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IACP National Law Enforcement Policy Center

Civilian Personnel

NCJRS

Concepts and Issues Paper

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ACQUISITIONS

I. INTRODUCTION

A. Purpose of Document

This paper is designed to accompany the Model Policy on Civilian Personnel established by the IACP National Law Enforcement Policy Center. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their community and their law enforcement agency.

B. Background

For decades, police professionals have recognized that there are numerous positions and specialized functions in law enforcement agencies that could be filled more efficiently and sometimes more effectively by non-sworn personnel. The President's Commission on Law Enforcement and the Administration of Justice recognized this fact in the late 1960s, and it was once again given credence on a national level in the 1970s by the National Advisory Commission on Criminal Justice Standards and Goals.

In spite of these recommendations, many law enforcement agencies have pursued the "civilianization" of their agencies on only a modest level. There are several reasons for this. Philosophically, many still feel that civilian personnel do not "belong" in a law enforcement agency. Some still feel that civilian personnel cannot adequately appreciate the duties and responsibilities associated with policing and that civilians therefore, can never be adequately integrated into the mainstream culture of law enforcement agencies.

On a more practical level, police officers and police unions have sometimes attempted to derail efforts to introduce civilians because of the fear that civilians cannot do the job as well as sworn officers or that civilians will "take away" jobs that are rightfully the domain of sworn officers. The fear that civilians will take away police jobs becomes more apparent with regard to positions that are sometimes used as light duty assignments for sworn officers or for officers who are

transitioning into retirement from more demanding operational assignments. In spite of such obstacles, law enforcement agencies around the nation have demonstrated the efficacy of using non-sworn personnel in selected capacities and assignments. The need to release more sworn officers from technical and related positions for operational assignments in the face of growing crime rates has been a major motivating force for change. In the same vein, tightened state and municipal budgets and the need to implement financial efficiencies has forced agencies to use civilians for some positions that would generally be held by sworn personnel.

In spite of increased acceptance of civilian personnel within law enforcement agencies, there remains substantial latitude for their use in a variety of capacities. The same arguments in favor of their use remain as valid, if not more valid, today as they did three decades ago. As the federal government funds the placement of some 100,000 more local sworn officers on the street, state and local police agencies must identify programs that will increase the ranks of available commissioned officers and enhance overall operational efficiency.

The Model Policy on Civilian Personnel is designed to be used to establish formal agency acceptance of and commitment to the use of civilian personnel when it is in the best interest of local government, the law enforcement agency and the community. Local agencies differ in their capacity to employ civilian personnel; depending upon civil service requirements, job classifications, labor contracts and related matters. Not all police agencies are in a position to accommodate civilian personnel in the same manner. However, most agencies can reexamine the extent to which they use civilians and undertake a critical assessment of the costs and benefits of their use.

II. PROCEDURES

A. Civilian Position Classifications

The model policy identifies 15 positions as examples of common functions within police agencies that are often filled by civilians. This should be regarded as a conservative estimate of the possible array of positions that could be so classified. One observer of this issue has estimated that in agencies with

budgets of \$1 million or more, there are more than 30 administrative, supervisory, technical and clerical positions that could be filled by trained civilian personnel.¹ One could add to the model policy's list such functions as budgeting, data processing, intelligence, personnel, polygraphy, stenography, community affairs, public information, career development or crime analysis, among others.

As part of their annual budget preparation responsibilities, the model policy recommends that agency administrators and supervisors examine the scope of duties and responsibilities of their personnel and determine whether civilian personnel could be employed more economically or effectively in any capacities. This is not to suggest that designation of a position as potentially suitable for civilian employment means that the position should or could be civilianized immediately. It means that if a position or job, after suitable analysis, is reclassified as a civilian position, a reasonably sufficient period of time should then be allotted for change by developing and implementing a transition plan. That plan would have to address the termination, transfer or retirement of any incumbent sworn employee and the time frame necessary to accommodate that process; development of a new job description; establishment of a suitable pay classification and training of position candidates, among other matters.

B. Authorized Duties

In anticipation of transforming a position from sworn to civilian, a job task analysis should be performed to determine the precise job responsibilities and qualifications necessary for personnel in that classification. If not otherwise available, a complete job description should be developed that specifies the education, knowledge, skills and abilities that one must have in order to meet basic job requirements. In considering whether civilians may be employed in a given position, one must determine in the job task analysis whether there are instances in which staff in that position or function may reasonably be called upon under certain circumstances to perform a law enforcement task. If so, and if the frequency and importance of those law enforcement tasks are such that they cannot be assumed by other sworn officers who may be available, the position is probably not suitable for civilianization. Many police assignments in law enforcement incorporate numerous tasks that could be performed by a civilian. However, many also necessitate the legal authority and/or skills of a commissioned officer even if on an infrequent basis. For example, many of the duties and responsibilities of animal control officers could be performed by civilian employees. However, there are occasions in some jurisdictions, depending upon the nature of assigned responsibilities, when the judgment and skills of a sworn officer may be required in the course of performing the job. In such circumstances, this position may not be suitable for assignment to civilians.

In many small agencies, there is also a stronger and more legitimate argument against civilianization because officers are more likely to be required to rotate between assignments or to fill in for others in various positions. As such, there is less likelihood that a given position may be designated *solely* for civilian employees. Additionally, a larger cadre of sworn

officers in smaller agencies provides a more readily available pool of trained enforcement personnel in various cases of general emergency.

Where civilian personnel are employed in law enforcement agencies, the model policy specifies prohibitions and limitations on their use. There is a natural tendency within agencies to seek help wherever possible, particularly during periods of high work loads or during emergencies. Working closely with sworn officers in many circumstances, civilian personnel present readily available assistance in many of these situations. However, officers should be prohibited from soliciting and civilian employees prohibited from serving in any function that is normally performed by a commissioned officer. Exceptions to this under emergency situations include the use of a civilian female employee to serve as an observer during the care or detention of female prisoners or to act as a witness during the photographing of a crime victim. There may be other functions, not identified in the model policy, that police agencies could allow civilian employees to perform under specified situations. These may include observer or witness duties or other activities where they are not and would not reasonably be called upon to perform the duties of a commissioned officer.

Conversely, law enforcement agencies must be alert to civilian personnel who, because of their affiliation with the police agency, attempt to assume law enforcement powers or authority that they do not possess. Police agencies should make it clear to civilian personnel that their employment with the agency does not provide them with any enforcement powers beyond those of other citizens as may be provided under state law. By the same token, their employment with the law enforcement agency does not give them any immunities or special considerations with regard to their responsibility to obey the law. This policy should be enforced vigorously to include provisions for disciplinary action where officers provide or civilian employees solicit special favors for or immunity from enforcement action because of their employment status.

The model policy also specifies when and under what conditions sworn officers may be assigned to designated civilian positions. In particular, a sworn officer on light duty may be assigned to a civilian position only if need exists for additional qualified personnel to assist in the job assignment and the officer has the necessary skills or can be readily provided with the requisite skills to perform the job.

This provision is in the policy to help preclude situations in which civilian positions become "dumping grounds" for officers who are on light duty for physical disability or other reasons. As in all cases, light-duty assignments should be made for a short period of time (perhaps no more than six to 12 months) after which a personnel decision needs to be made concerning the conditions of continued employment or separation from service. Unwarranted assignment or exceptionally long assignment of sworn officers to civilian positions can be an unjustifiable and inefficient use of personnel and may have serious morale implications for both sworn and non-sworn personnel.

C. Applicant Screening

While most civilian positions in law enforcement agencies are in support capacities, this should not be interpreted to mean

that professionally accepted screening, hiring, training and related practices are less important than they are with regard to sworn personnel. Many positions held by civilians (such as records and communications) are absolutely vital to the mission of police agencies and require the best qualified personnel. As such, the model policy requires that applicant screening of potential candidates for civilian positions follow the same basic procedures as those for sworn officers.

For those employees who, because of their duties or physical location within the police department, have access to sensitive records, information or operational systems--such as criminal histories, informant files, tactical plans or emergency communications--a background investigation and criminal history check are warranted, and a polygraph test may be advisable.

In order to assist agencies in maintaining internal security, civilian employees should be issued photographic identification cards that reflect their security clearance. Civilian employees should be required to wear their identification cards at all times while in the police facility or when dealing with the public as a police employee.

D. Training and Performance Appraisal

Law enforcement agencies that employ civilian personnel should make every effort to ensure that these employees receive an adequate level of training, just as their commissioned law enforcement counterparts. All civilian personnel should receive necessary pre-service training to prepare them for their job assignments and integrate them as productive members of the agency. This should include an orientation program for newly hired employees designed to introduce them to the agency role, purpose, goals, policies and procedures as well as the agency's working conditions, rules, regulations, and the rights and responsibilities of employees. In-service training, designed to maintain the basic skills and develop new knowledge, skills and abilities should also be provided as part of the agency's career development program. The agency's training authority should assume responsibility for development of all pre-service and in-service training for civilian personnel to include formal classroom training and field training as required.

Civilian personnel should be subject to the same schedule of performance evaluation as sworn personnel even though the performance criteria used will vary.

E. Volunteers

Civilian volunteers also serve with law enforcement agencies in a number of volunteer capacities. The model policy takes the position that these individuals, even though they are volunteers, are subject to the same provisions and restrictions governing other civilian personnel as defined in the policy. This includes provisions relating to authorized duties and responsibilities, screening, use of identification, training and performance appraisal. The use of volunteers should be encouraged whenever and wherever they can assist the law enforcement agency. However, in order to make full use of volunteers and maintain organizational control over their activities, a structured and controlled approach to their usage is desirable.

Endnotes

¹James J. Hennessy, "The Use of Civilians in Police Work: Budgetary and Specialization Benefits," *The Police Chief*, April 1976. p. 36

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Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands, often divergent law enforcement strategies and philosophies, and the impact of varied agency resource capabilities, among other factors.