplinary consequences of repetition, continuation, or lack of improvement;
- e. Incorporate the employee's stated reasons for his/her actions.

### **2. Suspension**

A suspension without pay, for disciplinary purposes, may not exceed 30\* calendar days in length, and may not be used in conjunction with a reduction or bonus removal.

\*However, under Civil Service Rule 18.01, when a suspension without pay results from a criminal complaint charge or indictment filed against the employee, the period of suspension may exceed 30 days and continue until final adjudication of the criminal matter.

3. **Bonus Removal \***

The following is the exit criteria which applies to all bonus level positions:

- Substandard performance
  - a. Requires counseling as to areas of deficiency.
  - b. Requires three months minimum time at bonus level in which to improve.
- Disciplinary - Result of founded administrative investigation
  - a. May be removal criteria based on seriousness and extent to which the conduct reflects the failure to perform to standards.
  - b. Shall be used in conjunction with overall evaluation of employee competency in bonus position.

\* Must proceed in accordance with the Protective Survey Procedural Guidelines.

4. **Reduction**

A reduction is a lowering of an employee's rank (classification) or grade. As used in this manual, reduction and demotion are synonymous.

As with the imposition of all discipline, an employee may be reduced for proper cause. Such reasons must be stated in writing and include specific grounds and facts upon which a reduction is based. Under appropriate circumstances, an employee may be reduced after he/she has completed a first probationary period. Reduction is appropriate only if there is reason to believe that an employee will function adequately on an available lower level position. Reduction may also be appropriate for consideration in cases involving inefficiencies which are not serious enough for discharge.

5. **Discharge**

A discharge means the complete and final separation from the Department for cause. Discharges occur when prior discipline has not corrected the employee's unacceptable behavior or performance, or in circumstances where the misconduct has rendered the individual immediately unsuitable for further employment, or where it can be reasonably anticipated and demonstrated that a lesser disciplinary action will not correct the employee's conduct.

**EVALUATION AND IMPOSITION OF APPROPRIATE DISCIPLINE**

The gathering and evaluation of facts regarding an employee's alleged misconduct shall be done objectively, thoroughly, and as quickly as possible. The evidence being

considered should be relevant to establishing or disproving the occurrence of misconduct.

Disciplining an employee should be an impartial step taken with the intent of correcting the misconduct or poor performance before it becomes more severe or an incorrigible pattern. Discipline should be imposed as soon as possible after the incident or problem occurred.

When discipline is imposed consistent with the information in this document, it will meet County rules and regulations and is more likely to stand up to the scrutiny of reviewing bodies such as the Civil Service Commission.

### **DETERMINING DISCIPLINE WHEN MULTIPLE VIOLATIONS OCCUR**

Many times a single act of misconduct will violate several sections of the Manual. If the additional violations only amount to "lesser included offenses" they should not be used in the final disposition. However, there are cases in which multiple offenses, that are separate and distinct violations, occur within a single incident. For example, the use of unreasonable force and the failure to report the use of force are multiple violations stemming from a single incident. In this case both Manual violations should be addressed in determining the level of discipline.

Multiple acts of misconduct may result in discharge even though the "standard range" of discipline for the individual acts does not include discharge. Such "multiple acts" may occur during a single continuing event, contiguous events, or may result from additional misconduct occurring prior to the imposition of discipline on another violation. In such cases, managers should consider the totality of the circumstances when making their decisions.

### **DISCIPLINE FOR SUPERVISORS OR MANAGERS**

A supervisor or manager may be reduced in rank for any misconduct which relates to supervisory or managerial responsibilities, even though the "standard discipline" calls for a suspension.

## **MANAGEMENT'S ROLE**

Before any potential disciplinary action is considered, the following points shall be followed:

1. Investigate and consider all sources of relevant information (facts, not opinions).
2. Verify information.
3. Consult with appropriate supervisor(s) involved.
4. Analyze facts thoroughly and objectively. You should consider:
  - Intent
  - Past performance
  - Degree of culpability
  - Disciplinary history
  - Truthfulness
  - Severity of infraction
  - Acceptance of responsibility
  - Other factors \*

\* For example, a manager may consider the following issues resulting from an employee's actions or omissions:

  - a. The liability or potential liability incurred by the County;
  - b. The jeopardy to public safety; and
  - c. The harm or risk of harm to persons or property.
5. Summarize the matter in writing.

Mitigating and aggravating circumstances serve to justify the level of discipline imposed. Most disciplinary actions in a given category are expected to be in the "Standard Range." The standard range has been developed to be appropriate discipline for violations most likely to occur in this category. However, there will be cases where the mitigating and aggravating circumstances surrounding the behavior are of such magnitude that the manager feels the situation supports a level of discipline higher or lower than the standard range.

## **EDUCATION-BASED DISCIPLINE AS AN OPTION**

*"Employees are led to the muddy waters of punitive discipline and made to drink, and then they get sick. Some are sick for the moment, and for some it takes a lifetime to cure." - Sheriff Leroy D. Baca*

The purpose of discipline is to work to ensure effective operations through employees compliance with acceptable rules of conduct and performance.

Education-Based Discipline (EBD) is an innovative alternative to traditional disciplinary suspensions. It can reduce management-employee conflict and embitterment that may result from withholding employees' pay. Instead, offering optional behavior-focused education and training department-wide enhances communication, character, competence and trust.

The Mission of EBD is to develop an individualized remedial plan with the involvement of the employee, that emphasizes education, training, and other creative interventions thereby promoting a more comprehensive and successful outcome.

EBD is an option to disciplinary suspensions. Employee rights are preserved while employees choose between suspension of pay or EBD. If an employee accepts EBD, he/she must waive their rights to a grievance, and complete all conditions of the EBD Agreement within the specified time period, or will be required to serve the full suspension and loss of pay. EBD or not, all discipline is documented for purposes of progressive discipline.

The EBD "Discipline and Education Guide" (final section of this handbook) helps unit commanders to create an individualized EBD plan, while also allowing for employee input. It links behaviors with "Action Items Menus" of education options which are posted and updated on the EBD Intranet website. The menus list a multitude of suggested classes and action item options including the LASD Deputy Leadership Institute, 7 Habits of Highly Effective Law Enforcement (FranklinCovey), and writing a paper on what was learned. The LIFE (Lieutenants Interactive Forum for Education) class is a LASD decision-making class that is a mandatory part of every employee's EBD plan. While each employee can design and request his/her own EBD plan, the unit commander makes the final decision as to the employee's EBD plan.

The ultimate decision on the determination of discipline rests with Departmental executives. However, the Department has agreed to consult with the Office of Independent Review (OIR) before committing to a disciplinary determination. Therefore, while formulating both the traditional disciplinary determination and the EBD proposal, the unit commander should consult with the OIR.

The unit commander shall offer EBD to all disciplined employees through an EBD Proposal as outlined on page 15 except those involving progressive discipline. In discipline cases involving progressive discipline, EBD might be offered. Discipline that



includes termination of employment or demotions are not eligible for EBD. Policy of Equality violations are not eligible, while alcohol-related violations require the unit commander to confer with Employee Support Services (refer to Department policy).

## **EBD DEFINITIONS**

### **Action Items Menu**

There are six Action Items Menu which provide recommended EBD classes and independent study options (refer to pages 16 and 21). EBD is completed on-duty.

### **LIFE Class**

The LIFE (Lieutenants Interactive Forum for Education) decision-making class is the foundational course for EBD. Each and every employee, who participates in EBD, regardless of the number of suspension days, shall attend the eight hour LIFE class as a component of EBD.

### **EBD Education Credits**

Each suspension day requires the completion of at least one EBD credit. Each four hours of EBD training equals one credit.

### **EBD Evaluation**

Each employee participating in EBD completes an EBD Evaluation. The EBD evaluation is a written memorandum in which the employee reflects upon their experience with the EBD process.

### **Independent Study**

This is an option for EBD which may not involve classroom training. Credit for independent study needs to correlate with the amount of time an employee should spend on it. For example, if an employee is expected to spend twelve hours completing an independent study project, the employee should be given three EBD credits. This is consistent with the credit amounts awarded for classroom training.

Examples of independent study are as follows:

- An employee voluntarily agrees to prepare and present a briefing to co-workers regarding the circumstances regarding his/her conduct resulting in the participation in EBD. The unit commander can assign an EBD credit value of one or more credits depending on the time, effort, quantity and relevance of the briefing(s).

- An employee voluntarily agrees to prepare an in-depth topic specific research paper. The paper will be relevant to the behavior that resulted in his/her participation in EBD. The unit commander can assign one EBD credit for each four hours (on-duty) that an employee spends preparing the research paper.
- The employee voluntarily agrees to participate in a community based activity which is related to the circumstances regarding his/her conduct resulting in their participation in EBD. The unit commander can assign one EBD credit for each four hours (on-duty) that an employee spends providing community service.

The following Tables 1 & 2 are exemplars of how EBD is to be utilized for the indicated number of suspension days. The unit commander makes the final decision as to the classes and action items in the employee's EBD plan.

<b>Table 1</b>		
<b>Possible EBD Alternatives for Suspensions</b>		
<b>Suspension Days</b>	<b>Minimum Credits*</b>	<b>Maximum number of unpaid suspension days to be imposed in addition to EBD</b>
1 - 10 Days	1 - 10 Credits	EBD shall be offered for days 1-10 of suspensions**
11 - 15 Days	11 - 15 Credits**	EBD shall be offered for the first 10 days of suspensions. EBD may also be applied to days 11-15 by the unit commander. A determination to impose suspension days without pay to days 11-15 will require the concurrence of the division chief.***
16 - 30 Days	16 - 30 Credits**	EBD to be offered for the first 10 days of suspension. Unpaid suspension days can be utilized in addition to EBD for days 11-30.***
* A unit commander can require an employee to exceed the number of minimum credits needed to satisfy the number of days suspended.		
** Any imposition of unpaid suspension days will require the approval of the appropriate division chief.		

\*\*\*The majority of suspension days 11-30 shall be proposed as EBD.

<b>Examples of EBD Alternatives*</b>	
<b>Suspension</b>	<b>Unit Commander Options</b>
1 Day**	LIFE Class (8 hours, 2 credits), EBD Evaluation (no credit)
2 Day**	LIFE Class (8 hours, 2 credits), two shift briefings (1 credit), EBD Evaluation (no credit)
5 Day**	LIFE Class (8 hours, 2 credits), Deputy Leadership Institute (16 hours, 4 credits), letter of responsibility (1 credit), EBD Evaluation (no credit)
10 Day**	LIFE Class (8 hours, 2 credits), Tactical Communications (8 hours, 2 credits), Deputy Leadership Institute (16 hours, 4 credits), Anger Management (8 hours, 2 credits), Cultural Awareness (8 hours, 2 credits), EBD Evaluation (no credit)
15 Day**	LIFE Class (8 hours, 2 credits), Tactical Communications (8 hours, 2 credits), Deputy Leadership Institute (16 hours, 4 credits), Anger Management (8 hours, 2 credits), three shift briefings (1 credit), Cultural Awareness (8 hours, 2 credits), 7 Habits (24 hours, 6 credits), EBD Evaluation (no credit)
20 Day** If All EBD	LIFE Class (8 hours, 2 credits), Imagine 21 (32 hours, 8 credits), Helping One Another Improve (24 hours, 6 credits), 7 Habits (24 hours, 6 credits), EBD Evaluation (no credit)
20 Day** If EBD and Suspension	LIFE Class (8 hours, 2 credits), Imagine 21 (32 hours, 8 credits), 7 Habits (24 hours, 6 credits), EBD Evaluation (no credit), 5 day unpaid suspension
25 Day** If All EBD	LIFE Class (8 hours, 2 credits), Imagine 21 (32 hours, 8 credits), Cultural Awareness (8 hours, 2 credits), 7 Habits (24 hours, 6 credits), Helping One Another Improve (24 hours, 6 credits), Stress Management (8 hours, 2 credits), EBD Evaluation (no credit)
25 Day** If EBD and Suspension	LIFE Class (8 hours, 2 credits), Tactical Communications (8 hours, 2 credits), Deputy Leadership Institute (16 hours, 4 credits), Anger Management (8 hours, 2 credits), Cultural Awareness (8 hours, 2 credits), Seven Habits (24 hours, 6 credits), EBD Evaluation (no credit), seven day unpaid suspension
*These are examples of what combination of EBD courses can be used to satisfy a suspension without pay. Unit commanders have the discretion to use a variety of EBD courses, Independent Study, and in some cases, suspension without pay.	
**A unit commander can have an employee exceed the credits needed to satisfy the number of days suspended.	
The selected EBD courses should reflect the behavior being addressed as a result of the employee's conduct.	



## EBD and the Letter of Intent

Prior to providing the EBD Proposal (memo) to an employee, ensure that the relevant investigation concerning the employee has been completed, and ensure:

- that employees have a right to file a grievance if they so choose.
- when appropriate, the unit commander has provided the RBD process to the employee.
- the Letter of Intent has been served to the employee by the unit commander.

## EBD Proposal

EBD can be offered to an employee as part of a Pre-Disposition Settlement Agreement (PDSA), or in a written EBD Proposal (see page 19 for sample) when the separate Letter of Intent to Discipline is presented to an employee. The employee has the opportunity to review the EBD Proposal and must notify the unit commander within ten business days if the employee chooses to participate in EBD. Once the ten day period elapses, EBD may not be an option offered to the employee.

If the employee files a grievance regarding the discipline as outlined in the Letter of Intent, EBD may not be an option. An example of when EBD might still be an option for an employee who filed a grievance could include if the grievance results in a change of the factual findings of the investigation, or if there is a reduction in the suspension days and based upon the totality of the circumstances the unit commander/chief consider that to be a viable option. Under these circumstances, a new EBD Proposal may be offered.

The EBD Proposal will include that the employee actively participate in his/her EBD plan, adjust his/her schedule as needed to attend EBD on duty, and other provisions that will be described in the EBD Agreement. At a minimum, each employee who chooses EBD will be required to participate in and complete a Lieutenants' Interactive Forum for Education (LIFE) class, and an EBD evaluation. An example of an EBD Proposal is found on page 19. The EBD items listed and suspension days shown are exemplars only.

## EBD Agreement

If an employee agrees to participate in EBD, the EBD Proposal will be used by Employee Relations Bureau personnel to document the EBD terms and requirements in an EBD Agreement (EBDA). The unit commander will work with the employee to adjust the employee's schedule so he/she can participate in EBD courses and EBD action items on-duty.

A statement must be included in the EBDA which describes what will occur in the event the employee does not complete the required EBD courses and/or Independent Study requirements. In order to avoid any confusion regarding an employee's failure to meet the agreed upon requirements of the EBDA, the following statement or its equivalent should be included in the EBDA:

- The employee is required to actively participate in and complete all EBD courses and/or Independent Study requirements detailed in the EBD agreement by (date). Failure to comply with the terms of this EBD agreement will result in the imposition of the entire discipline described in the Letter of Intent that the employee received regarding this investigation. A partial completion of the EBD agreement will not mitigate any portion of the discipline described in the Letter of Intent.
- The employee's agreement to voluntarily participate in EBD will not prevent the suspension days from being reflected on the Personnel Performance Index (PPI). The suspension described in the Letter of Intent will be reflected on the employee's PPI. However, if an employee utilizes EBD, PPI will reflect that the terms of EBD are in progress or completed.

The Unit Commander must ensure that the employee is provided the opportunity to attend the required EBD courses and/or satisfy Independent Study requirements. The Unit Commander is responsible for tracking and ensuring that an employee fulfills the terms of the EBDA.

### Discipline and Education Guide

The EBD "Discipline and Education Guide" relates violations of policy to relevant behavioral descriptions. All violations of policy relate to one or more of these six behavioral descriptions:

- A: Problem Solving and Self-Management
- B: Skill Enhancement
- C: Boundary Recognition
- D: Substance Misuse/Abuse Awareness
- E: Character Reinforcement
- e: Mitigating and Aggravating Factors

Each of the six behavioral descriptions link with separate "Action Items Menus," which include classes and activities which may be used to complete the EBD credits in lieu of loss of pay. While "e: Mitigating and Aggravating Factors" is its own behavioral description, it can also potentially be relevant to any of the descriptions.

Unit Commanders are encouraged to select from the relevant listed classes and activities in the Action Items Menus, or may utilize unlisted classes and activities believed by the Unit Commander to be relevant. The Action Items Menus and classes currently available for each of the six behavioral descriptions can be reviewed on the EBD Intranet website. The "Action Items Menu A: Problem Solving and Self-Management," can be found on page 21 of these Guidelines as an example of one of the Menus.

The EBD courses and/or Independent Study requirements agreed upon by the employee and Unit Commander will be incorporated into a PDSA or an EBD Agreement.

### Progressive Discipline

EBD may be offered to an employee when progressive discipline is a component of a founded investigation. The use of EBD where progressive discipline is being imposed upon an employee will be at the discretion of the unit commander or division chief.

### EBD Unit

The EBD Unit will answer questions and provide information to unit commanders or their designates regarding EBD upon request. Recommended courses are accessible via the EBD Intranet website. The EBD website includes a variety of information about EBD. The EBD Unit is located at STARS Center, 11515 South Colima Road, M-106, Whittier, CA, 90604. The unit can be contacted at [EBD@lasd.org](mailto:EBD@lasd.org) or by phone at (562)946-7006.

### CORRECTIVE ACTION FOR PREVENTABLE TRAFFIC COLLISIONS

Each Department member is responsible for the care and condition of any vehicle assigned to them. Willful negligence and/or abuse of county vehicles can be grounds for disciplinary action.

The Department utilizes the Traffic Collision Point Reduction Class which is an example of Education Based Discipline. For any collision that is determined to be preventable, the collision will be classified as a Level One, Two, or Three collision

- Level One collision is worth one point.
- Level Two collision is worth two points.
- Level Three collision is worth three points.
  - A Level Three collision can be worth four points if there was a notable disregard for safety and/or a life threatening injury.

The points can lead to an employee being assigned to a non-driving duty assignment. The details regarding the accumulation of points and the consequences on an employee are detailed in the Department's Manual of Policy and Procedures. Additionally, employees that receive points due to traffic collision may opt to participate in a Traffic Collision Point Reduction Class. The class is voluntary, conducted on the employee's off-duty time, and may be used to exempt one point or a one point collision. The class may only be taken once during a 36 month period. The class may not be retroactively applied to prevent the imposition of an administrative action that has already been reached.

Each Unit Commander is responsible for ensuring that corrective action is taken when an employee has reached an action level requiring corrective action.

**(SAMPLE)**  
COUNTY OF LOS ANGELES  
**SHERIFF'S DEPARTMENT**  
*A Tradition of Service Since 1850*

DATE:

OFFICE CORRESPONDENCE

FILE:

**FROM: UNIT COMMANDER, RANK  
UNIT OF ASSIGNMENT**

**TO: EMPLOYEE, RANK  
UNIT OF ASSIGNMENT**

**SUBJECT: EDUCATION BASED DISCIPLINE PROPOSAL (EXEMPLAR)**

This memorandum details the EBD Proposal being offered to you by the unit commander. This EBD Proposal is an optional alternative to the unpaid suspension described in the Letter of Intent that you received regarding this investigation.

The unit commander is offering Education-Based Discipline as an alternative to your eight (8) day unpaid suspension. The EBD agreement will include the following courses (or their equivalent as determined by the unit commander) and action items as an alternative to your suspension:

- Attend and complete the Lieutenants' Interactive Forum for Education (LIFE) Class (8 hours)
- Attend and complete the Deputy Leadership Institute (DLI) course (16 hours)
- Attend and complete the Tactical Communications Course (8 hours)
- Attend and complete the Anger Management Course (8 hours)
- Write an EBD evaluation reflecting on your experience with the EBD process

If you voluntarily agree to participate in EBD, an EBD Agreement will be generated by Employee Relations to document the terms and requirements of this EBD Proposal. The Department may adjust your schedule for you to participate in EBD courses and EBD action items, as EBD is conducted on-duty.

You are required to actively participate in and complete all EBD courses and/or Independent Study requirements detailed within the EBD Agreement. Failure to comply with the full and complete agreed upon terms of the EBD Agreement will result in the imposition of the entire discipline described in the Letter of Intent that you received regarding this investigation. A partial completion of the EBD agreement will not mitigate any portion of the discipline described in the Letter of Intent.



## **EDUCATION BASED DISCIPLINE PROPOSAL (EXEMPLAR) (Cont...)**

Your agreement to voluntarily participate in EBD will not prevent the suspension days from being reflected on your Personnel Performance Index (PPI) or in your personnel file. However, by utilizing EBD, PPI will reflect that EBD is in progress or was completed. Participation and completion of EBD as an alternative to suspension means that your paycheck will not be reduced due to the suspension.

EBD is an option to disciplinary suspensions. Your rights are preserved, while you choose between suspension of pay or EBD. If you accept EBD, you must waive your rights to a grievance, and complete all conditions of the EBD Agreement within the specified time period, or you will be required to serve the full suspension and loss of pay. EBD or not, all discipline is documented for purposes of progressive discipline.

**Action Items Menu A  
A. Problem Solving & Self-Management**

**Behavioral Characteristics and EBD Classes and Action Items\***

- \* One (1) education credit is given for each four hours of classroom time. (For example, one eight hour class equals two credits).
- \* The majority of education credits must be earned in classroom training.
- \* The unit commander can require an employee to exceed the number of minimum credits needed.

**I LIFE Class - MANDATORY for all Education-Based Discipline: Lieutenants' Interactive Forum for Education (LIFE) 8 hour class**

Possible Relevant Behavior	Classes	Independent Study - Teach to Learn options**
Some classes are relevant to all Action Items Menus	<ul style="list-style-type: none"> <li>- Deputy Leadership Institute (16 hours)</li> <li>- Franklin Covey - 7 habits of Highly Effective People (24 hours)</li> <li>- Imagine 21 (32 hours)</li> </ul>	
Poor impulse control	<ul style="list-style-type: none"> <li>- Anger Management &amp; Effective Communication – 8 hours</li> <li>- Behavior- Stress Management - 8 hours</li> <li>- Conflict Resolution/Anger Management - 8 hours</li> <li>- Dealing with Difficult People - 4 to 8 hours</li> <li>- Basic Tactical Communication - 8 hours</li> </ul>	<ul style="list-style-type: none"> <li>- Write an in-depth topic specific research paper</li> <li>- Write responsibility memo to management</li> <li>- Conduct briefing on topic &amp; learning experience***</li> <li>- Relevant community service</li> </ul>
Acting out, frustration from lack of skills	<ul style="list-style-type: none"> <li>- Anger Management &amp; Effective Communication – 8 hours</li> <li>- Behavior- Stress Management - 8 hours</li> <li>- Conflict Resolution/Anger Management - 8 hours</li> <li>- Dealing with Difficult People - 4 to 8 hours</li> <li>- Basic Tactical Communication - 8 hours</li> </ul>	<ul style="list-style-type: none"> <li>- Programmed text learning (including rules and regulations)</li> <li>- Write a letter of apology to injured party***</li> </ul>
Inappropriate style of communication	<ul style="list-style-type: none"> <li>- Anger Management &amp; Effective Communication – 8 hours</li> <li>- Conflict Resolution/Anger Management - 8 hours</li> <li>- Cultural Awareness for Supervisors - 8 hours</li> <li>- Cultural Awareness for Tolerance (Museum of Tolerance) - 8 hours</li> <li>- Dealing with Difficult People - 4 to 8 hours</li> <li>- Basic Tactical Communication - 8 hours</li> <li>- Respect Based Leadership - 8 hours</li> </ul>	
General poor stress management	<ul style="list-style-type: none"> <li>- Behavior- Stress Management - 8 hours</li> </ul>	

## EXAMPLES OF CAUSES FOR, AND NATURE OF DISCIPLINARY ACTIONS

The following list of causes for disciplinary action is representative only and not all-inclusive. The list of disciplinary actions is intended as a guide only and should not be imposed "automatically" in relation to actual infractions. It is impractical to establish a set of disciplinary actions which can be applied automatically to every offense and every employee.

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### ◆SPECIAL NOTE◆

Discipline is expected to remain within the standard range in most instances. In the event circumstances warrant an upward or downward adjustment to a penalty more or less than the standard range, the Aggravating and Mitigating Factors must properly address and reflect the reason(s) for the downward or upward adjustment.

Exception: Sections which indicate a penalty of "Discharge" (only) may not be adjusted.



## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	A	B	C	D	E	e	DISCIPLINARY OPTIONS
3-01/025.10	Unreasonable Force								(*See Corrective Options*)
		Use of unreasonable force	A	B				E	5 days to discharge
3-01/030.05	General Behavior								
		Conduct on or off duty which causes embarrassment to the Dept.	A		C	D		E	WR to discharge
		Inappropriate involvement in off-duty neighborhood/business disputes			C	D		E	WR to 3 days
		Assaultive behavior	A					E	10 days to discharge
		Drunk or disorderly in public			C	D		E	3 days to discharge
		Inappropriate display of a weapon			C			E	5-15 days
		Deceitful business transactions						E	5-15 days
		Use of position or identification to solicit a gratuity or privilege			C			E	1 day to discharge
3-01/030.08	Inappropriate/Disorderly Conduct								
		Drunk or disorderly in public			C	D		E	3 days to discharge
		Sexual misconduct			C	D		E	3 days to discharge
		Conspiring to violate law or policy						E	3 days to discharge
		Lewd act in public			C			E	3 days to discharge
3-01/030.10	Obedience to Laws, Regulations, & Orders								
		Failure to carry out supervisory, managerial or executive duties & responsibilities adequately & promptly	A	B	C			E	WR to discharge
		Working back-to-back double shifts	A		C			E	WR to 2 days
		Failure to remain at home during duty hours after calling in sick or injured						E	WR to 2 days
		Carrying an unauthorized weapon and/or ammunition		B				E	3-30 days
		Violation of court orders						E	1-5 days
		Failure to follow instruction/orders		B				E	1-5 days
		Endangering self, fellow employees or public by violation of safety rules, laws or ordinances	A	B	C			E	1-5 days
		Inappropriate display of a weapon	A		C			E	5-15 days
		Off-duty drunk driving (must show job nexus for civilian)	A			D		E	15 days
		Off-duty drunk driving with collision	A			D		E	20-30 days
		Operating County vehicles, equipment or employee's own vehicle for County business while impaired due to alcohol and/or drugs	A			D		E	15-30 days
		Any form of cheating in a County Civil Service examination, including but not limited to unauthorized possession, use or distribution of examination material, participating an examination for another person							Do not hire; D/c employee
		Refusal to submit to or take any oath or affirmation required by law or ordinance							Do not hire; D/c employee
		Refusal to take a medical or psychological examination as required by Civil Service rules, county ordinance or lawful order							Do not hire; D/c employee
		Refusal to be fingerprinted							Do not hire; D/c employee

Guidelines for Discipline and Education-Based Alternatives (Rev. 05/06/2009)  
Los Angeles County Sheriff's Department

## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	A	B	C	D	E	e	DISCIPLINARY OPTIONS
3-01/030.10	Obedience to Laws, Regulations, & Orders								
		Insubordination or refusal to act as directed by supervisor or higher ranking personnel	A		C		E	e	10 days to discharge
		Theft (must show job nexus for professional staff)							Discharge
		Lying during a criminal investigation regarding a material matter							Discharge
		Knowingly giving false testimony, under oath, regarding a material matter							Discharge
		Felony conviction (includes pleas to felony later reduced to misdemeanor)							Discharge
3-01/030.15	Conduct Toward Others								
		Discourtesy or profanity toward Department members	A	B	C		E		W/R to 10 days
		Traffic Incidents-Unnecessary action or confrontations with another motorist or pedestrian on or off duty	A		C		E		1-5 days
		Discourtesy or profanity toward the public	A		C		E		W/R to 10 days
		Threats of bodily injury to Department member	A		C		E		5-10 days
3-01/030.16	Family Violence								
		Domestic Violence	A				E		5 days to discharge
3-01/030.23	Workplace Violence								
		Threats of bodily injury to Department member	A		C		E		5-10 days
		Assault or battery against Department member	A		C		E		10 days to discharge
3-01/030.27	Retaliation								
		Retaliation	A		C		E		10 days to discharge
3-01/030.35	Unnecessary Interference								
		Inappropriate involvement in a law enforcement matter			C		E		3-5 days
		Failure to cooperate/interfering with the investigation of another law enforcement agency			C		E		3-7 days
3-01/030.40	Use of Alcohol								
		Under the influence of alcohol while on duty	A				D	E	10-15 days
		Operating County vehicles, equipment or employee's own vehicle for County business while impaired due to alcohol and/or drugs	A				D	E	15-30 days suspension
3-01/030.45	Use of Drugs or Narcotics								
		Abuse of over the counter or prescription drugs on-duty	A				D	E	10-15 days
		Operating County vehicles, equipment or employee's own vehicle for County business while impaired due to alcohol and/or drugs	A				D	E	15-30 days
		Use or possession of marijuana, a narcotic, or other controlled substances							Discharge
3-01/030.55	Sleeping on Duty								
		Asleep on duty	A					e	1-5 days
3-01/030.60	Gambling								
		Participating in gambling activities	A					E	W/R to Discharge

Guidelines for Discipline and Education-Based Alternatives (Rev. 05/06/2009)

Los Angeles County Sheriff's Department

## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	A	B	C	D	E	DISCIPLINARY OPTIONS
3-01/030.70	Discrimination/Harassment by Department Employees							
	<i>*This section should only be used if the incident occurred prior to Jan 5, 2003. See Policy of Equality section (3-01/121.00) if incident occurred after Jan 5, 2003.</i>	Making racial, ethnic or gender insults to anyone	A		C		E	3 days to discharge
		Racial/Ethnic harassment	A		C		E	10 days to discharge
3-01/030.72	Sexual Harassment and Retaliation Policy							
	<i>*This section should only be used if the incident occurred prior to Jan 5, 2003. See Policy of Equality section (3-01/121.00) if incident occurred after Jan 5, 2003.</i>	Sexual Harassment			C		E	10 days to discharge
3-01/030.73	Hazing							
		Intimidation, threats or hazing of Department member	A	B	C		E	3 days to discharge
3-01/030.75	Bribes, Rewards, Loans, Gifts Favors							
		Use of position or identification to solicit a gratuity or privilege			C		E	1 day to discharge
3-01/030.85	Derogatory Language							
		Discourtesy or profanity toward Department members	A		C		E	W/R to 10 days suspension
		Discourtesy or profanity toward public	A		C		E	W/R to 10 days
3-02/040.10	Injured or Ill While Off Duty							
		Injured or ill while off-duty (see also 3-01/030.10)		B			E	Discipline?
3-01/040.15	Care of County Property and Equipment							
		Care of County property and equipment	A	B			E	W/R to 5 days
3-01/040.35	Money and Property of Others							
		Money and property of others		B			E	W/R to 5 days
3-01/040.40	Misappropriation of Property							
		Misappropriation or misuse of County equipment, property or supplies			C		E	3-5 days
3-01/040.45	Safeguarding Money, Property, and Evidence							
		Safeguarding money, property, and evidence		B	C		E	W/R to 10 days

Guidelines for Discipline and Education-Based Alternatives (Rev. 05/06/2009)  
Los Angeles County Sheriff's Department



## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	A	B	C	D	E	DISCIPLINARY OPTIONS
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	<i>*This section should only be used if the incident occurred prior to Jan 5, 2003. See Policy of Equality section (3-01/121.00) if incident occurred after Jan 5, 2003.</i>	Making racial, ethnic or gender insults to anyone	A		C		E	3 days to discharge
		Racial/Ethnic harassment	A		C		E	10 days to discharge
3-01/030.72	Sexual Harassment and Retaliation Policy							
	<i>*This section should only be used if the incident occurred prior to Jan 5, 2003. See Policy of Equality section (3-01/121.00) if incident occurred after Jan 5, 2003.</i>	Sexual Harassment			C		E	10 days to discharge
3-01/030.73	Hazing							
		Intimidation, threats or hazing of Department member	A	B	C		E	3 days to discharge
3-01/030.75	Bribes, Rewards, Loans, Gifts Favors							
		Use of position or identification to solicit a gratuity or privilege			C		E	1 day to discharge
3-01/030.85	Derogatory Language							
		Discourtesy or profanity toward Department members	A		C		E	W/R to 10 days suspension
		Discourtesy or profanity toward public	A		C		E	W/R to 10 days
3-02/040.10	Injured or Ill While Off Duty							
		Injured or ill while off-duty (see also 3-01/030.10)		B			E	Discipline?
3-01/040.15	Care of County Property and Equipment							
		Care of County property and equipment	A	B			E	W/R to 5 days
3-01/040.35	Money and Property of Others							
		Money and property of others		B			E	W/R to 5 days
3-01/040.40	Misappropriation of Property							
		Misappropriation or misuse of County equipment, property or supplies			C		E	3-5 days
3-01/040.45	Safeguarding Money, Property, and Evidence							
		Safeguarding money, property, and evidence		B	C		E	W/R to 10 days

Guidelines for Discipline and Education-Based Alternatives (Rev. 05/06/2009)  
Los Angeles County Sheriff's Department

## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	A	B	C	D	E	e	DISCIPLINARY OPTIONS
3-01/040.50	Care of Identification Items	Care of Identification Items		B				E	W/R to 5 days
3-01/040.65	Tampering with Evidence	Falsification, fabrication, alteration or planting of evidence							Discharge
3-01/040.70	False Statements	Lying to a supervisor						E	10 days to discharge
3-01/040.75	Failure to Make Statements, and/or Making False Statements During Departmental Internal Investigations	Knowingly giving untruthful or misleading statements during internal investigations						E	15 days to discharge
3-01/040.75	Obstructing an Investigation	Knowingly giving untruthful or misleading statements during a criminal investigation						E	15 days to discharge
3-01/040.85	Cooperation During Criminal Investigation	Knowingly giving untruthful or misleading statements during a criminal investigation						E	15 days to discharge
		Failure to cooperate with the investigation of another law enforcement agency						E	10-15 days
		Interfering with an investigation						E	10 days to discharge
3-01/040.90	Reporting Information	Failure to notify local police agency of an incident requiring police involvement						E e	W/R to 10 days
		Failure to report a traffic collision and/or complete a report of damage						E	W/R to 10 days
		Failure to notify Department of an off-duty incident						E e	3-10 days
3-01/040.95	Confidential Information	Providing confidential information to unauthorized individuals for unofficial and/or non-work related purposes						E	3-15 days
		Improper disclosure/use of confidential information for personal gain						E	15 days to discharge
3-01/040.97	Safeguarding Persons in Custody	Safeguarding persons in custody		B				E	W/R to 10 days
3-01/050.05	Performance of Duty	Unauthorized use of County telephones and photocopy machines for personal use.						E	W/R to 3 days
		Leaving assigned post without permission						E e	1-5 days

Guidelines for Discipline and Education-Based Alternatives (Rev. 05/06/2009)  
Los Angeles County Sheriff's Department

## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	A	B	C	D	E	e	DISCIPLINARY OPTIONS
3-01/050.10	Performance to Standards	<i>**Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department</i>							
		Incompetence may be demonstrated by:							
		A lack of knowledge of the application of laws required to be enforced		B					W/R to discharge
		An unwillingness or inability to perform assigned tasks		B				E e	W/R to discharge
		The failure to conform to work standards established for the member's rank or position		B				E	W/R to discharge
		Failure to take appropriate action on the occasion of a crime, disorder, other condition deserving police attention		B				e	W/R to discharge
		Absence without leave						E e	W/R to discharge
		Unnecessary absence from an assigned area during a tour of duty	A					e	W/R to discharge
		Failure to carry required equipment		B				e	W/R to 5 days
		Excessive or patterned absenteeism	A			D		e	1-5 days
		Careless/Negligent handling of weapon resulting in discharge of weapon		B			B		1-5 days
		Erroneous Releases		B					W/R to 5 days
3-01/050.20	Duties of All Members	Failure to follow instruction/orders	A					B	1-5 days
3-01/050.30	Off-Duty Incidents	Failure to notify the Department of an off-duty incident						E	3-10 days
		Conduct off-duty which causes embarrassment to the Department						E	W/R to discharge
3-01/050.45	Punctuality	Excessive tardiness	A			D		e	1-5 days
3-01/050.50	Absence	Misuse of sick time; abuse of sick leave	A			D		e	1-3 days
		Excessive or patterned absenteeism	A			D		e	1-5 days
		Unauthorized absence	A			D		e	1-10 days
3-01/050.65	Shooting Requirements	Shooting requirements		B				E	W/R to 3 days
3-01/050.70	Failure to Shoot	Failure to shoot	A					E	W/R to 3 days
3-01/050.80	Grooming and Dress Standards	Grooming and Dress Standards	A	B				e	W/R to 10 days

Guidelines for Discipline and Education-Based Alternatives (Rev. 05/06/2009)  
Los Angeles County Sheriff's Department



## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	A	B	C	D	E	DISCIPLINARY OPTIONS
3-01/050.85	Fraternization	Fraternization with an inmate						Discharge
		Smuggling of contraband into a custody facility						Discharge
3-01/050.90	Prohibited Association	Prohibited association with person(s) of a "notorious" reputation in the community						Discharge
		Department Approval of Outside Employment						
3-01/060.25	Prohibited Employment	Failure to report outside employment					B	1-3 days
		Engaging in employment or activity constituting conflict or potential conflict of interest			C		E	10-15 days
3-01/070.05	Political Activity	Unauthorized use of Department position, uniform or equipment on behalf of a political candidate/issue			C		E	W/R to 5 days
		Use of County Vehicles						
3-01/090.05	Operation of Vehicles	Use of County vehicle without authorization					E	W/R to 5 days
		<i>(This section is held in abeyance until 3/24/07, per Operational Agreement #08-04)</i>		Negligent Driving		B		E
Negligent Driving - Collision				B		E	1-3 days	
Negligent Driving - Collision with injuries; member was primary cause				B		E	2-5 days	
Dangerous Driving				B		E	3-5 days	
Dangerous Driving - Collision				B		E	5-10 days	
Dangerous Driving - Collision with injuries; member was primary cause				B		E	7-15 days	
Operating County vehicles, equipment or employee's own vehicle for County business while impaired due to alcohol and/or drugs				B	D	E	15-30 days	
3-01/090.15	Unauthorized Persons In County Vehicles			Unauthorized persons in County vehicles				
		Use of County Vehicle Outside County Limits						
3-01/090.20	Collisions or Damage	Use of County vehicle outside county limits					B	W/R to 3 days
		Failure to report a traffic collision and/or complete a report of damage					B	W/R to 10 days

Guidelines for Discipline and Education-Based Alternatives (Rev. 05/06/2009)

Los Angeles County Sheriff's Department

## DISCIPLINE AND EDUCATION GUIDE

SECTION	TYPE OF VIOLATION	SPECIFIC VIOLATION	A	B	C	D	E	e	DISCIPLINARY OPTIONS
3-01/100.10	Signatures on Official Communications	Signatures on official communications						E	W/R to 3 days
3-01/100.25	Use of Department Letterhead	Use of Department letterhead						E	W/R to 3 days
3-01/100.35	False Information in Records	Falsification of internal documents or communications						E	10 days to discharge
		Falsification of official reports or records						E	15 days to discharge
		Falsification of application or omission of information for employment or promotion when it materially affects acceptance or rejection for employment or promotion						F	Do not hire; D/c employee
		Falsification of time records or financial records (travel, mileage, overtime, etc.) for fraudulent purposes							Discharge
3-01/100.40	Removal of Records	Removal of records							Discharge
3-01/100.45	Use of Communications Equipment	Unauthorized use of County telephones and photocopy machines for personal use						E	W/R to 3 days
		Unauthorized or inappropriate use of County communication equipment (MDCS, Radio, JDiC, Fax and Computer Equipment)		B				E	1-5 days
		Unauthorized access to confidential information						E	5-15 days
		Improper disclosure/use of confidential information for personal gain			C			E	15 days to discharge
3-01/110.35	Transportation of Females	Unauthorized transportation of females without a female Department member present			C			E	W/R to 2 days
3-01/110.55	Safety Policy	Misuse/Non-use of vehicle safety equipment		E				E	W/R to 1 day

Guidelines for Discipline and Education-Based Alternatives (Rev. 05/06/2009)  
Los Angeles County Sheriff's Department



## DISCIPLINE AND EDUCATION GUIDE

3-01/121.00	<b>Policy of Equality (Core Values &amp; Purpose)</b>					
	3-01/121.05 Policy of Equality - Prohibited Conduct		B	C	E	
	3-01/121.10 Policy of Equality - Discrimination		B	C	E	5 days to discharge
	3-01/121.15 Policy of Equality - Sexual Harassment		B	C	E	5 days to discharge
	3-01/121.20 Policy of Equality - Discriminatory Harassment (other than sexual)		D	C	E	5 days to discharge
	3-01/121.25 Policy of Equality - Third Person Harassment		B	C	E	W/R to discharge
	3-01/121.30 Policy of Equality - Inappropriate Conduct Toward Others		B	C	E	W/R to discharge
	3-01/121.35 Policy of Equality - Retaliation		B	C	E	5 days to discharge
	3-01/121.50 Policy of Equality - Duty to Cooperate		B		e	W/R to discharge
	3-01/122.05 Policy of Equality Procedures - Duties of Supervisors and Managers - Failure to Report		B		E	W/R to discharge
3-07/210.00	<b>Permissible Use</b>					
	*Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.		B		E	W/R to discharge
3-07/220.00	<b>Prohibitions</b>					
	Use of Department communications equipment to send unofficial & Unsolicited email, graphics, videos &/or messages to others *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.		B		E	W/R to 10 days
	Use of Department computers for playing computer games *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.				E	W/R to 10 days
5-09/200.25	<b>Use of Code 3 - Authority/Responsibility</b>					
	Violation of Code 3 policy *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.		B		E	W/R to 5 days
	Unauthorized participation in a pursuit *Use 3-01/030.10, Obedience to Laws, Regulations, & Orders and reference the above section.		B		E	3-10 days
	Providing misleading pursuit conditions/reasons to Watch Commander *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.		B		E	10-15 days

Guidelines for Discipline and Education-Based Alternatives (Rev. 05/06/2009)  
Los Angeles County Sheriff's Department

## DISCIPLINE AND EDUCATION GUIDE

5-09/210.02	Initiation of a Pursuit				
		Unauthorized Pursuit *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.	B	E	1-15 days
5-09/210.05	Abandonment of a Pursuit				
		Remaining in a canceled pursuit *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.	B	E	10-15 days
5-09/210.10	Control of a Pursuit				
		Failure to notify SCC & receive acknowledgment prior to initiating a Code 3 response *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.	B	E	1-3 days
		Failure to discontinue pursuit *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.	B	E	5-15 days
		Supervisors failure to cancel pursuit *Use 3-01/030.10, Obedience to Laws, Regulations & Orders & reference the above section.	B	E	3-15 days
5-09/210.15	Vehicle Operation & Tactics				
		Failure to clear an intersection lane-by-lane *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.	B	E	W/R to 3 days
5-09/430.00	Use of Force Reporting & Review Procedures				
		Failure to report use of force *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.	B	E	5-25 days
		Failure to report witnessed force *Use 3-01/030.10, Obedience to Laws, Regulations & Orders and reference the above section.	B	E	5-15 days

Guidelines for Discipline and Education-Based Alternatives (Rev. 05/06/2009)  
Los Angeles County Sheriff's Department

# Education-Based Discipline

## Introduction

Over the last ten months, we have measured the impact of the movement away from suspensions in the LASD. We are troubled by what we found. A suspension without pay is the typical discipline imposed by law enforcement agencies on its personnel for moderate to serious misconduct, with discharge and demotion reserved for more serious violations and oral or written reprimands for the less. A suspension without pay places a burden on individuals and their families in the form of financial hardship. A suspension may be for only a day or two or for up to 30 days in the LASD. In lieu of days off without pay, in whole or in part, the LASD has been allowing deputies to attend classes instead. The program is called Education-Based Discipline (“EBD”). We found that deputies are being offered classes for serious misconduct that should result in significant sanctions in the form of days off.

We were particularly concerned how founded allegations of unreasonable force were handled at the Department under EBD, at least until last February. Unreasonable force is one of the most serious violations of Department policy. Nonetheless, disciplinary action was significantly rolled back for this type of misconduct during the time period that we analyzed. Specifically, we found 27 cases of sustained unreasonable force allegations during the lifespan of EBD. Of these 27 cases, 23 were able to exercise the EBD option. Among those, 15 were able to fully satisfy with EBD courses. The 15 cases that were satisfied by EBD course resulted in 89 days of suspension being put into abeyance through EBD, and the remaining 7 cases had 77 days put into abeyance with 46 days being served “hard.” This means that 88 percent of those founded to have used force in violation of Department policy were able to complete their discipline, in whole or in part, by simply attending EBD classes.

**This is a higher frequency of suspensions being satisfied with the EBD alternative than the combined average of all cases involving suspensions.** Also, out of the 27 cases, nine (35 percent) were given shorter suspensions after grieving the case with the Department. In all, 166 hours of the total 229, 72 percent, suspension days assigned to LASD members who were founded of using unreasonable force were able complete them in EBD. The Sheriff’s Department has been too forgiving of this type of misconduct under the Education-Based Discipline program.

Beginning approximately five years ago, law enforcement agencies in Los Angeles began to experiment with alternatives to suspensions without pay. Sheriff Baca was a pioneer in this effort. It was the Sheriff’s perception that a suspension did not improve performance and that suspended employees (“Subjects”) without pay did not learn how to improve their

actions and could become angry and resentful toward the Department and its leaders.<sup>22</sup> The LASD program, which began in 2009, is EBD. It substitutes classroom instruction, in whole or in part, for days off. Suspension days are placed into abeyance for, typically, one year, and if the EBD schedule described in the offender's settlement agreement is completed, the suspension days are considered to be satisfied.

We conclude that the EBD program is well-intentioned but is, in practice, overbroad and overused. Although there have been very recent improvements to the program, EBD does not always draw a bright line between conduct for which there should be zero tolerance and conduct that is amenable to education or retraining. Several classes offered have merit, but they are neither substitutes for in-service training nor sufficient to ensure upkeep of perishable skills. EBD clearly has not been able to prevent or minimize horrific instances of excessive force in the jails. It adds fuel to the fire of those who allege that law enforcement is unwilling to punish and overly willing to protect its own. It strengthens the arguments of those who contend that the power of the LASD to investigate and discipline misconduct should be taken away and given to civilian overseers. In its present form, we cannot endorse EBD.

We do not conclude, however, that it should be abolished in its entirety. Rather, we advocate that it be used much less frequently. Every instance of discipline should include an actual suspension without pay as well as classroom instruction. Furthermore, discipline short of demotion or termination for sexual harassment, race-based policing, or knowing or recklessly putting false information into record be added to those violations that are not eligible for EBD.

## How EBD Works

The EBD option is considerably less onerous than a suspension without pay. A 10-day suspension lasts, at minimum, two calendar weeks and takes away pay for each of those 10 days. Thus, a Subject earning \$70,000 annually could lose approximately \$2,700 over the two-week pay period. Conversely, the EBD option, when it accounts for the full suspension period, allows the LASD member to keep the income, and EBD is completed on duty—thus not infringing on the Subject's leisure time. In addition to costing the officer less financially, EBD takes much less time to complete. The typical shift for an LASD employee is 8 to 10 hours. It takes one EBD credit to fulfill one day of suspended leave. Since one EBD credit

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<sup>22</sup> Cobos, Al, *A New Era for the Discipline Process: Education-Based Discipline, Sheriff Leroy D. Baca Presents at Harvard Law School*. Los Angeles County Sheriff's Department, [http://www.psmag.com/wp-content/uploads/2010/08/SACT\\_A-new-era-for-the-discipline-process.pdf](http://www.psmag.com/wp-content/uploads/2010/08/SACT_A-new-era-for-the-discipline-process.pdf).

equates to four hours in lecture or study time, **it takes roughly half of the time to complete the disciplinary action under EBD as opposed to suspended leave.**

Currently, EBD can be offered as an option for anything up to a full 30-day suspension. Employees receiving suspensions of 16 days or longer, or who have repeated infractions, are considered on a case-by-case basis and can receive a combination of EBD and traditional suspension days. Not all disciplinary actions have an EBD option. At present, cases that involve demotion or termination do not qualify for EBD. Senior LASD executives can decide that EBD is not appropriate and can order that the employee to serve all assigned suspension days “hard” – meaning that suspension days are served and pay is docked.

The first step in the EBD process is the Respect-Based Discipline (RBD) meeting between the Subject and the unit commander or manager to discuss the discipline process and the details of the charges. The LASD employee will be given information on the case (a CD-ROM case file), notice of 10 days to submit a written response, and details regarding EBD. Before Department executives reach a conclusion on the appropriate discipline, they are to consult with the Office of Independent Review (OIR). After the consultation with OIR is complete, and LASD executives have received the Subject’s required response, the Subject will be informed, in writing, of the proposed discipline. The RBD meeting is intended to create trust between the Sheriff’s Department and the employee accused of misconduct and to ensure that all parties are fully informed.

The EBD program supplants suspension days with education credits by placing the suspensions days into abeyance. The suspension days are held in abeyance for a period of 12 months. If the employee violates the terms of the EBD agreement before the 12 months conclude, the Subject will then serve the days held in abeyance. EBD can be offered to an employee as part of a PDSA, or in a written EBD Proposal provided in a separate Letter of Intent to Discipline.<sup>23</sup> Upon receiving a notice of suspension, the LASD member has 10 days to elect for the EBD option in lieu of taking the suspended leave without pay. Under the EBD option, a LASD Subject will take a Lieutenants’ Interactive Forum for Education (LIFE) course and a combination of other courses to fulfill the unpaid suspension days.

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<sup>23</sup> A Pre-Disposition Settlement Agreement (PDSA) is an alternative to a full investigation and disposition of alleged misconduct. If the Subject admits to the misconduct, there is an immediate founded disposition and agreed upon discipline to conclude the matter promptly. The matter cannot be grieved after a PDSA has been reached. A PDSA is not an option in situations that might require a severe penalty such as a suspension of 16 days or more, discharge, demotion, or loss of bonus pay. Generally, PDSAs are common for minor acts of misconduct, and instances where facts regarding the matter are not disputed by those involved. The PDSA must be approved by the unit commander or manager and often include an EBD element as part of the discipline.



Here is an example of how an LASD member can fulfill an eight-day suspension with EBD:

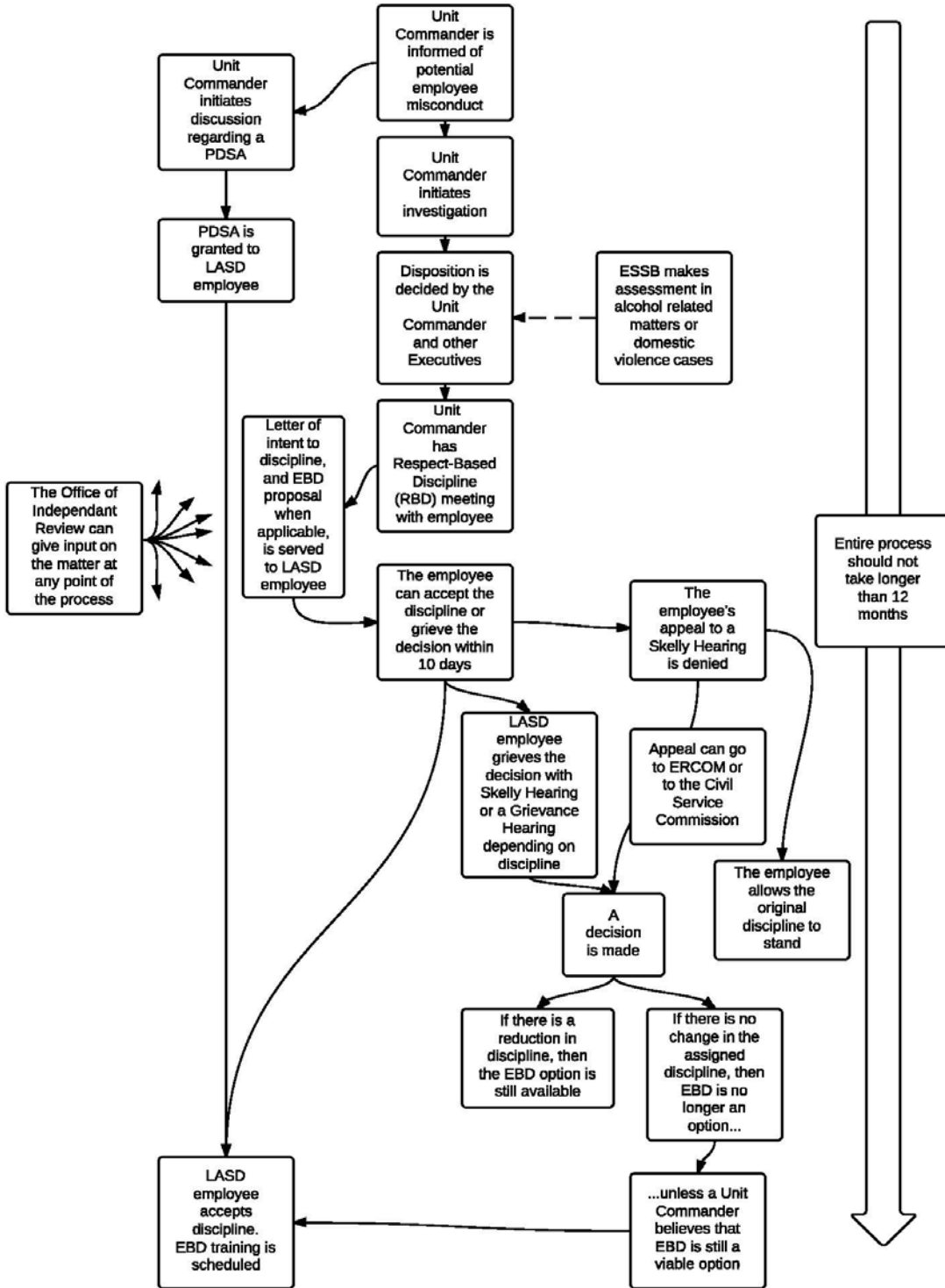
- Attend and complete the Lieutenants' Interactive Forum for Education (LIFE) Class (8 hours)
- Attend and complete the Deputy Leadership Institute (DLI) course (16 hours)
- Attend and complete the Tactical Communications Course (8 hours)
- Attend and complete the Anger Management Course (8 hours)
- Write an EBD evaluation reflecting the Subject's experience with the EBD process.

In the above example, the actual time attending courses equals 40 hours plus the amount of time spent completing the EBD evaluation. A unit commander, or other LASD executive, creates a suggested training schedule for the Subject using *Guidelines for Discipline and Education-Based Alternatives* (also referred to as *Guidelines for Discipline*). This manual explains the EBD process and displays a discipline matrix grid, listed in the back of *Guidelines for Discipline*, to guide the LASD executive to create EBD coursework.

LASD Executives can also add options to an EBD proposal that are not suggested in the discipline matrix. The LASD member can give a presentation before his or her peers in the Department, otherwise known as a "Briefing." In these Briefings, the Subject often demonstrates contrition for the misconduct and educates peers on how they can avoid violating LASD policies. Publically acknowledging culpability is a powerful tool to reforming behavior. **We recommend that the Sheriff's Department encourage these Briefings.** There is also an option for independent study for EBD participants. Independent study can include assigned readings with subsequent written evaluations that do not involve attendance in a classroom. For example, *7 Habits of Highly Effective People* is a commonly assigned reading. These options not otherwise included in the discipline matrix give the EBD the program a more rounded curriculum.

Alcohol and domestic violence-related charges are decided under a different set of guidelines. Alcohol offenses are followed with an evaluation from the Employee Support Services Bureau (ESSB). The ESSB makes a recommendation to the Unit Commander of what EBD options might be suitable for the Subject. Up to three credits can be recommended to the Unit Commander once ESSB has evaluated the court-mandated classes or programs. For domestic violence offenses, ESSB will make an evaluation of the employee and will be assigned to a "treatment program" to be completed "off-duty," including EBD classes.

Table 5: How EBD Works



The LASD *Guidelines for Discipline and Education-Based Alternatives* provides an adequate description of the EBD process. Table 5 is a visual representation of the EBD process. The Sheriff's Department has a visual representation of their own,<sup>24</sup> also a flow chart, but it cannot be found in the *Guidelines for Discipline*. We would suggest that either LASD's flow chart, or ours, be added to the manual.

## Discipline Assignment

There are several deficiencies in *Guidelines for Discipline* as an instructive tool for LASD leaders who must create and assign sanctions. The description of the EBD program is adequate, but the manual fails to thoroughly illustrate how an LASD executive would formulate a suitable EBD schedule. The "Discipline and Education Guide," located in the back of the *Guidelines for Discipline*, provides a general guide for LASD executives to assign discipline schedules for Subjects with sustained allegations. For each specific violation, a range of disciplinary options are provided that often include suspension days, written reprimands, and discharges. Many of the discipline options the LASD executive have to choose from range from 1 to 5 suspension days, 10 to 20 suspension days, or from Written Reprimand to Suspension.

In addition to disciplinary options provided for each specific violation, each violation is matched to a set of Action Item Menus. Each Action Item Menu lists a set of classes that are germane to the violation and address how the LASD member can improve their conduct at the Department. Classes associated with each Action Item Menu are listed on the Regional Community Policing Institute webpage for California.<sup>25</sup> Action Item Menu A through E list a set of classes, ranging from 9 to 22 courses, that each address a certain subject (e.g. Action Item Menu Item A: Problem Solving and Self-Management, and Action Item Menu C: Skill Enhancement).

LASD executives therefore have a very broad set of options – but the available documentation does not provide the decision-maker with sufficient instruction or guidance. The "Discipline and Education Guide" outline options that are so wide-ranging that LASD executives are simply not given a constructive guide for creating tailored discipline programs.

To illustrate the complexity and lack of guidance to decision-makers, below is an example of a sustained allegation with corresponding discipline options that the LASD executive has at his or her disposal:

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<sup>24</sup> Regional Community Policing Institute, "California," <http://rcpi-ca.org/resources/list/> (last visited Sep. 25, 2013).

<sup>25</sup> *Id.*



## Example of Discipline Options Available for Sustained Allegations

Deputy X (name redacted for confidentiality purposes) received a charge of Policy of Equality – Inappropriate Conduct Toward Others, Hazing, and Conduct Towards Others – Discourtesy or Profanity toward Department members. Here is the listed set of options in “Discipline and Education Guide” that the LASD executive has to choose from to create a discipline schedule for these sustained allegations:

### **EBD OPTIONS:**

#### Policy of Equality – Inappropriate Conduct Towards Others

Disciplinary Options: Written Reprimand to Discharge.

Action Item Menus: B, C, and E.

#### Hazing

Disciplinary Options: 3-day suspension to Discharge.

Action Item Menus: A, B, C, and E.

#### Conduct Towards Others – Discourtesy or Profanity toward Department members

Disciplinary Options: Written Reprimand to 10-day suspension.

Action Item Menus: A, B, C, and E.

Here is a description of Classes listed under each of the Action Item Menus referenced in the various EBD options above:

#### A: Problem Solving and Self-Management

- Life Class (8 hours), Deputy Leadership Institute (16 hours)
- 7 Habits of Highly Effective People (24 hours)
- Imagine 21 (32 hours)
- Professional Development (Ethical Decision Making) (8 hours)
- Anger Management & Effective Communication (8 hour)
- Behavior Stress Management (4 hour)
- Relationship Management-Conflict Resolution (4 hours)
- Dealing with Difficult People (4 hours)
- Basic Tactical Communications (8 hours)
- Cultural Awareness for Supervisors (8 hours)
- Cultural Diversity (8 hours)
- Respect-Based Leadership (8 hours)

#### B: Skill Enhancement

- Arwen Certification (4 hours)
- Special Weapons Training (2 hours)

- EVOC- S.T.A.R. (8 hours)
- EVOC-In-Service (8 hours)
- EVOC-In-Service (16 hours)
- EVOC- Patrol Trainee Phase V (8 hours)
- EVOC – Alternative Driving Program (8 hours)
- EVOC- Law Enforcement Driving Simulator (8 hours)
- EVOC- Van Operator’s Course (8 hours).

*Note: Other courses listed under this Action Menu Item already listed under Action Item Menu A above]*

**C: Boundary Recognition**

*All courses listed here have been previously listed under Action Item Menus A and B.*

**E: Character Reinforcement**

*All courses listed here have been previously listed under Action Item Menus A and B.*

**DISCIPLINE OPTIONS:**

Conduct Towards Others – Discourtesy or Profanity toward Department members	Written Reprimand to 10 Suspension Days
Hazing	3 Suspension Days to Discharge
Policy of Equality – Inappropriate Conduct Toward Others	3 Suspension Days to Discharge

In the above example, the LASD executive has a wide range of classes (20), suspension periods (3 to 30 days), and additional options such as Written Reprimands and Discharges. The nature of the misconduct will, of course, give some guidance as to what discipline will be properly punitive and corrective. There are, however, many factors that the LASD executive must consider that are not addressed in the manual. For instance, if the Subject has violated a policy for a second or third time, how should that affect the discipline? How should multiple violations in one case affect the severity of the discipline? Should a combination of EBD classes and “hard” suspension days be assigned? Also, the Action Item Menus are far too broad to give any real guidance as to what specific courses should correspond to specific violations, particularly when multiple violations are levied against one LASD member in a single case – which occurs in nearly all founded policy violations.

Thus, in the example, the Subject was assigned 12 days in suspension; 6 of the days were actually served with removed pay, and the other 6 days were put into abeyance with the completion of EBD. The EBD course schedule for the Subject was the 8-hour life class (2 credits), the 16-hour Deputy Leadership class (4 credits), the 8-hour Respect Based Leadership course (2 credits), and an EBD evaluation.

This was a particularly onerous discipline schedule, but the male deputy was found to have committed multiple lewd acts against a female peer deputy of the Department. These acts included commenting on the peer deputy's clothing with sexual undertones, questioning her about personal relationships, deploying pepper-spray underneath the bathroom door while the Complainant was inside, hiding her flashlight, and activating a Taser to the Complainant's buttocks. These particularly egregious policy violations were met with strong sanctions. In our evaluation, however, we do not agree that EBD should have been granted. This behavior, which can be safely described as torment, should not be tolerated, and allowing part of the suspension to be placed into abeyance with EBD signals that the Sheriff's Department feels otherwise.

Moreover, the LASD executive who was in charge of making this decision was given little guidance from this manual as to what would be an appropriate disciplinary action for this situation. The LASD executive did find guidance on the matter with the Equity Oversight Panel and the Office of Independent Review. In order for *Guidelines for Discipline* to be a complete manual for this process, the executive must be more fully instructed on what the appropriate amount of punishment should be meted for nearly all acts of misconduct.

## Prior Misconduct

As suggested above, although *Guidelines for Discipline* does briefly address the issues of discipline history, it does not effectively guide the LASD executive on how to consider this as an aggravating and mitigating factor. In the section on Progressive Discipline, the manual instructs the LASD executive to consider "the frequency or length of time between occurrences" of sustained allegations, and on page ten of the manual it states that "Disciplinary History" should be examined when considering the level of discipline to impose on a LASD Subject. Many settlement agreements describe past misconduct if prior founded allegations do indeed exist. However, the policy is unacceptably incomplete. It does not help the LASD executive in charge of creating discipline to factor past misconduct. A rubric, guidelines, or even suggestions would make this important element of the disciplinary process much more consistent and clear.

The Denver Police Department created a *Discipline Handbook*, an online guide that describes how misconduct is handled at the DPD. In this manual, there is a clear description of how past disciplinary history impacts management's decision to create new discipline.

### **Prior Disciplinary History as an Aggravating Factor**<sup>26</sup>

21.1 An officer's prior disciplinary history not already used to increase the discipline level may be considered in determining whether the disciplinary sanction should be increased from the presumptive penalty to the aggravated range. It may also be considered in determining whether special circumstances exist justifying a penalty in excess of that allowed under the matrix<sup>27</sup> up to and including reduction in rank or termination.

21.2 As with any other potentially aggravating factor, the reviewer must determine the weight or significance of the history. Factors which may be considered in the weighing process include, but are not limited to:

21.2.1 The nature and seriousness of any prior violation;

21.2.2 The number of prior violations;

21.2.3 The length of time between prior violations and the current case;

21.2.4 The relationship between any prior violation and the present misconduct;

21.2.5 Whether the prior history demonstrates a continuation or pattern of the same or similar misconduct; and

21.2.6 Whether the prior history demonstrates continuous misconduct, even if minor, evidencing a failure to conform to rules or to correct said behavior.

21.3 Remoteness – Where there has been an appreciable amount of time between the prior and present misconduct and the prior misconduct was minor, the prior misconduct should not be considered as an aggravating factor. An exception to this rule would be where the prior misconduct, even if remote/minor, evidences repeat, continual or pattern misconduct.

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<sup>26</sup> Denver Police Department. *Denver Police Department Discipline Handbook: Conduct Principles and Disciplinary Guidelines*, at 25, [http://www.denvergov.org/Portals/338/documents/Handbook percent206-4-08 percent20- percent20FINAL percent20with percent20appendix.pdf](http://www.denvergov.org/Portals/338/documents/Handbook%206-4-08%20-%20FINAL%20with%20appendix.pdf).

<sup>27</sup> This matrix can be found in the appendix of this chapter.

The Denver Police Department's *Discipline Handbook* also illustrates how past discipline should impact the level of discipline being assigned. (The Appendix includes a copy of DPD's penalty table with a corresponding discipline matrix as presented in the *Discipline Handbook*.) The above policy unambiguously delineates how disciplinary history acts as an aggravating factor for sanctioning a Subject. The number of violations, the egregiousness of violations, and the length of time between violations are all identified, and indicated as potential triggers for increasing the severity of the new discipline. The Denver Police Department executive is much better informed on how a Subject's previous violations should bear on the creation of a new discipline schedule.

The penalty table listed in the back of DPD's *Discipline Handbook* helps in not only to assist law enforcement supervisors to appropriately increase discipline for prior misconduct as an aggravating factor but also to create needed consistency to the discipline process. The DPD's penalty ranges are sufficiently narrow to provide clearer guidance. This, in turn, will result in more consistent discipline actions at the Department – helping LASD fight against allegations of discrimination or favoritism concerning discipline. Limiting some of the discretion of ranking LASD members in this decision-making process can also be an effective risk management tool. Many of the discipline actions are currently being decided *ad hoc* at the Los Angeles Sheriff's Department; LASD executives are deciding each discipline action according to his or her own judgment of the situation. LASD executives are not beholden to any real standard when creating discipline for their employees. The Denver Police Department's *Discipline Handbook* is a great example of how a law enforcement agency should inculcate their supervisors to make fair and proper discipline decisions.

## Statistical Measures of EBD

Since Education-Based Discipline was introduced to the LASD in April 2009, the nature of discipline changed significantly. Under EBD, suspensions have become a much more infrequent outcome for LASD members with sustained allegations of misconduct.

We took several statistical measures of the discipline outcomes under the EBD program. Our analysis focused on cases closed with founded misconduct from April 2009 through October 2012. Of the 960 times that suspensions were given to LASD employees, 746 (77 percent) were granted the EBD option to satisfy the suspension schedule in whole or in part. Among that group, 137 suspension assignments, or 18 percent of the total 746 incidents, were assigned a combination of suspension days served "hard" – meaning that unpaid suspension days were actually served – and suspension days placed into abeyance through EBD. Collectively, this group serving this combination of discipline was assigned 1,596 suspension days, 706 (44 percent) of those suspension days were actually served while the remaining 890

(56 percent) days were satisfied through EBD coursework or independent study. The remaining 609 suspension assignments of the 746 (82 percent) were able to put their entire suspension schedule into abeyance through EBD—3,042 suspension days collectively. There were 214 instances when members of the Department served a full suspension with EBD—1,584 days collectively.

## Recidivism

Although recidivism is not a major problem at LASD, **we are concerned with the Department's practice of allocating EBD to Subjects with prior sustained allegations.** We found 165 instances of recidivism at LASD over the lifetime of the EBD program at LASD: 134 Department members received a consecutive sustained allegation with sanctions from April 2009 until October 2012.<sup>28</sup> Of those 134 Department members, one LASD member received discipline on five separate cases, five LASD members received discipline on four separate occasions, and 13 LASD members received discipline on three separate occasions. The remaining 115 instances of recidivism are LASD members with two incidents of misconduct with discipline. There were 1,351 employees with sustained allegations in the lifetime of the EBD program, meaning that repeat offenders committed only 9.92 percent of these violations.<sup>29</sup> Considering that the average annual staffing level at LASD from 2009 through 2012 is 16,673, this is a small fraction of the Department.

Nonetheless, there were many instances that involved Subjects who improperly received EBD coursework after a third or fourth sustained allegation, including:

- After receiving one unpaid suspension day in December 2009, and a written reprimand in 2010, a Deputy Sheriff received five suspension days after being found guilty of committing six violations. The Subject received six credits of EBD to satisfy the suspension period. Then in November of 2011, the same Subject committed four more violations<sup>30</sup> to earn a 10-day suspension that was wholly satisfied in 11 EBD credits. Despite having committed policy violations on four separate occasions, and accumulating 16 suspension days and one written reprimand, this deputy only served one unpaid suspension.

<sup>28</sup> This does not count discharges, salary step reduction, and bonus removal.

<sup>29</sup> Repeat offenders include those who committed sustained allegations that result in a Written Reprimand, Suspension or Demotion from April of 2009 through October of 2012.

<sup>30</sup> 3-01/005.10: RESPONSIBILITY FOR DOCUMENT; 3-01/030.10: OBEDIENCE TO LAWS, REGULATIONS; 3-01/050.10: PERFORMANCE TO STANDARDS; 3-01/050.20: DUTIES OF ALL MEMBERS.

- One LASD member received a written reprimand in 2010 and in 2012. Later in 2012, the same deputy committed two violations<sup>31</sup> to receive a one-day suspension that was completed with two EBD credits. That same year, this deputy committed three additional violations in a fourth case for two days of unpaid suspension – EBD was not an option for this fourth case.
- A Deputy Sheriff received the EBD option after it was found that the officer used unreasonable force. In 2009, this LASD deputy committed two violations that resulted in a one day unpaid suspension. In 2011, this same member of the Department committed five more offenses—one being a founded instance of unreasonable force—that resulted in an eight-day suspension. Five of those eight days were put into abeyance through EBD. Upon receiving another set of sustained allegations in 2012, the deputy received a five-day suspension, and completed three of the five days with five EBD credits—the other two days were served “hard.”

These examples challenge the value of the EBD. For one thing, Subjects can satisfy EBD class requirements by repeating a class that they have already taken. In the first example above, the Subject completed the LIFE program twice, and the Subject in the third example completed that program twice. We doubt that there is any value in taking the same class on multiple occasions. If a LASD member was not able to retain the decision-making material after taking the LIFE class once, why have the individual complete this class a second or third time? Overall, we found 22 instances where EBD was offered after an LASD member who was found guilty of prior misconduct and received discipline.<sup>32</sup> Scaling back punishment in situations that involve prior misconduct demonstrates that the Department believes this is acceptable behavior. Prior misconduct, particularly uses of unreasonable force, should be dealt with appropriate sanctions, and not diminished penalties. Sending members of the Department through multiple rounds of EBD courses will not likely alter behavior as effectively as unpaid suspensions.

We also note that allowing a LASD member to take the EBD option after a sustained allegation of unreasonable force sends the wrong message to employees of the Department.

## False Statements & False Information in Record

In addition to excessive force, two other disconcerting sustained allegations being handled with EBD are false statements and false information in record. According to *Guidelines for*

<sup>31</sup> 3-01/050.65: SHOOTING REQUIREMENTS; 3-01/050.70: FAILURE TO SHOOT/QUALIFY.

<sup>32</sup> Discipline in this instance refers to suspension days, Written Reprimand, or Demotion.



*Discipline*, a violation that falls under the false statement allegation is “lying to a supervisor,” and violations of false information include:

Falsification of internal documents or communications, falsification of official reports or records, falsification of application or omission of information for employment or promotion when it materially affects acceptance or rejection for employment or promotion, falsification of time records or financial records (travel, mileage, overtime, etc.) for fraudulent purposes.

LASD members who have been found of falsifying information to the Department need to be given a clear message that this dishonest behavior will not be tolerated, as it violates the trust of the Department. During the time-period of interest, from April 2009 to October 2012, there were 19 members of the Department who were found to have made False Statements, 10 members who were found to have made False Information in Record, and 4 members of the Department who were guilty of committing both offenses. Among the 19 Department members who made false statements only, two members were given a demotion, one had to serve 10 days without EBD, and the remaining 16 were granted the EBD option. Those 16 who received the EBD option, 11 were able to satisfy the suspension period by attending EBD classes—a total of 171 days. The remaining 5 completed their suspension with a combination of days 45 EBD and 25 “Hard” days. Collectively, among the 16 cases, 216 suspension days were put into EBD out of 251—86 percent.

For members of the Department who had founded allegations of making a false information in record, 9 of the 10 were allowed the EBD option, and of those nine, 8 did not serve any of the 95 suspension days collectively assigned. One LASD member found guilty of false information had to serve all seven suspension days, and another served 15 suspensions days “hard” and 10 through EBD.

The four who were guilty of making a false statement and false information in record were all granted the EBD option to satisfy 63 of a possible 73 suspension days. Three of these Subjects were allowed to complete their suspensions with no actual suspension days to serve, while the remaining subject served 10 suspension days and 5 days through EBD.

Although there are mitigating circumstances and important details in each case, there are far too many instances of the Department being lenient toward members who withheld or obscured the truth. **Allowing 85 percent and more of those suspension days to be satisfied with EBD does not demonstrate that the Sheriff’s Department did everything that it could to prevent future instances of deception.**



## Grievances

The LASD Employee found to be in violation of Department policy has 10 days to grieve or accept the original disciplinary action. If the employee decides to grieve the judgment of the LASD executives, and no change is made to their discipline, then EBD should no longer be an option unless the Unit Commander or Chief believes that this is a viable option, according to the LASD *Guidelines for Discipline* manual.

After speaking with several people close to the LASD disciplinary process, many members of the Department are still provided the option of EBD coursework when there has been no change to the disciplinary action. We believe that this is an incorrect handling of Subjects who have exhausted the right to challenge the Department's decision to discipline. Without the risk of losing EBD, then there is nothing to prevent the Subject from grieving his or discipline in every instance. **LASD should not allow Unit Commanders or Chiefs to grant the EBD option after a grievance is considered when no change in discipline results from the grievance process.**

## Sexual Harassment and Relations with Subordinates

The Los Angeles Sheriff's Department has dealt with the consequences of sexual harassment charges before. After Deputy Susan Paolino Bouman successfully sued LASD for sexual harassment and discrimination, a Consent Decree was issued against the Department to govern its treatment of women. The Bouman Consent Decree, along with a bevy other lawsuits accusing the department of mistreating woman, was meet with a promise from Sheriff Lee Baca to have "zero tolerance for harassment."<sup>33</sup>

When Education-Based Discipline is used to replace a rigorous suspension schedule, it is difficult to say that the Sheriff has followed through with his promise. During the period of our analysis, 16 department members were accused of sexual harassment, and 16 were accused of relations with subordinates, and three Subjects had both sustained allegations. The 16 who were charged with sexual harassment, 8 were allowed to take EBD classes to replace all or part of their suspension period. For this group, 40 of 90 suspension days were satisfied with EBD. The remaining 8 who were charged with Sexual Harassment served suspensions without pay. The 16 who were charged with Relations with Subordinates, eight, again, were allowed to take the EBD classes. These 8 Subjects were able to satisfy 49 suspension days of 64 through coursework. The remaining 8 participants who did not

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<sup>33</sup> Tina Daunt & Anne-Marie O'Connor, "Sex Harassment Hard to Root Out in Sheriff's Dept," *Los Angeles Times* (Apr. 18, 1999), <http://articles.latimes.com/1999/apr/18/news/mn-28688> .

receive EBD, one was subjected to a demotion, and the remaining seven were given “hard” suspension periods. The three who were charged with both Sexual Harassment and Relations with Subordinates were dealt with appropriate penalties. Two were given demotions. One was given a 30-day suspension in addition to completing EBD classes. While those who had committed both violations were properly disciplined, allowing half of those who committed one or the other is not acceptable. Allowing Subjects to take classes instead of completing a full suspension demonstrates that the Department does indeed continue to tolerate this behavior.

## Sworn vs. Civilian Personnel

We compared the treatment of sworn personnel at the Los Angeles Sheriff’s department (e.g., Deputies, Sergeants, Captain) to civilian personnel (e.g., Clerks, Cooks, Technicians) under the EBD program. We found that the Department was doing an acceptable job of treating these two groups equally. Both groups were allowed to take the EBD option in 55 percent of cases with sustained allegations. The civilian group did, however, face double the amount of unpaid suspensions proportionally. The difference is accounted in the percentage of written reprimands. Among sworn staff, 31 percent were given written reprimands while only 18 percent of the civilian staff was given this discipline. We believe that the Sheriff’s Department should make every attempt to treat their personnel as fairly as it can and to be equally as punitive in discipline to both sworn and civilian staff.

## Completing EBD Credits While On-Duty

Because participants who are “on the clock” attend EBD classes, there is no loss of off-duty time for these employees. Persevering the employee’s off-duty time should be a low priority. Having an LASD employee complete EBD classes during off-hours and weekends adds a punitive element to this discipline option. These classes are meant to improve the employee’s behavior through education and should also contain some penalty to help deter the employee from repeating the error or errors. **We recommend that LASD schedule all classes during a Subject’s off-duty hours.**

This adjustment would need to agree with current federal and state labor law. EBD falls under the rules that are used to regulate all training activities as LASD.<sup>34</sup> The *Memorandum of Understanding For Joint Submission Regarding the Peace Officers*, which is the current LASD collective bargaining agreement, states the following:

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<sup>34</sup> Interview with Sergeant Cobos, 3/22/13.

“Work schedules for employees in [LASD] have been established by management on a seven (7) consecutive work day cycle in accordance with the provisions of the Fair Labor Standards Act (FLSA).” (Article 8; Section 1)

Under the Fair Labor Standards Act (FLSA), whenever an employee is on a jobsite and is made to do work, the employee must be compensated.<sup>35</sup> This includes training on the job – an employee must be paid while training because training for work is still considered “work.” A stipulation of the FLSA is that any “course, lecture, or meeting” cannot be “directly related to the employee’s job” if it is not paid.<sup>36</sup>

Many EBD classes are, without a doubt, directly related to LASD job duties. **In order to avoid violating this subsection of the FLSA, we recommend that LASD employees be paid a fraction of their pay while attending EBD classes during off-duty hours.**<sup>37</sup> With some small compensation, LASD members are still facing a penalty for their misconduct while the Department can avoid violating of labor law.

There are many trainings provided to LASD members that are related to on-duty activities that are off-duty and uncompensated. For instance, trainings for instant DNA testing kits are off-duty and optional for sworn members. EBD itself is optional, as described in the *Guidelines for Discipline*. The trainings that are agreed upon by the deciding LASD executive and the Subject are not optional once the EBD option is exercised, but entering into EBD in place of a full unpaid suspension depends on the Subject’s agreement.

Therefore, providing small compensation to Subjects participating in EBD would placate the letter of the FLSA – especially given that LASD already allows trainings, instructive to on-the-job activities, to be completed outside of employees’ normally scheduled working hours.

## Difficulty of Reaching Discipline

The difficulty of reaching disciplinary actions at LASD is another obstacle to appropriately handling founded misconduct. As noted in the 20th Semiannual Report, “once informed of the intent to impose discipline, the Subject has several avenues to argue against the

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<sup>35</sup> 29 U.S.C. § 203(g)

<sup>36</sup> Code of Federal Regulations, Title 29 C.F.R. §§ 785.27.

<sup>37</sup> Implementation of this policy change would need to go through the process of union bargaining. This recommendation does not specifically violate any of the terms of the current collective bargaining agreement between the Association for Los Angeles Deputy Sheriff (ALADS) and LASD, but it does fall under “mandatory subjects of bargaining” under California Labor Law. Also, misconduct at LASD would need to be understood as employee behavior that results in financial loss (e.g. civil lawsuits, processing complaints, investigations) to be lawful under the California Wage Orders.

discipline.”<sup>38</sup> The Subject can have a Skelly hearing if the suggested discipline is five suspension days or more; grieve the matter with the immediate supervisor, the Captain, and then with the Division Chief; the Subject can also bring the matter to County’s Employee Relations Commission (“ERCOM”), or to the County Civil Service Commission (“CSC”) if the matter is severe enough and has not yet been settled.

Also noted by the CCJV report is that a Captain has complete discretion to lower the amount of suspension days that the Subject has been determined to serve. Particularly in situations that involve false statements and unreasonable use of force, LASD Captains have been active in reducing suspensions for members of the Department with founded allegations. This is yet another reason why the EBD option is concerning: Subjects who have received a suspension, after going through a process designed to avoid this result, typically complete their sentence with just a few EBD classes.

## Misconduct Trends at LASD

With this dramatic change in discipline, it would be prudent to examine notable misconduct trends at LASD. With Education-Based Discipline, suspensions are frequently removed and supplanted with non-punitive coursework. To put the EBD process, and the removal of punishment, into context, we will review some of LASD’s significant trends of misconduct. The purpose of this is to examine whether the Los Angeles Sheriff’s Department itself is suitable for EBD.

**There are several indications that the EBD system is not the optimal disciplinary system for LASD.** The County Commission on Jail Violence’s (“CCJV”) report noted disturbing trends have occurred in the Los Angeles County Jails as managed by the Sheriff’s Department. The report described a “persistent pattern of unreasonable force [...] that dates back many years.”<sup>39</sup> This pattern of violence was created within a culture of little accountability, failed leadership, inadequate training, and a “lack of respect for inmates.” Violence was documented as a “preferred option to control[ing] inmates,” and a lax disciplinary process allowed this subversive behavior to continue. Furthering this trend of violence was the existence of deputy “cliques” in the LA county jails. LASD members working in LA county jails would get matching tattoos and allegedly used violence on inmates. LASD leadership apparently knew of these problems and failed to properly address them. This phenomenon has been documented in reports released by CCJV and PARC. In PARC’s 31<sup>st</sup> Semiannual report (our previous report), it was noted that many experienced

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<sup>38</sup> PARC 20th Semiannual Report, Page 17, [http://www.parc.info/client\\_files/LASD/11th\\_percent20Semiannual\\_percent20Report.pdf](http://www.parc.info/client_files/LASD/11th_percent20Semiannual_percent20Report.pdf).

<sup>39</sup> Citizens’ Commission on Jail Violence, *Report of the Citizens’ Commission on Jail Violence*, at 3.

deputies were assigned to the 3000 floor of Men's Central Jail—the floor that houses the most violent and hardened criminals in the Los Angeles County jail system. A lack of rotation among the jails or the jail floors in addition to the tenuous relationship between inmates and LASD employees created an environment that allegedly fostered the “3000 Boys” deputy clique. In 2010, members of the 3000 Boys apparently were involved in a massive brawl at the Quiet Cannon restaurant in Montebello that led to the termination of 6 deputies.

Many remedies have been proposed to address the problem of violence in jails, including increasing floor rotations among deputies, increasing the number of stationary cameras in the jails, and replacing large flashlights (which can be used as weapons) with smaller flashlights used for illumination. As Sheriff Lee Baca stated, the LA county jails will be “stronger and safer.”<sup>40</sup> However, a lax disciplinary process will detract from this goal to the extent that it fails to stem the insubordinate culture within county jails.

The issue of deputy cliques has also occurred on patrol. In May of 2012, seven deputies were placed on paid leave while facing allegations that they belonged to a deputy clique that aggressively policed gang activity and celebrated the use of firearms.<sup>41</sup> The seven deputies had all worked on the Gang Enforcement Team at LASD. Part of the investigation looked for matching tattoos that included a skull with a bandana emblazoned with an “OSS” (for Operation Safe Streets), and a gun next to the skull. It was alleged that if the gun had smoke emanating from the barrel, it meant that the deputy had used a firearm while on duty. The clique, allegedly named the “Jump-Out Boys,” even apparently drafted pamphlets describing their positive view of firearm use. Although the investigations into the “Jump-Out Boys” lead to the removal of seven members of the Department<sup>42</sup>, it is apparent that use of excessive force, subversive sub-cultures, and lack of authority goes beyond these seven employees.

Misconduct is a significant problem in LASD, and curtailing it must be a priority, even if it must come at the expense of temporarily damaging morale among Department members who endure stiff punishment. Softening discipline will not help to solve the problems summarized briefly here. Strong authority that can contain, stop, and prevent employee misconduct must have the power to impose substantial sanctions against members who violate the rules.

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<sup>40</sup> Jack Leonard and Robert Faturechi, “L.A. County Sheriff Lee Baca agrees to long list of jail reforms,” *Los Angeles Times* (Oct. 4, 2012), <http://articles.latimes.com/2012/oct/03/local/la-me-sheriff-jails-20121004>.

<sup>41</sup> Faturechi, Robert, “Tattoo in sheriff's deputy clique may have celebrated shootings, sources say,” *Los Angeles Times* (May 10, 2012), <http://articles.latimes.com/2012/may/09/local/la-me-sheriff-clique-20120510>.

<sup>42</sup> Faturechi, Robert, “Sheriff moves to fire deputies in Jump Out Boys clique,” *Los Angeles Times* (Feb. 6, 2013).

## Evaluation of EBD by Participants

EBD is unsurprisingly very popular among those who have completed the program. Upon completing their EBD course schedule, LASD members are required to complete a one- to two-page evaluation of their experience and give constructive feedback on how to improve EBD. PARC analyzed 25 of these evaluations, chosen at random, and found that praise of the program was by far the most common topic among these essays. Almost all evaluations had some portion devoted to thanking the Sheriff's Department for the opportunity to take the Education-Based Discipline classes and not be suspended without pay. This sentiment was often followed by a remark about how suspension without pay is an onerous punishment and that EBD is a far more appropriate conclusion to the disciplinary process. Many of the evaluations describe their own decision-making process and how they have improved their judgments as a result of the LIFE course. Other common remarks included praise for the instructors as capable lecturers.

The popularity of EBD found in this random sample is supported by statistics derived from a survey conducted by LASD of those who completed the EBD program. A questionnaire was provided to each participant of EBD both before and after the conclusion of their coursework; 795 completed the pre-evaluation survey, while 818 filled-out the survey upon finishing the program. From a scale of one through six, one being "strongly disagree" to six being "strongly agree," 89 percent marked a five or six that they were actively engaged by the instructors, 73 percent marked a five or six that they would make better decisions after attending the LIFE class, and 73 percent marked a five or six that they would recommend taking the EBD option to other LASD members. Those who completed the courses were initially skeptical about the program. Only 56 percent marked a five or six that they believed the EBD course instructors would be engaging, 54 percent marked a five or six that they thought the LIFE course would improve their decision making, and only 51 percent marked a five or six that it would benefit their career. The overwhelming reactions to EBD are relief for avoiding more severe punishment and optimism that the course material will help them in their career going forward.

While this reaction to the course is unsurprising, we did discover one aspect about EBD that we believe should be reevaluated and improved. The written evaluations revealed few examples of how participants learned specific ways to improve their job performance. Indeed, given the array of available courses, this appears understandable. Some courses focus on how to improve the use of firearms. Others focus on choices related to alcohol consumption. However, there seems to be little content in many courses about how Department members can specifically enhance their abilities as sworn or professional employees. Likewise, there are many classes on decision-making and emotional control – a



but few courses on specific skills such as de-escalation policing and management in custody. The LIFE class includes LASD members both Sworn and civilian, from various ranks, and from any LASD location in the county. When there is such a mixture of participants, it is difficult to have coursework that directly improves the abilities of EBD participants.

**We would recommend classes that are more specifically tailored to improve the abilities of participants of EBD.** Perhaps the second half of the LIFE course, an eight-hour class, could break out class participants according to their position at LASD to better concentrate on how they can augment their competency as a member of the Sheriff's Department.

## Record Keeping & Isolated Information

The data used for this analysis was gathered from several areas within LASD and was often difficult to collect. Information on who participated in which EBD classes, and when those classes were attended, were obtained from the Employee Relations department. Employee Relations keeps this information in a stand-alone database that organizes the data by case number. The Risk Management Bureau has yet another database that tracks suspension days served through EBD and days served "hard." The suspension periods are also kept on the Personnel Performance Index (PPI), but suspension schedules that are served through the EBD program and through actual time-off without pay cannot be queried. The PPI also does not retain information on what classes were completed, what day those classes were completed and, and cannot generate reports by employee number instead of case number. The PPI needs to have these abilities and data in order to serve as the performance evaluation program that it was designed to be.

**We recommend that the PPI show the EBD classes completed by the department member, the number of suspension days served "hard," the length of the original suspension, and the length of the final suspension with the organization or authority that granted a reduction if one occurred. We also recommend that the PPI have the ability to order data by employee number, and show the amount of money that was removed from the LASD member's pay schedule if they served an unpaid suspension.** These modifications would allow the Department to more fully evaluate the EBD program with important data.

## Suggested Changes to the EBD Program

We believe that the Education-Based Discipline program does have positive elements and should be continued despite these criticisms. OIR's participation in the discipline process is excellent. Members of OIR are not only involved in every disciplinary decision but are able to unofficially appeal a decision to LASD executives if they do not fully agree with the discipline decision. Those who are granted the EBD option are notably happy with the experience and express that the classes have a valuable impact on their work and on their lives. Instructors are also well-received, and the courses do appear to have some value. Training members of the Department to better themselves is a great way to improve the employees – especially as an alternative to not working and growing bitter towards the Sheriff's Department. These qualities are reasons to retain the program as part of the discipline process at LASD.

Some reforms, however, need to be made. LASD made some progress in this direction during the writing of this report. In February, the Sheriff's Department disqualified the following sustained allegations from EBD: unreasonable force, false statements, failure to report force, and failure to make statements and/or making false statements during a Department internal investigation to the category of reasons to be denied EBD.<sup>43</sup> For reasons discussed above, **we would recommend that founded charges of “false information in record” also disallow the Subject from EBD.**

Given the Department's history with sexual misconduct, **we recommend that “sexual harassment” and “relations with subordinates” be added to those that are disqualified for EBD.**

It should be clear that deceit is absolutely not tolerated by the Sheriff's Department. **Members of the Department who are charged and convicted of misconduct a second time and beyond should not be given the EBD option in its current form.** Tolerance can be afforded to one act of misjudgment or misunderstanding, but a second violation signals that a pattern is emerging and should be handled with a more severe penalty.

**LASD members mandated to serve suspension periods of 6 days or more should not be permitted to take EBD coursework in place of unpaid suspensions.**

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<sup>43</sup> It should be noted that since February, 2013, two LASD Subjects who have sustained allegations of unreasonable force have been granted the EBD option; along with 6 LASD members who have been found of failing to report force. These incidents occurred before the date of the new policies and were thus allowed the EBD option under the previous policies for discipline.



**Suspensions of 3 to 5 days should receive a combination of “hard,” served suspension days and EBD courses. One to 2 suspension days should be the only suspension periods that can be satisfied with EBD alone – and only if it is the first sustained allegation.**

**EBD classes should still be provided to LASD members while they serve suspensions.** As indicated above, participants of the program find the classes to be helpful and taught by proficient instructors. The classes should focus on specific, job-related skills, but even at their current make-up they still appear to be useful to members of the Department. Subjects will still face the consequences of their actions by enduring an unpaid suspension or worse, and attend these classes with some small compensation to remain legal under federal and state labor law. The EBD system has many positive components and characteristics, but it should not be used to replace punishments that can better deter possible future misconduct.

The impact on the minority of LASD members who receive discipline should not prevent the Department from clearly delineating what is unacceptable. While the loss of payment to an employee can impose a difficult challenge to the individual receiving discipline, disciplinary action should not be considered in a vacuum. A suspension without pay not only expressly informs the violator that their behavior is not tolerated but also sends this message to all those in the Department who are informed of the reprimand. While excluding certain violations such as unreasonable force and false statements are a good start, but do not go far enough. The Department, presumably, removed these violations from the EBD because they are not tolerated. We are confused about whether this means that other serious offenses, such as Sexual Harassment, are tolerated. The focus of EBD should be to retrain violators of LASD policy. Including Sexual Harassment, Relations with Subordinates, race-based policing, and submitting false information into record, should be added to those violations that do not qualify for EBD in addition to any violation that results in a suspension period of 4 days or longer. Education-Based Discipline should be used in conjunction with unpaid suspensions, and not in place of them.

# Appendix:

## Penalty Tables and Discipline Matrix

LASD Penalty & Discipline Matrix

Discipline Level	Mitigated Penalty	Presumptive Penalty	Aggravated Penalty
<b>1</b>		Oral Reprimand	Written Reprimand
<b>2</b>	Oral Reprimand	Written Reprimand	1-3 Fined Days
<b>3</b>	Written Reprimand To 1 Fined Day	2 Fined Days	4-6 Fined Days
<b>4</b>	2-4 Fined Days	3 Days Suspension	5-7 Days Suspension
<b>5</b>	4-6 Days Suspension	10 Days Suspension	14-16 Days Suspension
<b>6</b>	18-22 Days Suspension	30 Days Suspension	38-42 Days Suspension
<b>7</b>	43-47 Days Suspension	60 Days Suspension	Termination
<b>8</b>	90 Days Suspension	Termination	

# Denver Police Department – Discipline Matrices



## DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



### Categories, Violations and Level Assignments Table

<b><u>CATEGORY A</u></b>			
CONDUCT THAT HAS A MINIMAL NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT			
<b><u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u></b>	<b>1st Violation</b>	<b>2nd Violation</b>	<b>3rd** Violation</b>
	in 3 Years	in 3 Years	in 3 Years
	-Level-	-Level-	-Level-
RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	1	2	3
RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*			
RR-103 Aid Another to Violate Rule (A-F)*			
RR-105 Conduct Prejudicial (A-F)*			
RR-108.1 Plainclothes Officers - Identification			
RR-115.1 Conduct Prohibited by Law (A-F)*			
RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-121 Off Duty in Uniform (A-F)*			
RR-129 Giving Name and Badge Number			
RR-136 Use of Tobacco Products in Police Facilities			
RR-205 Giving Testimonials, Seeking Publicity			
RR-314 Providing Assistance Outside the City			
RR-501 Personal Appearance in Court			
RR-612 Answer to Official Communications			
RR-614 Publication of Articles			
RR-616 Police Bulletin			
RR-802 Uniform Restrictions While Off Duty			
RR-805 Equipment Carried on Person			
RR-1001 Testifying in Civil Cases			
RR-1002 Service of Civil Processes			
RR-1003 Initiation of Civil Cases			
RR-1104 Location When Ill			
RR-1105 Reporting During Illness or Injury			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

\*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

\*\*The 4<sup>th</sup> or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



## DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



### Categories, Violations and Level Assignments Table

<b><u>CATEGORY B</u></b>			
CONDUCT THAT HAS MORE THAN A MINIMAL NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT; OR THAT NEGATIVELY IMPACTS RELATIONSHIPS WITH OTHER OFFICERS, AGENCIES OR THE PUBLIC.			
<b><u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u></b>			
	1st Violation	2nd Violation	3rd** Violation
RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F) <sup>+</sup>	in 4 Years	in 4 Years	in 4 Years
RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F) <sup>+</sup>	-Level-	-Level-	-Level-
RR-103 Aid Another to Violate Rule (A-F) <sup>+</sup>			
RR-105 Conduct Prejudicial (A-F) <sup>+</sup>			
RR-108.2 Protecting Identity of Undercover Officers			
RR-115.1 Conduct Prohibited by Law (A-F) <sup>+</sup>			
RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F) <sup>+</sup>	2	3	4
RR-121 Off Duty in Uniform (A-F) <sup>+</sup>			
RR-122.1 Respect for Fellow Officer			
RR-126 Amusement Places Restrictions			
RR-127 Responsibilities to Serve Public			
RR-128.1 Impartial Attitude			
RR-132 Purchase of Forfeited Property			
RR-140 Discourtesy			
RR-206 Soliciting Business			
RR-303 Trivial Offenses			
RR-304 Traffic Enforcement When Not in Uniform			
RR-309.1 Suggesting Bondsmen or Attorneys			
RR-605 Removal of Reports and Records			
RR-607 Failure to Make, File or Complete Official Reports			
RR-613 Unauthorized Use of Department Letterheads			
RR-703 Soliciting Money for Political Purposes			
RR-704 Soliciting for Promotion, Appointment			
RR-806.1 Alteration or Exchange of Badge Prohibited			
RR-807 Loss or Damage to Badge			
RR-808 Equipment and Property Restrictions on Use			
RR-809 Rough or Careless Handling of City or Departmental Property			
RR-902 Department Vehicle Operation			
RR-1101 Reporting Absence Prior to Roll Call			
RR-1102 Reporting for Duty			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

\*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

\*\*The 4<sup>th</sup> or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.





## DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



### Categories, Violations and Level Assignments Table

<b><u>CATEGORY C</u></b>			
CONDUCT THAT HAS A PRONOUNCED NEGATIVE IMPACT ON THE OPERATIONS OR PROFESSIONAL IMAGE OF THE DEPARTMENT, OR ON RELATIONSHIPS WITH OTHER OFFICERS, AGENCIES OR THE PUBLIC.			
<b><u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u></b>	1st Violation	2nd Violation	3rd <sup>++</sup> Violation
	in 5 Years	in 5 Years	in 5 Years
	-Level-	-Level-	-Level-
RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*	3	4	5
RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*			
RR-103 Aid Another to Violate Rule (A-F)*			
RR-104 Contacting of Supervisor			
RR-105 Conduct Prejudicial (A-F)*			
RR-107 Always on Duty			
RR-109.1 Drinking to Excess			
RR-115.1 Conduct Prohibited by Law (A-F)*			
RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*			
RR-117 Disobedience of an Order (C-F)*			
RR-119 Sleeping on Duty			
RR-121 Off Duty in Uniform (A-F)*			
RR-122.2 Abuse of Fellow Officers			
RR-138 Discrimination, Harassment and Retaliation (C-F)*			
RR-141.2 Reporting of Prohibited Associations			
RR-204 Soliciting, Accepting Gifts, Gratuities			
RR-307 Posting Bail			
RR-310 Mistreatment of Prisoners/Suspects			
RR-401 Display of Firearms			
RR-402 Careless Handling of Firearms (C-F)*			
RR-403 Restrictions on Auxiliary Weapons			
RR-702 Using Police Position to Gain Political Office			
RR-1004 Testifying for Defendant			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

\*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

\*\*The 4<sup>th</sup> or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



## DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



### Categories, Violations and Level Assignments Table

<b><u>CATEGORY D</u></b>			
<p>CONDUCT SUBSTANTIALLY CONTRARY TO THE VALUES OF THE DEPARTMENT OR THAT SUBSTANTIALLY INTERFERES WITH ITS MISSION, OPERATIONS OR PROFESSIONAL IMAGE, OR THAT INVOLVES A DEMONSTRABLE SERIOUS RISK TO OFFICER OR PUBLIC SAFETY.</p>			
<b><u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u></b>	1st Violation	2nd Violation	3rd <sup>±±</sup> Violation
	in 7 Years	in 7 Years	in 7 Years
	-Level-	-Level-	-Level-
RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F) <sup>±</sup>	5	6	7
RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F) <sup>±</sup>			
RR-103 Aid Another to Violate Rule (A-F) <sup>±</sup>			
RR-105 Conduct Prejudicial (A-F) <sup>±</sup>			
RR-106.1 Immoral Conduct			
RR-109.2 Unfit for Duty			
RR-112.1 Misleading or Inaccurate Statement			
RR-115.1 Conduct Prohibited by Law (A-F) <sup>±</sup>			
RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F) <sup>±</sup>			
RR-117 Disobedience of an Order (C-F) <sup>±</sup>			
RR-121 Off Duty in Uniform (A-F) <sup>±</sup>			
RR 122.3 Insubordination			
RR-128.2 Impartial Attitude - Bias			
RR-130.1 Aiding and Protecting Fellow Officers – Unreasonable			
RR-138 Discrimination, Harassment and Retaliation (C-F) <sup>±</sup>			
RR-141.1 Prohibited Associations (D-F) <sup>±</sup>			
RR-306 Inappropriate Force (D-F) <sup>±</sup>			
RR-311.1 Compromising Criminal Cases			
RR-312.1 Interfering with Case Assigned to Other Officers			
RR-402 Careless Handling of Firearms (C-F) <sup>±</sup>			
RR-601.1 Communication of Confidential Information, Generally			
RR-603 Destruction of Evidence			
RR-806.2 Use of Badge by Person other than Officer			
RR-1106 Feigning Illness or Injury			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

\*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

\*\*The 4<sup>th</sup> or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.





## DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



### Categories, Violations and Level Assignments Table

<b><u>CATEGORY E</u></b>			
<p>CONDUCT THAT INVOLVES THE SERIOUS ABUSE OR MISUSE OF AUTHORITY, UNETHICAL BEHAVIOR, OR AN ACT THAT RESULTS IN AN ACTUAL SERIOUS AND ADVERSE IMPACT ON OFFICER OR PUBLIC SAFETY OR TO THE PROFESSIONALISM OF THE DEPARTMENT.</p>			
<b><u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u></b>			
	1st Violation	2nd Violation	3rd** Violation
RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F) <sup>+</sup>	No Time Limit	No Time Limit	No Time Limit
RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F) <sup>+</sup>	-Level-	-Level-	-Level-
RR-103 Aid Another to Violate Rule (A-F) <sup>+</sup>			
RR-105 Conduct Prejudicial (A-F) <sup>+</sup>			
RR-109.3 Drinking on Duty			
RR-114 Intimidation of Persons			
RR-115.1 Conduct Prohibited by Law (A-F) <sup>+</sup>	6	7	8
RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F) <sup>+</sup>			
RR-117 Disobedience of an Order (C-F) <sup>+</sup>			
RR-120 Appropriating Property			
RR-121 Off Duty in Uniform (A-F) <sup>+</sup>			
RR-123 Assault of Fellow Officer			
RR-138 Discrimination, Harassment and Retaliation (C-F) <sup>+</sup>			
RR-141.1 Prohibited Associations (D-F) <sup>+</sup>			
RR-203 Accepting Gifts from Persons of Bad Character			
RR-302 Personal Family Disputes			
RR-305 Duty to Protect Prisoner			
RR-306 Inappropriate Force (D-F) <sup>+</sup>			
RR-309.2 Suggesting Bondsmen or Attorneys for Profit			
RR-402 Careless Handling of Firearms (C-F) <sup>+</sup>			
RR-601.2 Communication of Confidential Information that Jeopardizes a Police Action			
RR-606 Destruction of Reports or Records			
RR-609 Altering Information on Official Documents			
RR-1107 Physical or Mental Examination			
RR-1108 Release of Medical Information			

- Any prior sustained violation in a category greater than or equal to the current violation shall increase the penalty level by 1. The prior violation must be within the specified time frame of the current violation.
- Any prior sustained violation within the specified time frame, in a category lower than the current violation, may be considered as an aggravating factor.

<sup>+</sup>Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.

<sup>\*\*</sup>The 4<sup>th</sup> or subsequent sustained violation of the same R&R, within the specified time frame, may result in more severe disciplinary recommendations.



## DENVER POLICE DEPARTMENT - DISCIPLINE MATRIX



### Categories, Violations and Level Assignments Table

<b><u>CATEGORY F</u></b>	
<p>ANY VIOLATION OF LAW, RULE OR POLICY WHICH: FORESEEABLY RESULTS IN DEATH OR SERIOUS BODILY INJURY; OR CONSTITUTES A WILLFUL AND WANTON DISREGARD OF DEPARTMENT VALUES; OR INVOLVES ANY ACT WHICH DEMONSTRATES A SERIOUS LACK OF THE INTEGRITY, ETHICS OR CHARACTER RELATED TO AN OFFICER'S FITNESS TO HOLD THE POSITION OF POLICE OFFICER; OR INVOLVES EGREGIOUS MISCONDUCT SUBSTANTIALLY CONTRARY TO THE STANDARDS OF CONDUCT REASONABLY EXPECTED OF ONE WHOSE SWORN DUTY IS TO UPHOLD THE LAW; OR INVOLVES ANY CONDUCT WHICH CONSTITUTES THE FAILURE TO ADHERE TO ANY CONTRACTUAL CONDITION OF EMPLOYMENT OR REQUIREMENT OF CERTIFICATION MANDATED BY LAW.</p>	
<b><u>EXAMPLES INCLUDE BUT ARE NOT LIMITED TO:</u></b>	
<ul style="list-style-type: none"> <li>RR-102.1 Duty to Obey Departmental Rules and Mayoral Executive Orders (A-F)*</li> <li>RR-102.2 Requirement for Former Officers to Obey Laws, Denver Police Department Rules and Regulations, and Certain Orders during the Pendency of Appeals (A-F)*</li> <li>RR-103 Aid Another to Violate Rule (A-F)*</li> <li>RR-105 Conduct Prejudicial (A-F)*</li> <li>RR-106.2 Sexual Misconduct</li> <li>RR-109.4 Under the Influence</li> <li>RR-111 Controlled Substances</li> <li>RR-112.2 Commission of a Deceptive Act</li> <li>RR-115.1 Conduct Prohibited by Law (A-F)*</li> <li>RR-115.2 Aggravated Conduct Prohibited by Law</li> <li>RR-116 Conspiracy to Commit Conduct Prohibited by Law or Aggravated Conduct Prohibited by Law (A-F)*</li> <li>RR-117 Disobedience of an Order (C-F)*</li> <li>RR-121 Off Duty in Uniform (A-F)*</li> <li>RR-130.2 Aiding and Protecting Fellow Officers – Intentional</li> <li>RR-137 Collective Bargaining Fair Share Fee</li> <li>RR-138 Discrimination, Harassment and Retaliation (C-F)*</li> <li>RR-141.1 Prohibited Associations (D-F)*</li> <li>RR-202 Soliciting or Accepting a Bribe</li> <li>RR-306 Inappropriate Force (D-F)*</li> <li>RR-308 Aiding an Escapee</li> <li>RR-311.2 Interference with Prosecution</li> <li>RR-312.2 Interfering with Internal Investigation/Questioning</li> <li>RR-312.3 Failure to Provide a Statement</li> <li>RR-402 Careless Handling of a Firearm (C-F)*</li> <li>RR-803 Uniform Restrictions for Officers Under Suspension</li> <li>RR-804 Exercise of Authority While Under Suspension</li> <li>RR-1103 Constructive Resignation</li> <li>RR-1201 POST Certification</li> </ul>	<p>1st Violation -Level-</p> <p style="font-size: 2em; font-weight: bold;">8</p>
<p>*Violations that appear in multiple categories will require the Department to compare the underlying conduct to the definitions contained in each category in order to identify the appropriate category for the violation.</p>	



**COMMISSION  
ON PEACE OFFICERS'  
STANDARDS AND TRAINING  
STANDARD OPERATING  
PROCEDURES**

**SUBJECT:  
POST Prohibitions and Penalties - SECTION  
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**I. POLICY**

Each member of the POST team has the responsibility of understanding and following the rules of proper conduct and performance vital to carrying out the Agency's mission. Even though there are many situations you will encounter that are unfamiliar or unexpected requiring you to rely on your own discretion and judgment, it is important to have a clear understanding of the rules that govern your actions in performing your duties.

Although it would be impossible to address every infraction or violation that could conceivably develop, this policy should prove to be sufficiently comprehensive to cover the majority of situations that could be a source of concern. Since it covers a wide range of undesirable actions and behaviors, it should provide an excellent guide for supervisors and employees on what is expected in the area of proper conduct.

**II. PURPOSE**

This policy provides reference to personnel rules and administrative procedures in the disciplinary process. It is often stated that the best discipline is self-discipline; however, in the absence of self-discipline there are times when it must come from another source. When it does, it may come with a disagreeable or negative connotation. There is a tendency to think of discipline entirely in its most limited sense as an action taken against an employee who has committed some violation of proper conduct or a rule infraction. This is sometimes referred to as "corrective action," but it must be remembered that *discipline* also has a broader and more positive meaning

**III. PROCEDURE**

**AUTHORITY**

After you have thoroughly reviewed this policy please sign the "Memo to Personnel File," (Attachment A), and return it to your supervisor.

The authority for management to prescribe behavior and conduct standards derives from Chapter 284 of the Nevada Revised Statutes and the Nevada Administrative Code. The "Disciplinary Procedures, Adjustment of Grievances, and Prohibitions and Offenses" section of NAC 284 provides that each appointing authority will determine and describe in writing standards of conduct appropriate

to the mission of the Agency. These standards are in addition to prohibitions and penalties that are listed in NAC 284 and are applicable to all State employees. All employees of the Commission on Peace Officers' Standards and Training will have access to a copy of the "Prohibitions and Penalties" policy and the POST Policy and Procedures Manual.

This policy has been approved by the Personnel Commission and thus has the same force and effect as other rules and regulations covering classified employees. The penalties identified for the various infractions are merely guidelines, and may be applied to a greater or lesser degree indicated depending on the circumstances.

## **TYPES OF CORRECTIVE ACTIONS**

Letter of Instruction. A letter of instruction to the employee is typically written by the supervisor(s) responsible for the employee's activities. The letter is intended to provide the employee with information and instruction or training, and establishes documentation that the employee has been made aware of his or her responsibility with regard to a particular situation or set of circumstances. The Letter of Instruction is intended as a coaching tool and is not intended to be a part of the disciplinary process and, therefore, is not included in the order of disciplinary actions that follow.

Progressive discipline normally follows this course, in sequence; however, accelerated action may be taken when extreme situations prevail. Formal steps in the disciplinary process include the following:

1. Oral Warning. The oral warning typically comes from the supervisor responsible for the employee's activities. The warning may actually be oral or written, or both. Oral warnings issued in writing are maintained in the supervisor's file. Oral warnings are not forwarded to the employee's departmental personnel file or to the Division of Human Resource Management's records section.
2. Written Reprimand. The supervisor responsible for the employee's activities also issues written reprimands. This action should be both oral and written. The supervisor and employee must sign it. A copy is given to the employee and copies are sent to the employee's departmental personnel file as well as the Division of Human Resource Management's records section. Written reprimands must be on the standardized form NPD-52. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-52 form, and another supervisor should sign as a witness.
3. Suspension. A suspension is without pay and may not exceed 30 calendar days. It requires an NPD-41 form—Specificity of Charges. If the employee refuses to sign the form, the supervisor will state this fact on the NPD-41 form, and another supervisor should sign as a witness.
4. Demotion. A demotion to a lower class also requires the NPD-41 form—Specificity of Charges. If the employee refuses to sign the supervisor will state this fact on the NPD-41 form, and another supervisor should sign as a witness.

5. Dismissal. Dismissal from services also requires NDP-41 form—Specificity of Charges. If the employee refuses to sign the supervisor will state this fact on the NPD-41 form, and another supervisor should sign as a witness.

**NOTE: The Appointing Authority will review and discuss with the Attorney General’s office prior to all disciplinary actions involving a recommendation of suspension (3), demotion (4), or dismissal (5) of a permanent employee.**

The attached chart (Attachment B) shows recommended minimum and maximum penalties for the first, second, and additional offenses for a wide range of prohibited activities. A dash on the chart indicates that the offense has been previously labeled as a “Dismissal.” If disciplinary actions 3, 4, and 5, described at the bottom of each page of the chart, are recommended for a permanent employee, the pre-disciplinary hearing guidelines found in NAC 284.656 must be followed.

**NOTE: Appropriate disciplinary or corrective action may also be taken for any causes listed in Section 284.650 of the Nevada Administrative Code, “Causes for Disciplinary Action” (<http://leg.state.nv.us/NAC/NAC-284.html#NAC284Sec650>)**

If an employee should disagree with an action taken by a supervisor, he has several administrative review processes available to him. Actions that result in an oral warning or a written reprimand can be grieved through the formal grievance process. Corrective actions resulting in suspension, demotion, or dismissal provide for a pre-disciplinary hearing process and a post disciplinary appeal before a Hearing Officer provided by the Personnel Commission.

Attachment A:

MEMO TO THE PERSONNEL FILE OF \_\_\_\_\_

Print Employee Name

The authority to prescribe behavior and performance standards derives from the Nevada Revised Statute Chapter 284 and the “Disciplinary Procedures, Adjustment of Grievances, and Prohibitions and Offenses” sections of the State of Nevada Rules for State Personnel Administration. These regulations provide that each appointing authority shall determine and describe in writing activities that are inconsistent, incompatible, or in conflict with the duties and responsibilities of the Commission on Peace Officers' Standards and Training (POST) employees.

The POST Prohibitions and Penalties document is a guide intending to clarify existing rules and regulations and does not cover all infractions and violations that could conceivably occur. It does however cover the majority of situations that are a source of concern to POST. As a tool, which describes behavior that is subject to discipline, the policy will serve the needs of both supervisory personnel and employees. Additions, deletions or changes to the policy as they are approved by the Personnel Commission will be communicated to employees and supervisors similarly to other agency Policies and Procedures.

The State Personnel Commission approved this guide, thus it has the same force and effect as other rules and regulations covering classified employees.

Once signed, this acknowledgment will be placed in the employee’s personnel file.

**A. Acknowledgment of Receipt**

I acknowledge receipt of a copy and have read POST Policy and Procedure 5.22, entitled Prohibitions and Penalties:

Employee Printed Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Attachment B:

POST Prohibitions and Penalties		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
<b>A. Fraud in securing appointment</b>							
1	Falsification of application for employment or other personnel records with respect to a material point relating to education & training or employment history & experience which would have adversely affected selection for appointment.	5	--	--	--	--	--
2	Taking, for another person, or permitting another person to take for you, an examination or a portion thereof.	5	--	--	--	--	--
3	Refusal upon hire to sign the Acknowledgement of Receipt of Prohibitions and Penalties.	5	--	--	--	--	--
4	<i>Refusal, upon hire, to sign the Acknowledge of the Governor's Policy against Sexual Harassment and discrimination (or any other required document)</i>	5	--	--	--	--	--
<b>B. Performance on the job</b>							
1	Failure of employee to maintain proper work or personal appearance standards.	1	3	2	4	3	5
2	Failure to prepare or maintain prescribed records or reports.	1	5	2	5	4	5
3	Willfully falsifying prescribed records or reports.	3	5	5	--	--	--
4	Withholding information regarding the job from supervisors or other persons having the necessity for such information.	2	5	4	5	5	--
5	Failure to cooperate in work related projects with other employees and/or supervisors.	1	3	2	4	3	5
6	Failure of an employee, who is designated as a supervisor and has supervisory authority, to take corrective disciplinary action where such action is needed.	1	2	2	3	4	5
7	Waste or loss of State material, property or equipment.	1	3	2	5	4	5
8	Negligent destruction of or damage to State property.	1	5	2	5	5	--
9	Willful destruction of or damage to State property.	2	5	5	--	--	--
10	Jeopardizing the security of departmental property or records	1	3	2	5	3	5
11	Unauthorized and willful destruction, <i>removal, or</i> alteration of departmental records.	5	--	--	--	--	--
12	Soliciting or accepting a bribe.	5	--	--	--	--	--
13	Embezzlement or misappropriation of departmental funds or other funds which come into the employee's possession by reason of their official position for personal gain.	5	--	--	--	--	--

POST Prohibitions & Penalties		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
		14	Negligent falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. Not for personal financial gain; b. For personal financial gain.	1 3	3 5	4 5	5 --
15	Willful falsification of financial records, such as travel, payroll, or purchase vouchers, or their supporting documents: a. Not for personal financial gain; b. For personal financial gain.	2 5	5 --	3 --	5 --	5 --	-- --
16	Negligent falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	1	2	3	4	5	--
17	Willful falsification of time and attendance records including leave requests, overtime, compensatory time, or any leave record.	3	5	5	--	--	--
18	Willful concealment of material facts by omission from records.	2	5	4	5	5	--
19	Unauthorized taking or using property belonging to the federal or State government or fellow employees. a. 0 - \$25 b. over \$25	1 2	3 5	2 3	5 5	5 5	-- --
20	Making unauthorized departmental transactions for personal profit.	5	--	--	--	--	--
21	Disregard and/or deliberate failure to comply with or enforce statewide, department or office regulations and policies.	2	5	3	5	4	5
22	Unauthorized removal of secure or personal records, correspondence or documents from departmental files.	2	5	3	5	4	5
<b>C. Neglect of, or inexcusable absence from the job</b>							
1	Negligence in performing official duties including failure to follow instructions or regulations.	1	3	2	5	3	5
2	Carelessness, indifference, laziness and/or inattention to duty.	1	5	2	5	3	5
3	Failure to report to work at specified times and in the prescribed manner.	1	3	2	5	3	5
4	Conducting personal business during working hours.	1	3	2	4	3	5
5	Frequent or continual tardiness.	1	3	2	4	3	5
6	Failure to notify supervisor or designated representative promptly when unable to report for work. Notification must occur for each shift unless otherwise pre-arranged.	2	3	3	5	5	--
7	Leaving a work area or a job without authorization or when specifically instructed to remain in work area or at the job.	1	4	2	5	4	5

<b>POST Prohibitions &amp; Penalties</b>		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
8	Unauthorized absence from duty or abuse of leave privileges.	1	3	2	5	5	--
9	Absence from duty without leave after having been denied permission to take such leave.	3	5	5	--	--	--
10	Failure to report to work or call supervisor for three (3) consecutive work days without permission or justification.	5	--	--	--	--	--
<b>D. Relations with supervisor, fellow employees, and the public</b>							
1	Insubordination: Refusal to comply with order or instruction from a supervisor (or superior in employee's chain of command.)	2	5	3	5	5	--
2	Threatening or attempting bodily harm to supervisor, the public or fellow employee.	2	5	5	--	--	--
3	Any act of violence in the course of duties, including stalking, threats, intimidation, assault or battery.	5	--	--	--	--	--
4	Using insulting, abusive or profane language to a supervisor, the public or fellow employee.	2	3	3	4	4	5
5	Discourteous treatment of the public, supervisor or a fellow employee.	1	5	2	5	3	5
6	Deliberately making false statements to or about supervisor.	2	3	3	4	4	5
7	Making statements, false or otherwise, intended to demean or disparage supervisor, fellow employees or the public; or intended to disrupt the work environment.	2	3	3	4	4	5
8	Causing discord among employees to the detriment of moral	3	5	5	--	--	--
<b>E. Use of alcoholic beverages, narcotics, or habit forming drugs</b>							
1	Consuming or being under the influence of alcohol, narcotics, drugs or other controlled substances while on duty, to include lunch and work breaks, unless prescribed by a physician.	3	5	5	--	--	--
2	Convicted of driving under the influence or any other offense for which driving under the influence is an element of the offense, and the offense occurred while driving a State vehicle or a privately owned vehicle while on State business. *Second offense is a repeated offense within 5 years of the first.	3	5	5	--	--	--
3	Failure to complete any rehabilitation program recommended in the evaluation of an employee who is suspended or demoted pursuant to 2 above, by an employee assistance program.	5	--	--	--	--	--
4	Convicted of violating any State or federal law prohibiting the sale of a controlled substance.	5	--	--	--	--	--

POST Prohibitions & Penalties		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
5	Failure to report a conviction of any alcohol or drug related offense to the appointing authority within five (5) working days after it occurs.	5	--	--	--	--	--
6	Refusal to take any drug and/or alcohol test when there is reasonable belief an employee is under the influence of drugs or alcohol.	5	--				
7	Refusal to submit to a screening test for any drug and/or alcohol test mandated by federal or state law.	2	5	3	5	5	--
8	Unlawful possession of an illegal controlled substance at his work or while on departmental business.	5	--	--	--	--	--
<b>F. Misuse of departmental or State property</b>							
1	Using departmental owned or leased property, <i>State or Federal owned or leased property</i> , without proper authorization in accordance with POST policy.	1	3	3	5	5	--
2	Operating State vehicle or equipment in an unsafe or negligent manner resulting in the damage to the equipment or to the property ( <i>or injury to a person</i> )	1	5	2	5	5	--
3	Failure to have State vehicles or equipment properly maintained and/or serviced resulting in damage to equipment or personal injury.	1	4	2	5	5	--
4	Charging personal long distance phone calls via telephone or fax to POST without compensating the agency.	1	2	3	4	5	--
5	Operating State vehicles or equipment without a valid or proper license. a. Without knowledge that the license is no longer valid. b. With knowledge that the license is no longer valid.	2 4	5 5	5 5	-- --	-- --	-- --
6	<i>Requesting, receiving and cashing a paycheck before the state's designated payday</i>	2	3	3	--	--	--
7	<i>Rendering of services or good to recipients that is not in accordance with departmental or divisional policies</i>	2	4	3	4	5	--
<b>G. Misuse of Information Technology</b>							
1	Internet usage that conflicts with POST policy.	1	4	2	5	5	--
2	Use that interferes with employee performance or departmental functions to include the downloading and using entertainment software such as games or other non-work related materials, or on-line gambling.	1	5	2	5	5	--



<b>POST Prohibitions &amp; Penalties</b>		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
3	Accessing, displaying and/or printing material or images that are sexually explicit and serve to create a hostile environment in the work place.	1	4	2	5	5	--
4	Use for activities that are illegal, inappropriate, or offensive to fellow employees or the public such as harassment or hate speech to include language that discriminates against others on the basis of race, religion, gender, disability, national origin, or sexual orientation.	1	4	2	5	5	--
5	Obtaining unauthorized access to another's e-mail or data files or to confidential records maintained by the Department.	2	4	3	4	5	--
6	<i>Intentionally allowing an inmate to have any password protect file</i>	1	2	3	4	5	--
7	Use that violates copyright laws; software licensing agreements; property rights; the privacy of others; or local, state, or federal laws.	1	5	3	5	5	--
8	Accessing a website that results in a fee being charged to the State.	1	2	3	4	5	--
9	Personal use that could slow down, delay, or disrupt computer services such as chain letter, greeting cards, and streaming of radio or TV broadcasts or other audio or video material.	1	2	3	4	5	--
10	Revealing passwords or using another person's user identification or password to access confidential information without authorization.	2	5	3	5	5	--
11	Negligent use of information technology that results in the introduction of computer viruses, system monitoring devices or devices that can cause damage or limit access to the equipment, software, or data.	1	5	2	5	4	5
12	Knowing and willful sabotage of information technology resources such as the introduction of computer viruses, system monitoring devices, or an device that can cause damage or limit access to the equipment, software, or data.	5	--	--	--	--	--
<b>H. Other acts of misconduct or incompatibility</b>							
1	Engage in outside employment activity or enterprise which the appointing authority considers to be inconsistent, incompatible, or a conflict of interest with POST and or employment without authorization.	1	3	2	4	5	--
2	Failure to report an accident involving State equipment or vehicles assigned to the employee within 24 hours.	2	5	3	5	4	5

<b>POST Prohibitions &amp; Penalties</b>		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
3	Unauthorized or improper disclosure of confidential information.	2	5	3	5	5	--
4	Disgraceful personal conduct which impairs job performance.	1	4	3	5	5	--
5	Accepting gifts, service, favor, employment, engagement or economic opportunity from any individual, firm, or organization doing business with POST or the State when the employee is responsible for making any recommendations or decisions affecting their business activities.	1	5	2	5	3	5
6	Misrepresentation of official capacity or authority.	2	5	4	5	5	--
7	Bringing onto POST property or buildings any firearm, to include firearms covered by concealed weapons permits, or implement considered to be a weapon without authorization.	3	5	4	5	5	--
<b>I. Improper political activity</b>							
1	Directly or indirectly solicit or be in any manner concerned in soliciting or receiving any assessment, subscription, monetary, or non-monetary contribution for a political purpose from anyone who is in the same department and who is a subordinate of the solicitor.	1	5	4	5	5	--
2	Engage in political activity during the hours of employment for the purpose of improving the chance of a political party or individual seeking office.	1	3	2	4	3	5
3	Engage in political activity for the purpose of securing preference for promotion, transfer or salary advancement.	1	5	2	5	5	--
<b>J. Discrimination and Harassment</b>							
1	Engaging in sexual harassment as defined in NAC 284, the Governor's policy, or POST policy against another employee, an applicant for employment, or any other person in the workplace.	2	5	4	5	5	--
2	Creating or endorsing a hostile work environment.	2	5	3	5	5	--
3	Discrimination on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin, or other violations of Title VII of the Civil Rights Act.	3	5	4	5	5	--
<b>K. Safety and Health</b>							
1	Willful removal or interference with a safety device or safeguard.	1	3	2	4	3	5
2	Dangerous horseplay or inattention that threatens the life of an individual.	1	5	3	5	5	--
3	Workplace violence, threat of workplace violence, harassment, or intimidation.	1	5	3	5	5	--

POST Prohibitions & Penalties		1st Offense		2nd Offense		Additional	
		Min	Max	Min	Max	Min	Max
<b>L.</b>	<b><i>Relations with Clients</i></b>						
<b>1</b>	<b><i>Using insulting, intimidating or abusive language to clients; neglecting, threatening or causing bodily harm to clients</i></b>	<b>3</b>	<b>5</b>	<b>5</b>	<b>--</b>	<b>--</b>	<b>--</b>



## Public Presentations

# POST First-Line Supervisor Program

**Instructional Goal:**

The instructional goal is to give supervisors an opportunity to explore the concepts of effective public presentations and allow them to practice those concepts by delivering a ten minute informational speech.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify various supervisor job tasks requiring public speaking.
2. Identify the four basic components of a speech.
3. List several steps that are beneficial for the preparation of a successful speech.
4. Name several actions that are beneficial for effective speech delivery.
5. Name several habits that are detrimental to effective speaking.
6. Deliver a five minute informational speech.

## Public Speaking versus Dying

Take a minute to complete the Speech Anxiety Inventory.

### Speech Anxiety Inventory

Instructions: Use the following self-inventory to analyze how you typically feel when you learn that you must present a speech.

#### **Symptoms**

Before I have to give a speech, I experience:

- |   |   |
|---|---|
| <input type="checkbox"/> No symptoms of anxiety | <input type="checkbox"/> Stomach pain or nausea |
| <input type="checkbox"/> Tightness in my chest  | <input type="checkbox"/> Shortness of breath    |
| <input type="checkbox"/> Dry mouth              | <input type="checkbox"/> Other _____            |
| <input type="checkbox"/> Clammy palms           |   |

#### **Level of Anxiety**

Rate our level of anxiety on the following scale:

0	1	2	3	4	5
No	Simple	Recurring	Constant	Overwhelming	Physical
Anxiety	Nervousness	Worry	Anxiety	Fear	Illness

#### **Anxiety Triggers**

My level of anxiety increase with:

- |  |   |
|--|---|
| <input type="checkbox"/> Lack of familiarity with the topic                              | <input type="checkbox"/> Size of the audience               |
| <input type="checkbox"/> Use of microphones  | <input type="checkbox"/> Existence of camera equipment      |
| <input type="checkbox"/> Negative attitude of the audience                               | <input type="checkbox"/> Power of seniority of the audience |
| <input type="checkbox"/> Expectation that I will have to answer questions “off the cuff” |   |

#### **Other sources of Anxiety**

My anxiety relates to:

- Body Image
- Tendency toward occasional mispronunciations
- General lack of self-confidence
- Other \_\_\_\_\_

## Job Tasks Requiring Public Speaking

- § Community Presentations
- § Briefs/Meetings
- § Instructing a Class
- § Promoting new ideas/concepts
- § Representing the agency to the media

### Components of a Speech

1. Introduction
  - Most important part of the speech
  - Gets the audience's attention
  - Sets the tone
  - Familiarizes the audience to the subject matter
2. Body
  - Contains the **facts** and **details**
  - Stick to the information and not get off track
  - Should contain presentation tools to help get the point across to the audience
3. Conclusion
  - Should clearly signal that you are through talking
  - Should sum up any important points
  - If appropriate, sincerely thank the audience for attending
4. Question and Answer Session
  - Anticipate the questions you may be asked and prepare answers

### Beneficial Preparation Steps

#### (Before the Speech)

1. Know your audience
  - **Age group**
  - **General Attitude**
2. Identify a clear goal
  - Know what you want your audience to learn and stick to it
3. Brainstorm, then organize
  - Jot down all thoughts and ideas that you would like to include
  - **Make an outline** organizing your thoughts into a cohesive whole
  - Put main ideas (key facts) on 3" X 5" cards to help prompt you
4. If possible, preview the location
  - Overall conditions that will affect delivery and reception
5. Practice, Practice, Practice
  - Be very familiar with the speech before giving it
  - Read through it several times silently
  - Practice it out loud in private
  - Test it out on a receptive audience and ask for feedback

## **Speech Delivery**

1. Launch the speech positively
2. Stand straight
3. Breathe, use pauses effectively
4. Maintain eye contact with your audience
5. Watch your speech volume
6. Use appropriate gestures
7. Gage the audience
8. Watch your time

## **Detrimental Habits**

1. **Rambling**
2. **Fidgeting**
3. **Insincerity**
4. **Mumbling**
5. **Monotone**
6. **Reading from notes**
7. **No eye contact with audience**
8. Patronizing/Arrogant/Pompous/Self-Righteous Tone
9. Inappropriate language/jokes/stories/profanity/body language
10. Unprepared/lack of knowledge

## **Easing Anxiety**

1. **Preparation**
2. **Relaxation techniques**
3. **Visualize the worse**
4. **Remember the speech is not about you – it is about your audience**

What are some things you do to ease your anxiety?

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## Report Review

# POST First-Line Supervisor Program

**Instructional Goal:**

The Instructional Goal is to create an awareness of the importance of developing quality report reviewing skills as a first line supervisor.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Identify factors that make a report professional and well-constructed.
2. Explain the importance of critical constructive report reviewing.
3. Explain possible ramifications when poorly constructed reports are consistently signed-off by a supervisor.
4. Indicate concisely and constructively problem areas in a report and how to fix them.

**Sergeant's Review of an Arrest Report** (Jetmore, L.F. (2008, February). Investigative report writing. Law Officer Magazine, 2008, 26-30.)

Officer Paul Brown has placed a man under arrest for public indecency and interfering with an officer. After booking the suspect, Brown contacts his street sergeant to review and sign the report. After reading the report, the sergeant asks the following questions:

**Sergeant:** How much police experience do you have?

**Officer:** I've been on the job three years.

**Sergeant:** That's not in your report. Why were you on directed patrol on foot in that area at that time of day?

**Officer:** You assigned me there because it's an area with a high incidence of street mugging between 1800 HRS and 2000 HRS.

**Sergeant:** That's not in your report. You heard a woman's screams coming from an alley between two bars, notified the dispatcher via radio and proceeded to walk down the alley to investigate?

**Officer:** Yes, sir.

**Sergeant:** It's January. What was the lighting like in the alley?

**Officer:** It was dark and there were no lights in the alley, just a little light coming from the windows of the bars.

**Sergeant:** That's not in your report. Your report states you observed a naked man coming toward you and you instructed him to place his hands against the wall of the alley?

**Officer:** Yes, sir.

**Sergeant:** How far away were you from the man when you first saw him? Was he completely naked? Isn't he about 6'5" to your 5'7"? Doesn't he go about 250lbs to your 150lbs?

**Officer:** He wore boxer shorts, but nothing else. You're right about his height and weight.

**Sergeant:** None of that is in your report. Why did you instruct the suspect to place his hands against the wall?

**Officer:** I told him he was under arrest. When he wouldn't put his hands against the wall, I used my Taser on him.

**Sergeant:** What crime did the man commit?

**Officer:** Public indecency. I heard a woman scream and went down the alley to see if she was OK. I saw this naked man come out of the dark. I wanted to handcuff him so I could locate the woman.

**Sergeant:** None of that is in your report. Why not write it exactly like you just told me? Why did you Taser the man?

**Officer:** When I told him to place his hands against the wall he yelled, "F--- you," and came at me.

**Sergeant:** When you say the man "came at you," what do you mean?

**Officer:** I grabbed the guy's right arm and told him to get up against the wall. He yelled, "F--- you" and broke away from me. He then balled his hand into a fist, and I thought he was going to hit me.

**Sergeant:** None of that is in your report. Did you warn the man you were going to use your Taser?

**Officer:** There wasn't time, but he saw I had the Taser out.

**Sergeant:** That's not in your report. What happened to the woman who was screaming?

**Officer:** I don't know. After I stunned the guy, backup arrived, and we brought the suspect to the hospital and then to booking. I never found the woman.

**Sergeant:** With the exception of bringing the suspect to the hospital, the rest of that isn't in your report. I want you to rewrite this report detailing exactly what happened in chronological order. Begin by explaining why you were assigned to the area. Include all the details we just discussed. When you're finished, we'll go over it again.

## A Sergeant's Review of an Arrest Report

(Jetmore, L.F. (2008, February). Investigative report writing. Law Officer Magazine, 2008, 26-30.)

**tort claims act** n. a federal or state act which, under certain conditions, waives governmental immunity and allows lawsuits by people who claim they have been harmed by torts (wrongful acts), including negligence, by government agencies or their employees. These acts also establish the procedure by which such claims are made. Before the enactment of tort claims acts, government bodies could not be sued without the specific permission of the government.

- Assault
- Battery
- False Imprisonment

Did the officer have the right to detain the suspect?

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Was the officer justified in using Use of Force to overcome the suspect's resistance to arrest?

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Would the officer's report withstand judicial scrutiny?

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Could lack of detail result in a real potential for civil liability?

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As a first-line supervisor, it is your job to make sure that reports of your subordinates can and will withstand minute scrutiny, which is why reviewing reports is a crucial part of a supervisor's job.

### Five Major Purposes of Police Reports

1. Provide the agency with a **permanent record** of who, what, when, why, where, and how of an issue brought to the attention of the police
2. Provide a **critical source** of information for officers follow-up or continuing investigations
3. Supply the **judicial process** factual information with which to make decision relevant to arrest, search-and-seizure warrants and criminal prosecution
4. Equip management with information needed to plan the future stats
5. Provide information for local, state, and national computer databases

### Basics Before Reviewing Begins

- Who is the report directed to?
- Allow for **individuality**
- Do not clone reports or make templates
- Avoid the "just this once" mentality
- Know what you are talking about

### Importance of Reviewing Reports

- Professional/Agency reputation
- Personal reputation
- Standards/ Quality Control
- Agency Relations

- Tort claims / High Liability

### **Possible Ramifications**

- Liability, Legal Issues, Tort Claims
- Agency Disciplinary Actions
- Work Performance Standards

### **Well-Constructed Reports**

- Accurate/Factual
- Satisfies the needs of the end-user
- Well Organized
- Complete
- Compliant
- Simplistic / Easy to Understand
- No spelling errors
- No grammatical errors
- No abbreviations, jargon, slang, or code
- Neat / readable

### **Identifying Problem Areas—Providing Constructive Feedback**

- Organizational Problems
  - Outlines
  - Concept Mapping
- Consistent spelling and grammar problems
  - Proof reading techniques
- Complicated, long-windedness
  - End –user proof reading techniques
  - Necessary or redundant
- Interpretation instead of facts
  - Technical report writing review: Who, What, When, Why, Where, How, Action Taken
  - Elements of statutes are present to establish **probable cause**
- Lacking facts
  - Technical report writing review: Who, What, When, Why, Where, How, Action Taken
  - Good factual description of people, places, and things
    - Ø Interview Skills
    - Ø Observation Skills
- Overuse of jargon, slang, abbreviations
  - End-user proofing
  - Who needs to understand this report?

## Report Review Exercise

Is the report well written? Why or why not?

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What are the areas of concern?

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As a supervisor, what type of constructive feedback would you give?

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### Report Sample

On July 15, 2012, at about 0035 hours, I was responding to the area of Grandmaster Ct. in Sun Valley on a report of a victim of a gunshot wound. It was reported that the suspect in the shooting got into a blue Chevrolet Camaro occupied by 4 subjects and fled southbound on Sun Valley Boulevard. I had been scanning the Reno Police Department's radio channel about a half hour prior to the Sun Valley shooting and heard officers responding to an address on Cheney Street in Reno on a reported Armed Robbery involving an AK-47 assault rifle. The suspects in that robbery fled the scene in a newer model blue Camaro as well.

I was attempting to get into the area as quickly as possible and was driving my marked patrol unit with its lights and siren activated (Code-3). I was traveling north on US 395 near north McCarran but was unable to exit the north McCarran exit into Sun Valley because it was closed due to road construction. I continued traveling north to the Parr Boulevard exit and turned east onto Dandini Boulevard. As I entered the roundabout from the west I saw a blue/green newer model Camaro entering from the east. The Camaro matched the description of both the shooting in Sun Valley, and the Armed Robbery on Cheney. I was still in Code-3 status and followed the Camaro out of the roundabout and west onto Parr Boulevard. I was unable to immediately advise dispatch of my location and the traffic stop due to the high volume of radio traffic in regards to the shooting. As soon as I the pulled behind the Camaro it pulled to the north side of the road just east of the US 395 northbound entrance. Before I was able to bring my patrol car to a stop the driver drove off at a high rate of speed west on Parr Boulevard. I was unable to see anyone inside the vehicle and unable to obtain a license plate before the driver fled.

I attempted to catch up to the Camaro as it was westbound on Parr, but it accelerated away from my vehicle and I was unable to catch it. The Camaro matched the description of the vehicle involved in the violent felonies, and I advised dispatch that I was in pursuit. I broadcasted the description of the Camaro and advised it matched the description of the vehicle involved in the shooting, but the vehicle was pulling away from me westbound on Parr as it approached N. Virginia Street. I was unable to get a good pace on the Camaro while on Parr, but I was traveling in excess of 70MPH with no vehicle or pedestrian traffic visible in either direction. I saw the Camaro pass through the red light on Parr at N. Virginia, slowing down only enough to negotiate the turn without crashing, and it turned south onto Virginia Street. I slowed for the red light and went through the intersection when I was sure there was no other traffic. By the time I was southbound on Virginia the Camaro had accelerated away from my vehicle and was about two hundred yards from me, and gaining more distance. I attempted to catch up the Camaro and accelerated my patrol vehicle to about 100 mph in a 45 mph zone. There was no other traffic on the roadway, other than a marked RPD patrol unit stopped on the east side of Virginia. I

lost sight of the Camaro for a brief moment as it approached McCarran and then saw that it was involved in a single vehicle traffic accident and was inoperable on the south side of McCarran just west of Virginia Street. The pursuit lasted less than ninety (90) seconds.

As I approached the Camaro there was a large amount of dust in the air because of the accident, but I could see 3 or 4 subjects climbing a chain link fence that led to Rancho San Rafael Park in an attempt to flee the scene. I could not get a good description of the subjects due to the darkness and the large amount of dust in the air. One subject, later identified as XXXXX, was standing near the Camaro with his hands raised in the air. I ordered XXXXX to the ground and an RPD unit assisted with handcuffing him. Deputy XXXX arrived on scene and placed XXXXX in his patrol unit. Deputy XXXX asked XXXX who the other subjects in the car were, but XXXX could only provide their first names. A protective sweep of the Camaro was completed and no other subjects were found to be in the vehicle. Washoe Deputies, Reno Police Officers, and UNR Police Officers established a perimeter around the park. The RAVEN helicopter, 2 police K-9's, and the Washoe County SWAT team were requested to search the park for the suspects. A reverse 911 was completed to the surrounding area advising of the threat, and the resident Ranger at the park was contacted and advised of the threat as well.

The registered owner of the Camaro, XXXXX, had ran to the Eldorado Casino after he crashed, and turned himself in to their security, advising them that he was the driver of the Camaro involved in the shooting in Sun Valley. Deputies and detectives responded to XXXX location to interview him. XXXXX admitted that there were a total of 5 subjects in the vehicle when he fled from my patrol unit, 2 males and 1 female were still outstanding. Deputy XXXX was one of the deputies that responded to the Eldorado. Deputy XXX advised me that XXXX admitted to driving his Camaro down Virginia Street at a speed of about 130 mph prior to the accident.

XXXX was complaining of injury to his ribs so REMSA responded to check him. XXXX was on probation for an unrelated incident and his probation officer was contacted. The probation officer was advised of the circumstances and revoked XXXXX probation. He was placed under arrest on the no bail probation violation. REMSA personnel advised that a doctor should check XXXX so Deputy XXXX transported him to Washoe Medical Center, and later to jail. The park was checked by air and ground but the 3 outstanding subjects were not located.

Detectives were able to locate all 3 involved subjects later and they were taken into custody without incident. XXX consented to a search of his vehicle and an AK-47 assault rifle was located in the trunk of the Camaro. Detectives interviewed the other subjects involved, XXXX, XXXX, XXXXX, and XXXX as well. A handgun believed to be involved with the shooting in Sun Valley was located off of the roadway near Virginia Street. See detective supplemental reports for further information. FIS responded to process the Camaro, and they had the Camaro towed to the FIS garage.

**NARRATIVE/SUPPLEMENTAL**

<b>DATE OF INCIDENT OCCURRENCE</b>	<b>TIME</b>	<b>TYPE SUPPLEMENTAL REPORTING</b>	
		<input type="checkbox"/> FATAL	<input type="checkbox"/> MISDEMEANOR
		<input type="checkbox"/> HAZARDOUS MATERIALS	<input type="checkbox"/> OTHER
<b>CITY, COUNTY, JUDICIAL DISTRICT</b>		<b>REPORTING DISTRICT/BEAT</b>	<b>DISTRICT NUMBER</b>
<b>LOCATION/SUBJECT</b>		<b>STATE MIGHTY RELATED</b>	
		<input type="checkbox"/> YES <input type="checkbox"/> NO	
1 CHP OFFICERS : M.G. SINGER #17403 (DRIVER) VERDUGO HILLS AREA			
2 T.J. SINGER #9301 2130 WINDSOR ALTADENA			
3 Summary :			
4 CHP VEH. (M SINGER) DRIVER WAS W/B I-210			
5 APPROACHING SUNLAND BL WHEN SUBJ. VEH. (S/V) WAS			
6 FIRST OBSD. APPROACHING FROM THE REAR AT HIGH			
7 SPEED. S/V OVERTOOK & THEN SLOWED IN FRONT			
8 OF THE PATROL CAR. THE PATROL CAR EXITED THE			
9 FWY. AT SUNLAND BLVD. & IMMEDIATELY RE-ENTERED			
10 W/ AN ATTEMPT TO PACE THE VEH. WHEN WE			
11 GOT BACK ON THE FWY. S/V WAS AGAIN TRAVELLING			
12 AT HIGH SPEED AND APPROACHING WHEATLAND BL.			
13 WE WERE ABLE TO OVERTAKE S/V AS IT PASSED THE			
14 OSBORNE EXIT. A PACE INDICATED S/V WAS			
15 TRAVELLING AT 110 TO 115 MPH. (USING THE #1, 2			
16 AND 3 LANES). W/OF OSBORNE ST. EXIT THE			
17 PATROL CAR'S EMERGENCY LIGHTS WERE ACTIVATED			
18 & SIREN TURNED ON. S/V SLOWED TO APPROX.			
19 80 MPH BUT FAILED TO YIELD (CONTINUING TO THE			
20 PRYXTON ST. EXIT. S/V ROLLED THROUGH THE			
21 STOP SIGN AT THE BOTTOM OF THE OFFRAMP &			
22 DROVE W/B ON PRYXTON. S/V RAN THE RED			
23 LIGHT AT FOOTHILL BL AT APPROX 45-50 MPH.			
24 LAPD ASSISTANCE WAS REQUESTED DUE TO NO CHP ASSISTANCE AVAIL			
25 S/V CONTINUED W/B REACHING APPROX. 80			
26 MPH. BEFORE SLOWING & TURNING LEFT ON			
27 GLEN OAKS BL. AS S/V DROVE S/B ON GLEN			
28 OAKS IT AGAIN ACCELERATED TO APPROX. 80			
29 MPH S/V SLOWED FOR A RED LIGHT AT			
30 VAN NUYS BL. AND THEN DROVE THROUGH IT			
AT APPROX. 35 MPH. TURNING LEFT (E/B).			
31 34 NOW ADDITIONAL UNITS WERE WITH THE			
32 T.J. SINGER S/O. #9301		DATE/TIME	REVISIONS
		03-03-91	



**NARRATIVE/SUPPLEMENTAL**

DATE OF INCIDENT OCCURRENCE		TIME	OFFICER NUMBER	OFFICER ID	NUMBER
TYPE	TYPE	TYPE SUPPLEMENTAL IF APPLICABLE			
<input type="checkbox"/> NARRATIVE	<input type="checkbox"/> COLLISION REPORT	<input type="checkbox"/> SA UPDATE	<input type="checkbox"/> FATAL	<input type="checkbox"/> INT & BUS UPDATE	
<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> OTHER	<input type="checkbox"/> NON-ACCIDENT RELATED	<input type="checkbox"/> SCHOOL BUS	<input type="checkbox"/> OTHER	
CITY/COUNTY/JUDICIAL DISTRICT			REPORTING DISTRICT/AREA	OFFICER NUMBER	
LOCATION - SUBJECT			STATE INCIDENT NO. <input type="checkbox"/> YES <input type="checkbox"/> NO		
1					
2	PURSUIT AS IT CONTINUED FIB AT SPEEDS UP				
3	TO 65 MPH. SUV TURNED NIB ON				
4	FOOTHILL BL & ACCELERATED TO APPROX				
5	60 MPH, RUNNING A RED LIGHT AT				
6	TERESA BELLA AS IT APPROACHED OSBORNE'S				
7	ST. SUV SLOWED TO A STOP FOR A RED				
8	LIGHT IN THE #1 LN. WHEN THE LIGHT				
9	TURNED GREEN SUV PULLED OVER TO THE				
10	RIGHT SIDE OF THE INTERSECTION. CHP OFFICER				
11	T SINKER ATTEMPTED TO GET SUBJ. DRIVER				
12	OUT OF THE VEH. USING FELONY STOP PROCEDURE				
13	BUT HE WAS UNCOOPERATIVE AND FAILED TO				
14	OBEY VERBAL COMMANDS AS HE EXITED THE				
15	DRIVERS SIDE DOOR AND STOOD IN THE STREET				
16					
17	THE TWO PASSENGERS COMPLIED WITH THE				
18	FELONY STOP ORDERS AND WERE TAKEN OUT				
19	ON THE R/SIDE OF THE VEH. AND PLACED				
20	ON THE GROUND. LAPD UNITS HANDLED				
21	THE SUBDUING & ARREST OF THE DRIVER.				
22	BOTH PASSENGERS PRODUCED GOOD ID				
23	AND WERE RELEASED WHEN IT WAS DETERMINED				
24	THE VEH WAS NOT STOLEN.				
25					
26					
27					
28					
29					
30					
31					
32					
OFFICER NAME L. J. SINGER STD		OFFICER NUMBER 4301	DATE/TIME 03-03-91	REPORTING OFFICER	REPORTING OFFICER

CHP 558 (Rev. 7-87) OPI 042

27	ARREST	2381162	
DATE	ARTICLE	SERIAL NO.	NO. OF REPORT

DEPT KING, RODNEY GLENN      CNG 2800.2 VC FEL EJAC

SOURCE OF ACTIVITY

ON 3-3-91 AT APPROX 0030 HRS OFCR T WIND # 27745 AND I. L POWELL # 25440, ASSIGNED 16A23 FTPL PATR WERE RESPONDING TO ASSIST CHP OFCRS M/G SINGO # 12403 AND T J SINGER # 9301, UNIT 98-60 VERCUSE HILLS OFFICE, WHO WERE IN A VEH PURSUIT OF A RECKLESS DRIVER SB GLENNACKS BL FROM FAXTON. BOTH POLICE VEH WERE MKG BLK/WHIT VEH'S WITH EMERGENCY LIGHT BARS ON ROOFS. ALL CPOLS WERE IN FULL UNIFORM.

OBSERVATIONS

OFCRS SINGER AND SINGER WERE WB I-210 FWY APPROACHING SUNLAND BL WHEN THEY OBS DEFTS VEH APPROACHING THEM FROM THE REAR AT A HIGH RATE OF SPEED. DEFTS VEH PASSED THEIR PATROL CAR THEN SLOWED. OFCRS SINGER AND SINGER EXITED THE FWY AT SUNLAND, THEN IMMEDIATELY RE-ENTERED IN AN ATTEMPT TO FACE DEFTS VEH. DEFT WAS DRIVING A WHIT 88 HYUNDAI EXCEL 2DR LIC 2KFM102. WHEN THEY GOT BACK ON THE FWY THEY OBS DEFTS VEH AGA TRAVELLING AT A HIGH SPEED APPROACHING WHEATW. AV. THEY WERE ABLE TO OVERTAKE DEFTS VEH AS IT PASSED THE OSBORNE EXIT AND FACED THE SPEED AT 110 TO 115 MPH USING THE #1, #2 AND #3 LANES WHEN THEY WERE W OF OSBORNE, OFCR SINGER ACTUALLY THEIR VEH EMERGENCY LIGHTS AND SIREN. DEFTS VEH SLOWED TO 80 MPH CONTINUING TO THE FAXTON ST EXIT. DEFT FAILED TO STOP AT THE STOP SIGN AT THE END OF THE OFFRAMP WHICH WAS APPROX 50 W FROM THE END OF A BLIND CURVE, ENDANGERIN

CONTINUE ON REVERSE SIDE.

CONTINUATION SHEET

15281

3/7	ARREST	BOOK NO.	2381162	OR NO.	—
DATE	ARTICLE	SERIAL NO.	CLASS	MODEL NO.	MAKE, DESCRIPTION, COLOR, SIZE, WEIGHT, ONE CALIBER REVOLVER ETC.

OBSERVATIONS (CONT)

USE OF FORCE

ANY TRF WB ON PAXTON WHO COULD NOT HAVE STOPPED IN TIME TO PREVENT A T/A. DEFT DROVE WB PAXTON AT 45-50MPH FAILING TO STOP AT THE RED TRI-LIGHT AT FOOTHILL BL CAUSING NB AND SB VEH'S TO YIELD TO AVOID T/A'S. DEFT ACCELERATED TO APPROX 80MPH WB ON PAXTON TO SB GLENOKS BL. DEFT CONTINUED AT APPROX 80MPH IN 35MPH ZONE PASSING OTHER VEH'S. AND PEDS ON THE SIDEWALKS, WHO WOULD BE INJURED IF DEFT VEH HAD CAUSED A T/A. DEFT DROVE THROUGH THE RED TRI-LIGHT AT GLENOKS BL AND VAN NUNS AT APPROX 35MPH, CAUSING SEVERAL EB AND WB VEH'S TO SLAM ON THEIR BRAKES TO AVOID T/A. WE CAUGHT UP TO THE CHP UNIT AND DEFT'S VEH. THIS POINT, ACTIVATED OUR EMERGENCY LIGHTS AND CONTINUED IN THE PURSUIT TO ASSIST THE CH. WE OBS DEFT AND 2 M.O. PASSENGERS TURN AHEAD AND LOOK BACK TOWARD THE PURSUING UNITS SEVERAL TIMES. DEFT CONTINUED DRIVING EB AT APPROX 65MPH PASSING OTHER VEH'S IN A 35MPH MOSTLY RESIDENTIAL AREA. DEFT RAN THE RED TRI-L AT VAN NUNS BL AND FOOTHILL BL CAUSING A SB VEH TO SKID TO A STOP TO AVOID T/A WITH CH OR POLICE VEH'S. DEFT CONTINUED SB FOOTHILL AT APPROX 60MPH / 35MPH ZONE. DEFT DROVE THROUGH THE MID PHASE RED TRI-LIGHT AT TERRABELLA AT APPROX 60MPH. ANY VEH'S EB ON TERRABELLA W/ VIEW OF THE INTERSECTION WAS LIMITED DUE TO BUNGLES ON N SIDE WOULD NOT HAVE BEEN ABLE REACT AND STOP TO AVOID A T/A. DEFT STOPPED SUDDENLY FOR RED TRI-LIGHT AT OSBORNE ST AND FOOTHILL JUST BARELY AVOIDING A BROADSIDE T/A WITH AN EB VEH. DEFT THEN PROCEEDED SB #2 LN AND STOPPED JUST SHORT OF HITTING A TRUCK THAT WAS YIELDING TO OUR LIGHTS AND SIRENS. OFFICER T SINGEL ORDERED ALL PERSONS OUT OF VEH USING



477	ARREST	238116Z
DATE	OFFICER	SERIAL NO.
TIME	STATION	REPORT NO.
<small>WRITE DESCRIPTION OF CALLER'S VEH. INSCRIPTIONS, LICENSE NO. ETC.</small>		

OBSERVATIONS CONT.

USE OF FORCE

FELONY STOP PROCEDURES. BOTH PASSENGERS EXITED ON PASS SIDE OF DEFT'S VEH. COMPLIED WITH SINGER'S ORDERS AND WERE TAKEN INTO CUSTOMS WITHOUT INCIDENT. DEFT HOWEVER DID NOT COME WITH SINGER'S ORDERS. DEFT AT FIRST WOULD NOT EXIT VEH. AFTER SEVERAL MORE ORDERS OVER PA DEFT EXITED HIS VEH, THEN GOT BACK IN, AND THEN EXITED AGAIN. DEFT FAILED TO PUT HIS HANDS ON HIS HEAD INSTEAD PUTTING HIS LT HAND IN TANTS POCKET AND PLACING HIS RT HAND ON THE ROOF OF HIS CAR. WE CONTINUED ORDERING DEFT TO PLACE HIS HANDS ON HIS HEAD AND LAY DOWN ON THE GROUND. DEFT FINALLY LAY DOWN ON THE GROUND AND I APPROACHED HIM TO HEAR CUFF HIM. DEFT THEN STARTED TO RAISE UP AND I PLACED MY KNEE ON HIS BACK TO PREVENT THIS MOVEMENT. DEFT CONTINUED TO TRY AND RISE UP CAUSING ME TO LOSE MY BALANCE AND FALL OFF. DEFT STARTED TO TURN AND CHARGE TOWARDS ME. I BACKED AWAY AND SET KSC #1167. FIRED A TASER AT DEFT STRIKING HIM IN THE BACK AND TEMPORARILY HALTING DEFT'S ATTACK. DEFT RECOVERED ALMOST IMMEDIATELY AND RESUMED HIS HOSTILE CHARGE IN OUR DIRECTION WIND AND I DREW OUR BATONS TO DEFEND AGAINST DEFT'S ATTACK AND STRUCK HIM SEVERAL TIMES IN THE ARM AND LEG AREAS TO INCAPACITATE HIM. DEFT CONTINUED RESISTING KICKING AND SWINGING HIS ARMS AT US. WE FINALLY KNOCKED DEFT DOWN. HE WAS SUBDUED BY SEVERAL OFFICERS USING THE SWARM TECHNIQUE. DEFT CONTINUED STRUGGLING WHILE ON THE GROUND AND THEN STARTED LAUGH AND MAKING INCOHERENT STATEMENTS. DEFT CONTINUED STRUGGLING AND WAS SPITTING AT OFFICERS AND PARAMEDICS. EVEN AFTER BEING TOLD TO:

57	ARREST	BOOKING NO.	2381162
DATE	LOCATION	SERIAL NO.	OFFICER NO.
MILE DESCRIPTION (SEE POLY-SIZE INSCRIPTIONS CALIFORNIA PENITENTIARY ETC.)		REMARKS	

OBSERVATIONS (CONT)

DEFT WAS TRANSP TO PALM SPR HOSP FOR INITIAL INT THEN TO LAGO VSCMC JAIL WARD FOR BOOK. WE DETECTED A FAINT SMELL OF ALCOHOL AND A SLOW RISE TO LEFT'S BREATH. LEFT WAS UNABLE TO ANSWER QUESTIONS ABOUT WHAT HAPPENED AND HIS HOSTILE AGITATED DEMEANOR CONTINUED FOR APPROX AN. DEFTS SPEECH WAS HURRIED AND UNUSUALLY WICKED AND HIS MUSCLES WERE EXTREMELY RIGID. DEFT WAS POSSIBLY UNDER THE INFLUENCE OF A DRUG, PROBABLY PCP, BUT DUE TO HIS INJURIES WE WERE UNABLE TO EVALUATE. AFTER ABOUT 1 HR, DEFT WAS SEMI-COOPERATIVE AND STATED HE THEN REMEMBERED FIGHTING WITH CP.

ARREST

DEFT WAS ARRESTED 2800.2VL FELONY EVADING.

BOOKING

DEFT WAS BND 2800.2VL AT LAGO VSCMC JAIL WARD. BKG WAS APPROVED BY SGT TROUTT E15392 UTD.

MT

DEFT WAS MTD FOR ABRASIONS AND CONTUSIONS ON HIS FACE, ARMS, LEGS AND TORSO AREAS.

ADDITIONAL

DEFTS LICENSE STATUS WAS SUSPENDED. DEFT WAS ON PAROLE FOR 211 PC CAC E 4835 AND A PAROLE HOLD WAS PLACED ON HIM.



CAMBRIDGE POLICE DEPARTMENT  
CAMBRIDGE, MA

# Incident Report #9005127

Report Entered: 07/16/2009 13:21:34

Case Title	Location	Apt/Unit #
Date/Time Reported 07/16/2009 12:44:00	WARE ST	
Incident Type/Offense 1.) DISORDERLY CONDUCT c272 S53 —	Date/Time Occurred	
Reporting Officer CROWLEY, JAMES (467)	to	
	Approving Officer WILSON III, JOSEPH (213)	

## Persons

Role	Name	Sex	Race	Age	DOB	Phone	Address
WITNESS	WHALEN, LUCIA			40	[REDACTED]	H [REDACTED] C [REDACTED]	[REDACTED] MA

## Offenders

Status	Name	Sex	Race	Age	DOB	Phone	Address
DEFENDANT	GATES, HENRY	MALE	BLACK	58	[REDACTED]	H [REDACTED] C [REDACTED]	WARE ST CAMBRIDGE, MA

## Vehicles

## Property

Class	Description	Make	Model	Serial #	Value
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## Narrative

On Thursday July 16, 2009, Henry Gates, Jr. ([REDACTED], of [REDACTED] Ware Street, Cambridge, MA) was placed under arrest at [REDACTED] Ware Street, after being observed exhibiting loud and tumultuous behavior, in a public place, directed at a uniformed police officer who was present investigating a report of a crime in progress. These actions on the behalf of Gates served no legitimate purpose and caused citizens passing by this location to stop and take notice while appearing surprised and alarmed.

On the above time and date, I was on uniformed duty in an unmarked police cruiser assigned to the Administration Section, working from 7:00 AM-3:30 PM. At approximately 12:44 PM, I was operating my cruiser on Harvard Street near Ware Street. At that time, I overheard an ECC broadcast for a possible break in progress at [REDACTED] Ware Street. Due to my proximity, I responded.

When I arrived at [REDACTED] Ware Street I radioed ECC and asked that they have the caller meet me at the front door to this residence. I was told that the caller was already outside. As I was getting this information, I climbed the porch stairs toward the front door. As I reached the door, a female voice called out to me. I turned and looked in the direction of the voice and observed a white female, later identified as Lucia Whalen. Whalen, who was standing on the sidewalk in front of the residence, held a wireless telephone in her hand and told me that it was she who called. She went on to tell me that she observed what appeared to be two black males with backpacks on the porch of [REDACTED] Ware Street. She told me that her suspicions were aroused when she observed one of the men wedging his shoulder into the door as if he was trying to force entry. Since I was the only police officer on location and had my back to the front door as I spoke with her, I asked that she wait for other responding officers while I investigated further.



As I turned and faced the door, I could see an older black male standing in the foyer of Ware Street. I made this observation through the glass paned front door. As I stood in plain view of this man, later identified as Gates, I asked if he would step out onto the porch and speak with me. He replied "no I will not". He then demanded to know who I was. I told him that I was "Sgt. Crowley from the Cambridge Police" and that I was "investigating a report of a break in progress" at the residence. While I was making this statement, Gates opened the front door and exclaimed "why, because I'm a black man in America?". I then asked Gates if there was anyone else in the residence. While yelling, he told me that it was none of my business and accused me of being a racist police officer. I assured Gates that I was responding to a citizen's call to the Cambridge Police and that the caller was outside as we spoke. Gates seemed to ignore me and picked up a cordless telephone and dialed an unknown telephone number. As he did so, I radioed on channel 1 that I was off in the residence with someone who appeared to be a resident but very uncooperative. I then overheard Gates asking the person on the other end of his telephone call to "get the chief" and "what's the chief's name?". Gates was telling the person on the other end of the call that he was dealing with a racist police officer in his home. Gates then turned to me and told me that I had no idea who I was "messing" with and that I had not heard the last of it. While I was led to believe that Gates was lawfully in the residence, I was quite surprised and confused with the behavior he exhibited toward me. I asked Gates to provide me with photo identification so that I could verify that he resided at Ware Street and so that I could radio my findings to ECC. Gates initially refused, demanding that I show him identification but then did supply me with a Harvard University identification card. Upon learning that Gates was affiliated with Harvard, I radioed and requested the presence of the Harvard University Police.

With the Harvard University identification in hand, I radioed my findings to ECC on channel two and prepared to leave. Gates again asked for my name which I began to provide. Gates began to yell over my spoken words by accusing me of being a racist police officer and leveling threats that he wasn't someone to mess with. At some point during this exchange, I became aware that Off. Carlos Figueroa was standing behind me. When Gates asked a third time for my name, I explained to him that I had provided it at his request two separate times. Gates continued to yell at me. I told Gates that I was leaving his residence and that if he had any other questions regarding the matter, I would speak with him outside of the residence.

As I began walking through the foyer toward the front door, I could hear Gates again demanding my name. I again told Gates that I would speak with him outside. My reason for wanting to leave the residence was that Gates was yelling very loud and the acoustics of the kitchen and foyer were making it difficult for me to transmit pertinent information to ECC or other responding units. His reply was "ya, I'll speak with your mama outside". When I left the residence, I noted that there were several Cambridge and Harvard University police officers assembled on the sidewalk in front of the residence. Additionally, the caller, Ms. Walen and at least seven unidentified passers-by were looking in the direction of Gates, who had followed me outside of the residence.

As I descended the stairs to the sidewalk, Gates continued to yell at me, accusing me of racial bias and continued to tell me that I had not heard the last of him. Due to the tumultuous manner Gates had exhibited in his residence as well as his continued tumultuous behavior outside the residence, in view of the public, I warned Gates that he was becoming disorderly. Gates ignored my warning and continued to yell, which drew the attention of both the police officers and citizens, who appeared surprised and alarmed by Gates's outburst. For a second time I warned Gates to calm down while I withdrew my department issued handcuffs from their carrying case. Gates again ignored my warning and continued to yell at me. It was at this time that I informed Gates that he was under arrest. I then stepped up the stairs, onto the porch and attempted to place handcuffs on Gates. Gates initially resisted my attempt to handcuff him, yelling that he was "disabled" and would fall without his cane. After the handcuffs were properly applied, Gates complained that they were too tight. I ordered Off. Ivey, who was among the responding officers, to handcuff Gates with his arms in front of him for his comfort while I secured a cane for Gates from within the residence. I then asked Gates if he would like an officer to take possession of his house key and secure his front door, which he left wide open. Gates told me that the door was unsecurable due to a previous break attempt at the residence. Shortly thereafter, a Harvard University maintenance person arrived on scene and appeared familiar with Gates. I asked Gates if he was comfortable with this Harvard University maintenance person securing his residence. He told me that he was.

After a brief consultation with Sgt. Lashley and upon Gates's request, he was transported to 125 6th. Street in a police cruiser (Car 1, Off's Graham and Ivey) where he was booked and processed by Off. J. P. Crowley.



CAMBRIDGE POLICE DEPARTMENT  
CAMBRIDGE, MA

**Incident Supplement #9005127 - 1**  
Report Entered: 07/16/2009 13:52:50

**Not For Public Release**

Date/Time Printed: Mon Jul 20 13:58:11 EDT 2009 By: pcarterw

Case Title

Location

Apt/Unit #

DISORDERLY CONDUCTY

Date/Time Reported

Date/Time Occurred

07/16/2009 12:44:00

to

Incident Type/Offense

1.) DISORDERLY CONDUCT c272 S53 —

Reporting Officer

Approving Officer

FIGUEROA, CARLOS (509)

WILSON III, JOSEPH (213)

**Persons**

Role Name	Sex	Race	Age	DOB	Phone	Address
WHALEN, LUCIA			40		H C	MA

**Offenders**

Status	Name	Sex	Race	Age	DOB	Phone	Address
--------	------	-----	------	-----	-----	-------	---------

**Vehicles**

**Property**

Class	Description	Make	Model	Serial #	Value
-------	-------------	------	-------	----------	-------

**Narrative**

On July 16, 2009 at approximately 12:44 PM, I Officer Figueroa#509 responded to an ECC broadcast for a possible break at Ware St. When I arrived, I stepped into the residence and Sgt. Crowley had already entered and was speaking to a black male.

As I stepped in, I heard Sgt. Crowley ask for the gentleman's information which he stated "NO I WILL NOT!". The gentleman was shouting out to the Sgt. that the Sgt. was a racist and yelled that "THIS IS WHAT HAPPENS TO BLACK MEN IN AMERICA!" As the Sgt. was trying to calm the gentleman, the gentleman shouted " You don't know who your messing with!"

I stepped out to gather the information from the reporting person, WHALEN, LUCIA. Ms. Whalen stated to me that she saw a man wedging his shoulder into the front door as to pry the door open. As I returned to the residence, a group of onlookers were now on scene. The Sgt., along with the gentleman, were now on the porch of Ware St. and again he was shouting, now to the onlookers (about seven), "THIS IS WHAT HAPPENS TO BLACK MEN IN AMERICA"! The gentleman refused to listen to as to why the Cambridge Police were there.

While on the porch, the gentleman refused to be cooperative and continued shouting that the Sgt. is racist police officer.

**Basic Information**

Agency	Incident #	Report #	Date	Report Status
CAM-PD	9005127	1	07/16/2009 12:44:00	COMPLETED
Case Title/Victim		Incident Type/Offense		



# Incident Report

## CARSON CITY SHERIFF'S DEPT.

08-██████████

Supplement No  
ORIG

### Reporting Party 1: PRICE, MICHAEL

Involvement		Invl No		Type		Name		MNI	
Reporting Party		1		Individual		██████████		██████████	
Race	Sex	DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	
WHITE	MALE	██████████	50	No	5'11"	200#	Brown	Blue	
Type	Address						City	State	
HOME	██████████						Carson City	NEVADA	
ZIP Code									
89706									
Phone Type	Phone No								
Home	██████████								

### Victim 1: COINSTAR

Involvement	Invl No	Type	Name	MNI
Victim	1	Business	██████████	██████████

### Property

Item	Involvement	In Custody?	Value			
1	Stolen	No	\$19.00			
Description						
Coins from Video Game						
Type	Cat	Article				
A	Misc.	MONEY				
Link	Involvement	Invl No	Name	Race	Sex	DOB
VIC	VIC	1	██████████			
Link	Involvement	Invl No	Name	Race	Sex	DOB
OTH	REP	1	██████████	W	M	██████████

### Modus Operandi

Property Attacked	Method of Entry	Premise Type
Currency	Other	Other Commercial Property
Theft Type	Crime Code(s)	
From Coin-Operated Machine	Grand and Larceny Thefts	

### Narrative

On 3/17/08 at approximately 0850 hours, ██████████ came to the front counter to report that someone had stolen money from video games that he services. The video game was located at Wal-Mart #3408, 3800 Market St. in Carson City. The machine is owned and operated by ██████████.

██████████ went to pick up the money from the video machine, located in Wal-Mart, on 3/15/08. When he verified the meter count on the machine, he discovered that the meter did not match the money in the machine. The video machine is called "Trophy Hunter", company asset #30004182, previous meter reading was 72706, current reading 73143. The money collected should have been \$109.25, by the meter count, but was only \$90.25 by hand count, a difference of \$19.00.

██████████ was told to get a police report by his team leader, ██████████.

██████████ also stated that 3 machines at the Wal-Mart in Douglas County were also short money. He was referred to Douglas County Sheriff's Office to report the thefts there.

No suspects at this time. No further information.

Report Officer	Printed At	Page 2 of 2
JS0744/SUAREZ, JOHN	03/25/2008 10:45	

# **Investigative Report Writing by Larry F. Jetmore**

## **Law Officer Magazine**

### **Make Sure You Master This Essential Skill**

Many entry-level police examinations now contain a writing component – a reflection of the importance of the ability to write in the law enforcement profession. Almost everything we do gets recorded in writing. We write preliminary and supplemental investigative reports, arrest reports, affidavits in support of arrest and search-and-seizure warrants, use-of-force reports, forensic reports, etc.

As a test consultant, I often do a job-task analysis to determine the knowledge, skills, abilities and personal traits requisite for promotion up the ladder from officer to chief of police. Regardless of the rank and/or position being tested for, successful oral and written communication skills consistently appear at the top of the list.

Although great strides have been made in the forensic and scientific aspects of investigation, most would agree criminal investigation is still an art in which skills are enhanced through a combination of experience, training and the ability to apply investigative techniques to complex situations. Attention to detail, perseverance and common sense prove critical.

It's not just skillful investigation that brings the bad guy to justice, however. It's the investigator's ability to prepare a report that will withstand minute scrutiny by judges, prosecutors, defense counsel, citizens and the media. The report's ability to hold up under scrutiny may determine whether the guilty go free or justice is rendered to the victim. Why? Because in a democracy, the police are rightly constrained by a legal framework that not only presumes innocence, but places strict legal limitation on every police contact, detainment, arrest and search of its citizens. Every police report must jump over the substantial hurdle of the exclusionary rule – which states that illegally obtained evidence can't be used against a defendant in a criminal trial – by explaining in detail how and under what conditions a person's pre-existing individual rights were provided during the investigative process.

### **The Purpose of Reports**

A police Report serves five major purposes:

1. Provide the official departmental permanent record of the who, what, when, where, why and how of a matter coming to the attention of the police;
2. Provide a critical source of information for officers conducting follow-up or continuing investigations;
3. Supply the judicial process factual information with which to make decisions relevant to arrest, search-and-seizure warrants and criminal prosecution;
4. Equip management with information needed to plan for the future. (e.g., reports form the basis for crime analysis, analysis of offender modus operandi, personnel evaluations, proactive staffing assignments, etc.); and
5. Provide information for local, state and national computer databases to process, coordinate and share, allowing immediate interagency access to everything from wanted persons and criminal records to crime-mapping statistics.

In my era, you brought your briefcase full of police-report forms to your cruiser and filled them out in pen and ink. We all carried a dictionary. If it was a major case, we got to use a typewriter, and we thought it was a big deal when the department got electric typewriters. Today's officers use vehicle-mounted computers or portable laptops. Software designed to assist report writing has made the task faster and more efficient.

Simply filling in the blanks of a form doesn't make for good police writing, however, and the report's narrative portion remains problematic for many officers.

The report's ability to hold up under scrutiny may determine whether the guilty go free.

## Report Writing Tips

Report writing is a learned skill. Writing a good investigative report proves difficult without significant knowledge of the legal concepts inherent to the profession. The tools of our trade include exceptional knowledge of basic principles relative to local, state and federal law. These include knowledge of what constitutes a crime; probable cause; arrest, search and seizure; the exclusionary rule; the various U.S. Supreme Court decisions we deal with on a daily basis (e.g. *Miranda v. Arizona*); and departmental policy and procedure.

Opinions differ on how much information we should include in the police report narrative. Many believe reports should be short, concise and provide only the details necessary to relay the basic information required. Others (myself included) believe officers should record all facts that may be relevant to a case. With this in mind, here are some tips for writing your report:

- Review your investigative notes and organize them into key topic headings before beginning to write your final report.
- Write a factual narrative in chronological order. Begin by relating who you are (e.g., an 18-year veteran detective assigned to narcotics). Next, record how the matter came to your attention (e.g., you saw it happen). Then relate what you did after the matter came to your attention (e.g., you responded to the scene, determined whether a crime was committed, collected evidence, spoke with witnesses or the victim, etc.)
- Address the following questions:
  - Have all leads in the case been thoroughly developed and investigated?
  - What evidence supports (or doesn't) the determination that a particular person committed a crime?
  - What conclusions would a reasonable person reach based on the factual evidence developed by the investigation?

## Final Thoughts

All of us are strong in some areas and weak in others. If report writing isn't your strength, find a mentor. Every department has a few individuals known for their report-writing skill. Ask them to show you a copy of a search or arrest warrant application, or an arrest report on a complicated case.

If you're a supervisor, don't just tell officers that their report is deficient. Provide some constructive input and give them copies of well-written reports. It's a lot easier to improve if you have a good example to go by.

If report writing is your strength, offer your services to officers who need help in this area. Mentoring used to be the main way we developed younger officers. Let's continue the tradition.

About the author: Dr. Larry F. Jetmore, a retired captain of the Harford (CN) Police Department, has authored five books in the Criminal Justice Field.



## Seven Dynamics

Based on Dr. Covey's 7 Habits of Highly Effective People for Law Enforcement

# POST First-Line Supervisor Program

**Instructional Goal:**

The instruction goal is to:

- To introduce supervisors to Stephen R. Covey's seven habits of highly effective people for Law Enforcement.
- The class is designed to encourage supervisors to rethink their paradigms and to encourage them to expand their knowledge, skill, and desire to implement the seven habits into their personal and professional life.

*“Policing is one of America’s most notable professions. The actions of any police officer, in an instant, can impact an individual for life, and even a community for generations. Given this realization, every police officer must be centered on what is important.”*

*“Service, justice, fundamental fairness – these are the foundational principles in which every police action must be grounded. The nobility of policing demand the noblest of character.”*

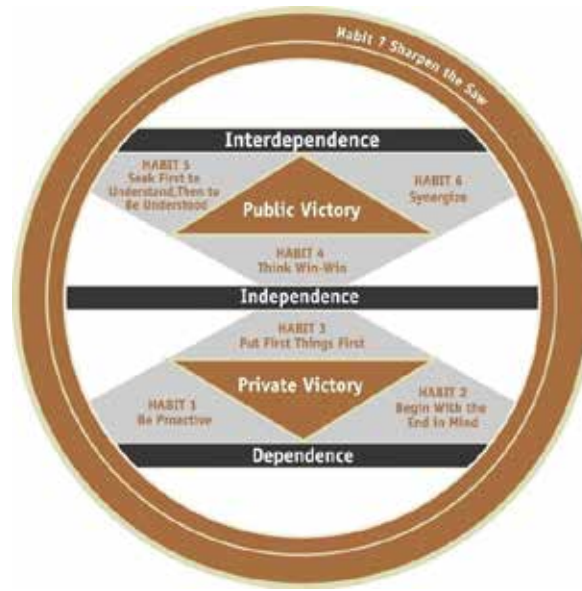
Dr. Stephen R. Covey

**Student Performance Objectives:**

Upon completion of this course of instruction, students shall:

1. Identify the relationship between character ethics and personality ethics.
2. Identify the three elements of a habit.
3. Explain the difference between dependent, independent, and interdependent thinking.
4. Explain the importance of achieving balance between production and production capability (P/PC).
5. Explain the difference between a proactive person and a reactive person.
6. Identify the endowments that make us uniquely human.
7. Explain the underlying concept behind “beginning with the end in mind.”
8. Describe the essential characteristics of a quadrant II manager.
9. Explain the relationship between making deposits into an emotional bank account and building rich, productive interdependent relationships.
10. Identify the six paradigms of human interaction.
11. Explain the concept behind empathic listening.
12. Define synergy.
13. Define the ultimate goal of synergistic communication.
14. Identify practices that renew the four dimensions of an individual.

## The Stages of the Maturity Continuum



### The Seven Habit “Promise”

<u>The Habit</u>	<u>The Promise</u>
Habit 1: <b>Be Proactive</b> The Habit of <b><u>Choice</u></b>	<ul style="list-style-type: none"> <li>You will find out how to take charge of your own future</li> <li>You will increase your influence at work and in your life</li> </ul>
Habit 2: <b>Begin With the End in Mind</b> The Habit of <b><u>Vision</u></b>	<ul style="list-style-type: none"> <li>You will do the things and achieve the goals you have always wanted to</li> <li>You will have a greater sense of purpose and fulfillment in your work and in your life</li> </ul>
Habit 3: <b>Put First Things First</b> The Habit of <b><u>Integrity &amp; Execution</u></b>	<ul style="list-style-type: none"> <li>You will be less crisis-driven and more in control of your life and your time</li> <li>You will enjoy more life balance and peace of mind</li> </ul>
Habit 4: <b>Think Win-Win</b> The Habit of <b><u>Mutual Benefit</u></b>	<ul style="list-style-type: none"> <li>You will build dramatically stronger and more productive relationships</li> <li>You will discover ways to solve problems and build relationships at the same time</li> </ul>
Habit 5: <b>Seek First to Understand, Then to Be Understood</b> The Habit of <b><u>Mutual Understanding</u></b>	<ul style="list-style-type: none"> <li>You will grow in understanding of the most important people in your life</li> <li>You will improve your ability to communicate effectively</li> </ul>
Habit 6: <b>Synergize</b> The Habit of <b><u>Creative Cooperation</u></b>	<ul style="list-style-type: none"> <li>You will be able to deal more productively with conflict</li> <li>You will be able to find strikingly creative solutions to problems and opportunities</li> </ul>
Habit 7: <b>Sharpen the Saw</b> The Habit of <b><u>Renewal</u></b>	<ul style="list-style-type: none"> <li>You will find yourself growing and improving, feeling better, and living a more purposeful life</li> <li>You will have greater work life balance</li> </ul>

### Overview of Covey’s Theory

Two types of ethics:

- Character Ethics** – foundation of success is found in integrity, humility, fidelity, temperance, courage, justice, patience, industry, simplicity, modesty, and the Golden Rule

- **Personality Ethics** – success is a function of personality, of public image, of attitudes and behaviors, skills and techniques.

Bottom Line: You need both ethics, but character speaks the loudest and is the foundation that is best to build on.

The military develops character in recruits younger or the same age as police recruits. They make the investment even though the typical tour of duty is only 3 years. In law enforcement, we have officers for 20 to 30 years, but we fail to develop the whole person.

The military way:

- Teach accountability with no excuses
- Instill structure, while nurturing creativity and flexibility
- Create an environment where everyone is following, leading, and evaluating.
- Encourage selflessness and sacrifice.

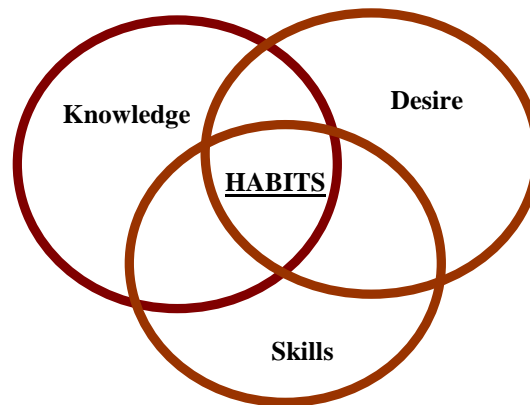
### **Paradigms**

- The way we understand/interpret the world
- A frame of reference

We see the world as we are conditioned to see it. We assume that the way we see things is the way they really are or the way they should be.

### **Effective Habits**

Intersection between knowledge, skill, and desire



### **Effective Mindset**

- **Dependent** – Directed and sustained by others (over-reliance on others to meet needs)
- **Independent** – Self-reliant and directed by self
- **Interdependent** – Defined by relationships

Highly effective people are interdependent.

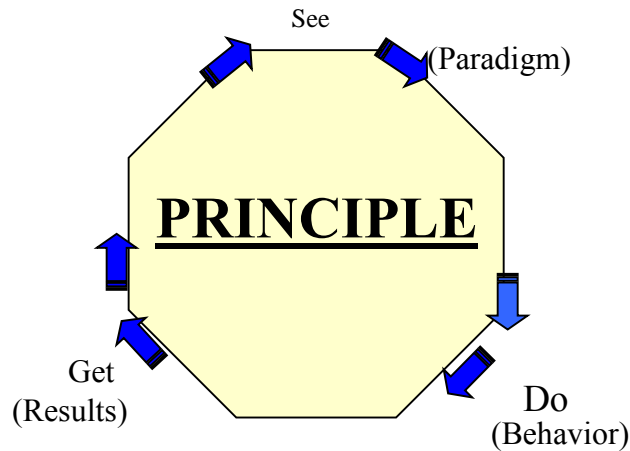
### **P/PC Balance**

PC = Production Capability (The resource that produces the desired results)

P = Production (The desired results)

Effectiveness lies in the balance between P/PC

## Principles of the 7 Habits



Each of the 7 Habits is based on:

**A Principle of effectiveness**

**An effective Paradigm (See) that is aligned with the principle behavior (Do) that produces an effective Result (Get)**

### Seven Habits Diagram

Private Victory – Habits 1, 2, 3

Public Victory – Habits 4, 5, 6

Sharpening the Saw – Habit 7

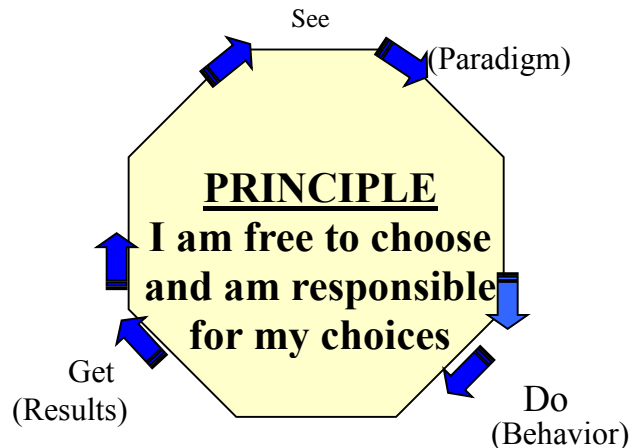
### Habit 1: Be Proactive

Determinism (Genetic, Psychic, Environmental). The current social paradigm tells us we are largely determined by conditioning and conditions (Covey).

#### PARADIGM for Habit 1 (Be Proactive)

**Ineffective:** I am a product of my circumstances.

**Effective:** I am a product of my choices.



### Reactive Behavior





Respond based on moods, feelings, and circumstances

**REACT VS. RESPOND**

**Proactive Behavior**



Pause and respond based on principles

**RESPOND VS. REACT**

**Uniquely Human Endowments**

**Self-awareness:** ability to examine our own thoughts, moods, and behaviors.

**Imagination:** ability to visualize beyond our current experience and circumstances.

**Conscience:** understanding of right and wrong.

**Independent will:** ability to act independent of external influences.

Between what happens to us, or the stimulus, and our response to it, is our freedom or power to choose the response. We are free to choose our response to everything that happens to us.

**Proactive People**

See their behavior as a function of their decisions, not their conditions.

Do not blame circumstances, conditions, and/or conditioning for their behavior.

**Use Proactive Language**

<b><u>Proactive Language</u></b>	<b><u>Reactive Language</u></b>
“Let’s look at our alternatives”	“There is nothing we can do”
“I can choose a different approach”	“That is just the way I am”
“I control my own feelings”	“He makes me so mad”
“I can create an effective presentation”	“They will not allow that”
“I will choose an appropriate response”	“I have to do that”
“I choose”	“I cannot”
“I prefer”	“I must”
“I will”	“If only”

## Reactive People

See their behavior as being shaped by their circumstances, conditions, and/or conditioning.

Influenced by their physical environment, social environment, and psychological environment.

### Proactive people focus on their Circle of Influence not their Circle of Concern



**Proactive people** focus on things they can influence, they expand their knowledge and experience, and they build trustworthiness. As a result, their Circle of Influence grows.

**Reactive people** focus on things they cannot control, they have less time and energy to spend on things they can influence because they are so concerned over their circle of concern. Consequently, their circle of influence shrinks.

**Circle of Concern** - Things a person has no real control over.

**Circle of Influence** - Things a person has control over.

The first step to solving a problem rests in our power to choose our response.

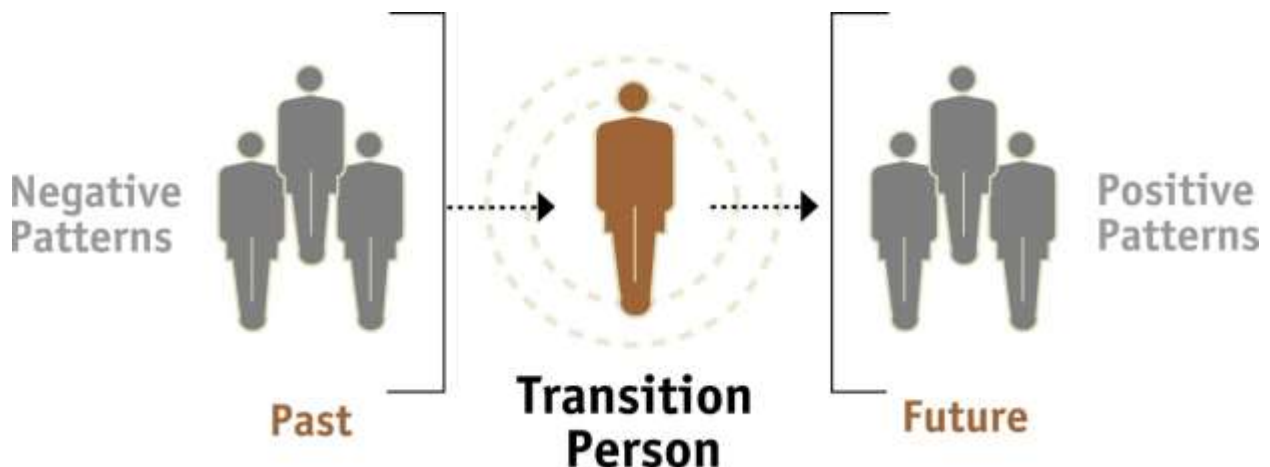
**Direct Control** – Solved by working on our habits

**Indirect Control** – Solved by changing our method of influence

**No Control** – Solved when we take responsibility to change our response.

### Make a Commitment to Bring About Positive Change

#### Become a Transition Person



#### Habit One Challenge

**Be proactive**

**Recognize your circle of influence**

**Choose to work within your circle of influence**



**Habit Two: Begin with the End in Mind**

**The Habit of Vision**

Two Creations: 1) Mental, 2) Physical

First you need to mentally visualize what you want.

$I \times V = R$  (**Imagination X Vividness = Reality**)

 **The Two Creations**

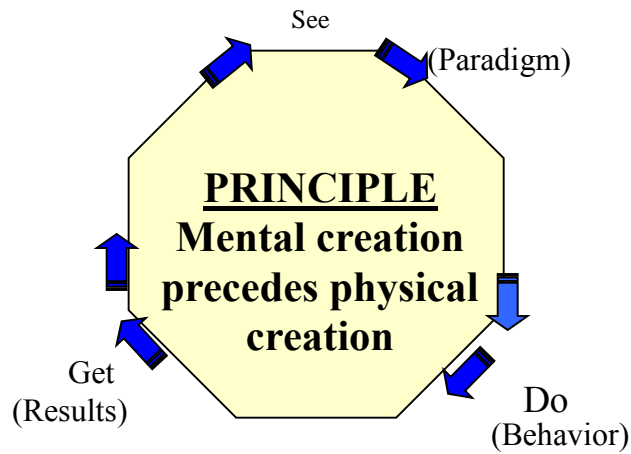


**Habit 2 | Begin With the End in Mind**

**PARADIGM for Habit 2 (Begin with the End in Mind)**

**Ineffective:** I live by default

**Effective:** I live by design



**Personal Mission Statement**  
**Your Purpose and Meaning in Life**

- Clarifies what is important to you
- Provides focus
- Helps you design your life instead of having it designed for you
- Guides your day-to-day decisions
- Gives you a greater sense of meaning and purpose

**Habit 2 – Begin with the End in Mind**

<b><u>Roles &amp; Relationships</u></b>	<b><u>Tribute Statements</u></b>
Role 1: _____	
Key Person: _____	
Role 2: _____	
Key Person: _____	
Role 3: _____	
Key Person: _____	
Role 4: _____	
Key Person: _____	
Role 5: _____	
Key Person: _____	
Role 6: _____	
Key Person: _____	
Role 7: _____	
Key Person: _____	

**Habit 2 – Identify Long-Term Goals**

What 2 things could you do to help make these tribute statements a reality?

Role 1:

---



---

Role 2:

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Role 3:

---

---

Role 4:

---

---

Role 5:

---

---

Role 6:

---

---

Role 7:

---

---

### **Habit 2 – Discover Yourself**

*“The unexamined life is not worth living” - Socrates*

As you answer the following questions, consider the human endowments of self-awareness, imagination, and conscience. You will exercise the human endowment of independent when you put into action yours answers to these questions.

#### **Self-Awareness**

I am at my best when.....

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I am at my worst when.....

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---

What do I really love to do at work?

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---

What do I really love to do in my personal life?

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My natural talents and gifts are.....

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## **Imagination**

If I had unlimited time and resources, what would I choose to do?

---

---

Possible life goals for me are.....

---

---

I want to be a person who...

---

---

## **Identifying Your Center**

From the center of a person's circle of influence flows a person's security, guidance, wisdom, and power.

What is at the center of your circle of influence?

- Spouse-Centered
- Family-Centered
- Money-Centered
- Work-Centered
- Possessions-Centered
- Pleasure-Centered
- Friend-Centered
- Enemy-Centered
- Social or Church-Centered
- Self-Centered
- Principles-Centered

## What is Your Center Paradigm

Center	Security	Guidance	Wisdom	Power
<p>If you are... <b>Spouse Centered</b></p>	<ul style="list-style-type: none"> <li>• Your feelings of security are based on the way your spouse treats you.</li> <li>• You are highly vulnerable to the moods and feelings of your spouse.</li> <li>• There is deep disappointment resulting in withdrawal or conflict when your spouse disagrees with you or does not meet your expectations.</li> <li>• Anything that may impinge on the relationship is perceived as a threat.</li> </ul>	<ul style="list-style-type: none"> <li>• Your direction comes from your own needs and wants and from those of your spouse.</li> <li>• Your decision-making criterion is limited to what you think is best for your marriage or your mate, or to the preferences and opinions of your spouse.</li> </ul>	<ul style="list-style-type: none"> <li>• Your life perspective surrounds things which may positively or negatively influence your spouse or your relationship.</li> </ul>	<ul style="list-style-type: none"> <li>• Your power to act is limited by weaknesses in your spouse and in yourself.</li> </ul>
<p>If you are... <b>Family Centered</b></p>	<ul style="list-style-type: none"> <li>• Your security is founded on family acceptance and fulfilling family expectations.</li> <li>• Your sense of personal security is as volatile as the family.</li> <li>• Your feelings of self-worth are based on the family reputation.</li> </ul>	<ul style="list-style-type: none"> <li>• Family scripting is your source of correct attitudes and behaviors.</li> <li>• Your decision-making criterion is what is good for the family, or what family members want.</li> </ul>	<ul style="list-style-type: none"> <li>• You interpret all of life in terms of your family, creating a partial understanding and family narcissism.</li> </ul>	<ul style="list-style-type: none"> <li>• Your actions are limited by family models and traditions.</li> </ul>
<p>If you are... <b>Money Centered</b></p>	<ul style="list-style-type: none"> <li>• Your personal worth is determined by your net worth.</li> <li>• You are vulnerable to anything that threatens your economic security.</li> </ul>	<ul style="list-style-type: none"> <li>• Profit is your decision-making criterion.</li> </ul>	<ul style="list-style-type: none"> <li>• Money-making is the lens through which life is seen and understood, creating imbalanced judgment.</li> </ul>	<ul style="list-style-type: none"> <li>• You are restricted to what you can accomplish with your money and your limited vision.</li> </ul>

## What is Your Center Paradigm

Center	Security	Guidance	Wisdom	Power
<p>If you are... <b>Work Centered</b></p>	<ul style="list-style-type: none"> <li>• You tend to define yourself by your occupational role.</li> <li>• You are only comfortable when you are working.</li> </ul>	<ul style="list-style-type: none"> <li>• You make your decisions based on the needs and expectations of your work.</li> </ul>	<ul style="list-style-type: none"> <li>• You tend to be limited to your work role.</li> <li>• You see your work as your life.</li> </ul>	<ul style="list-style-type: none"> <li>• Your actions are limited by work role models, occupational opportunities, organizational constraints, your boss's perceptions, and your possible inability at some point in your life to do that particular work.</li> </ul>
<p>If you are... <b>Possession Centered</b></p>	<ul style="list-style-type: none"> <li>• Your security is based on your reputation, your social status, or the tangible things you possess.</li> <li>• You tend to compare what you have to what others have.</li> </ul>	<ul style="list-style-type: none"> <li>• You make your decision based on what will protect, increase, or better display your possessions.</li> </ul>	<ul style="list-style-type: none"> <li>• You see the world in terms of comparative economic and social relationships.</li> </ul>	<ul style="list-style-type: none"> <li>• You function within the limits of what you can buy or the social prominence you can achieve.</li> </ul>
<p>If you are... <b>Pleasure Centered</b></p>	<ul style="list-style-type: none"> <li>• You feel secure only when you are on a pleasure "high".</li> <li>• Your security is short-lived, anesthetizing, and dependent on your environment.</li> </ul>	<ul style="list-style-type: none"> <li>• You make your decision based on what will give you the most pleasure.</li> </ul>	<ul style="list-style-type: none"> <li>• You see the world in terms of what is in it for you.</li> </ul>	<ul style="list-style-type: none"> <li>• Your power is almost negligible.</li> </ul>



## What is Your Center Paradigm

Center	Security	Guidance	Wisdom	Power
<p>If you are... <b>Friend Centered</b></p>	<ul style="list-style-type: none"> <li>Your security is a function of the social mirror.</li> <li>You are highly dependent on the opinions of others.</li> </ul>	<ul style="list-style-type: none"> <li>Your decision-making criterion is "What will they think?"</li> <li>You are easily embarrassed.</li> </ul>	<ul style="list-style-type: none"> <li>You see the world through a social lens.</li> </ul>	<ul style="list-style-type: none"> <li>You are limited by your social comfort zone.</li> <li>Your actions are as fickle as opinions.</li> </ul>
<p>If you are... <b>Enemy Centered</b></p>	<ul style="list-style-type: none"> <li>Your security is volatile, based on the movements of your enemy.</li> <li>You are always wondering what he is up to.</li> <li>You seek self-justification and validation from the like-minded.</li> </ul>	<ul style="list-style-type: none"> <li>You are counter-dependently guided by your enemy's actions.</li> <li>You make your decisions based on what will thwart your enemy.</li> </ul>	<ul style="list-style-type: none"> <li>Your judgment is narrow and distorted.</li> <li>You are defensive, over-reactive, and often paranoid.</li> </ul>	<ul style="list-style-type: none"> <li>The little power you do have comes from anger, envy, resentment and vengeance--negative energy that shrivels and destroys, leaving energy for little else.</li> </ul>
<p>If you are... <b>Social or Church Centered</b></p>	<ul style="list-style-type: none"> <li>Your security is based on social or church activity and on the esteem in which you are held by those in authority or influence in your group or church.</li> <li>You find identity and security in labels and comparisons.</li> </ul>	<ul style="list-style-type: none"> <li>You are guided by how others will evaluate your actions in the context of expectations.</li> </ul>	<ul style="list-style-type: none"> <li>You see the world in terms of belongers and non-belongers or believers and non-believers.</li> </ul>	<ul style="list-style-type: none"> <li>Perceive power comes from your social or church position or role.</li> </ul>

## What is Your Center Paradigm

Center	Security	Guidance	Wisdom	Power
<p>If you are... <b>Self-Centered</b></p>	<ul style="list-style-type: none"> <li>Your security is constantly changing and shifting.</li> </ul>	<ul style="list-style-type: none"> <li>Your judgment criteria are "if it feels good", "What I want", "What I need", "What is in it for me?"</li> </ul>	<ul style="list-style-type: none"> <li>You view the world by how decisions, events, or circumstances will affect you.</li> </ul>	<ul style="list-style-type: none"> <li>Your ability to act is limited to your own resources, without the benefits of interdependency.</li> </ul>
<p>If you are... <b>Principle Centered</b></p>	<ul style="list-style-type: none"> <li>Your security is based on correct principles that do not change, regardless of external conditions or circumstances.</li> <li>You know that true principles can repeatedly be validated in your own life, through your own experiences.</li> <li>As a measurement of self-improvement, correct principles function with exactness, consistency, beauty, and strength.</li> <li>Correct principles help you understand your own development, endowing you with the confidence to learn more, thereby increasing your knowledge and understanding.</li> <li>Your source of security provides you with an immovable, unchanging, unfailing core enabling you to see change as an exciting adventure and opportunity to make significant contributions.</li> </ul>	<ul style="list-style-type: none"> <li>You are guided by a compass which enables you to see where you want to go and how you will get there.</li> <li>You use accurate data which makes your decisions both implementable and meaningful.</li> <li>You stand apart from life's situations, emotions, and circumstances, and look at the balanced whole. Your decisions and actions reflect both short- and long-term considerations and implications.</li> <li>In every situation, you consciously, proactively determine the best alternative, basing decisions on conscience educated by principles.</li> </ul>	<ul style="list-style-type: none"> <li>Your judgment encompasses a broad spectrum of long-term consequences and reflects a wise balance and quiet assurance.</li> <li>You see things differently and thus you think and act differently from the largely reactive world.</li> <li>You view the world through a fundamental paradigm for effective, provident living.</li> <li>You see the world in terms of what you can do for the world and its people.</li> <li>You adopt a proactive lifestyle, seeking to serve and build others.</li> <li>You interpret all of life's experiences in terms of opportunities for learning and contributions.</li> </ul>	<ul style="list-style-type: none"> <li>Your power is limited only by your understanding and observance of natural law and correct principles and by the natural consequences of the principles themselves.</li> <li>You become a self-aware, knowledgeable, proactive individual, largely unrestricted by the attitudes, behaviors, or actions of others.</li> <li>Your ability to act reaches far beyond your own resources and encourages highly developed levels of interdependency.</li> <li>Your decisions and actions are not driven by your current financial or circumstantial limitations. You experience an interdependent freedom.</li> </ul>

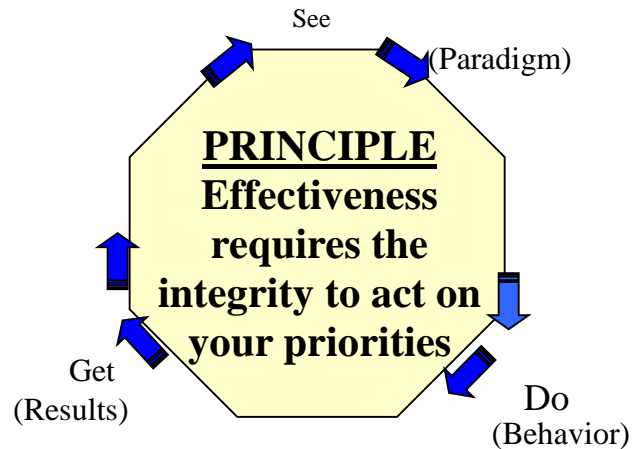
## Habit Two Challenge

- Begin with the end in mind
- Have a vision/an idea of where you are going
- Understand what you value

### PARADIGM for Habit 3 (Put first things first)

**Ineffective:** I put urgent things first

**Effective:** I put important things first



#### Paradigm (See)

Urgent things first: If we hold this paradigm, we will be driven by crisis instead of priorities.

Important things first: Highly effective people resist the urge to put urgent things first. They have a habit of prioritizing what is important and saying no to less important things.

#### Behavior (Do)

Focus on top priorities, eliminate the unimportant, plan weekly, plan daily.

#### Result (Get)

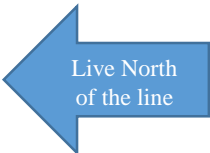
Increased organization and productivity, fewer crisis, a reputation for follow-through, and more life balance and peace of mind.

**The Time Matrix**

	<b>URGENT</b>	<b>NOT URGENT</b>
<b>IMPORTANT</b>	<b>I</b> <b>NECESSITY</b>	<b>II</b> <b>EFFECTIVENESS</b>
<b>NOT IMPORTANT</b>	<b>III</b> <b>DECEPTION</b>	<b>IV</b> <b>WASTE AND EXCESS</b>

**Live North of the Line**

	<b>URGENT</b>	<b>NOT URGENT</b>
<b>IMPORTANT</b>	<ul style="list-style-type: none"> <li>• Crises</li> <li>• Pressing problems</li> <li>• Deadline-driven projects, meetings, reports</li> </ul>	<ul style="list-style-type: none"> <li>• Preparation</li> <li>• Prevention</li> <li>• Planning</li> <li>• Relationship building</li> <li>• Re-creation</li> <li>• Values Clarification</li> </ul>
<b>NOT IMPORTANT</b>	<ul style="list-style-type: none"> <li>• Needless interruptions</li> <li>• Unnecessary reports</li> <li>• Unimportant meetings, phone calls, mail, e-mail</li> <li>• Other peoples minor issues</li> </ul>	<ul style="list-style-type: none"> <li>• Trivia, busywork</li> <li>• Irrelevant phone calls, mail, e-mail</li> <li>• Time-wasters</li> <li>• “Escape” activities</li> <li>• Excessive TV, Internet, relaxation</li> </ul>



**Quadrant II Planning Tool**

Quadrant II manager do not manage time they manage **themselves**

Coherence, balance, Quadrant II focus, people dimension, flexible, uses a portable time management system.

Identify roles, select goals, schedule, daily adapting.

**Weekly Compass**

WEEKLY COMPASS®  
*What is the most important thing I can do in this role this week?*

Date: \_\_\_\_\_

**ROLES AND BIG ROCKS®**

Role: *Supervisor for First*

Personal: \_\_\_\_\_  
 Social/Relationship: \_\_\_\_\_  
 Spiritual: \_\_\_\_\_

Role: **Officer**  
 Big Rocks: \_\_\_\_\_

Role: **Parent**  
 Big Rocks: \_\_\_\_\_

Role: **Spouse**  
 Big Rocks: \_\_\_\_\_

Role: **Friend**  
 Big Rocks: \_\_\_\_\_

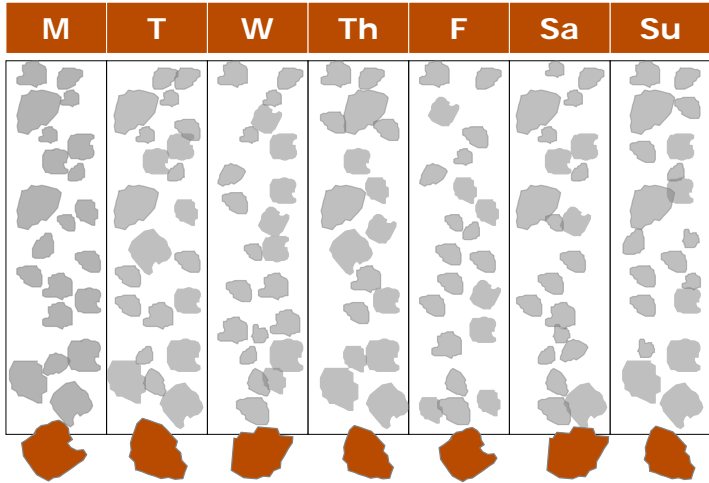
**Habit 3 | Put First Things First**

**Policing Big Rocks**

Personal: Health, family, relationships, officer safety, character, ethics, loyalty, commitment, personal growth, spirituality.

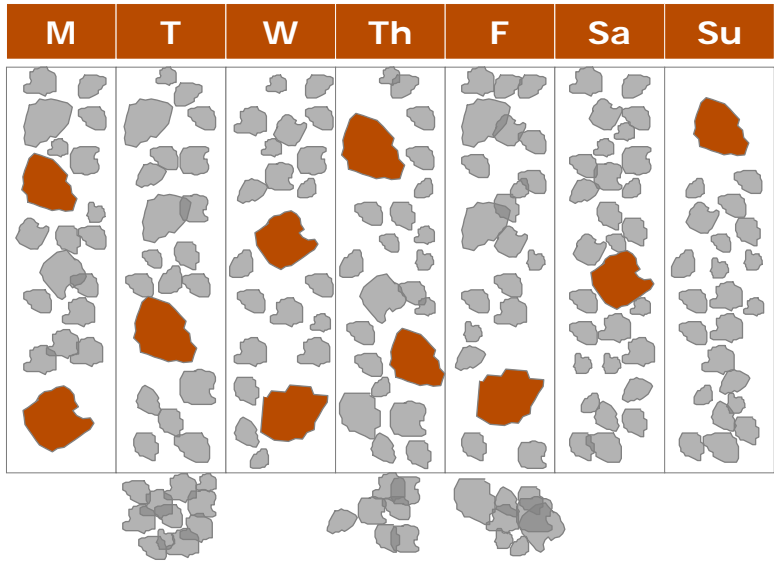
Professional: Mission and values, law, people, loyalty, professional development, community.

**Traditional Scheduling**



**Habit 3 | Put First Things First**

**“Big Rocks” Scheduling**



**Habit 3 | Put First Things First**

Types of planning tools: Paper, handheld, computer

**Plan Weekly With PlanPlus**

**Habit 3 | Put First Things First**

The core four: Tasks, appointments, contacts, notes.

Plan Weekly: Review your mission and roles, choose your big rocks, and schedule the week.

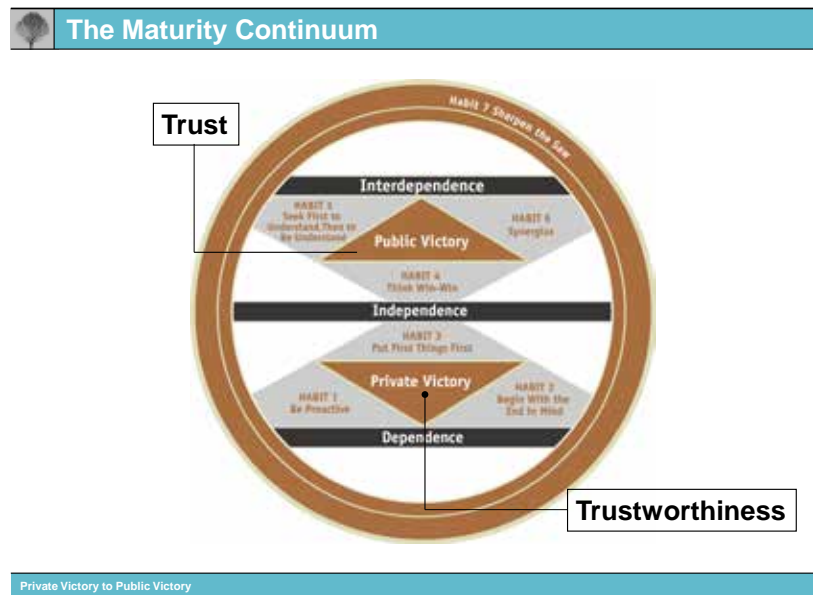
## Habit Three Challenge

- Put first things first
- Build on the values/principles you identified I habit two

### Overview: The Private Victory (Habits 1, 2, 3)

- Habit One: **You are in control**
- Habit Two: **Identify what you value and write your own script**
- Habit Three: **Live out the script**

Self-mastery and character growth - Moving from dependency to independence



### Public Victory

- Habits 4, 5, 6
- **Teamwork, cooperation, and communication**
- Moving from independence to interdependence
- Interdependent people build rich, enduring, and highly productive relationships with other people.

### Emotional Bank Account (Remember the 5:1 rule)

- The amount of trust that has been build up in a relationship.
- Too many withdrawals results in a relationship that is overdrawn (brittle, uneasy, cold, difficult).
- Building and repairing relationships are long-term investments and take time and patience.

Just as there are deposits and withdrawals in your bank account, there are also Emotional Bank Account deposits and withdrawals.

#### Deposits

- Seek first to understand.
- Show kindness, courtesy, respect.
- Keep promises.
- Be loyal to the absent.
- Set clear expectations.
- Apologize.
- Give feedback ("I" messages).
- Forgive.

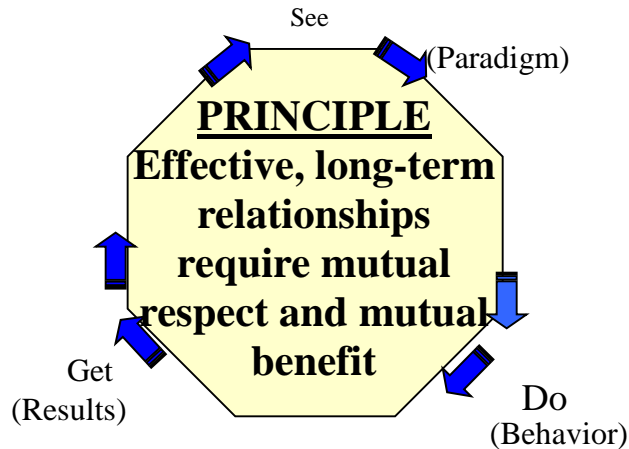
#### Withdrawals

- Assume you understand.
- Show unkindness, discourtesy, disrespect.
- Break promises.
- Be disloyal, badmouth.
- Create unclear expectations.
- Be proud and arrogant.
- Give no feedback or evaluate character ("you" messages)
- Hold grudges.

## PARADIGM for Habit 4 (Think Win-Win)

**Ineffective:** There is only so much, and the more you get the less there is for me

**Effective:** There is plenty out there for everyone, and more to spare.



### Habit 4: Think Win-Win

#### Six Paradigms of Human Interaction

**WIN-WIN: “Let us find a solution that works for both of us.”**

People who choose to win and make sure others also win practice win-win. They search for solutions that will make them happy and simultaneously satisfy others.

Characteristics:

- Seek mutual benefit
- Is cooperative, not competitive
- Listens more, stays in communication longer, and communicates with more courage.

**WIN-LOSE: “I am going to beat you no matter what.”**

People with win-lose paradigm are concerned with themselves first and last. They want to win and they want others to lose. They achieve success at the expense of exclusion of another’s success. They are driven by comparison, competition, position, and power.

Characteristics:

- Is very common scripting for most people.
- Is the authoritarian approach.
- Uses position, power, credentials, possessions, or personality to get the “win.”

**LOSE-WIN” “I always get stepped on.”**

People who choose to lose and let others win show high consideration, but lack the courage to express and act on their feelings and beliefs. They are easily intimidated and borrow strength from acceptance and popularity.

- Voices no standards, no demands, no expectations of anyone else.
- Is quick to please or appease.
- Buries a lot of feelings.

**LOSE-LOSE: “If I am going down, you are going down with me.”**



People who have a lose-lose paradigm are low on courage and consideration. They envy and criticize others. They put themselves and others down.

Characteristics:

- Is the mindset of a highly dependent person.
- Is a “no win” because nobody benefits.
- Is a long-term result of win-lose or “win.”

**WIN: “As long as I win, I do not care if you win or lose.”**

People who hold a “win” paradigm think only of getting what they want. Although they do not necessarily want other to lose, they are personally set on winning. They think independently in interdependent situations, without sensitivity of awareness of others.

Characteristics:

- Is self-centered.
- Thinks “me first.”
- Does not really care if the other person wins or losses.

**WIN-WIN OR NO-DEAL: “Let us find a solution that works for both of us, or let us not play.”**

Win-Win or No Deal is the highest form of win-win. People who adopt this paradigm seek first for win-win. If they cannot find an acceptable solution, they agree to disagree agreeably.

Characteristics:

- Allows each party to say no.
- Is the most realistic at the beginning of a relationship or business deal.
- Is the highest form of win-win.

**Habit 4: Think Win-Win**

**ABUNDANCE OR SCARCITY MINDSET?**

If you do not have some grounding in the Private victory, it will be difficult to Think Win-Win.

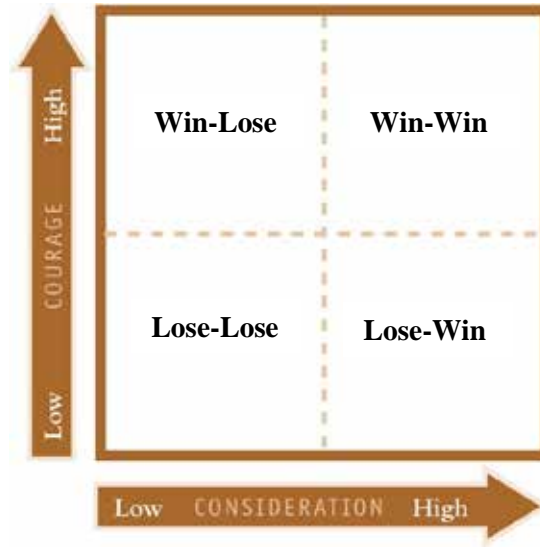
Read each phrase below and mark where you think you are on the continuum.

<b>Abundance</b>	<b>Scarcity</b>
I believe there is plenty out there for everybody (e.g., options, success, opportunities, credit). -----	I believe there is only so much, and the more you get the less there is for me.
I am happy for the successes of others, especially those closest to me. -----	I am threatened by the success of others, especially those closest to me.
I treat everyone with equal respect. -----	I treat people with varying degrees of respect based on position.
I find it easy to share recognition and credit.	I have a difficult time sharing recognition and credit.

I have a deep inner sense of personal worth and security.

I find my sense of self-worth from being compared and from competition.

### The Courage-and-Consideration



### Five Dimensions of Win/Win

- Character
- Relationships
- Agreements
- Structure and Systems
- Process

**Character:** Integrity, maturity (courage & consideration), abundance mentality.

**Relationships:** Win/Win creates a positive, cooperative energy focused on thoroughly understanding the issues and resolving them in a mutually beneficial way.

**Agreements:** Desired results, guidelines, resources, accountability, consequences.

**Structure and Systems:** Must support win/win, an agency gets what it rewards.

**Processes:** Must support practices that help people achieve win/win

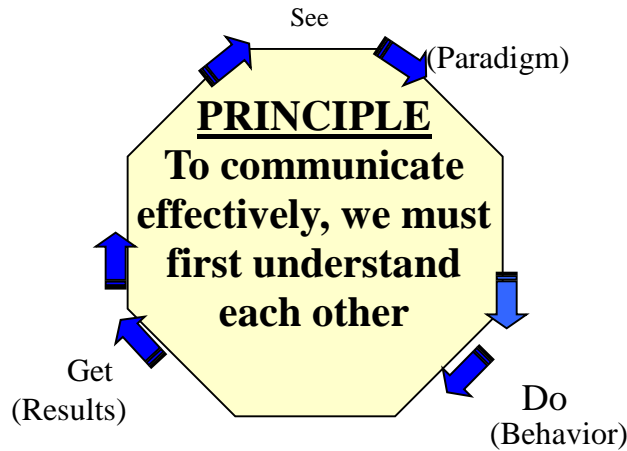
### Habit Four Challenge

- Think Win/Win
- Actively seek higher ground
- Seek for a third alternative that is mutually beneficial
- Be willing to work as a team

## PARADIGM for Habit 5 (Seek First to Understand then to be Understood)

**Ineffective:** I listen with the intent to reply.

**Effective:** I listen with the intent to understand



### Seek First to Understand then to be Understood

- Requires consideration
- Most people listen with the intent to reply not to understand

### Five Levels of Listening

- Ignore
- Pretending
- Selective Listening
- Attentive Listening
- Empathic Listening

### Empathic Listening:

- You get inside another person's frame of reference
- You see the world the way they see it
- You understand their paradigms
- Requires eyes, ears, and heart

Empathic listening is reflecting what a person feels and says in your own words. It is not listening to advise, counsel, reply, refute, solve, fix, change, judge, agree, disagree, questions analyze, or figure out.

### Empathic Listening Is not listening to:

∅ Advise	§ Judge
∅ Counsel	§ Agree
∅ Reply	§ Disagree
∅ Refute	§ Questions
∅ Solve	§ Analyze
∅ Fix	§ Figure out
∅ Change	

- When I ask you to listen and you start giving advice, you have not done what I have asked.
- When I ask you to listen to me and you begin to tell me why I should not feel that way, you are tramping on my feelings.

- When I ask you to listen and you feel you have to do something to solve my problem, you have failed me, strange as it may seem.
- Listen! All I ask is that you listen; not talk or do---just hear me.

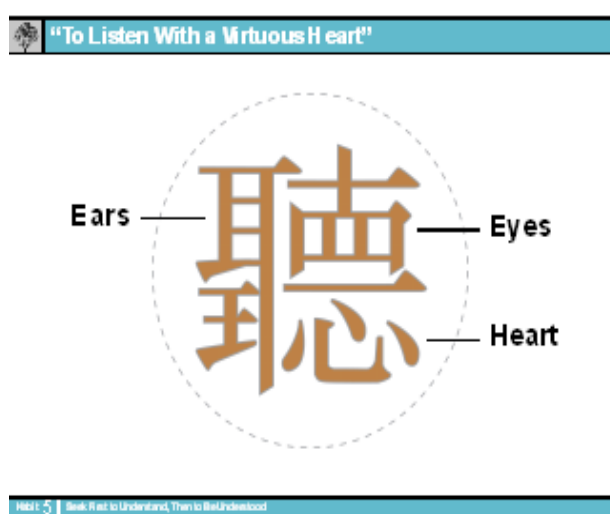
**Autobiographical Responses**

- **Evaluation** - Judging, and either agreeing or disagreeing.
- **Probing** - Asking questions from our own frame of reference or agenda
- **Advising** - Giving counsel, advice, and solutions to problems
- **Interpreting** - Explaining another’s motives and behavior based on our own experience; trying to figure people out

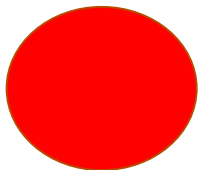
**Greek Philosophy**

Seek to be understood – Requires courage

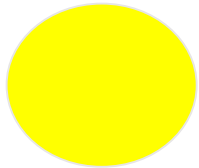
- Ethos – personal credibility
- Pathos – empathic side – understanding the essence of another person
- Logos – the logic of your presentation



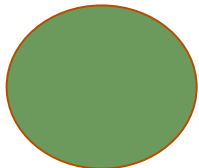
**Watch the Signals**



Stop and listen empathically



Slow down. Watch and be ready to listen empathically



Go forward and seek to be understood

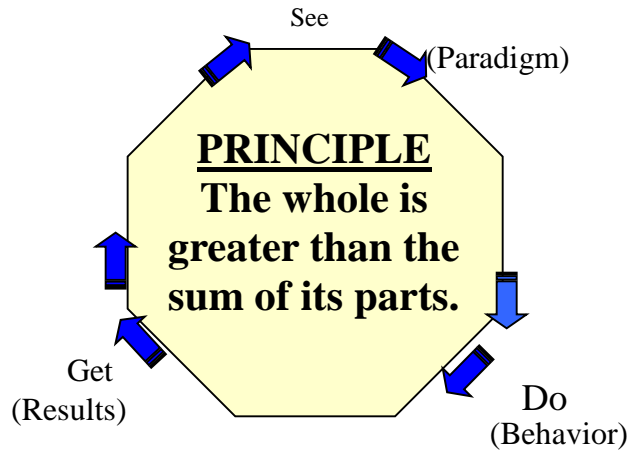
**Habit Five Challenge**

- Abandon autobiographical responses
- Invest time in truly understanding the people around you
- Listen with your eyes, ears, and heart

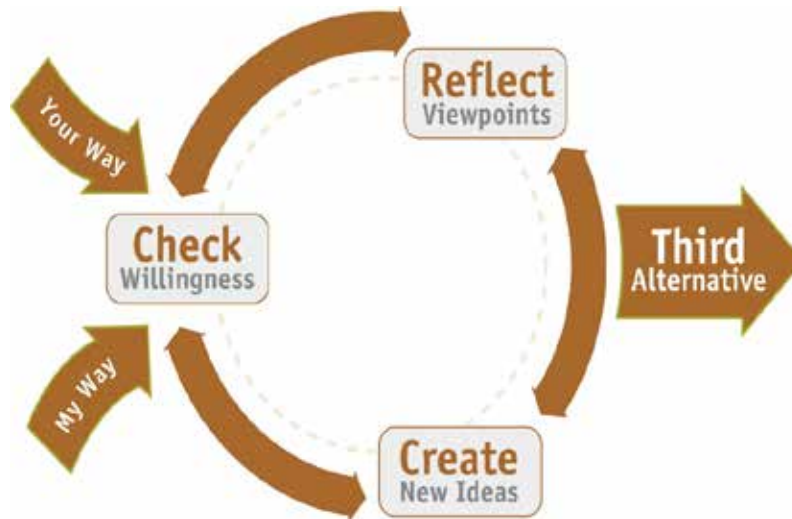
## PARADIGM for Habit 6 (Synergize)

**Ineffective:** It's either your way or my way, or a compromise.

**Effective:** Together we can create a better way, a higher way.



### Getting to Synergy



1. **Check willingness:** “Would you be willing to search for a solution that is better than what either of us has in mind?”
2. **Reflect viewpoints:** “Would you agree to a simple ground rule-I cannot make my point until I restate yours to your satisfaction; and you cannot make your point until you restate mine to my satisfaction?”
3. **Create new ideas:** Once you have achieved mutual understanding, propose and refine alternatives. Keep refining and creating until you reach a third alternative.

### You have created a Third Alternative when you both:

- Have a change of heart
- Feel new energy and excitement
- See things in a new way
- Feel the relationship has transformed
- End up with an idea that is better than what either of you started with

### Three Levels of Communication

1. Defensive
2. Respectful

### 3. Synergistic

#### Types of Interaction

Types of Interaction		Outcome
Synergy—Third Alternative	$1 + 1 = 3, 10, 100$	Transformation
Compromise	$1 + 1 = 1\frac{1}{2}$	Transaction
Defensiveness	$1 + 1 = \frac{1}{2}$	Contention
Hostility	$1 + 1 = -1, -10, -100$	

#### Habit 6 | Synergize

### Valuing Differences

- The essence of synergy is to value differences
- “Good. You see it differently. Help me to see what you see.”

**Driving Forces** – Positive, reasonable, logical, conscious, economic

**Restraining Forces** – Negative, emotional, illogical, unconscious, social/psychological

### Change

- To bring about change you must deal with the restraining forces.
- Synergy breaks down restraining forces.

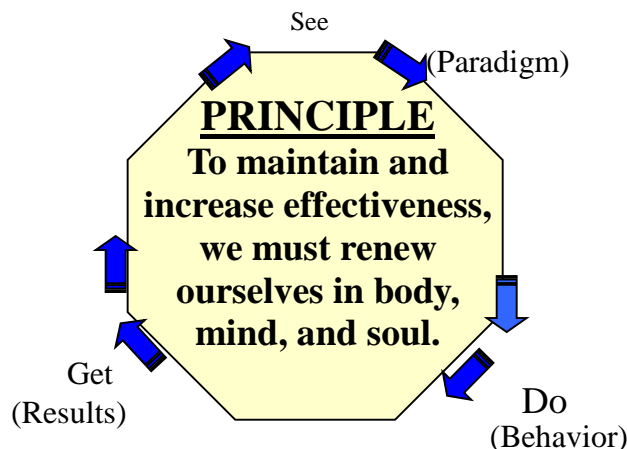
### Habit Six Challenge

- Work together to find a creative solution
- Value Differences
- Participate in creative cooperation

### PARADIGM for Habit 7 (Sharpen the Saw, Habit of Renewal)

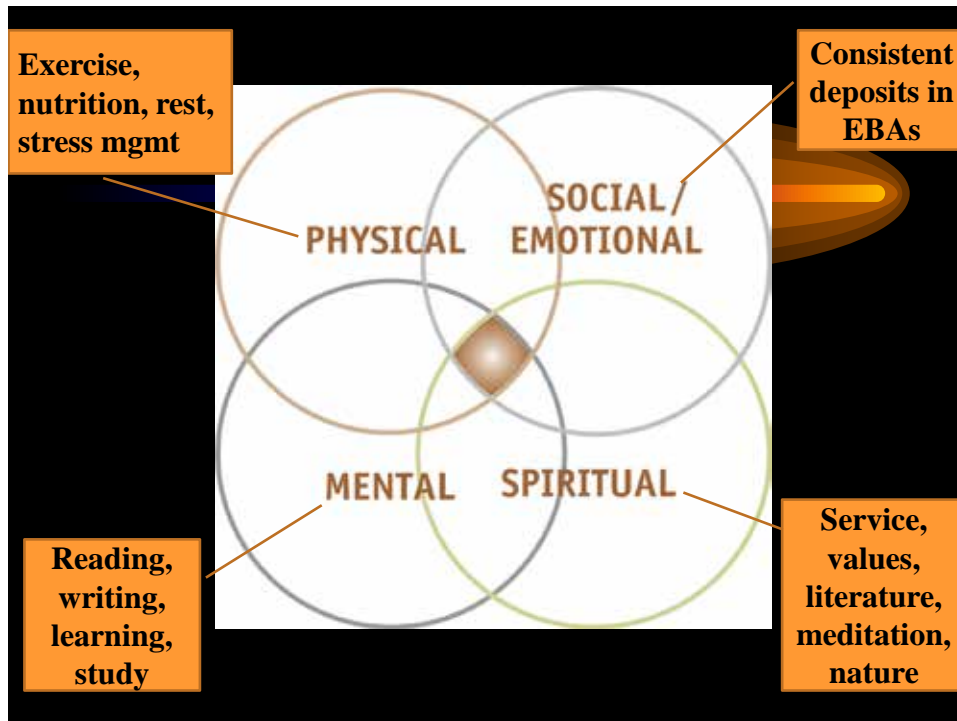
**Ineffective:** I only focus on getting the golden egg.

**Effective:** I nurture the goose that lays the golden egg.



## Four Dimensions

- Physical
- Spiritual
- Mental
- Social/Emotional



### Business Perspective

- **Physical** – Physical well being
- **Mental** – Recognition, development, and use of talent
- **Social/Emotional** – Human relations
- **Spiritual** – Organizational integrity/contribution

### Habit Seven Challenge

- Enhance and preserve yourself
- Renew the four dimensions of your nature
- Be committed to an upward spiral of growth

### Inside-Out

- Change comes from the inside out
- Real change comes when we deeply examine the fabric of our thoughts
- Real change comes when we examine the root of who we are
- There is no quick fix

## Writing a Personal Mission Statement

A **personal mission statement** is a brief description of what you want to focus on, what you want to accomplish and who you want to become in a particular area of your life over the next one to three years. It is a way to focus your energy, actions, behaviors and decisions towards the things that are most important to you.

### **Personal Mission Statement Guidelines**

While there is no unique format or formula for creating your personal mission statement, the following guidelines may be helpful:

- Keep it simple, clear and brief. The best mission statements tend to be 3 to 5 sentences long.
- Your mission statement should touch upon what you want to focus on and who you want to become as a person (character) in this part of your life. Think about specific actions, behaviors, habits and qualities that would have a significant positive impact in this part of your life over the next one to three years.
- Make sure your mission statement is positive. Instead of saying what you don't want to do or don't want to be, say what you do want to do or become. Find the positive alternatives to any negative statements.
- Include positive behaviors, character traits and values that you consider particularly important and want to develop further.
- Think about how your actions, habits, behavior and character traits in this area affect the important relationships in your life.
- Create a mission statement that will guide you in your day-to-day actions and decisions. Make it a part of your everyday life.
- Think about how your mission affects the other areas of your life. Is it consistent with your other personal mission statements? Will it conflict with or contradict something else? Is it balanced?
- Make it emotional. Including an emotional payoff in your mission statement infuses it with passion and will make it even more compelling, inspiring and energizing.

Remember that your mission statement is not cast in stone. It will continue to change and evolve as you gain insights about yourself and what you want out of each part of your life.

## The Five-Step Plan for Creating Personal Mission

### **Steps Toward Personal Mission Statement Development**

**Step 1: Identify Past Successes.** Spend some time identifying four or five examples where you have had personal success in recent years. These successes could be at work, in your community, at home, etc. Write them down.

Try to identify whether there is a common theme -- or themes -- to these examples. Write them down.

**Step 2: Identify Core Values.** Develop a list of attributes that you believe identify who you are and what your priorities are. The list can be as long as you need.

Once your list is complete, see if you can narrow your values to five or six most important values.

Finally, see if you can choose the one value that is most important to you.

**Step 3: Identify Contributions.** Make a list of the ways you could make a difference. In an ideal situation, how could you contribute best to:

- the world in general
- your family
- your employer or future employers
- your friends
- your community



**Step 4: Identify Goals.** Spend some time thinking about your priorities in life and the goals you have for yourself.

Make a list of your personal goals, perhaps in the short-term (up to three years) and the long-term (beyond three years).

**Step 5: Write Mission Statement.** Based on the first four steps and a better understanding of yourself, begin writing your personal mission statement.

### **Sample Personal Mission Statement Development**

*1. Past success:*

- a. developed new product features for stagnant product
- b. part of team that developed new positioning statement for product
- c. helped child's school with fundraiser that was wildly successful
- d. increased turnout for the opening of a new local theater company

Themes: Successes all relate to creative problem solving and execution of a solution.

*2. Core values:*

- Hard-working
- Industrious
- Creativity
- Problem-Solving
- Decision-maker
- Friendly
- Outgoing
- Positive
- Family-oriented
- Honest
- Intelligent
- Compassionate
- Spiritual
- Analytical
- Passionate
- Contemplative

Most important values:

- Problem-Solving
- Creativity
- Analytical
- Compassionate
- Decision-maker
- Positive

Most important value:

- Creativity

*3. Identify Contributions:*

- the world in general: develop products and services that help people achieve what they want in life. To have a lasting impact on the way people live their lives.

- my family: to be a leader in terms of personal outlook, compassion for others, and maintaining an ethical code; to be a good mother and a loving wife; to leave the world a better place for my children and their children.
- my employer or future employers: to lead by example and demonstrate how innovative and problem-solving products can be both successful in terms of solving a problem and successful in terms of profitability and revenue generation for the organization.
- my friends: to always have a hand held out for my friends; for them to know they can always come to me with any problem.
- my community: to use my talents in such a way as to give back to my community.

#### 4. *Identify Goals:*

Short-term: To continue my career with a progressive employer that allows me to use my skills, talent, and values to achieve success for the firm.

Long-term: To develop other outlets for my talents and develop a longer-term plan for diversifying my life and achieving both professional and personal success.

#### 5. *Mission Statement:*

To live life completely, honestly, and compassionately, with a healthy dose of realism mixed with the imagination and dreams that all things are possible if one sets their mind to finding an answer.

### **Final Thoughts**

A personal mission statement, is of course personal... but if you want to truly see whether you have been honest in developing your personal mission statement, I suggest sharing the results of this process with one or more people who are close to you. Ask for their feedback.

Finally, remember that a mission statement is not meant to be written once and blasted into stone. You should set aside some time annually to review your career, job, goals, and mission statement -- and make adjustments as necessary.

Discover Your Mission

- **Priorities:** What matters most
- **Principles:** Character
- **Talents:** Strengths
- **Roles:** Key areas of life
- **Responsibilities:** Key contributions

Hab 1 2 | Begin With the End in Mind





### **Examples of Priorities**

<b>Family</b>	<b>Wealth</b>	<b>Hobbies</b>
<b>Service</b>	<b>Personal Renewal</b>	<b>Reading</b>
<b>Health</b>	<b>Creativity</b>	<b>Children</b>
<b>Music / Art</b>	<b>Friendships</b>	<b>Beauty</b>
<b>Spiritual Fulfillment</b>	<b>Community</b>	<b>Creating Memories</b>
<b>Career</b>	<b>School</b>	<b>Sharing Wisdom</b>
<b>Contribution</b>	<b>Fun / Enjoyment</b>	<b>New Experiences</b>
<b>Financial Security</b>	<b>Marriage</b>	<b>Nature</b>
<b>Relationships</b>	<b>Social Clubs</b>	<b>Physical Fitness</b>
<b>Athletics</b>	<b>Pets</b>	<b>Education</b>

Habit 2 | Begin With the End in Mind



### **Examples of Principles**

<b>Responsibility</b>	<b>Innovation</b>	<b>Respect</b>
<b>Commitment</b>	<b>Flexibility</b>	<b>Trust</b>
<b>Humility</b>	<b>Diversity</b>	<b>Empathy</b>
<b>Courage</b>	<b>Organization</b>	<b>Passion</b>
<b>Consideration</b>	<b>Cooperation</b>	<b>Change</b>
<b>Compassion</b>	<b>Character</b>	<b>Gratitude</b>
<b>Love</b>	<b>Competence</b>	<b>Hard Work</b>
<b>Service</b>	<b>Honesty</b>	<b>Challenge</b>
<b>Faith</b>	<b>Integrity</b>	<b>Honor</b>
<b>Learning</b>	<b>Renewal</b>	<b>Purpose</b>
<b>Humor</b>	<b>Obedience</b>	<b>Mutual Benefit</b>
<b>Choice</b>		

Habit 2 | Begin With the End in Mind



### **Examples of Talents**

<b>Strategic Thinking</b>	<b>Creativity</b>	<b>Leadership</b>
<b>Athletics</b>	<b>Compassion</b>	<b>Persistence</b>
<b>Friendliness</b>	<b>Writing</b>	<b>Playfulness</b>
<b>Public Speaking</b>	<b>Reading</b>	<b>Decision Making</b>
<b>Teaching</b>	<b>Mathematics</b>	<b>Patience</b>
<b>Communication</b>	<b>Selling</b>	<b>Humor</b>
<b>Art / Music</b>	<b>Reasoning</b>	<b>Mechanical Ability</b>
<b>Analysis</b>	<b>Vision</b>	<b>Positivity</b>
<b>Organization</b>	<b>Enthusiasm</b>	<b>Technical Ability</b>
<b>Relationship Building</b>		

Habit 2 | Begin With the End in Mind



## Examples of Roles

Professional	Companion
Career	Athlete
Husband	Friend
Wife	Sharpen the Saw
Key Relationship	Student
Parent	Leader
Family Member	Community Member
Stepparent	Financial Manager
Caregiver	Coach
Church Member	Manager
Home Manager	Employee



Habit 2 | Begin With the End in Mind



## Examples of Responsibilities

Inspire	Provide Opportunities	Entertain
Empower	Provide Support	Share
Direct	Serve	Develop
Counsel	Have Fun / Enjoy Life	Provide Comfort
Protect	Learn	Assist / Help
Make a Difference	Grow	Prepare
Contribute	Love	Teach
Facilitate Change	Develop Relationships	Model
Maximize Potential	Keep Us Profitable	Make Memories
Discover	Lead	Provide Security
Manage Finances	Provide a Foundation	
Improve Quality of Life		



Habit 2 | Begin With the End in Mind

### Example Mission Statement

**— POOR —**  
**Mission Statement**

"I will make a habit of giving more than is expected in everything I do. I will strive to better understand others and deliver the highest level of service."

**ACHIEVE**

**— FAIR —**  
**Mission Statement**

"My purpose is to increase my productivity and improve my work performance. With this improvement, my salary should increase 25% by this date one year from today."

**ACHIEVE**

**— PERFECT —**  
**Mission Statement**

"My purpose is to express my creativity to find unique solutions to my company's problems to create a new customer service program, a full computer literacy, and at least \$95,000 in salary by this date one year from today."

**ACHIEVE**

**Draft your Personal Mission Statement:**

The things that **matter most** to me are:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

The **principles** I will use to guide my life are:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

I will make a contribution and enjoy life by using my **talents** of:

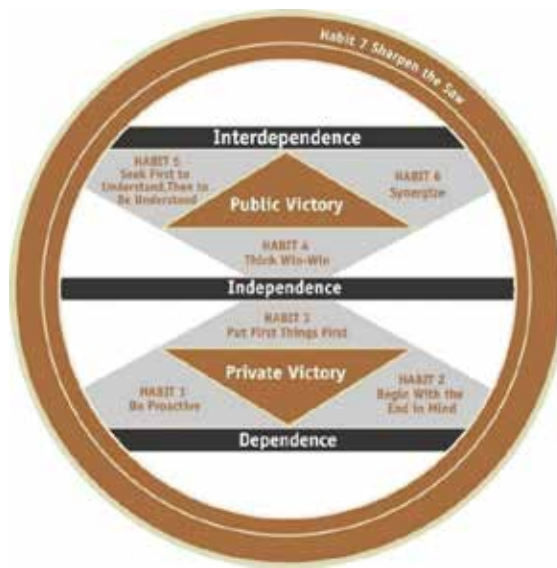
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

I will live with purpose in the following key roles of life:

As a [list your role] \_\_\_\_\_

I will [list responsibilities] \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,





## Staffing and Scheduling

# POST First-Line Supervisor Program

**Instructional Goal:**

The instructional goal is to provide supervisors with the opportunity to explore the ins and outs of law enforcement scheduling.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Define staffing.
2. Define scheduling.
3. Explain the purpose of scheduling.
4. Identify obstacles in providing complete personnel coverage.

**Staffing** - The personnel, employees employed by an agency that are assigned a specific job or task.

**Scheduling** - The means of covering a specific time period/task/event with personnel.

**Purpose** - The purpose of scheduling is to ensure that there is enough personnel present to accomplish an agency's desired goals during a specific time period/task/event.

**Scheduling Considerations:**

- Agency goals
- Labor contracts
- Statistics
- Available resources
- Legislature/Commissions/Boards/Courts

**--- LAW ENFORCEMENT (Minimum staffing case law):**

Management did not violate a minimum staffing requirement of six detectives, when it reassigned a uniform officer serving as the bureau's identification officer, from that unit, and replaced him with one of the detectives. The function was still in the same bureau. Hamtramck (City of) and Hamtramck FOP, AAA #54-390-00625-00 115 LA (BNA) 1192 (Daniel, 2001). {N/R}

Michigan arbitrators are bound to enforce a minimum manpower agreement after a contract expires. The issue is a mandatory subject for bargaining and arbitration. Oak Park and P.O.A., 110 LA (BNA) 689 (McDonald, 1998). [1998 FP 169]

NJ Police dept. was not required to perpetuate a contract provision mandating a two-officer minimum per shift, and did not have to negotiate minimum staffing on expiration of the agreement. Readington Twp. and PBA L-2773, PERC #84-7, 9 NJPER (LRP) ¶ 14,218 (1983).

NJ County did not have to bargain with the union over the number of deputy sheriffs assigned to guard prisoners in the hospital ward. Although the number of officers "has a relation to employee safety" and a deputy, working alone, was killed by an inmate at the hospital, the assignment decision is a managerial right. Bergen Co. Sheriff and PBA L-134, PERC #83-110, 9 NJPER (LRP) ¶ 14,071 (1983).

Massachusetts Supreme Court holds that arbitrator could not decide one vs. two-man patrol car issues; decision was a management prerogative. City of Boston v. Police Patrolmen's Assn., 403 Mass. 680, 532 N.E. 640 (Mass. 1989).

City need not bargain with union on number of officers in a patrol car or minimum number of officers on duty each shift. City of Sault Ste. Marie v. Frat. Ord. of Pol., 414 N.W.2d 168 (Mich. App. 1987).

Sheriff loses case seeking additional deputies; state and national manpower studies inadmissible as evidence. Cunningham v. Moore Co., 604 S.W.2d 866 (Tenn. App.).

NYC impasse panel upholds solo police cars for sergeants and lieutenants except in high-risk precincts. Sergeants Benev. Assn. and the City of New York, Case I-145-79, City of New York OCB Panel (1980).

Sheriff's dept. could not abolish patrol and investigation divisions; minimum manpower clause controls. Local 502 Natl. Union of Police Officers and Co. of Wayne, AAA Case #54-39-0141-81 (Friedman, 1981).



## Law Enforcement Shift Schedules

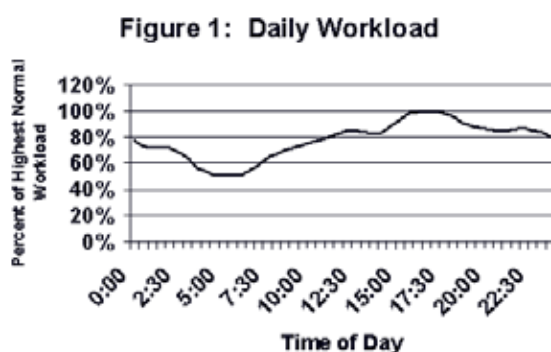
Law enforcement agencies rely on shift work to accomplish their mission of public service and safety on a 24/7 basis. Despite a growing need for these services, agency budgets are often frozen or being reduced.

A common administrative strategy is to cap the available workforce at a headcount number that meets the budget. This can result in two common problems:

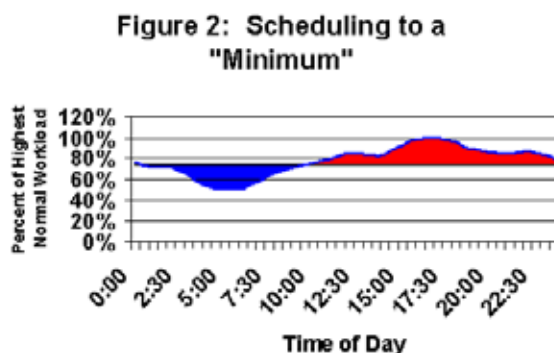
1. Staffing may not be sufficient to meet the workload causing service levels to decline and increasing the risks to the officers on the street and the public in general.
2. Overtime levels increase, causing costs to rise and the quality of life to deteriorate for the officers working the overtime.

### Schedule Solutions

One solution to these problems is to customize the work schedule to better match the workload. This is often a complicated task because the workload in most departments varies from day to day and from hour to hour. A typical workload profile is shown below in Figure 1.



In smaller departments it is a common practice to set a single minimum staffing requirement for the entire 24-hour period. For example, "A minimum of four officers will be on patrol at all times." Schedules designed to meet this type of minimum staffing requirement do not address the real, variable workload requirement shown in Figure 1. As result, the busy periods of the day are often understaffed and the less busy periods are overstaffed. Figure 2 shows an example of a department that is staffed to 75% of the maximum workload at all times.



The understaffed period (shown in red) from about 10:00 a.m. to Midnight is either addressed with overtime, or the service level to the community and safety for the officers and community is reduced during this time. Since reduced service and safety levels are usually unacceptable, overtime is the normal result of being understaffed.

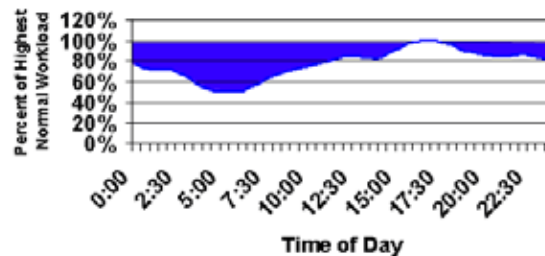
The overstaffed situation from about 3:00 a.m. to 10:00 a.m. (shown in blue) has a minimal impact on safety and service. On the other hand, it unnecessarily increases coverage costs during this time period.

Using an alternative schedule to re-distribute personnel from the less-busy times to the higher workload periods enables the department to meet their coverage needs while significantly lowering the overtime levels needed for daily coverage. This has the added benefit of improving the schedule for the officers by lowering the proportion of night shifts worked as part of the overall schedule.

### Staffing to Meet the 100% Workload Requirement

Another common strategy is to use level staffing at 100% of the highest normal workload. This will satisfy the safety and service needs of the community and officers. As you might expect, this strategy results in overstaffing during the less busy hours, making overstaffing the exception rather than the rule as shown in Figure 3.

**Figure 3: The Cost of Staffing to 100%**



The shaded area shows when and how much the department is overstaffed for the given workload. Improving the match between the coverage and the workload can significantly improve the officer utilization without adversely affecting safety. For example, matching the coverage to workload (rescheduling personnel not needed during the less busy times to the busy times) would allow the same staffing to safely handle 29% more workload without increasing the headcount.

### 10-hour Shifts and Other Alternative Shift Lengths

Shiftwork Solutions receives frequent requests from police officers and their associations to design a schedule that uses 10-hour shifts. They believe this will give them more time off, without completely over-extending themselves on the days they work.

What they don't realize is that schedules based on 10-hour or other alternative shift lengths often make it easier to match the variable workloads found in law enforcement agencies. Because of this, we often are able to design a customized shift schedule that satisfies both the officers and the agency. 10-hour shifts, for example, allow officers to get 25% more days off and 25% more weekends off than they would on an 8-hour shift schedule. If the longer shifts are acceptable to the workforce, this is a clear opportunity to improve the schedule from the workforce's perspective while meeting the agency's variable coverage requirements.

Shiftwork Solutions can help you improve your schedules while still meeting budgetary and safety needs. Call us today at (415) 472-3688 or complete our contact form.

55 Mitchell Boulevard, Suite 2 • San Rafael CA, 94903 • (415) 472-3688

<http://www.shiftworkschedules.com/law.htm>

# DISPATCH

## Magazine On-Line

### APCO Formula For Comm Center Staffing

In the September 2000 issue of APCO's monthly **Public Safety Communications**, Editor Jennifer Hagstrom gave a 16-variable formula for determining the number of dispatchers required to cover a set number of positions 24x7x365. It does not determine how many positions you need to perform a certain number of tasks (call-taking, radio dispatching, warrants, tows, etc.). Rather, it's a staffing calculation, taking into account vacation, sick leave, days-off and other vacancies, to come up with the number of total positions to provide 24-hour staffing.

The calculations basically figure two factors, one for breaks and the other for leave. The factors are then multiplied times the number of required positions (seats) on a shift to give the number of persons on-staff that are required to keep those seats filled 24 hours a day, 365 days a year.

We've simplified the formula below, and modified it to allow for different staffing on each shift (the original calculation assumes staffing is the same for each of three shifts), and more than three different types of shifts.

- break factor (BF) =  $(365 \times (8\sim 10\sim 12)) \div (365 \times ([8\sim 10\sim 12] - \text{breaks per shift}))$
- BF x number of positions (seats) required per shift = positions to cover breaks (PcB)
- leave factor (LF) =  $2080 \div (2080 - \text{average hours worked})$
- total staff needed for one shift = LF x PcB

Note: average hours worked = 2080 (vacation, sick leave, jury duty, death leave, disability, etc.)

For example, calculating one hypothetical shift's requirement, assume these conditions:

- two breaks of 15 minutes each, and one 30-minute meal break (1 hour total, making a 7-hour workday)
- 8-hour shifts
- average of 160 hours of vacation, sick leave, death leave, jury duty, etc. per year, per employee (based on past records)
- 3 call-taking, 1 radio dispatch, and 1 service radio position required to be staffed on the shift

Here are the calculations based on the above hypothetical comm center shift:

- $2920 \div 2555 = 1.142$  (BF)
- $1.142 \times 6 = 6.852$  positions (PcB)
- leave factor =  $1.0833 [2080 \div (2080 - 160)]$
- total staff needed to cover 6 positions on one shift = 1.0833 times 6.852 or 7.442 for shift of six positions
- repeat for each different shift configuration, total the results for staffing requirement for the entire comm center

## Calculation Worksheet

Here's a worksheet to get you started. Print this out and fill in the blanks.

- A. \_\_\_\_\_ length of shift (8, 10 or 12 hours)
- B. \_\_\_\_\_ total break time per shift in minutes per shift
- C. \_\_\_\_\_ total meal time per shift in minutes per shift
- D. \_\_\_\_\_ total break & meal time in hours per shift (B+C), and multiplied by 365
- E. \_\_\_\_\_ average amount of leave used (vacation, sick, death, jury, disability) per year, per employee in hours
- F. \_\_\_\_\_ number of work positions to be staffed on the shift call-taker, radio, etc.)

Step 1. Multiply 365 times the length of shift (A) \_\_\_\_\_

Step 2. Subtract total break & meal times (C) from result in Step 1 \_\_\_\_\_

Step 3. Divide result in Step 1 by result in Step 2 \_\_\_\_\_

Step 4. Multiply result in Step 3 by number of personnel required on the shift (F) \_\_\_\_\_

Step 5. Subtract average leave (E) from 2080 \_\_\_\_\_

Step 6. Divide 2080 by result in Step 5 \_\_\_\_\_

Step 7. Multiple the result in Step 6 by result in Step 4 \_\_\_\_\_. You're done! Repeat for each shift.

## Staffing and Shifts

There is no more common question among comm center administrators--and even dispatchers--than those about staffing. How many dispatchers should we have, how many people should be taking phone calls? How can I spread out 12 dispatchers on a 10-hour schedule? On and on....

There is no standard formula, mathematical or otherwise, to that question. It can only be determined with a time and task study of your center, and an evaluation of your agency's performance goals. We've tried to answer some of the questions in this section. However, do not look for the answer to the one burning question that everyone wants to know: How many dispatchers should my comm center have? You have to perform some survey work before that question can be answered.

We've attacked the most important areas: **shift staffing** (How many people do I need to staff X dispatchers on each shift?), **shift configurations** (What days and hours should the staff work?), and **calltaker staffing** (How many calltakers do I need to answer X number of calls?). These three questions **can** be answered with formulas. Besides lots of our own resources, further down the page we list Web sites that offer assistance, along with a list of companies that market software for shift scheduling.

By the way, the nation's public safety comm centers continue to suffer through a staffing shortage. There have been fewer and fewer applicants, and many veteran dispatchers are retiring--or just leaving. Check these resources first for perspectives on the staffing crisis:

- We've posted our recommendations for solving the on-going staffing crisis faced by America's public safety comm centers.
- We've collected experiences and feedback from dispatchers their schedules and staffing.
- In August 2005 APCO created "Project RETAINS" to research comm center staffing issues, and to create a "tool kit" for determining proper staffing levels. Check the project's Web page for full information.
- In 2009 APCO created a Professional Communications Human Resources Task Force to study HR issues within comm centers. In Aug. 2010 they issued their first report (pdf) that gave a failing national grade for training standards, EMD, retirement benefits and in-service opportunities.

### **Shift Staffing**

The most common question among comm center administrators is, "How many dispatchers do I need?" This question focuses on the tasks, number of consoles and other issues, and **cannot** be condensed to a single math formula. One would have to perform a time study of the work now being performed at your center, determine the workload for each hour of the day, and consider the agency's performance goals (answer all calls within 10 seconds, etc.) in order to determine how many dispatchers to staff on each shift.

However, in many cases, the number of required personnel can be figured pretty simply from the required tasks of an ordinary time period, for an ordinary day:

- you have two radio channels that need **constant** and individual attention (2 persons)
- you have a warrant/teletype position that handles field requests via radio, enters stolen vehicles, etc. (1 person)
- you have six in-coming 911 lines and 8 administrative lines, have an automated attendant that filters out most administrative calls, and you want to be able to handle 3 **simultaneously** 911 calls (3 persons)
- you have an alternate radio channel that needs constant monitoring for officers requesting tows, callbacks, etc. (1 person)

This means you'll need **seven** persons on-duty to physically handle tasks. With this figure, you can then factor in several variables:

- some periods of an ordinary **day** are busier than others, and you may need additional **telephone** support
- some days of the **week** are busier than others, and you may need additional **telephone** support

- during busy periods, you may need additional **radio** support.
- to account for breaks, you may need an additional full-time or part-time person during each 24-hour period.
- to account for a 24-hour operation, you'll need more staff
- to account for sick leave, vacation and other leave, you'll need more staff

All of this will lead you to learn that it takes 25 (or more) persons to fill seven seats every hour of every day.

You can use much more complicated time-study techniques to determine how many different and simultaneous tasks a dispatcher can perform, and how busy they typically are. However, for most comm centers, the basic tasks are pretty obvious. It's the variable workload and leave factors that are often tough to determine.

### **Relief Factor**

Once you determine how many dispatchers should be on each shift, one **can** determine how many staff is required to fill those necessary positions. The formula is based on the simple fact that you need one full-time person to fill each position, plus some **fill-in** position (another shift, part-time worker, etc.) to staff that full-time person's **days-off, vacation and other leave**. This **Relief Factor** has been standardized in the private sector as 0.7, thereby making the number of persons to fill one full-time position as 1.7. [[how to figure Relief Factor](#)]

Here is the formula for determining total staffing:

**P**= Positions you have determined need to filled on all shifts (4 on days, 5 on evenings, 3 on nights)

**V**= Vacancy Factor (takes into account the weekly days-off, vacation, sick leave, etc.)

$P \times V = \text{total number of staff}$

In the above example, you have a total required staff of 12, so...

$$(4+5+3) \times 1.7 = 20.4$$

In this case, you would hire 21 persons, and then move on to the next question, "How do I assign these 21 persons to fill the required staffing?" This can be the most complex problem to solve.

By the way, I've also seen the factor 5.1 used to represent the number of persons it takes to staff one position 24 hours a day, 7 days a week (spread out over 3 shifts). If your staffing is identical on each shift, this figure would result in the same total as using the 1.7 vacancy factor used above. For example:

3 persons required at all times of the day

$$3 \times 5.1 = 15.3 \text{ total staff}$$

You would then hire 15 (or 16) persons and assign them to cover the three shifts. This 5.1 factor would not be useful when **variable** shift staffing is needed (such as covering busy periods).

## Shift Configurations

There are many ways to configure shifts at a comm center. However, all the possibilities revolve around several standard issues:

- each dispatcher must work only 40 hours in any given calendar week to avoid paying overtime under the Fair Labor Standards Act (FLSA)
- each dispatcher must have days-off according to any applicable laws and union agreements
- there must be sufficient staffing on each day to perform essential tasks, taking into account variations in activity by hour of day and day of the week
- the staffing must take into account the usual absence rate, including sick leave, vacation and other leave
- to some extent, you must take into account the desires and wishes of the employees on the way shifts and days-off are configured

From these considerations, there are two primary configurations issues for an administrator:

- the overall policy on days-off and shifts (8-10-12 hours per shift, and 2-3-4 or varying days-off)
- within each shift how is the 24-hour day is staffed (three non-overlapping, 5 overlapping, etc.).

Both of these issues are affected by the number of hours that a dispatcher works per shift: 8, 10, 12 or 24 hours.

Right now, the 10-hour shift is very popular among dispatchers, because it allows them three days-off. The **12-hour** shift is uncommon but growing in popularity because it also allows more consecutive days off for employees. The **24-hour** shift is more common among fire dispatching comm centers, but requires some type of sleep-rotation schedule and facilities. That leaves the 8-hour shift as the most common shift length. We have graphed several of the more common shift configuration possibilities below. We know that there are many more. The examples we use below are only **representative**. That is, they show only enough dispatchers to graphically display how the days-off and shifts are assigned. It does not take into consideration your authorized positions, required dispatchers per shift, etc. You would have to apply the days-off and staffing principle to your particular operation.

### Shift Length Variations

- [8 hours](#)
- [10 hours](#)
- [12 hours](#)
- [24 hours](#)
- [12-8-4 variable hours](#)

For those considering 10, 12 or longer shifts (and which may require work beyond 40 hours in a workweek), federal law requires that the agency **must** pay overtime for all hours worked in excess of 40 in a workweek. In 2006 the U.S. Department of Labor's Wage and Hour Division considered the specific issue of civilian public safety dispatchers for a city working under a union contract. The Division issued an official [Opinion Letter](#) (pdf) that dispatchers are entitled to overtime, and that the city would violate the Federal Labor Standards Act (FLSA) if they did not pay the overtime. [In this case, the dispatchers' contract with the city agreed **not** to accept overtime until beyond 48 hours in a workweek. The DOL essentially said this was not a legal arrangement.] Check the appropriate sections in the Opinion Letter for more information.

More recently, in March 2011 the U.S. Dept. of Labor ruled that Erie County (Penn.) must pay back overtime to employees who worked a 3x12 shift and received no overtime because their union agreed to the schedule and no overtime. The DOL said employees cannot opt out of their legal right to overtime through a union agreement. Read a [news account](#) of the decision.

### Days Off, Shift Assignments

- [same days-off, same shift](#)

- [same days-off, rotating shift each week](#)

## Shift Configurations

- [staggered two days-off](#)

## Call-Taker Staffing

One of the most common questions among public safety comm center administrators is, "How do I calculate how many dispatchers I should have?" As we mentioned, this is difficult for several reasons, not the least of which that there is no standard staffing level for comm centers, and no mathematical method of taking into account all the variables involved and coming up with a reasonable figure. However, we have assembled the following resources to give you a start on your calculations.

- Download the [article](#), written by Bill Weaver, 911 product manager for Nortel Networks, and published in the Winter 1999 issue of **NENA News**, that gives **modern formulas** and methods for calculating the optimum staffing for comm centers. It's one of the few methods we've seen that takes into account both call-taking and radio dispatching, and uses common sense and logic to come up with a result that you can use to justify your current staffing, or propose an increase. [posted in Acrobat .pdf format, 25k download]
- There are Web sites that allow you to make on-line calculations on the necessary number of dispatchers, phone lines, etc. The computations are based on the **Erlang queuing theory** used by telephone companies, but applies to many types of telecommunication operations. Check the [Westbay Engineers](#) and [Cynergy Corp.](#) and [Call Centre Helper](#) Web sites for on-line calculators. Also, the [Lokad.com](#) Web site offers a free Excel spreadsheet for calculating Erlang figures.
- The September 2000 issue of **Public Safety Communications** has an [article](#) by Editor Jennifer Hagstrom that provides a formula for determining the number of positions necessary to provide 24x7x365 staffing. It does not calculate the number of persons needed to perform a certain number of tasks, but rather provides staffing requirements to cover vacations, breaks, sick leave, etc. The original formula printed in the magazine contained 16 variables and several separate operations. We've boiled all of it down to a more manageable [calculation](#).
- The January 2012 issue of Public Safety Communications also has an [article](#) (pdf) by Michael Lafond on using Erlang-C for determining workload and personnel staffing.
- NENA has convened a [Human Resources Committee](#) to examine the issue of staffing, and has received a grant to develop a "formula" for determining optimum staffing for public safety comm centers (although it may not be a traditional mathematical formula). The work could be completed by late 2004.
- In 1976 the Department of Justice commissioned the Stanford Research Institute (SRI) to study the operation of 911 comm centers, and as part of that study SRI developed a table of optimum staffing for the call-taking operation. We have been able to locate only one paper copy of the original study--see our [Q&A page](#) for contact information.
- In 1985 authors David J. Brenner and Marilyn A. Cadoff wrote a paper for the U.S. Department of Commerce titled "Guide to Computer-Aided Dispatch Systems." It described the then-new method of programming a computer to track units and incidents. In Appendix B of that document, they set out, "Determination of the Number of Complaint Operator and Dispatch Terminals Required for a CAD System." The document was converted to Acrobat format and originally posted on the APCO Web site. We have re-posted the [entire document](#) (1.8 Mb!) here, along with just [Appendix B](#), both in Acrobat (pdf) format.
- The Westbay Engineers site also has a [White Paper](#) on the design and staffing of a call center (public safety or not) and offers fee-based resources (software for Windows 98/NT) for determining the optimum staffing.
- In 1997 Frederick Stanley prepared a [staffing presentation](#) for APCO--it's posted on their Web site in Acrobat (pdf) format.
- The Ansapoint Web site has a [White Paper](#) that discusses a method of calculating the number of call agents in a private call operation.



- The British-based Mitan Corp. markets a [Windows-based software](#) product that provides all sorts of call center calculations, including staffing.
- [Corona Solutions](#) offers a demo download of their sophisticated shift calculation software, Staff Wizard. Using a mathematical model, Staff Wizard analyzes your workload data from CAD or manual entry, and displays graphs and statistics to effectively staff your resources.
- The state of California's 911 Program reimburses agencies for the cost of equipment to receive and process 911 calls. They've established a [method and formula](#) to figure out how many consoles they'll pay for. It's not quite like figuring out how many dispatchers you need, but its excellent guidance.
- You should obtain a copy of Standard 1221 from the National Fire Protection Association (NFPA), which sets out minimum staffing and telephone answer times for those comm centers performing fire dispatch services. The standard is available for a fee [on-line](#) both in a printed and Acrobat (pdf) version for \$24.95 (slightly less for members of the NFPA, 2007 edition in [draft form](#) [pdf] now).
- [Scholarly paper](#) on 911 call prediction based on past calls at San Francisco comm center (pdf).
- The company KoolToolz offers a \$89 computer program [cc-Modeler](#) that calculates Erlang calculations.

## The Chart

We've downloaded a chart created from Erlang theory calculations, reassembled it into an Acrobat (pdf) document, and posted it here to help you determine how many dispatchers you'll need to answer telephone calls--it doesn't take into account any other activities, such as radio dispatching, outbound calls, paperwork, CAD typing, etc.--only answering telephones. Nevertheless, it's useful to obtain a ballpark staffing figure, especially if you have a dedicated call-taking operation.

The recommendations assume several things:

- The handling of incoming 911 calls can be appropriately predicted by using the Poisson queuing theory.
- The table recommends optimum staffing for the busiest hour that you experience in a day, or a given period. If your call-taking operations experiences up and down call volume, the recommendation applies only to the busiest period. If you staff according to the table, you might actually be over staffed during low volume periods (0100-0600, for example).
- The standard of performance is that 90 percent of calls are answered within 10 seconds. If your performance standard is different, then the recommendations would not apply exactly.
- The "length of call" figure used in the table must take into account any associated work that the call-taker must perform to complete the task. For example, it might take just 10-15 seconds to handle the telephone portion of the incident, but another 35-40 seconds to complete the CAD entry.
- You would typically take the figure for the required number of dispatchers and multiply it by 5.1 to determine the total number of personnel to provide the required staff for 24x7 (see our first section above). This assumes that your staffing is the same on all shifts--you can add or subtract positions after you multiply, in order to arrive at a more accurate figure.

## Alan Burton adds:

All (I think "all") of the formulas for staffing predictions are predicated on establishing the existing average length of call and using that as the basis for further calculations. I believe this assumption is incorrect, since there is a failure to determine if the average length of call is appropriate or justified.

An agency for which I am working now has an average length of calls of 4-1/2 minutes and has elaborately built staffing around that statistic. There is no justification for that length of call, other than that is what it takes. Since the length of call averages can be translated into budget costs, every second trimmed off the average can save the agency money.

My view would be to take the busy hour, transcribe all of the calls, and determine from those transcriptions if the average handling time was appropriate. Generally, the calls can be objectively evaluated and average handling times can be adjusted accordingly.

Some agencies have concluded that the average handling time is less important than the agency's ability to provide the highest level of customer service. If the call can be concluded in 60 seconds or 60 minutes is less important than the impression left with the caller that the agency performed an exemplary service. Of course, such service comes at a cost.

Some agencies have found that a two-tier answering service can work well to properly manage calls, maintaining a good customer service while controlling costs. Such an arrangement specifies that the call taker must complete the call within (for example) two minutes, and if it cannot be, must be transferred to the second tier. The second tier may consist of a small unit of personnel more skilled at call handling, but at a classification level below that of supervisor. Call handling averages can then be categorized and evaluated, with accurate statistical data separating easy to handle calls from those few that require additional time.

### **Shift/Staffing Resources**

We've collected various Web pages over the years that provide some assistance in shiftwork, staffing and scheduling. Your first stop for resources should be:

- An APCO [article](#) by Jennifer Hagstrom that boils down staffing calculations to 16 variables.
- A NENA-commissioned [survey and spreadsheet](#) developed by consultants L. Robert Kimball Inc.

The following Web sites have general shift and staffing information:

- The [Circadian Technologies, Inc.](#) Web site [[News Briefs](#)] [1999 shiftwork [survey](#), Acrobat .pdf format, 342k] [[seminars](#)] [[publications](#)]
- This Web [site](#) allows you to create and print a shift calendar (although it's specifically intended for fire and EMS workers)
- [Manager's Guide to Alternative Work Schedules](#) by Weldon L. Booth , from IPTM Bookstore
- Results of a 1999 [survey](#) of shiftworkers by Circadian Information
- PBS television [show](#) on "Night Shift," resources on night shift work [[order the video](#), \$99]
- [National Sleep Foundation](#), strategies for shift workers
- [Incoming.com](#) Web site for commercial call centers -- publications, seminars on staffing levels, compensation and more
- Dispatch supervisor Linda Olmstead describes one agencies plan to handle [holiday schedules](#).
- Industrial Call Center Weekly published an on-line series of four articles on how to determine staffing for non-public safety centers (telemarketing, etc.), but many of the same principles apply. Surf the [final article](#), and note the links to the previous three articles.
- The province of Ontario (Canada) commissioned the IBI Group to study the EMS comm centre in Hamilton. Their [120-page report](#) contains useful information on staffing and shiftwork. [Acrobat, pdf format, 565k]
- The Ontario (Canada) government commissioned a consultant to study [Hamilton's EMS comm center](#), and came back with recommendations on staffing, etc.
- The [Sleepnet.com Web site](#) is devoted to sleep health, including how to accommodate shiftwork.
- The [Work Options Web site](#) has information on the pros and cons of compressed work schedules, and how to justify the change, along with the [Avoid The Rush Web site](#).
- The University of South Australia's [Sleep Research Centre](#) offers some thoughts on shiftwork and configurations.
- [Hatrak Associates](#) has several software resources for scheduling and staffing, plus some on-line information.
- The Association of Public-Safety Communications Officials (APCO) commissioned a Task Force on staffing, and they gave their [preliminary report](#) at the association's 2000 annual conference in Boston.
- The Work in America Institute produced a report on "New Scheduling Options for Unionized Employees," which explores the pros and cons of various options, and has lots of good background on the issues. [[Acrobat, pdf](#), 2.9 Mb]

- Glen McBride publishes a [blog](#) titled "24/7 Life," with lots of links and information on the issues of working shifts.
- Bruce Oliver has a [Web site](#) that covers shift scheduling, with lots of information for getting you started, but also provides a fee-based service for creating customized schedules for your comm center.
- 12-hour shifts are very popular, and here's a medical-type [analysis](#) (pdf) of 12 vs. 8 made in 1998, an [analysis](#) (pdf) of rest days when using 12-hour shifts, and an [analysis](#) (pdf) of how 12-hour shifts affect performance in younger/older persons.
- [Kittcom](#) (Wash.) uses 12-hour shifts and has posted a spreadsheet of their schedule.

## Shift & Scheduling Software

There are many software programs that provide various shift tracking and scheduling functions. Some are applications that you purchase and download to your computer, others are services to which you subscribe, and which are entirely Web-based. Each has its pros and cons.

Some software simply allows you to more easily **track** people, the shifts required to be worked, and the final schedule (daily, weekly, monthly, etc.). More intelligent software will take a list of required hours to work (for comm centers, it's always 24-hours), the names of available people (and possibly their limitations on days or hours), and other conditions (days-off, no overtime, etc.), and will actually **calculate** a final schedule for a certain period of time. However, even this smarter software needs some manual tweaking for operations as complex as a 24-hour comm center.

The following list of software and on-line scheduling services has been compiled from comm center sources, and are actually being used to schedule dispatchers. The "new" graphic indicates a new listing, not that the software is new.

- [911 Schedule Wiz](#) is marketed by Professional Pride, the former Jivasoft shift scheduling software as which is based on Microsoft's Access database software.
- [Atlas Business Solutions](#) - employee scheduling software: Visual Staff Scheduler PRO (VSS PRO). With VSS PRO you can ensure shift coverage, reduce overtime, track time-off and print, e-mail or publish custom schedules and reports. Company offers 90-day unconditional money-back guarantee.
- [Aladtec Inc.](#) - offers EMS and fire department scheduling solutions, including smartphone support, messaging, calendars and employee database.
- [Asgard Systems](#) offers a software program to automate the employee scheduling process.
- [Auto Schedule 5.0](#) - affordable employee scheduling software that schedules employees automatically on a shift by shift basis. It also tracks requests-off and payroll.
- [cc-Modeler Professional](#) by KoolToolz, a Windows-based program for performing call center staffing calculation.
- [Cenadex](#) offers scheduling software for both law enforcement and firefighting agencies, with the capability to page personnel for shift sign-ups.
- [Codescheduling](#) — An on-line scheduling service primarily for fire and EMS services, but applicable to comm center.
- [Corona Solutions](#) - markets a sophisticated program for determining patrol shift scheduling based on a wide variety of factors.
- [EDP Software](#) offers an automated employee scheduling software, [Schedule Pro](#) that is very comprehensive and easy-to-use. This powerful system saves time, money and frustration.
- [dProScheduler](#) - A Web-based scheduling system with specific public safety tools. **NEW!**
- [espSoftware](#) markets a Windows-based personnel scheduling program, and a free demo download for you to try out before you buy.
- [EZShift](#) software offers automatic shift scheduling, rules, real-time conflict solving, employee request framework, error prevention, automatic swap system and more. Pricing based on flat rate plus number of employees, 30-day free trial.
- [frLab](#) offers software for scheduling and staffing; Italy-based.

- [Hakuna Software](#) offers a web-based automated employee scheduling program designed to take the labor out of writing a schedule. With Hakuna's built in features, both managers and employees are confident the each schedule is exactly what they need.
- [Hello Scheduling](#) is a Web-based service
- [The Incoming Calls Management Institute](#) markets an Excel-based, spreadsheet scheduling solution.
- [Informer Express](#) - by Informer Systems Inc.; Web-based, and programmed specifically for public safety agencies, including law enforcement, fire, EMS, communications.
- [Intellicate Ltd.](#) - Staff scheduling and workforce management software for creating and planning automated staff schedules. Maintains records of staff working hours and costs, automate staff schedules, built-in shift pattern wizard, allocate staff breaks, assignments and tasks, publish dynamic web schedules, monitor and analyze staff and prepare comprehensive management reports. Free fully functional 30-day trial available. They also offer free shift pattern [templates](#) on their web site, including some specifically for 911 dispatch teams.
- [IntelliTime Corp.](#) - Dynamic scheduling and payroll system.
- [InTime Solutions](#) offers software specifically tailored for comm center (as well as law enforcement agencies and fire departments) that helps schedule 24-hour operations. They offer a free [download](#) of the software for evaluation.
- [Jivasoft](#) markets shift scheduling software for law enforcement agencies and comm centers.
- [Kappix](#) Employee Scheduling Software - rule-based scheduling, unlimited shifts and personnel, templates, reports.
- [Madrigal Software](#) offers software to manage projects and people.
- [Nematek](#) has posted software that was originally written for the Fort St. John detachment of the Canadian RCMP.
- [Otipo.com](#) - Provides Web-based scheduling for free (10 or fewer employees) and a monthly fee (over 11 or more employees). Includes employee access to post availability, e-mail and SMS shift publishing, SMS shift reminders, full reporting to assist payroll.
- [PlanIt Software](#) - A on-line scheduling program for police, fire and EMS.
- [QueueView](#) - A Windows-based program for calculating telephone call center operations, based on Erlang B queue theory.
- [Schedule Me!](#) has two on-line scheduling programs--one is great for calculating **days-off** based on the number of persons required to be on-duty during each shift of a day. There are downloadable Windows and Mac versions of the program that are free. They also consult and offer computer scheduling software.
- [Schedule Express](#) by Informer Systems
- [Schedule Soft Corp.](#) markets software that helps take the complexity out of arranging shifts and days off for any configuration. In particular, check their pre-entered [templates](#) for use with their software, that also includes loads of informative text you can use even without the ScheduleSoft program. The company has also created a [Web site](#) for on-line scheduling activities, including schedule creation, shift selection, etc.
- [ScheduleSource](#) - Offers Teamwork 3.0 that handles complex scheduling, including bidding, automatic population, seniority and tie-breaker rankings, shift-bid decoupling.
- [Shiftwork Solutions LLC](#), offices in the U.S. and Australia, consulting services for private sector as well as law enforcement agencies and public safety comm centers.
- [Shift Schedules](#) offers Excel spreadsheets (Mac and PC) that assist in scheduling personnel, and offers free trial downloads. Cost varies by size of the spreadsheet necessary to handle the agency, and ranges from \$49 to \$699 for site licenses.
- [SpeedShift Watch Commander](#) by InTime Solutions Inc.
- [Visual Staff Scheduler](#) - a complete package for handling shifts, time-off requests, annotations and much more
- [WhenToWork](#) - a Web-based staffing a scheduling program; includes e-mail notifications, employee "trade board," 12 different schedule views.

- [WorkSchedule.net](http://WorkSchedule.net) - An on-line scheduling service that has been active for 10 years

### Police Staffing Matrix

Note: These staffing criteria listed under High, Medium and Low Risks are the minimum requirements. There are exceptions, which will require you to consult with University Public Safety staff.

<b>Factors that may increase the staffing matrix (Applies to all events)</b>	<b>High Risk (Activity &amp; Attendance)</b>	<b>Medium Risk (Activity &amp; Attendance)</b>	<b>Low Risk (Activity &amp; Attendance)</b>	<b>Factors that may decrease the staffing matrix (applies to all events)</b>
<ul style="list-style-type: none"> <li>•Requests for personal security for speakers, performers, or guests.</li> <li>•Patrons are to be searched at door.</li> <li>•Prior events of similar nature have evoked problems</li> <li>•Anticipation and evidence of protest, demonstrations, disruptions, etc.</li> <li>•Anticipation of large ticket sales at box office.</li> <li>•Anticipated traffic control/direction.</li> <li>•Advance notice of problem.</li> <li>•Outside agency costs to University/regional impact.</li> <li>•Outdoor event</li> <li>•Multiple events same day.</li> <li>•Timeliness of scheduling events.</li> <li>•Other risk factors as determined by Police Department</li> <li>•Alcohol service</li> <li>•Amplified sound.</li> <li>•Non-APSU affiliation</li> <li>•Bomb sweep requested.</li> <li>•Regional advertising.</li> <li>•DJ/Live Band</li> </ul>	<ul style="list-style-type: none"> <li>•Dances (1000+)</li> <li>•Speakers (2000+)</li> <li>•Sporting Events (2000+)</li> <li>•Musical/Staged performances (2000+)</li> <li>•Ceremonies (4000+)</li> <li>•Fairs/ Festivals (2000+)</li> </ul>	<ul style="list-style-type: none"> <li>•Dances (201 – 999)</li> <li>•Speakers (1500 – 1999)</li> <li>•Sporting Events (500 – 1999)</li> <li>•Ceremonies (1000-3399)</li> <li>•Fairs/ Festivals (up to 1999)</li> <li>•Competition Events ie. Pageants Step shows (600+)</li> <li>•Bon fire</li> </ul>	<ul style="list-style-type: none"> <li>•Dances (Up to 200)</li> <li>•Speakers (up to 500)</li> <li>•Sports Events (up to 499)</li> <li>•Classical/Pops/St aged Performances (up to 600)</li> <li>•Ceremonies (up to 999)</li> <li>•Conferences (up to 2999)</li> <li>•Small Concerts (up to 600)</li> <li>•Receptions (up to 1000)</li> <li>•Awards programs (up to 1000)</li> <li>•Pageants (up to 600)</li> </ul>	<ul style="list-style-type: none"> <li>•Poor ticket sales historically.</li> <li>•Competing event elsewhere will affect ticket sales and attendance.</li> <li>•Early release of staff may occur at the discretion of the police supervisor.</li> <li>•Age consideration of audience (e.g., Seniors and supervised children)</li> <li>•APSU affiliation of audience.</li> <li>•Local campus advertising only.</li> <li>•Bring on own staff/chaperones, school resource officers.</li> <li>•Daytime event</li> <li>•Availability of other officers</li> </ul>
Must call Police for Assistance	On- Site Police required	On Site Public Safety staff required. Staff must be in direct contact with police if not on-site. (most time this will be police officer but it gives us a little flexibility to substitute a security guard(s) or capable student patrol member(s) if risk factors are very low)	On-duty and/or augmenting Student Patrol members on-site	Must call Public Safety for exception

## Work Scheduling Terms

- Average Work Week:** Average number of paid hours per week per officer. Does not include overtime hours.
- Chronobiology:** Branch of biology that studies the effect of time changes on living organisms (e.g., the impact of shift work on health and performance).
- Continuous Shift Rotation:** A shift rotation scheme in which some groups are rotating to a new shift assignment every week.
- Cycle Graph Method:** A non-mathematical procedure for designing fixed days off schedules.
- Duty Cycle Length:** Total number of days in the duty cycle pattern
- Duty Cycle Schedule:** A repeating pattern of on- and off- duty assignments for each officer (6 on – 2 off and 5 on – 2 off on -3 off are two examples of duty cycle schedules)
- Fixed Days Off:** A type of duty cycle in which an officer receives the same days off every week.
- Flexibility:** A work schedule that refers to the ability of an officer to change his/her schedule to accommodate personal needs.
- Full Weekend Off:** An off-duty period that includes both Saturday and Sunday on the same weekend.
- Group:** One or more officers that work the same duty cycle pattern together as a team.’
- Inconsistent:** Description of a schedule in which the staffing level on each day changes from week to week.
- Kelly Day:** An unpaid off-duty day periodically granted in place of a regularly scheduled on-duty day for the purpose of reducing the average work week. A paid off-duty day is a “comp” day.
- Locked:** A duty cycle schedule in which each on-duty period and each off-duty period always falls on the same days of the week.
- Partial Weekend Off:** An off-duty period that includes either Saturday or Sunday but not both from the same weekend.
- Uniform Staffing:** Staffing in which the number of groups on duty is the same for each day of the week.
- The payroll system should be reviewed to determine how many hours after all leave categories have been accounted for that officers are available for shift. This should include the impact of long-term disability, family medical leave, and other factors that take an officer out of the patrol schedule (vacation, sick leave, training, etc.)
- Meals and Breaks** were assumed to take a total of 45 minutes per shift actually worked (i.e. after regular days off, leave, training, meetings, and court time were accounted for) per officer. This assumption takes into consideration that field personnel need to be covered during these periods except in emergencies.
- **Shift Briefing** was observed and is assumed to take 15 minutes per shift actually worked per officer.
  - **Vehicle and Equipment Preparation** was observed and is similarly assumed to take 15 minutes per shift worked per officer. This includes time during the shift to fuel vehicles in service.
  - **Training** time was based on in-service training hours provided annually –24-40 hours per sworn personnel.
  - **Court** is assumed to take 40 hours per year of on-duty time. This is in addition to overtime court time, not performed during on-duty hours.

## Special Events Risk Factors

The following risk factors often influence the staffing levels indicated on the matrix guide. These factors will be discussed with event organizers with the goals of (1) reducing risk and (2) making the event successful.

The Police Department looks at special events at three different risk levels. Those levels are identified as low, medium and high. Each event has factors attached that may increase or decrease the risk level which affect staffing.

<u>Factors that increase risk levels for any event</u>	<u>Factors that may decrease risk levels for any event</u>
The need for personal protection for speakers, performers or guests	Guest(s) will be on campus at one general location
Guest(s) will be on campus at multiple locations	Events limited to UCR students, faculty and/or staff
Off-campus advertising (non-UCR guests)	Competing event elsewhere will affect attendance
Cash protection/deliveries	Patrons are screened for weapons at the entrance
Anticipation of large ticket sales (or oversell)	Prior events of similar nature with no history of safety problems or required police actions
Night time event	Day time event
Outdoor venue	Indoor Venue
Live/ amplified entertainment	Shorter duration of event
Multiple events on the same day	Historically poor ticket sales
Venues with multiple entrances	Student Affairs oversight and presence at student events
Traffic control needs	Formal or semi-formal events
Sales of alcoholic beverages	Risk Manager
Lack of timely notification to UCPD, EH&S, Risk Management, etc. (less than 3 weeks)	
Risk Manager	



## Special Event Staffing Matrix

The Police Department Staffing Matrix is a guideline to assist the planner in reasonably predicting the staffing levels necessary for their event. The number of the personnel assigned may vary as dictated by the nature of the particular event, or as calculated to be necessary by the Police Department, EH&S and UC Risk Manager and those responsible for the event. Ultimately, the decision of the Police Department regarding its deployment will prevail.

	<b>Low Risk</b>		<b>Medium Risk</b>		<b>High Risk</b>		
<b>Estimate # of Attendance</b>	0-100	101-200	201-500	501-1000	1001-2000	2001-3000	3000+
<b>Invited guest/speakers</b>	2 officers	2 officers	3 officers	3 officers 1 Sergeant	4 officers 1 Sergeant	6 officers 1 Sergeant	for each 500 attendees 2 additional officers
<b>Fairs/Festivals</b>	0	0	2 officers	3 officers 1 Sergeant	5 officers 1 sergeant 8 private security	6 officers 1 sergeant 10 private security	for each 500 attendees 2 additional officers
<b>Dances</b>	0	2 private security	2 officers	2 officers 2 private security	5 officers 1 sergeant 4 private security	6 officers 1 sergeant 6 private security	for each 500 attendees 2 additional officers
<b>Live Concerts</b>	0	2 private security	2 officers 4 private security	3 officers 1 sergeant 6 private security	5 officers 1 sergeant 8 private security	8 officers 2 sergeant 10 private security	for each 500 attendees 2 additional officers



# **Staffing the “Small” Department: Taking Stock of Existing Benchmarks and Promising Approaches**

*By Jeremy M. Wilson, PhD, Associate Professor and Associate Director for Research, School of Criminal Justice, Michigan State University, East Lansing, Michigan; and Alexander Weiss, PhD, President, Alexander Weiss Consulting, LLC; Adjunct Professor, School of Criminal Justice, Michigan State University, East Lansing, Michigan*

Staffing police departments is a continuous challenge and one that has become more complex in recent years. Immediately prior to the onset of the 2008 recession, police agencies had difficulty recruiting officers and responded by implementing a number of creative recruitment incentives. Shortly thereafter, the depressed economy caused police agencies to implement hiring freezes, furloughs, layoffs, salary and benefit cutbacks, and retirement incentives. Such difficulties spurred 7,272 applications to the Community Oriented Policing Services (COPS) Hiring Program, requesting \$8.3 billion to support more than 39,000 sworn-officer positions.<sup>1</sup> Altogether, both the supply of and demand for qualified officers are changing in a time of increasing attrition, expanding law enforcement responsibilities, and decreasing resources.<sup>2</sup>

While agencies give much attention to recruitment and retention, they often overlook a more fundamental question: *How many police officers does a particular agency need?* Answering this question is essential to any discussion about managing workforce levels, regardless of whether there is a shortage of qualified officers or an inability to support previous staffing levels. Put another way, what number of officers would help an agency most cost-effectively meet the demands placed on it? This is a fundamentally different question than how many officers does a community want or can a community support. Yet answering the need question effectively frames a discussion about *want and affordability*.

Unfortunately, law enforcement administrators have few resources to guide them in determining the number of officers they need. To be sure, there are multiple approaches to answering this question, ranging from the simple to the complex, each with a range of advantages, disadvantages, and assumptions. Most of the methods developed to help agencies determine the appropriate number of officers that are needed are designed for large communities and are not very well suited for agencies serving small communities. In this article, the authors describe an approach to staffing for small agencies, beginning by reviewing some of the methods currently in use.

The sections that follow highlight common staffing approaches and demonstrate how agencies may develop and use a workload-based assessment of patrol staffing needs that incorporates performance objectives for discretionary time. Where possible, workload-based approaches are superior to others in that they can help provide a better and more objective way to determine staffing needs. Additionally, comprehensive assessments for patrol help to answer a host of critical questions regarding resource allocation and deployment.

## **Typical Approaches to Staffing Allocation**

Traditionally, there have been four basic approaches to determining workforce levels: per capita, minimum staffing, authorized level, and workload-based. Each differs in its assumptions, ease of calculation, usefulness, validity, and efficiency. A fifth approach, based on officer coverage, can help determine staffing needs in communities with low call volumes. Each is reviewed below to provide context for developing an evidence-based approach to police staffing.

### **The per Capita Approach**

Many police agencies have used their resident population to estimate the number of officers a community needs. The *per capita* method compares the number of officers with the population of a jurisdiction. To determine an optimum number of officers per population—that is, an optimum officer rate—an agency may compare its rate to that of other regional jurisdictions or to peer agencies of a similar size. Although it is difficult to determine the historical origin of, or justification for, the per capita method, it is clear that substantial variations exist among police departments.

Advantages of the per capita approach include its methodological simplicity and ease of interpretation. The population data required to calculate this metric, such as census figures and estimates, are readily available and regularly updated. Per capita methods that control for factors such as crime rates can permit communities to compare themselves with peer organizations. The disadvantage of this method is that it addresses only the relative quantity of police officers per population and not how officers spend their time; the quality of their efforts; or community conditions, needs, and expectations. Similarly, the per capita approach cannot guide agencies on how to deploy their officers.

Agencies using the per capita method may risk a biased determination of their policing needs. There are several reasons for this. First, a generally accepted benchmark for the optimum-staffing rate does not exist. Rather, there is considerable variation in the police rate depending on community size, region, and agency structure and type. For example, it is generally known that police rates are substantially higher in the northeastern than in the western regions of the United States. When comparing individual jurisdictions, it is not uncommon for similar communities to have per capita rates that are substantially different.

Given the disadvantages noted above as well as others, experts have strongly advised against using population rates for police staffing. The IACP warns, “Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions. . . .Defining patrol staffing allocation and deployment requirements is a complex endeavor which requires consideration of an extensive series of factors and a sizable body of reliable, current data.”<sup>3</sup>

### **The Minimum Staffing Approach**

The *minimum staffing* approach requires police supervisors and command staff to estimate a sufficient number of patrol officers that must be deployed at any one time to maintain officer safety and provide an adequate level of protection to the public. The use of minimum staffing approaches is fairly common and is generally reinforced through organizational policy and practice and collective bargaining agreements.

There are two principal reasons a jurisdiction may use a minimum staffing approach. First, policy makers in many communities believe a minimum number of officers are needed to ensure public safety. This may be particularly common in small communities where there are relatively few citizen-generated demands for police service yet residents expect a minimum number of officers to be on duty at all times. Second, police officers themselves may insist (often through collective bargaining) that a minimum number of officers be on duty at all times. In some communities, the minimum staffing level is established by ordinance.

There are no objective standards for setting the minimum staffing level. Agencies may consider population, call load, crime rate, and other variables when establishing a minimum staffing level. Yet many agencies may determine the minimum necessary staff level by *perceived* need without any factual basis in workload, presence of officers, response time, immediate availability, distance to travel, shift schedule, or other performance criteria. This may result in deploying too few officers when workload is high and too many officers when it is low. To be sure, the minimum staffing level is often higher than what would be warranted by the agency workload. Ironically, even when the minimum staffing is not workload based, it is not uncommon to hear police officers suggest that an increase in the agency’s workload should warrant an increase in the minimum staffing level.

Minimum staffing levels are sometimes set so high that it results in increasing demands for police overtime. When staffing falls below the minimum standard, police managers typically must hire back officers on overtime to satisfy the minimum staff requirement. It is not uncommon for some agencies to hire back officers nearly every day due to officers taking time off for sick leave, vacations, or other reasons. Additionally, some agencies use a very narrow definition of available staffing. For example, agencies may hire back to fill a vacancy in patrol, even though there are a number of other officers on the street, including those in traffic, school resource units, and supervisors. Inefficiency increases when there are minimum staffing levels on overlapping shifts, leading to a higher number of officers on duty at a time that may not coincide with workload demand.

Most police officers, given a choice, would prefer to have more officers on the street, lending credence to a minimum-staffing model. Nevertheless, increasing the minimum staffing level will not, by itself, improve

agency performance or necessarily increase officer safety. In fact, officers hired back to work extra shifts are likely to be fatigued, increasing the risk of injury to themselves or others.

Minimum staffing can also decrease the extent to which an agency can be nimble and flexibly deploy officers based on changing workload demands.

Finally, in some agencies the minimum staffing level may become, by default, the perceived optimal staffing level. In these situations, agencies often use the minimum level as a method to decide, for example, whether an officer can take a benefit day off. Others build work schedules so as to ensure that the minimum level is on duty. In these situations, staffing decisions are based on meeting the minimum level rather than optimizing the available resources to meet workload demand.

### **The Authorized Level Approach**

The *authorized level* approach uses budget allocations to specify a number of officers that may be allocated. Although the authorized level may be determined through a formal staffing assessment, it is often driven by resource availability and political decision making. The authorized level does not typically reflect any identifiable criteria such as demand for service, community expectations, or efficiency analyses, but may instead reflect an incremental budgeting process.

It can sometimes be difficult to determine what is meant by authorized level. For example, in 2009, the Chicago, Illinois, Police Department simultaneously offered an early retirement plan and reduced hiring of new officers. As a result, at the end of 2009 the department was about 700 officers below its authorized level of 13,500. In addition, there were also more than 1,000 officers unavailable each day because of leave or other limited capacity. This resulted in media reports suggesting that the department was operating nearly 2,000 officers below its authorized level.

The authorized level can become an artificial benchmark for need, creating the misperception among police leadership, line staff, and the community that the agency is understaffed and overworked if the actual number of officers does not meet the authorized level. Additionally, unless an agency staffs above the authorized level, fluctuations in recruitment, selection, training, and attrition may lead to the actual staffing levels falling below authorized levels.

Because the authorized level is often derived independently of workload considerations, an agency may be able to meet workforce demand with fewer officers than authorized. Still, the perception of being understaffed, resulting when officials bemoan the department operating below authorized strength, can diminish morale and productivity and make it appear that the community is not adequately funding public safety.

### **The Workload-based Approach**

A more comprehensive attempt to determining appropriate workforce levels considers actual police workload. *Workload-based* approaches derive staffing indicators from demand for service. What differentiates this approach is the requirement to systematically analyze and determine staffing needs based upon actual workload demand while accounting for service-style preferences and other agency features and characteristics. The workload approach estimates future staffing needs of police departments by modeling the level of current activity. Conducting a workload analysis can assist in determining the need for additional resources or relocating existing resources (by time and location), assessing individual and group performance and productivity, and detecting trends in workload that may illustrate changing activity levels and conditions. Furthermore, a workload analysis can be performed at every level of the police department and for all key functions, although it is more difficult to assess workload for some units than others.<sup>4</sup> The importance of the workload-based approach to staffing is evidenced by it being codified as a standard (16.1.2) by the Commission on Accreditation for Law Enforcement Agencies: The agency allocates personnel to, and distributes them within, all organizational components in accordance with documented workload assessments conducted at least once every three years.<sup>5</sup>

Unfortunately, there is no universally accepted standard method for conducting a workload-based assessment. Defining and measuring work varies by agency. Knowing that staff decisions are based upon calls for service

and the time required to respond to them, officers may not have an incentive to be efficient in their response to calls or even to engage in activities that reduce calls. Learning how to conduct a workload-based assessment may be challenging for police administrators. Typical workload models are complicated and require intensive calculations. They also require decisions on a wide array of issues that are very difficult for officials and communities to make—such as how frequently streets should be patrolled—and do not uniformly account for discretionary activities, such as time for community policing and other officer-initiated activities.

Software programs may simplify the analytical process, but their methods are not always clear and can be inappropriate for some agencies. The cost of purchasing these software programs can be substantial, as can the training of staff to use them. These programs can be helpful for scheduling purposes, but less so as a tool for optimizing resources. Rather than relying on software, some agencies hire outside assistance to assess their workload. This may be more costly than conducting the analysis in-house, but the analysis will benefit from experience, the results may carry greater weight among decision makers because they are independent, and, in most cases, the cost-savings of creating a more efficient staff allocation more than offsets the costs of the analysis.

Even with shortcomings, allocation models based on actual workload and performance objectives are preferable to other methods that might not account for environmental and agency-specific variables. Agencies could benefit from a more popularized workload-based methodology of staffing analysis that is easy to learn and comprehend; is employed by administrators; and, importantly, helps to effectively manage discretionary time. No single metric or benchmark should be used as a sole basis for determining an agency's staffing level. Rather, agencies should consider metrics in light of professional expertise that can place them in an appropriate practical context.

A step-by-step approach for conducting a workload-based assessment should include the following:<sup>6</sup>

1. *Examining the distribution of calls for service by hour, day, and month.* Calls for service can differ by the hour of the day, the day of the week, and the month of the year. Peak call times can also differ by agency. Knowing when peak call times occur can help agencies determine when they must have their highest levels of staff on duty.
2. *Examining the nature of calls for service.* Reviewing the nature of calls can help better understand the work that an agency's officers are doing. Types of police work required can vary by area within a single jurisdiction and require agencies to staff differing areas accordingly.
3. *Estimating time consumed on calls for service.* Determining how long a call takes, from initial response to final paper work, is key to determining the minimum number of officers needed for a shift. This is most straightforward when a single officer handles the call and completes resulting administrative demands (e.g., reports, arrests) prior to clearing it.
4. *Calculating agency shift-relief factor.* The shift-relief factor shows the relationship between the maximum number of days that an officer can work and actually works. Knowing the relief factor is necessary to estimating the number of officers that should be assigned to a shift in order to ensure that the appropriate number of officers is working each day. The shift-relief factor is calculated through division of the total number of hours needed to be staffed in a shift by the number of off-hours to which an officer is entitled.
5. *Establishing performance objectives.* This encompasses determining what fraction of an officer's shift should be devoted to calls for service and what portion to other activities. For example, an agency might build a staffing model in which officers spend 50 percent of their shift on citizen-generated calls and 50 percent on discretionary activities.
6. *Providing staffing estimates.* Staffing needs will, as noted earlier, vary by time of day, day of week, and month of year, among other variables. Agencies should distribute their officers accordingly. For example, a shift with only half the number of calls than another shift will require half the number of officers. These numbers may also vary by the type of calls, and the time and officers they require, in each shift. For example, one large urban agency assigns two officers to each unit in its evening shift, affecting the number of officers needed for units to respond to calls. Another responds to the same type

of calls in different ways in different shifts (for example, sending a unit in some shifts, but requesting citizens file a report in person at a station during others).

### **The Coverage-based Approach**

While workload-based staffing methodologies are well suited to medium and large agencies, they do not work as well with smaller agencies. Consider, for example, the case of a small agency serving a 6.8 square mile community of 16,000 persons in suburban Chicago. The agency responds to about 7,000 citizen-generated calls for service per year. For the past 10 years, it has averaged 10 serious violent crimes annually. The staffing model for this department based on the workload methodology described above and assuming officers are to spend about half of their time on discretionary activities and half their time on responding to calls for service estimates two officers should be deployed on the 6:00 a.m.-6:00 p.m. shift and one officer on the 6:00 p.m.-6:00 a.m. shift. Upon accounting for this agency's relief factor, four officers should be allocated to the first shift and three to the second—for a total of seven officers allocated to patrol. A total of ten officers would be required assuming officers spend two-thirds of their time on discretionary activities.

At the time of this analysis, the agency assigned 14 officers and 4 supervisors to the patrol division. Moreover, it maintained a minimum staffing level of 2 officers and 1 supervisor from 2:00 a.m. until 6:00 p.m., and three officers and a supervisor from 6:00 p.m. until 2:00 a.m.

Based on the workload analysis the agency appears to have excess capacity assigned to patrol and appears to maintain a minimum staffing level that is too high. So how can agencies with relatively low rates for calls for service make rational judgments about staffing?

Communities with a relatively low call volume can consider making a subjective judgment about the appropriate level of policing required for deterrence and rapid response and to ensure officer safety. Of course, there are typically varied views about these objectives. One of the strongest factors in this decision is officer safety. Some communities may believe that it is essential that there are enough officers on duty to ensure that there is enough capacity to effectively back up officers when necessary. While this is a critical staffing objective, agencies addressing this goal should examine carefully such factors as the frequency of calls that require backup, the necessity for officers to leave the jurisdiction (e.g., to transport a prisoner) and the availability of assistance from neighboring agencies.

Another important factor is response time. Interestingly, research suggests that as few as 5 percent of police calls for service requires a rapid response,<sup>7</sup> and yet most police departments are organized and staffed to respond as if every call required a rapid response.

One approach to this coverage problem is to treat police response like one would examine a fire department response. That is, each location in the community could be examined to determine the time required to respond to an emergency from a central location. If that time were outside acceptable limits, it would suggest the need to assign additional resources. That is, by making the patrol beats smaller we could ensure quicker response times. Much like a fire department the emphasis is on proximity to the call more so than whether the unit is occupied.

Sometimes the number of officers in a community is a function of citizen willingness to pay for those services. For example, the City of Holland, Michigan, employs about 60 sworn police officers, but Holland Township, which is about the same size and similar in nature, contracts for service with the county sheriff who covers the township with 16 sworn officers.

Finally, the long distances required for response to calls tend to challenge most agencies that provide services in rural areas. Most citizens understand this, and, thus, they have more modest expectations about response time. It is important to consider that, in general, rural communities have lower rates of crime and higher levels of social control. For example, the average quarterly response time from 2008 to 2011 to priority one calls by the Albemarle, Virginia, County Police Department typically varied from about 12 to 14 minutes—the target being a 10-minute average.<sup>8</sup> We can see that response times are considerably greater than one would expect in an urban area.

## Conclusion

There are several approaches to estimating an agency's staffing allocation, each with its own advantages and disadvantages. From an efficiency standpoint—that is, from the perspective of optimizing resources to best complete a given agency's work and accomplish its objectives—the preferred method is one that specifically considers workload, performance objectives, and work schedules. While conducting this form of assessment may seem complicated or costly, the approach presented herein is fairly straightforward, applicable to most agencies, and can help identify if and where staffing adjustments can be made to significantly enhance overall efficiency and effectiveness.

Because many small agencies utilize a coverage-based model for staffing they often have significant amounts of officer discretionary time. While some communities may choose to reduce this through reducing the size of the department, most will seek to make better strategic use of that time, thus improving both efficiency and performance. ♦

## Notes:

<sup>1</sup>U.S. Department of Justice, Office of Community Oriented Policing Services, "COPS Hiring Recovery Program Update," *Community Policing Dispatch* 2, no. 6 (June 2009), [www.cops.usdoj.gov/html/dispatch/June\\_2009/hiring\\_recovery.htm](http://www.cops.usdoj.gov/html/dispatch/June_2009/hiring_recovery.htm) (accessed February 5, 2013).

<sup>2</sup>Jeremy M. Wilson, et al., *Police Recruitment and Retention for the New Millennium: The State of Knowledge* (Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services; Rand, Center on Quality Policing, 2011), [www.cops.usdoj.gov/Publications/101027321\\_Police-RecruitmentRetention.pdf](http://www.cops.usdoj.gov/Publications/101027321_Police-RecruitmentRetention.pdf) (accessed February 5, 2013).

<sup>3</sup>International Association of Chiefs of Police, *Patrol Staffing and Deployment Study* (2004), 2, [www.theiacp.org/LinkClick.aspx?fileticket=AKL78d4MBw8%3D&tabid=252](http://www.theiacp.org/LinkClick.aspx?fileticket=AKL78d4MBw8%3D&tabid=252) (accessed February 5, 2013).

<sup>4</sup>Charles Hale, *Police Patrol: Operations & Management* (Upper Saddle River, N.J.: Prentice Hall, 1994).

<sup>5</sup>Commission on Accreditation for Law Enforcement Agencies, *Standards for Law Enforcement Agencies*, 5th ed. (Fairfax, Va.: Commission on Accreditation for Law Enforcement Agencies, 2006).

<sup>6</sup>For a complete discussion of this methodology and examples of its application, see Jeremy M. Wilson and Alexander Weiss, *A Performance-Based Approach to Police Staffing and Allocation* (Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services, 2012), [www.cops.usdoj.gov/Publications/041218461\\_Performance-Based-Approach-Police-Staffing\\_rev091912.pdf](http://www.cops.usdoj.gov/Publications/041218461_Performance-Based-Approach-Police-Staffing_rev091912.pdf) (accessed February 5, 2013).

<sup>7</sup>J. Thomas McEwen et al., *Evaluation of the Differential Police Response Field Test*, NCJ 101378 (Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 1986), [www.ncjrs.gov/pdffiles1/Digitization/101378NCJRS.pdf](http://www.ncjrs.gov/pdffiles1/Digitization/101378NCJRS.pdf) (accessed February 5, 2013).

<sup>8</sup>Albemarle County. "Performance Management: Police Response Times Rural Areas," [www.albemarle.org/departments.asp?department=perfmgt&relpage=3473](http://www.albemarle.org/departments.asp?department=perfmgt&relpage=3473) (accessed February 5, 2013).

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## Stress Management

# POST First-Line Supervisor Program

**Instructional Goal:**

The goal of this instruction is to assist the supervisor in understanding the psychological and physiological elements that cause stress in both themselves and the staff they supervise. They will be able to take appropriate steps to reduce or alleviate stress in their staff, themselves, and the organization.

**Student Performance Objectives:**

Upon completion of this course of instruction, supervisors will be able to:

1. Define stress.
2. Define job stress.
3. Describe four stressors.
4. State four categories of potential stressors.
5. Identify symptoms of stress in the supervisor's life and the staff they supervise.
6. State four job conditions that may lead to stress.
7. Describe four methods of stress reduction.
8. Identify four organizational changes to create a healthy work environment.
9. State the NIOSH three step Job Stress Prevention Program.



## **Insanity or Survival**

Stress, by definition, is **anything of importance, significance, or emphasis**

Stress is the **inability to cope** with a threat (real or imagined) to your well-being, which results in a series of responses and adaptations by your body.

Stress can lead to poor health and injury

**Stress can be negative or positive it is up to you.**

## **Stress in America Today**

With increasing time spent on the job, job stress is becoming a painful reality for many workers.

- 40% of workers reported that their job was very often extremely stressful.
- 25% view their jobs as the number one stressor in their lives.
- 75% of employees believe that they have more on-the-job stress than the generation before them.
- 26% of workers said they were, “often or very often burned out or stressed by their work.”

## **Job Stress**

- Harmful physical and emotional responses when the requirement of the job does not match the capabilities, resources, or needs of the worker.
- Can lead to poor health

## **Stages of Stress**

- **Alarm Reaction**
  - Fight, Flight, or Fright Response
- **Stage of Resistance**
  - Continual state of arousal
- **Exhaustion Stage**
  - Bodies energy reserves are finally exhausted and break down occurs

## **Categories of Stressors**

1. **Major Expected Event** (Something big that you know is coming)
  - Test, presentations, taxes, baby
2. **Major Unexpected Event** (something big happens, unexpected)
  - Accident, illness, investigation
3. **Daily Grind** (All the little things that make up the day)
  - Parking, driving, family, friends, job
4. **Personal Attributes** (All the things about you)
  - Genetic makeup, flexibility, disabilities, intelligence

## **Causes of Stress in Law Enforcement**

- Work overload
- Long erratic hours
- Rapidly changing
- Unpredictable environment
- Rotating shifts

## Real or Anticipatory Stress

- Real is what happens
- Anticipatory stress is when we have a thought

## Causes of Stress for Supervisors

- Responsible for officer/staff actions and performance
  - § Vicarious liability
- Management wants things done
- Expectations, work load, diversity, change, emergencies, etc.

## Job Conditions that Lead to Stress













- Design of tasks
- Management style
- Interpersonal relationships
- Work roles
- Career concerns
- Environmental conditions

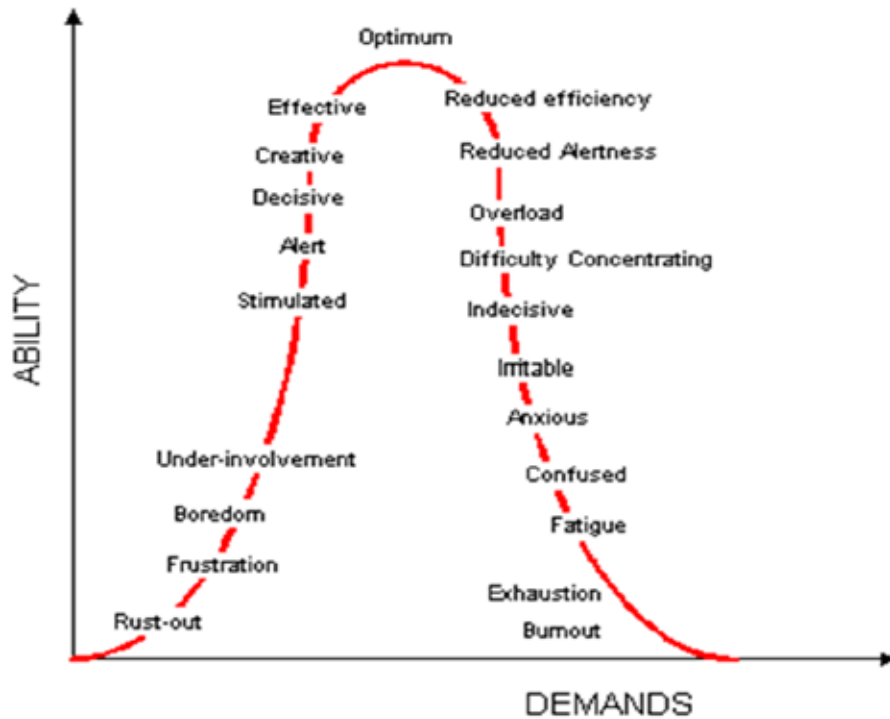
## Symptoms of Stress

- Headache
- Sleep disturbances
- Difficulty concentrating
- Short temper
- Upset stomach
- Job dissatisfaction
- Low morale

## Eustress (Good Stress)

- Positive type of stress that increases creativity, physical performance, enthusiasm, and energy
- It arises from situations that are enjoyable
- Eustress is healthy for you. It keeps you excited about life.

<u>Eustress (Good Stress)</u>	<u>Bad Stress</u>
 <b>Sharply Focused</b>	 <b>Tense</b>
 <b>Energized</b>	 <b>Anxious</b>
 <b>Motivated</b>	 <b>Angry or Depressed</b>
 <b>Aware of Options</b>	 <b>Withdrawing</b>
 <b>Challenged</b>	 <b>Lashing Out</b>
 <b>Encouraged</b>	 <b>Frustrated</b>



Unlike negative stress, “challenge” or eustress is an important ingredient for healthy and productive work.

Often confused, challenge energizes people psychologically and physically. It motivates people to learn new skills and master their jobs.

When a challenge is met, people feel relaxed and satisfied.

### Stress

- Ø **Cumulative Stress:** Stress which builds up over time – may be large and of long duration or small buildup of everyday life problems
- Ø **Critical Incident Stress:** Involves the perception of life threatening situations. It is outside the range of normal human experience. Disrupts our sense of control as they appear sudden and unexpected

### Critical Incident Stress

Normal response to abnormal event. Some have mild or no reaction, some have moderate reactions, and some have a severe reaction.

Some distortions experienced by officers/staff during extreme stress situations:

- Ø Tunnel Vision
- Ø Heightened Visual Clarity
- Ø Hearing Distortions
- Ø Time Distortions
- Ø Dissociation
- Ø Temporary Paralysis
- Ø Intrusive Thoughts
- Ø Automatic Behavior
- Ø Memory Gaps
- Ø Memory Distortions

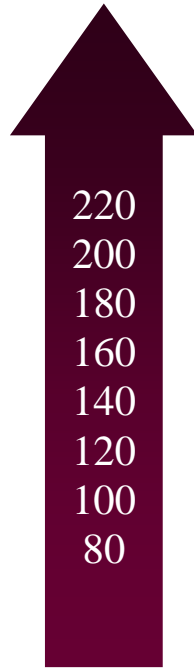
## Stress Effects:

### Above 175 bpm:

- Irrational fight/flight
- Freezing
- Submissive behavior
- Voiding bladder/bowel
- Best gross motor skills

### 115-145 bpm: optimal survival & combat level

- Complex motor skills
- Visual reaction time
- Cognitive reaction time



### 175 bpm:

- Tunnel vision
- Tunnel hearing
- Loss of near vision
- Loss of depth perception
- Cognitive processing deteriorates

### 145 bpm:

- Complex motor skills deteriorate

### 115 bpm:

- Fine motor skills deteriorate

### 60-80 bpm:

- Normal resting heart rate

**The Impact of Life Crisis, and How to Minimize Them**

Different life crisis have different impacts. In many cases, however, it may be possible to anticipate crisis and prepare for them; thereby, making them less stressful. It may be useful to recognize the impact of crisis that has occurred so that you can take account of them appropriately.

Dr. T. H. Holmes and Dr. R. H. Rahe created a Social Re-adjustment Scale. The idea behind this approach is to run down the table, circle Life Crisis Units (LCU) for any event that has occurred in the previous 2 years and then total your points. As a rule of thumb, you may anticipate some form of serious mental or physical effects of crisis according to the following table:

<u>Life Event</u>	<u>LCUs</u>	<u>Life Event</u>	<u>LCUs</u>
Death of Spouse	100 <input type="checkbox"/>	Son/Daughter leaving home	29 <input type="checkbox"/>
Divorce	73 <input type="checkbox"/>	Trouble with in-laws	29 <input type="checkbox"/>
Marital Separation	65 <input type="checkbox"/>	Outstanding personal achievement	28 <input type="checkbox"/>
Jail Term	63 <input type="checkbox"/>	Spouse begins or stops work	26 <input type="checkbox"/>
Death of close family member	63 <input type="checkbox"/>	Begin or end school	26 <input type="checkbox"/>
Personal illness or injury	53 <input type="checkbox"/>	Change in living conditions	25 <input type="checkbox"/>
Marriage	50 <input type="checkbox"/>	Revision in personal habits	24 <input type="checkbox"/>
Fired at work	47 <input type="checkbox"/>	Trouble with boss	23 <input type="checkbox"/>
Marital Reconciliation	45 <input type="checkbox"/>	Change in work hours/conditions	20 <input type="checkbox"/>
Retirement	45 <input type="checkbox"/>	Change in residence	20 <input type="checkbox"/>
Change in health of family member	44 <input type="checkbox"/>	Change in schools	20 <input type="checkbox"/>
Pregnancy	40 <input type="checkbox"/>	Change in recreation	19 <input type="checkbox"/>
Sex Difficulties	39 <input type="checkbox"/>	Change in church activities	19 <input type="checkbox"/>
Gain of new family member	39 <input type="checkbox"/>	Change in social activities	18 <input type="checkbox"/>
Business readjustment	39 <input type="checkbox"/>	Moderate loan or mortgage	17 <input type="checkbox"/>
Change in financial state	38 <input type="checkbox"/>	Change in sleeping habits	16 <input type="checkbox"/>
Death of close friend	37 <input type="checkbox"/>	Change in # of family get togethers	15 <input type="checkbox"/>
Change to different line of work	36 <input type="checkbox"/>	Change in eating habits	15 <input type="checkbox"/>
Change in arguments w/spouse	35 <input type="checkbox"/>	Vacation	13 <input type="checkbox"/>
Large mortgage or loan	31 <input type="checkbox"/>	Christmas alone	12 <input type="checkbox"/>
Foreclosure of mortgage or loan	30 <input type="checkbox"/>	Minor violations of the law	11 <input type="checkbox"/>
Change in responsibilities at work	29 <input type="checkbox"/>		

Your score is: \_\_\_\_\_

*Life Crisis Units and the Probability of Illness*

300	80% +
200-299	50%
150-199	33%

When you are suffering the ill effects of life crisis, try to minimize the disturbance to your life.

## Stress and Health

Stress can cause:

- Cardiovascular Disease
- Musculoskeletal Disorders
- Psychological Disorders
- Workplace Injury
- Suicide
- Cancer
- Ulcers
- Impaired Immune Function
- Lung ailments
- Accidents
- Cirrhosis of the liver
- Migraine headaches
- Digestive problems
- Mental illness
- Sleeping problems
- High blood pressure
- Asthma
- Allergies
- Tooth Decay
- Common cold

<u>PHYSICAL:</u>	<u>EMOTIONAL:</u>	<u>MENTAL:</u>
Heart Pounding	Moody	Forgetfulness
Headaches	Irritability	Loss of Concentration
Sweaty Palms	Depressed/Depression	Poor Judgment
Indigestion	Anxious	Disorganized
Skin Breaks Out	Lack of Sense of Humor	Fuzzy Perception
Shortness of Breath	Abrasive	Confused
Holding Breath	Hostile	Lack of Interest
Cold Hands	Nervous	Math Errors
Sleeplessness	Emotional	Stop Thinking
Sleep Too Much	Increased Alcohol Use	Diminished Fantasy Life
Fatigue	Increased Drug Use	Negative Self-Talk
Nausea		
Diarrhea		
Tight Stomach/Muscles		
Pain		

### **Stress Symptoms (a few months)**

Colds, flu, white blood cell count down, more susceptible to illness, depressed, anxious

### **Stress Symptoms (Short term)**

- § Fatigue (mentally or physically tired)
- § Irritability
- § Change in eating or sleeping habits
- § Boredom
- § Inattentiveness
- § Indecision
- § Procrastination
- § Feeling of persecution
- § Minor accidents

### **Stress Symptoms (Years)**

- § Ulcers
- § Colitis
- § Migraine
- § High Blood pressure
- § Kidney failure

### **Stress – can make you think clearly and quickly over the short term:**

- Ø Increased oxygen and nutrients to the brain
- Ø After six hours there is a decline
  - Thinking less clear
  - Memory capacity fades
  - Neuron are not working as well
- Ø After days to weeks
  - Neurons begin to atrophy and retract (brain cells die)
  - Your brain is not working well at all

### **Stress Coping Strategies**

#### **Relaxation Techniques**

- Informal – hot tub, walk in woods, drive in country, peaceful instrumental music
- Formal – Progressive muscle relaxation, body inventory, meditation, yoga, biofeedback, prayer

#### **Lifestyle Management**

- Ø Eat right – balanced diet & avoid junk food and sugars
- Ø Sleep enough so you awake rested
- Ø Exercise – aerobic for heart and lungs
  - Lowers anxious feelings
  - Improves self esteem
  - Clears mind
  - Aid weight loss

**Talk with others, friends or professionals. Do not isolate yourself.**

#### **Balance Work/Play**

#### **Time Management**

- Ø Spend time with yourself every day

- Ø Do not be an officer 24/7
- Ø Center around your family
- Ø Find out what is most important to you

## **Self Talk**

### **Benefits of Stress Management**

Managing stress will help...

- § Improve how your immune system functions.
- § Prevent illnesses like the common cold, or physical complaints such as back aches.
- § Increase your energy level, allowing you to spend more quality time with friends and family.
- § Improves the quality of your sleep; allowing you to wake up well-rested and ready to go.
- § Improves your digestion.
- § Keeps you calm when the going gets tough.
- § Allows you to be on your game—more focused, more positive.

### **Barriers to Managing Stress**

“I just ‘deal’ with my stress, it’s not a big issue.”

“It’s just stress, I don’t need counseling”

“Stress is just a part of my job.”

“I don’t have time to deal with my stress.”

“I thrive on stress.”

“People who are stressed just can’t cope with reality.”

“If I just make it through these next few weeks I’ll be OK.”

“I’m so stressed, I don’t even know where to start.”

“Dealing with my stress would just be too expensive.”

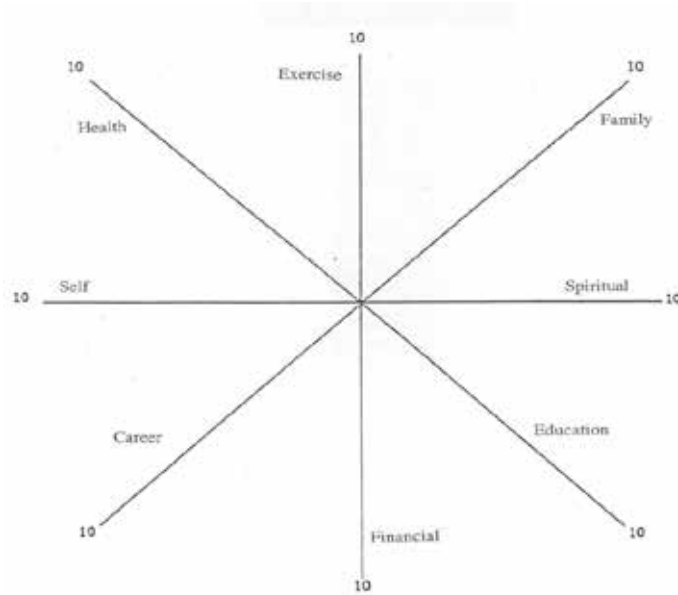
“I’m always stressed, it hasn’t made a difference so far.”



## How is Your Wheel Shaped?

Leading psychologists and behavioral scientists have reported that it is extremely important to have a balanced life. This means that we must focus our time, talents, and attention to the various aspects that make up our lives. The eight (8) different areas of our lives are: family, career, education, health, spiritual, exercise, financial, and self.

The following exercise provides you with an opportunity to visualize the shape your life (wheel) is in. On a scale from 0 to 10, score how well you think you are doing in each area with 0 being “poor” or lowest and 10 being “fantastic” or highest. Once you have plotted your scores, draw a line to each dot and take a look at your “wheel”. This is the wheel that you are currently traveling on.



Zig Zigler once stated: “It is not the road of life that is rough, it is the wheel we are traveling with.”

## Hyper-Vigilance

Is the necessary manner of viewing the world from a threat based perspective and having a mindset of being constantly “on guard”

What happens?

- Increased peripheral vision, improved hearing, faster reaction times, increased blood sugar, elevated heart rate and increased blood pressure, general sense of energy to meet and overcome threats.

## What Does Hyper-vigilance Look Like?

Because every action has an equal and opposite reaction, the high demand for more elevated alertness that is required for on-duty police work **will produce**, unless corrected, an **extreme reaction** in the opposite direction when off duty.

- On duty: alert, alive, energetic, involved, humorous
- Off duty: tired, detached, isolated, apathetic
- Recovery Period for hyper-vigilance: 18-24 hours to recover from hyper-vigilance

As a supervisor, watch for stress and hyper-vigilance in your staff. Do not ignore problems and issues that may be stress related because it can lead to deadly results.

## Symptoms of the Hyper-vigilance Rollercoaster

1. Desire for social isolation

2. Unwillingness to engage in conversation or activities that are not police related.
3. Reduced interaction with non-police friends and acquaintances
4. Procrastination in decision making not related to work
5. Infidelity
6. Non-involvement in children's needs and activities
7. The "I usta" syndrome – loss of interest in hobbies or recreational activities.

### **NIOSH (National Institute for Occupational Safety and Health):**

Job Stress Prevention Program (three step process)

#### **1. Identify the Problem**

- Hold group discussions with employees
- Design employee surveys
- Measure employee perceptions of job conditions, stress, health, and satisfaction
- Collect objective data
- Analyze data to identify problem locations and stressful job conditions

#### **2. Design and Implement Interventions**

- Target source of stress for change
- Propose and prioritize interventions strategies
- Communicate planned interventions to employees
- Implement interventions

#### **3. Evaluate the Interventions**

- Conduct both short term and long term evaluations
- Measure employee perceptions of job conditions, stress, health, and satisfaction
- Included objective measures
- Refine the intervention strategy and return to step 1

**Learn to ignore what you cannot control  
and**

**learn to control what you can**

**The amazing fact is that most events in your life are within your control**

# Stress

Can be positive or negative

Can be fantastic or fatal

It is all up to YOU

**REMEMBER:** No one can stress you out unless you allow it.

Control your stress

The more healthy, fit, and well you are

The more resilient you are against stress

**Conclusion**

- What are some specific things you can do to deal with personal stress?

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- What are some specific things you can do to deal with job stress?

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- What are some of the signs of stress you need to aware of in your employees?

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- What are some things you can do to help your employees deal with stress?

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- What are some of the consequences you may have to face if you ignore signs of stress in yourself and in your employees?

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## Group Panel

# POST First-Line Supervisor Program

# **POST First-line Supervisor Program**

## Group Panel

You are going to have the opportunity to talk with a panel of experienced officers with a wealth of knowledge concerning law enforcement supervision.

Write down two or three questions concerning supervision that you would like them to answer or give the group input on.

This is your opportunity to engage in dialogue with skilled supervisors. Take advantage of this time and use it wisely.

Question 1:

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Question 2:

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Question 3:

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