

Misconduct

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Summary:

Misconduct can and does happen in most all workplaces. Rules are set into place to prevent such situations from happening, but that does not completely eradicate it. People will always try to “get away” with something if they think no one will know or care.

The Marion Police Department is an organization that helps enforce the laws that govern the city and keep the public safe from harm, but within the organization, the Marion Police Department may also face misconduct from its officers. They have rules, regulations, and punishments set in place for those who may decide to conduct themselves inappropriately in the workplace. The police department has three positions that consist of the Chief, Assistant Chiefs, and Captains who make the policies that govern behavior.

Even though the Marion Police Department has rules, it has not always been this way. The rules have become stricter over the last 25 years, in an effort to hold all employees accountable for their actions. Officers have different kinds of power such as coercive and legitimate when dealing with arrests. The department has to also worry about intergroup conflicts between the police and the citizens and how the reputation of the police department can be harmed by an officer’s misconduct.

When trying to reduce the amount of misconduct, education and knowledge is a key source. The department needs to make sure that officers are informed of the rules and procedures regarding misconduct. When the officers are informed, they have an understanding of what needs to be done in order to have a safe and ethical work environment, as well as the trust of the people they serve.

Issue Description:

Misconduct can best be described by the following definition given by Yahoo Education:

1. Behavior not conforming to prevailing standards of laws; impropriety.
2. Dishonest or bad management, especially by persons entrusted or engaged to act on another's behalf.
3. Deliberate wrongdoing, especially by government or military officials.
4. To mismanage, to behave (oneself) improperly.

In every organization there is the potential for some type of misconduct by the employees of that organization. We will use as an example a case of misconduct by the Chief of Police nearly 25 years ago in which he used his position to obtain property from the police evidence room. It is important to state that when this case occurred there were very few if any department policies or procedures in place, however his actions violated Indiana State Statute I.C. 35-44-1-2(2) which in part defines official misconduct for a public servant as an act the public servant is not authorized by law to perform, with intent to obtain any property for himself or herself.

Organization Description:

The Marion Police Department is a municipal agency consisting of 72 sworn law enforcement and 20 civilian personnel. The police department falls under the authority of the elected mayor, who by Indiana Statute has the right to appoint the top three policy making positions within the department -- these positions consist of the Chief, Assistant Chiefs, and Captains.

The police department is a paramilitary organization with a rank structure similar to the military, where the Chief of Police acts as the Chief Executive Officer. The Department is divided into two divisions with an Assistant Chief overseeing the Uniform Division, and the other Assistant Chief overseeing the Criminal Investigations Division. Each division has its own duties and responsibilities, however all officers maintain the same arrest power and authority when it comes to enforcing the law. Generally, the officers in the Uniform Division will patrol the streets, answer calls from the public, enforce traffic laws and generate the majority of the initial incident reports. Whereas the officers in the Criminal Investigations Division will investigate major crimes, process crime scenes, and generate investigatory reports that may be forwarded to the Prosecutor's office for formal charges to be filed.

It is the business of the police department to answer the call for help from the general public, to maintain peace and order, and to enforce the laws of the State of Indiana and Ordinances for the City of Marion. Our customers are the citizens of Marion who pay our salary through the local property taxes that they are required to pay twice a year. We are a 100% service related organization that unfortunately derives its business from the inability of some people to obey the laws of society.

Although, each city and county has its own jurisdictional boundary where its governance ends, all law enforcement officers in Indiana have the same basic arrest powers; with the right to arrest for a violation of law, which has occurred anywhere within the state.

When it comes to training, all local and county law enforcement officers in Indiana are required to complete a 560 hour basic training academy that has been approved by the state. Furthermore, officers are required to annually receive at least 16 hours of in-service training to

maintain their skills. Each department can exceed the required minimum, which is the case in the Marion Police Department where the average number of training per officers exceeds 100 hours annually.

Each policing agency is responsible for developing its own standard operating procedure or policy manual. Unlike 25 years ago when there was nearly no written policy to govern employee activity, there now is a comprehensive standard operating procedure in place to give direction and mandate on many problematic areas encountered by an agency. Included in the procedures manual is a Code of Ethics which governs conduct, to which all officers and employees shall subscribe, a Rules of Conduct section which establishes the standards of conduct for all employees and which helps to ensure the public receives both ethical and moral law enforcement services. Moreover, all law enforcement officers in the Marion Police Department must raise their right hand and take an oath to faithfully and to the best of their ability enforce the laws of the State of Indiana, ordinances for the City of Marion, and abide by the rules and regulations set forth by the department. Although, in the end no amount of words written on a piece of paper can totally ensure a moral and ethical department, by having a model that employees can live by helps to establish the ground rules and gives to them some understanding of what is expected.

Analysis of the Issue:

When looking at the example, it is hard to see how the people in charge of enforcing the law could break it or do something unethical. In an interview with Cliff Sessoms, Assistant Chief of Police at the Marion Police Department he states the internal practices and policies were not as strict twenty-five years ago as they are today. Learning from mistakes, implementing a code

of conduct and having reporting rules help regulate and deter misconduct. As an example in the Rules of Conduct, it goes against policy to “remove official department records or evidence from the department without proper authorization” (Rules of Conduct, p.3).

Today they have procedure to deal with misconduct when their Rules of Conduct are violated. In the Rules of Conduct, “any employee who becomes aware of misconduct by any other employee whether on or off duty shall report the misconduct to the Chief of Police for investigation” (Rules of Conduct, p.4). When an issue of misconduct is reported, the Chief of Police initiates an internal investigation of the officer or officers who are responsible for the misconduct. There is a certain amount of time when each step in the investigation must be completed and the officer or officers must be notified that they are under investigation. If the investigation is due to a criminal offense, an outside agency such as the Sherriff’s Department or the State Police Department will do the investigation. This allows for an objective view and a fair investigation. After an outside agency finishes their investigation the Marion Police Department will do their own internal investigation as well.

According to Sessoms, seniority does not affect the outcome of the investigation or the punishment. The punishment is based on the seriousness of the offense with the penalty being applied in accordance with the progressive disciplinary policy. The punishment can range from a reprimand to termination, again, depending on the seriousness of the offense. He also believes that with the Rules of Conduct and the punishments in place, much of the misconduct that would have happened twenty-five years ago is deterred now. The key to deterring future misconduct is to stop it in the early stage. Most likely the Chief of Police in the example did other smaller things before getting caught for the bigger one. Had he been reprimanded for smaller acts of misconduct prior to his theft offense, he might not have thought it was ok to steal evidence from

the department. Letting one small thing slide or go unpunished often leads to a bigger thing happening later.

Misconduct could lead to intergroup conflict. If you think of society as the organization and one group being the police and the other being the citizens, we can relate this term with misconduct of the police force. Intergroup conflict “refers to opposition, disagreements, and disputes between groups or teams” (Hellriegel and Slocolm, p. 298). Misconduct in the police force leads to mistrust of police and less respect given to them. The common person would think, “If they can’t abide by the law, who are they to tell me to?” or “If they can’t control their own officers, how can they control criminals to keep me safe?” These questions show how hostility, opposition, or disputes could form between the police and the citizens. For example, you have been caught and charged with possession of a drug, then later read in the newspaper that the same officer that arrested you is being charged with drug use. Would you not dispute your arrest?

Sometimes the police get away with a wrongdoing, especially with someone being arrested or questioned, because of their power. They have coercive power because they have the ability to cause an unpleasant experience for the person (Hellriegel and Slocolm, p. 212). They also have legitimate power because they are an authority figure and people generally agree that they are probably right because they know the law.

Having a good management system in place is important for the police department, or any business. It needs good management and leadership. A leader helps with solving problems with their ability to see change and they create new ideas of doing things (Levashina, p.5). This is needed in the managing positions of the police department because people are not predictable.

Most situations they come across in dealing with misconduct are different; most people don't repeat the same mistakes or the mistakes of others. It is important that someone can input new ways of solving problems and they can look at each situation with a new approach. Good management is needed as well because it provides stability and structure (Levashina, p. 4). This is important because the police provide stability and structure in society and if they don't have the same in their work environment how can they provide it to the citizens?

In the Marion Police Department, there are three top decision making positions; the Chief of Police and two Assistant Chiefs of Police. These three positions are responsible for the hiring of all officers. It is important to note that more than one person is involved in the hiring process because this reduces the chances of mistakes and increases the results of thoroughly checking the person's background. When a person applies for a job as an officer they take a test, get a background check, references are checked, and neighbors as well as family members are interviewed. These steps are taken in an effort to hopefully detect "bad apples". If the management team doesn't do their jobs right or as thoroughly as needed they may hire a bad officer. Bad officers can bring down a department by pushing away good officers or because they will cause misconduct problems.

It is important to have good management and conduct systems in place in a police department because of the effects of misconduct on all the employees and the citizens whom they serve. Misconduct by a police officer has a greater impact on society than a store clerk would. Society holds police officers to a higher standard of conducting themselves, on and off duty-- misconduct leads to mistrust and a lack of respect. If there is no trust or respect how can the good officers effectively do their jobs?

Recommendations

It is recommended that any employee or officer within a law enforcement organization such as the Marion Police Department who commits an act of Misconduct that is consistent with the four definitions above be dealt with according to the policy and procedure that the Marion Police Department has in place.

The above statement has far-reaching influence. The above statement is clear, concise, and logical. It would be difficult for any officer to misinterpret such a statement. Yet some officers bypass good logic and “unclean” logic takes its place.

An act of misconduct within the police department, or any organization for that matter, can instill a schema among the public (or stockholders, coworkers, etc.) that says all the members of that organization follow the same practices. Although this is clearly wrong, it needs to be addressed.

By far, the biggest recommendation that can be made with respect to limiting misconduct is education. All officers should be indoctrinated from the very beginning and regularly throughout their careers that misconduct is unethical, not tolerated and real punishment is certain.

Implementation

As stated by Sessoms, “The punishment is based on the seriousness of the misconduct offense”. Let us go back to the above example regarding the police chief stealing items from the evidence room. There were no or few policies regarding misconduct at the time of the incident. So that means that the chief was punished by the state only via the state statute. What if there

were department policies in place? How would the Chief been dealt with by his station in addition to the state punishment?

There are clear policies in place now in the police department regarding misconduct. Simply having a policy and having each officer know and understand it is enough to deter misconduct most of the time. There is no way to completely eliminate misconduct, but there are methods that can reduce it or at least minimize it.

- Implementing mandatory meetings at regular intervals to review the department's policy on misconduct is an excellent way to inform and educate each and every officer (rookie or veteran) about the department's misconduct policy.
- They should understand that even if one person commits an act of misconduct, the public will feel betrayed and assume the entire department acts in such ways.
- Each officer should be free to ask questions, report cases of misconduct, and ask for help for any reason regarding misconduct. All with anonymity and safety until the matter has been fully investigated.

Knowledge is a key to reducing misconduct. Educating officers about the department's policies and procedures plays an instrumental role in minimizing misconduct. Having a negative action that tarnishes the integrity of a police department cannot be tolerated, therefore, strong emphasis must be placed on having a clear anti-misconduct policy in place that is well-understood by all. Finally, and equally as important is having a clear and fair disciplinary policy in place that each employee understands. All employees should know that misconduct on any level will not be tolerated and will be dealt with in accordance to the policies and procedures of the department as well as state and federal laws.

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