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Taking Aim at Truancy

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Law Enforcement Bulletin



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Truancy officers work with all age groups in an effort to promote goodwill throughout the entire school system. (See article p. 8.)

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Preparing Written Guidelines

"One of the critical elements that lead to the effective and efficient operation of any organization is written guidelines that establish the parameters for the behavior of its members."

By

JAMES H. AUTEN

*Associate Professor
Police Training Institute
University of Illinois
Champaign, IL*

One of the characteristics of most police departments in the United States is the existence of written documents that outline the mission of the organization and the manner in which members of the organization are to accomplish that mission. Whether these documents are called policy and procedure, rules and regulations, general or special orders, standard operating procedures, etc., they purport to contain the guidance necessary for organizational members to carry out successfully the day-to-day operations of the agency. Some police organizations, being the bureaucratic beings that they are, have gone to great lengths to detail specifically what is and what is not acceptable conduct on the part of em-

ployees. Others have opted for a more generalized form of written guidance, leaving much of the actual "street" decisionmaking to the discretion of individual officers.

A law enforcement administrator with a sense of moral responsibility will quickly recognize his or her obligation to the citizens of the community to develop and implement formal written guidelines that will guide the conduct of organizational members in the performance of their duties, especially those duties that by their nature have the potential for placing the lives and property of citizens in jeopardy. Concurrently, the same law enforcement administrator should also realize a moral obliga-

tion to the members of the organization to communicate their expectations explicitly, and those of the community, concerning how the law enforcement function will be accomplished. To do otherwise is to simply leave employees "in the dark" in the expectation that they will intuitively divine the proper and expected course of action in the performance of their duties. The exercise of discretion on the part of individual police officers cannot and should not be severely constrained or eliminated in this process; however, the exercise of discretionary power should not be left totally to the judgment of individual police officers. Discretion must be reasonably exercised within the parameters of the expectations of the community, the



Clifford W. Van Meter
Director
Police Training Institute

courts, the legislature, and the organization itself. The responsible law enforcement administrator must establish these parameters through the development and implementation of formal written guidelines for all organizational personnel.

General Considerations

In attempting to develop these necessary formal written guidelines, the law enforcement administrator should keep in mind several general considerations from the beginning. The first is to remember that guidelines cannot be written to cover all aspects of the law enforcement function in the community. Because of the great variety of interpersonal situations police officers encounter in their daily activities, it is virtually impossible to anticipate all the factors that can become involved in the decisionmaking processes officers use to resolve them. Attempting to develop written guidelines that will adequately cover all possible contingencies is not only impossible but also undesirable. If an administrator were able to develop written guidelines to cover all possible situations, then the vital element of officer discretion would be lost and the personal touch so necessary to doing the job effectively would disappear. The people-centered problems police officers encounter daily require individually tailored solutions which are only possible if an officer has discretion in seeking those solutions.

Next, the written guidelines must be realistic in terms of the world that the police officer encounters daily. Guidelines that cannot be successfully applied to real-life situations will soon be ignored in favor of approaches that

work. Properly prepared written guidelines should provide guidance to officers that will lead them to perform their varied tasks in a manner that reflects generally accepted police practices—generally accepted in the sense that given a specific situation, it would be expected that police officers all across the United States would respond in a particular manner.

Most of the solutions police officers employ in resolving particular situations will easily fall into the category of generally accepted police practices. However, some solutions will occasionally fall outside this realm because the officer is ignorant of the acceptable solution or deliberately chooses not to use it. It is for these officers that written guidelines are most intended. This does not mean that there is a pat "book" solution for every possible situation an officer can encounter, but it does mean that there are generally agreed upon limits to police behavior. Generally accepted police practices are subject to modification in light of specific community expectations, the expectations of those who make and interpret the law, and the expectations of the law enforcement administrator who is responsible for developing written guidelines. In the final analysis, effective written guidelines must be workable in the real world and conform to community, legal, and departmental expectations.

In attempting to develop workable written guidelines, the law enforcement administrator must also remember that the line between guidelines written for the purpose of "covering" the agency (CYA) and those prepared for the pur-

"Attempting to develop written guidelines that will adequately cover all possible contingencies is not only impossible but also undesirable."

pose of providing meaningful guidance to officers is a thin one indeed. In this era of rapidly increasing litigation against units of local government, and especially police departments and their employees, the trend seems to be clearly in the direction of preparing written guidelines for the purpose of CYA.

From the perspective of the law enforcement administrator and the people that employ them, this is an understandable approach to adopt. However, when written guidelines are prepared with CYA as the ultimate goal, a number of negative consequences accrue. First in attempting to avoid, or "cover," all possible suit situations, there is the propensity to attempt to make the written guidelines all-inclusive. The negative consequences in attempting to do this should be all too obvious; it cannot be accomplished and the resultant guidelines will most likely be unworkable. It is a situation of either "going by the book" or having someone "throw the book" at the officer in spite of the fact that the "book" approach does not work.

Second, CYA-written guidelines tend to be very negative in their orientation. Implicit in this approach is the message to officers that they are not capable of properly performing even the most menial of law enforcement tasks without guidance from above. All the "shall not, will not" statements usually contained in guidelines of this type clearly convey the message that officers are children who cannot be trusted to take the appropriate action when called upon to do so. That is an extremely negative approach when considering the awesome authority, and concurrent public trust, that is granted to police officers in this country.

Guidelines of this type also tend to be very transparent in terms of their real intent. Officers quickly realize that these guidelines were written to "cover" the agency and not themselves. They soon realize that if anything "bad" happens while performing duties covered by the guidelines, they will be all alone sitting out on the "liability limb" as the department watches, or perhaps assists, a lawyer with a saw in hand. Written guidelines implementing a CYA approach clearly give the law enforcement administrator facing a lawsuit because of the actions of a subordinate the opportunity to say, "I told them not to do that." However, this built-in deniability factor, which is so obvious to all, serves to widen the already-existing gap between "administration" and the "workers" which, in turn, impedes the effective and efficient operation of the organization.

When police officers realize the real intent of CYA-written guidelines (which usually does not take very long) and their inapplicability to real-world problems, their response is both understandable and predictable. They are expected to resolve satisfactorily law enforcement-related problems, yet the "book" provides unworkable solutions. As a result, the officer is caught in a "Catch-22" situation—attempt to apply the "book" solution to the dissatisfaction of all involved, or forget what the "book" says and attempt to resolve the problem in a workable manner and risk incurring the wrath of those who wrote the "book." Like it or not, most street police officers will probably opt for the latter approach, since they are the ones who will have to face the immediate consequences inherent in the "book"

solution. And, when they are forced to deviate from the "book," it is a sure bet they will be practicing their own version of CYA as they do so. Every time officers are forced to use this approach for solving "street" problems, the perception that "book" writers have no idea of what is happening on the street is reinforced and the gap between "administration" and the "workers" broadens just a little bit more.

All of the foregoing negative consequences arising from written guidelines with a CYA orientation should not be interpreted to mean that there is no need for a law enforcement administrator to regulate the conduct of subordinate personnel. In the final analysis, all written guidelines attempt to regulate or guide the on-the-job, and to some extent the off-the-job, conduct of police officers.

One of the keys in developing written guidelines that can be realistically applied to the real world is the manner in which they are actually written. Words are loaded with meaning, both positive and negative, for both the sender and receiver. Words and phrases that connote a negative meaning can easily be transformed into ones with a positive meaning with just a little thought; "shall not" can easily become "shall" or "should," etc. It is just as easy to be positive as it is to be negative in communicating thoughts, intentions, expectations, etc. How written guidelines are actually constructed, the words and phrases used, is a significant element in determining the extent to which voluntary compliance from subordinates is obtained. One can either suggest reasonable, practical approaches, or one can "lay down the law." It is all in how it is said.

"Attempting to develop meaningful written guidelines without obtaining the input of those whose job performance is directly influenced by their existence . . . is an exercise in futility."

One characteristic of most written guidelines is the tendency to include what can best be described as "glittering generalities," phrases that sound nice but have little meaning in the practical sense. Phrases such as "If in the best judgment of the officer . . ." or "If an unreasonable hazard exists . . ." are common in written guidelines and their implicit meaning is usually "Do what you think is best and we will let you know later if you made the proper decision." Some law enforcement administrators include such phrases as a latent means for the exercise of individual officer judgment and others include them to set a "trap" for officers in the event something "bad" happens. One can bet that if the administrator is sued because of the actions of a subordinate, he or she will not view the officer's judgment as being the "best" or the hazard as being "unreasonable." Phrases such as these can be included in written guidelines if the intent is to selectively allow individual officer discretion and flexibility, and if they are "fleshed out" with specific examples of what constitutes an "unreasonable hazard" or the "best judgment" of the officer.

In the discretion-laden world of the street police officer, there is the expectation that they will make judgments and resultant decisions. They must evaluate situations in terms of the hazards present, the law, the expectations of the community and the department, and the appropriateness of possible solutions. To do so, they must have some conceptual framework within which to operate. Well-prepared written guidelines should exist to provide this conceptual framework, but they are only part of the process. An officer's conceptual framework for making decisions

must also be founded in the experience and training that lead him or her to consider acceptable alternatives in terms of action. For example, in the case of pursuit driving, the proper training would tell an officer that running a red light without at least slowing down while in pursuit of a speeder is an unacceptable alternative because of the hazard presented to other motorists. Without the appropriate training, or unless the officer has previously collided with another vehicle in similar circumstances, peer pressure, self-perception, and perceived organizational expectations could cause the officer to deem running the red light as an appropriate action. Any written guidelines that ask police officers to make critical decisions in split-second, crisis-filled situations when they have not been provided with the training and knowledge required to make such decisions would seem to border on negligence on the part of the policymaker.

Developing Written Guidelines

As should be deduced from the foregoing, the process of developing written guidelines is one of the most critical undertakings upon which a law enforcement administrator can embark. Once written guidelines have been prepared and disseminated, they are there for all to see and scrutinize; the organization has taken a stand and delineated its "way" of doing things. Once an organization takes this step of publicly exposing its "way" of operating, it also runs the risk of the guidelines taking on a "life" of their own. Responses to proposed changes in the written guidelines usually take on the all-to-common

"We've always done it that way" statement that accompanies resistance to change.

Once written guidelines are in place, it is possible to change the content and meaning of the statements, but it is very difficult to change the behavior of individuals, if the statements being altered have been longstanding and practiced. In a very real sense, the development of written guidelines can create a "monster" that can plague the administrator for years to come unless the total process has been extremely well thought out.

The development of written guidelines must be preceded by the development of organizational goals and objectives, for without them there is no framework against which to structure the written guidelines. It is like trying to construct a house without a foundation. Written guidelines taking the form of policy statements directly relate to the goals of the organization and those taking the form of procedure directly relate to the objectives. This process of developing written guidelines is part of the overall planning process in the organization in that they explain how the organization is going to carry out future activities. Unless an organization has developed a complete set of goals and objectives, it is going to have a very difficult time developing a comprehensive set of written guidelines for its personnel.

As an example of this critical interrelationship between organizational goals and objectives and written guidelines, consider the following:

Department Goal: To improve traffic safety in the community through the consistent and impartial enforcement of existing traffic laws.

Department Objective: To reduce the number of traffic collisions in the community by 10 percent by December 31, 1988, when compared to the same period during the previous year.

Department Policy: It is the intent of the _____ Police Department to achieve an optimum level of traffic safety in the community through the consistent and impartial enforcement of the existing traffic laws. It is neither possible nor desirable for officers to attempt to enforce all the existing traffic laws all the time. In deciding which traffic laws to enforce, officers should remember that voluntary compliance with the existing traffic laws on the part of motorists is the ultimate goal of our traffic law enforcement efforts. In carrying out their traffic law enforcement responsibilities, officers should always keep this voluntary compliance goal in mind when determining the appropriateness of various forms of enforcement action. In deciding upon the most appropriate form of enforcement action for a given traffic law violation officers should consider the seriousness of the violation, i.e., the danger presented to others by its commission; the time of day and the volume of other traffic present; the existing weather conditions; the frequency of the violation as a collision-producing factor in the overall collision experience of the community; and the location at which the violation occurred.

Without going into the specific procedures that would need to be devel-

oped to carry out this policy statement, it is nonetheless obvious that procedures would need to be developed for carrying out the following traffic law enforcement-related tasks:

- 1) Safely conducting vehicle stops,
- 2) Selective traffic law enforcement,
- 3) Issuing traffic tickets,
- 4) Use of verbal and written warnings,
- 5) Documentation of traffic law enforcement activities,
- 6) Communications, and
- 7) Traffic collision investigation and reporting.

Ultimately, the proper implementation of the procedure developed, particularly those pertaining to selective traffic law enforcement, will result in attaining the objective.

Having developed departmental goals and objectives, the process of developing written guidelines continues with identifying those areas in which the application of written guidelines will be most appropriate. As mentioned previously, written guidelines cannot be developed to embrace completely all aspects of the law enforcement function within a community. In some instances, general policy statements will have to suffice to set the overall organizational philosophy with the expectation that they will encompass the performance of tasks not included in specific procedure statements. In other instances of task performance, especially those involving actions which could place the lives and property of citizens and/or officers in jeopardy, specific written guidelines need to be developed. Also, legal requirements will most likely dictate the development of detailed guidelines. In other words, since written guidelines

cannot be all-encompassing, priorities have to be established.

Another critical aspect in this process of establishing priorities and actually developing the written guidelines pertain to who is involved in the process. Ultimately, the development, communication, implementation, and compliance with the written guidelines to a large extent revolves around the manner in which they are created. Unfortunately, more often than not, they are created in what can approximate an organizational vacuum. Attempting to develop meaningful written guidelines without obtaining the input of those whose job performance is directly influenced by their existence, and upon whose voluntary compliance their ultimate success rests, is an exercise in futility. From a pragmatic standpoint, the resultant written guidelines are most likely to be applicable if the practitioners are directly involved in their development. It should come as no surprise that when subordinate personnel are presented with a "fiat from above," they will likely resist and subvert the intentions of the policymaker. Understanding and probable voluntary compliance come from meaningful communications and dialogue concerning the issues involved; the policymaker needs to seek out and thoughtfully consider the input of those most directly affected by the proposed written guidelines. Anything else will probably result in compliance only as necessary. In addition, were this input-seeking process to be followed on a regular basis whenever possible, it is likely that much of the friction that exists between organizational administrators/managers and employee labor organizations could be reduced or eliminated.

"... organizational written guidelines must reflect the changes in the environment that surrounds the law enforcement operation. . ."

The next step in the process of developing written guidelines will quite likely be the most time-consuming and difficult for it involves actually writing the statements. During the initial phase of this step in the process, time can be saved if other police organizations are solicited for samples of their written guidelines for the areas under consideration; there is no need to keep reinventing the wheel. Theirs may not exactly fit the needs of the department, but at least they can be a starting point if one does not exist. In drafting statements during this stage, the law enforcement administrator would be well-advised to keep in mind the following:

- 1) Guidelines must be workable in the real world of law enforcement.
- 2) The overall tone should be positive.
- 3) They must conform to existing legal requirements and court decisions.
- 4) Individual officer discretion should be allowed and encouraged whenever possible.
- 5) Guidelines should reflect the expectations of the community and the department.
- 6) Negative statements in the form of absolute prohibitions or required conduct should be limited to those instances where possible errors in officer judgment cannot be tolerated.
- 7) They should include, to the extent possible, specific examples of acceptable officer behavior.
- 8) The use of "glittering generalities" should be avoided

as much as possible. Where their use is required, they must be defined in terms of actual law enforcement operations.

- 9) The likelihood of misinterpretation always exists; therefore, the language should be as clear and concise as possible.
- 10) The distinction between policies and procedures must be maintained.
- 11) The appropriate and necessary input is solicited and thoughtfully considered.

Finally, it is most likely that this phase in the process of developing written guidelines will require preparing many drafts and revisions to arrive at the most acceptable product. It is a process that requires the ultimate patience and understanding of all involved, but considering the long-term implications of the finished product, it is well worth the time and effort expended.

Once the written guidelines have been put into their final form, the next, but not final, step is to disseminate the finished product to all organizational personnel. Because of the importance of the document to the overall success of the organization, and because of potential liability considerations, it is important that the receipt of the materials by individual members of the organization be documented. The question of whether a member of the organization actually received a copy of the document should never arise or be an issue in legal proceedings. Likewise, the issue of whether organizational members read and understand the contents of

the document should never arise if the proper steps are taken. Simply distributing the materials and trusting that individual members of the organization will attach the intended meaning to words or phrases, no matter how carefully thought out the materials, presumes that everyone's thought processes follow the same patterns and that can be a grievous mistake.

A law enforcement administrator can never be certain that written guidelines will be universally understood by members of the organization. However, certain strategies can enhance the desired level of comprehension. Supervisory personnel should receive detailed briefings concerning the written guidelines so they may conduct inservice training sessions with their subordinates. If they have been involved in the development process, as they should have been, then this briefing can be limited to ensuring that there is mutual understanding among the supervisors as to the specific intent of the materials. That they have conducted the needed inservice training with their subordinates should be a matter of record as should the attendance of their subordinates. If the written guidelines, particularly procedure statements, require levels of task performance not previously required, or include the performance of heretofore unrequired skills or the possession of knowledge not previously acquired, then it is imperative that the organization ensure that the proper training is received by all affected personnel and documented. Obviously, procedures cannot be followed if personnel do not have the skills or knowledge required to do so.

The final step in the development of written guidelines is an on-going

process. It consists of the continual and regular evaluation of existing written guidelines to determine their applicability to the environment that presently exists. Laws change or are modified through court decisions. New procedures or techniques pertaining to law enforcement tasks and operations are emerging all the time. What are generally accepted police practices today may not be so tomorrow. Research activities reveal better approaches to both the management of police organizations and the application of crime control strategies and tactics. One of the constants in the world we live in is the process of change, and organizational written guidelines must reflect the changes in the environment that surrounds the law enforcement operation—an outcome that will only occur if organizational written guidelines are subject to regular evaluation and revision.

Summary

One of the critical elements that lead to the effective and efficient operation of any organization is written guidelines that establish the parameters for the behavior of its members. Organizational personnel cannot be expected to intuitively divine how an administrator expects them to behave, nor can they necessarily grasp the "big picture" within which the organization must function. Written guidelines can help to bridge the gap that often exists between how others expect officers to do their jobs and how they go about fulfilling the law enforcement function within a community without an understanding of those expectations. In preparing meaningful written guidelines for an organization, the law enforcement administrator should keep the following considerations in mind:

- 1) Organizational goals and objectives must be developed.

- 2) Organizational goals and objectives must be examined to identify where the development of written guidelines will facilitate their attainment.
- 3) Prepare written guidelines after ensuring that the appropriate input is sought and considered.
- 4) Distribute written guidelines to all organizational personnel.
- 5) Conduct the training necessary to ensure that the intent of the written guidelines is understood and that the requisite skills and knowledge are acquired.
- 6) Evaluate and revise written guidelines regularly to ensure that they reflect the conditions current in the environment in which the law enforcement task must be carried out.

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Knockout Cap

Currently on the market is a cap in which approximately 1/2 lb of fine lead can be concealed in the rear sweatband. If grasped by the peak and swung like a blackjack, this cap is capable of causing severe bodily harm. The illustration at right depicts the three available logos.

Courtesy of Ohio Department of Natural Resources

