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## EDUCATION AND PROFESSIONAL LAW ENFORCEMENT\*

A. C. GERMANN

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There was a time when the American policeman would be inclined to define his job and role in a very narrow fashion. But law enforcement duties, in the past quarter century, have evolved from simple tasks, requiring simple qualifications, to complex professional operations requiring great capacity for specialized knowledge and technique. The police service, which, at one time, utilized relatively uneducated men to perform simple tasks under close supervision, now is utilizing, more and more, well educated men carrying out complicated tasks as individual experts relying heavily on their own individual judgment.

The American policeman is a barometer of community values, and community values are under change. Emphasis is shifting from property rights to human rights, and most American citizens intuitively accept the legitimacy of such shift. As we look at the police scene, we see much change. Court decisions, reflecting new emphasis on human rights, are bringing about many shifts of attitude and procedure. Five years ago it was most common to hear comments to the effect that "Our courts are coddling criminals at the same time that terror increases in the streets," or "Courts are 'policing the police' by broad fiats which usurp the prerogatives of the executive and legislative," or "Courts are interfering in the social interest which punishes criminals, and in so doing are contributing to the increase in crime." But lately, it is more common to hear comments to the effect that "Our courts are finally enforcing long-standing Constitutional guarantees," or "Courts are supervising and controlling police procedures simply due to the fact that no other institution has done so," or "Our

courts are supporting the social interest which demands respect for the individual and equal treatment under the law, and in so doing are strengthening the character of American justice."

It is certainly a fact that the recent U.S. Supreme Court decisions have been an indictment of some police, prosecutors, and lower courts relative to previously accepted practices. It is no less a fact that such police practices, now barred by recent decisions, were tolerated and accepted by some police, prosecutors, and lower courts alike. Some people regarded constitutional guarantees, in prior years, as an unpleasant fact of life, but which could be ignored, violated, or circumvented in order to accomplish the police task. Constitutional guarantees were not regarded as morally persuasive, and, in prior years, court rulings produced no feeling of shame in police, but only indignation. It is certainly a fact that harassment of socially undesirable misfits, improper detentions, illegal arrests, searches and seizures, unnecessary violence, coerced confessions, and deprivations of counsel are part of the history of American law enforcement; and it is a fact that such abuses, more often than not directed toward the economically disadvantaged, politically powerless, and socially undesirable elements of the community, were sanctioned by many citizens, with and without badges. It is a further fact that for many years emphasis was on "results," managerial efficiency, and production, rather than also on legality, morality, and compassion. In prior years most criticism of police was summarily dismissed as malicious, ignorant, or subversive; many used to voice the opinion that "Constitutional guarantees are not for the criminal," and many believed that any and all means should be used to repress crime and

\* A banquet address, September 30, 1966, Police Training Institute, Memphis State University, Memphis, Tenn.

disorder. But a change of attitude is now taking place.

At one time, the policeman had a view of his job that was narrow as a laser beam, rigid as yesterday, and mechanical as a pair of handcuffs. He would say, if asked, that his job was to "protect life and property and keep the peace." Essentially, the work was regarded as repressive. Today, the professional policeman is not only interested in crime repression, as he must be, but *also* in crime prevention and in the protection of personal liberty. The professional, today, says that his responsibility is to prevent crime and disorder and preserve the peace, for community security, and to protect life, property, and individual liberty, for personal security. At one time, the policeman worked almost independently of other governmental units, with jealousy and suspicion. Today, the professional policeman is more inclined to view himself as one of the many units involved in the administration of criminal justice, and more inclined to work cooperatively with prosecutors, public defenders, courts, probation and parole officers, and correctional specialists. At one time, police seemed committed to the view that any method that "got the job done" was acceptable. Today, the professional policeman is more inclined to think of the propriety of his methods. The modern professional police officer welcomes individual and group assistance in solving inter-personal and inter-group conflict; professional police leaders, today, infuse, by their example, good attitudes within their agency, and, by their example, instruct the total community in terms of responsible citizenship. The modern professional officer is not committed to the interests of any one area or segment of the community and indifferent to the rest; he does not regard policing as a ruthless and mechanical method of protecting the "haves" from the "have nots." He is conscious of his responsibility to all citizens—the good and the bad, the rich and the poor, the colored and the colorless, the intelligent and the stupid, the able and the inept. At one time, some police seemed committed to the view that a good bicept, imposing height, and aggressiveness were sufficient qualifications for employment. At one time, some police seemed to view the "real policeman" as rough, tough, arrogant, abrasive, insensitive, abusive, and visceral. Today, the professional policeman regards character, learning, intellectual capacity, physical ability

necessary for the tasks at hand, wisdom and emotional stability as necessary to do the work. Today, the professional policeman is viewed as intelligent, able, energetic, virtuous, stable, mature, and compassionate.

All of these changes are pertinent to a consideration of education for law enforcement. It is easier and cheaper to teach a policeman the mechanical techniques of his work—operating the radio, applying the police strangle, double locking the cuffs, writing the ticket—than it is to teach an officer the psychological, sociological, anthropological, legal, ethical, and human relations aspects of his work. It is easier and cheaper to teach an officer a few sections of the penal and vehicle code than it is to teach him how poor police work in the areas of arrest, search, and seizure will be rejected by the courts which assume their responsibility in enforcing the Constitution and Bill of Rights. It is easier and cheaper to teach an officer to "follow the book" than it is to teach him how to use his discretion wisely in performing his function. It is easier to recruit the ham-fisted reject of the competitive world of commerce and industry than it is to recruit and enlist the "gentleman cop." If in any police grouping, the majority of personnel represent the "rock-em, sock-em" specialists in crime repression, there will be monumental difficulties in changing attitudes and habits. The agency of neanderthal philosophy, shabby methods, and inept personnel will merely exist, with continuing problems of recruitment and public relations, and with pay schedules that would insult any man of promise. But in any police grouping that demonstrates, by leadership and actions, that it is dedicated to professional goals and standards, changes will take place, men of ability and character will be recruited, and ultimately, working conditions and salaries will reflect the pride of the community in a truly progressive police service.

#### PROFESSIONALIZATION

The local officer is, first of all, a law enforcement generalist; he must know federal law, state law, county and municipal law, traffic law, criminal procedures and their applications in his community. He makes crime scene investigations, interviews witnesses, and interrogates suspects; he must know the scientific applications of police techniques, and know the practical applications of psychology. He is, in many instances, called

upon to make decisions of the greatest consequence without time for lengthy deliberation or consultation; he must exercise good judgment in deciding whether to warn or to cite or to arrest. He is charged with the most delicate task of "preserving the peace" and must take immediate steps to restore the peace whenever it is disturbed. He must be able to handle citizens of all ages and dispositions, providing a variety of services, while at the same time protecting life and property and personal liberty. To accomplish his goals he must exercise the greatest tact and diplomacy if he is to retain the confidence of the citizenry. No poorly educated officer can meet the strains of the service; he will surely falter, and there will be one more glaring example of police deficiency.

Dr. Ruth Levy, Director of the Peace Officers Research Project, Health Department, City of San Jose, California, states: "Reviewing the tasks we expect of our law enforcement officers, it is my impression that their complexity is perhaps greater than other professions. On the one hand we expect our law enforcement officer to possess the nurturing, care-taking, sympathetic, empathizing, gentle characteristics of physician, nurse, teacher, and social worker as he deals with school traffic, acute illness and injury, juvenile delinquency, suicidal threats and gestures, and missing persons. On the other hand we expect him to command respect, demonstrate courage, control hostile impulses, and meet great physical hazards as do the soldier, the athlete, the firefighter, and the boxer. He is to control crowds, prevent riots, apprehend criminals, and chase after speeding vehicles. I can think of no other profession which constantly demands such seemingly opposite characteristics."

Only a professional officer can meet the demands of today. But it is "attitude," primarily, that marks the professional. Some police who speak of professionalization, and who desire the status and prestige of a professional, have a value system that would be more appropriate to the days of public hangings. Some police want public support and recognition—but want to do the job in the same old way; some police want better pay and prestige—but resist any attempt to increase education and training levels; some police want to be loved by all—but resist the demands of the court for legal modes of procedure; some police want public support for better working conditions—but resist any talk of certification or licensing or minimum standards.

When we talk about professionalization, we *must* talk about educational qualifications for the work. If we ask the question "What standard of educational attainment should be set for the police service?" we must be prepared to answer the question, "What kind of law enforcement officer do we desire?"

The modern police task, in my judgment, imposes as great a logic in requiring a college degree for the local law enforcement service as for the federal law enforcement service. One expert has said "regarding education, a federal agent must be a college graduate. Yet, the municipal police service is far more complicated, technical, and of far greater importance to the American way of life than is the federal service."

Currently, the educational requirements for the local level of law enforcement vary widely. The Office of Sheriff, Multnomah County, Oregon, requires the candidate for deputy sheriff to have a college degree. An IACP study done in 1961 indicated that 72% of the 55 agencies studied in New England had *no* educational achievement standards for selection of new recruits. In my judgment, the position of the Advisory Council on Police Education and Training of the International Association of Chiefs of Police is sound: "The educational requirements for police service should be established at the highest possible level consistent with the availability of qualified people. This means simply that if a department is able to hire all men with bachelor degrees because of the fact that they have a college or university program from which to draw, then that should be their minimum requirement. On the other hand, agencies that are unable to competently staff themselves with fully qualified persons may have to settle temporarily for those who bring only two years of educational experience to the job. Only in those cases where the labor market cannot provide professionally educated people should an agency seek or accept individuals without college background."

You should know that it is estimated that within five years the job market will require seven out of ten workers to have two years of college. If this prediction is valid, police agencies still recruiting men from the high schools will be getting the most marginal people—the lowest 30%.

Calls for elevation of educational standards should not be misinterpreted as calling for a lengthy technical education in college, for the

basic skills and techniques can be offered by the police agency. College men entering the service should be broadly educated, and equipped with the perspective and understanding obtained by courses in psychology, sociology, political science, English, history, and philosophy. Our educational system must not overemphasize techniques and neglect conceptual understanding if it is to provide professional preparation. We have only to open our ears to the statements of uneducated police leadership to realize that narrow specialization over a number of years has resulted in a lack of ability to see the police operation in a balanced perspective. The American police service is in dire need of supervisors and administrators who are broadly educated generalists.

Police Training, *in-service* oriented, has progressed to the point where many departments operate police academies, provide for refresher (advanced officer) training, specialist training, supervisory training, and executive development.

At the federal level, the Law Enforcement Assistance Act of 1965 is providing support for local training programs and funding for research and projects designed to provide new knowledges (such as the Lakewood Helicopter Patrol Project). Many states, 9 at the latest count, are providing, through councils and commissions, guidance and support for the development of minimum standards of selection and training. Ninety-nine per cent of the cities and counties of California have agreed to minimum selection standards, and are placing all candidate officers into a 200 hour basic program. Some of these Councils and Commissions are providing Certificates of Competence. California's *Commission on Peace Officer Standards and Training* (POST) offers Basic, Intermediate, and Advanced Certificates to those who can qualify by education and experience, and some cities and counties are now requiring possession of such certificates as part of the promotional process.

#### COLLEGE PROGRAMS

College programs at the junior college, community college, city college, and university level are expanding rapidly. At the beginning of 1966 there were some 160 such degree granting programs—and now there are 271—with 40 added in the past nine months! These programs enroll both full-time students and substantial numbers of working officers. In California we have seven programs which offer Baccalaureate and Graduate degrees,

and 60 programs offering the two-year AA degree. It might be of interest for you to know that in the Spring of 1966 a survey was completed in Los Angeles County relative to working police officers and their educational attainment. Some 650 have the AA degree, over 475 have bachelors degrees, some 65 have masters degrees or above—and currently, in that one county, over 4,500 officers are enrolled in college programs. In Fall of 1966 a survey conducted in many of these college programs have field training or internship programs in cooperation with local law enforcement agencies—wherein students work and observe in agencies while they are enrolled in college programs.

The advisory groups for the college law enforcement programs, made up of motivated working police, are of great assistance in coordinating the use of facilities and equipment, developing internship programs, and aiding in field research.

The common curriculum design requires a study of police organization and management, areas of specialized technique and procedure, with a consideration of legal and philosophical bases, and requiring a well balanced liberal arts regimen so that broadly educated leadership can be prepared. These programs are built around the future, not around the past. The studies are carefully balanced between the tool and vocational type course and the conceptual and research course, and students are expected to prepare for supervisory and management roles, even though their entrance is at the operational level. The city colleges and junior colleges pay heavy stress on the skill and techniques area, and operate as a feeder group for the seven baccalaureate programs. In all these programs there is stress on lawful enforcement of the law, for as Quinn Tamm, Executive Director of the International Association of Chiefs of Police said, when Assistant Director of the Federal Bureau of Investigation, "The greatest evidence that law enforcement can offer to the community that it has come of age as a profession is a rock-ribbed, unwavering preoccupation with and regard for personal rights and liberties. . . . It is vital to our standing and esteem in the eyes of the public, the courts, and the legislatures. . . . We must never fail to continually stress in our police schools the need for ever greater familiarity with the rule of law and observance of civil rights. The theme that must run beneath every police training program is that the rule of law is the very heart and soul of American police action. It must be the

golden thread that ties together all the various subjects in our schools. If we fail to stress it we run the danger of becoming so preoccupied with the teaching of particular skills that we fail to develop the whole man—the complete law enforcement officer. No matter how carefully we teach our young officers and no matter how skilled they become at such techniques as interviewing, patrol, sketching, plaster casting, photographing, and the like, they will not be real officers until the conviction has become part of their very being that everything they do must be done in a reasonable and constitutional manner. This is the true mark of the professional officer. In the final analysis we are not so much interested in developing good photographers and good interviewers as we are in sending into the community officers truly knowledgeable of their role in a free society who are incidentally good photographers and good interviewers. If we are successful, we will graduate young officers not only dexterous in skills and techniques of their calling but who are conscious of the philosophy that underlies the entire enforcement of the law. We will turn out men who possess that splendid professional reserve and discipline which stirs the admiration of the public and brings nothing but acclaim to our service. We will present to our communities not a one-sided expert but a whole man, a complete police officer. We will turn out men who approach their tasks not with the narrow view of the “police carpenter” but rather with the broad view of the “police architect” knowledgeable of the reasons that lie above, below, between, and behind his actions.”

#### PROBLEM AREAS

Traditionally, police have required their supervisors and administrators to rise from the ranks. This fact, coupled with low entrance requirements, has led to a shortage of trained leaders. Until recently college people have been reluctant to enter the service; but the trend is changing, and as more and more college people are, by ability and demonstrated performance, proving themselves capable of rising to the top, they, in turn, are encouraging college graduates to enter the service.

The college man faces many frustrations in the service. He finds that the gap between what he has been taught in the college and the police academy, and what is done in the field, is immense.

And he finds, very often, authoritarian, anti-intellectual, and bureaucratic environments that are a great challenge to his patience.

*Authoritarian Environments:* Self-scrutiny, self-criticism, and self-reform is necessary if the American police service is to be rapidly improved. But many police, particularly in supervisory and leadership positions, are defensive about being studied, or questioned. In some circles “unquestioning obedience” is a synonymous term with “good policeman.” The policeman is often characterized as passive, conforming, and unoriginal, and hypersensitive to criticism. Perhaps this is due to the fact that the positive duty of healthy questioning and honest criticism is seldom mentioned and rarely encouraged. While respect and submission to rightful authority are the duty of every policeman, and are integral to the oath of office, very often the negative is overstressed. Potential leaders are lost to the police service when the concept of obedience cannot embrace freedom of expression, differing views, and flexibility. It is my judgment that to render considered criticism of a police agency is to do it a service and pay it a compliment. It is a service because it may spur the department to *do* better; it is a compliment because it evidences a belief that the department *can* do better. Criticism is more than a right, it is an act of loyalty—a higher form of loyalty than the familiar rituals of adulation. We have an unworthy tendency to fear and hate criticism of our service. In the abstract, we honor freedom of opinion, but when we exercise it, we shock people. It is desirable that we develop a police atmosphere where new ideas arouse interest, not horror; reflection, not emotion. Dialogue, not invective, should be the order of the day. The very suggestion that authority in the police service should resemble something other than a feudal kingdom will strike some, of course, as a dangerous democratization, or an invitation to anarchy. The fact is, however, that the most progressive police agencies in the United States stress cooperation, participation, and open communication, affirmative and negative.

*Anti-Intellectual Environments:* Police education and training can no longer be a process by which outmoded attitudes and habits are transmitted to succeeding generations of policemen without audit, excision, and change.

The college programs are attempting to develop the professional; the scholarly cop; the gentleman cop; the wise cop. But this professional orientation

may be a source of problems to the outstanding young careerist, for the police agency may expect him to hold attitudes, or take actions, or to make decisions which run directly counter to his professional values. He may find that his erudition makes him suspect, and that he is feared and sometimes rejected by fellow officers who have not obtained an education, and who do not share his vision of a professional service.

The American police service needs the professionally trained careerist, for they are the source of new approaches, new ideas, new methods—for want of which, the service will surely stagnate, wither, and decay. Any police agency that fails, in this day and age, to recruit a sufficient number of innovators and professionals will not be able to meet the challenges of the day.

The police service has often failed to sincerely welcome the professionally trained careerist, and has often rejected and repelled him. Why? Because at top levels of the police service there are far too many ignorant, foolish, narrow minds that look down upon the educated careerist as a "wet behind the ears" neophyte. The American police service is in some trouble today, and a major cause of its problems is the fact that it is not too bright at top levels. If the service is to meet today's challenges it needs a great many first-class brains at policy making levels.

Even though there is much talk about professionalization and the need for the educated careerist, the fact is, that in many agencies his presence is not urgently desired by police leaders, and an environment in which he can work productively does not exist, in many police agencies. One easy test of an agency is to determine how interested it is in supporting and encouraging its men who desire college development. The progressive agency sees to it that assignments and schedules are arranged to assist those enrolled in college programs.

Let's face it: the professionally trained careerist, upon entering the police service, is generally more critical of traditional attitudes and habits than are non-professionally oriented personnel. This creates problems, for most employees look to police leadership for enunciation of, and commitment to, professional norms and standards. If the educated careerist holds higher standards, he judges police supervision and leadership much more severely than police officers who have not had such professional preparation. In other words, the standards

that have been regularly transmitted by police leadership are often not as high as those standards that have been developed by external sources. Obviously, this creates morale problems, and a continuing conflict between the professionally oriented careerist and those in the service who cling tenaciously to outmoded attitudes and habits.

*Bureaucratic Environments:* The police bureaucracy is often represented by the omniscient man at the top who gives the order that initiates all activity; and all authority and initiation is cascaded down by successive delegations, with complete discipline to assure that commands are literally obeyed. There is but one source of legitimacy, and any conflict is deemed illegitimate. Thus conflict, which encourages innovation, is stifled, and creativity is depressed. Hierarchical position (rank) is a reward for compliance; this creates competition for rank, not based on professional competence, but based on conformity to agency criteria. Such competition creates psychological anxieties, and the only safe posture is conformity. Success is measured, not by professional growth and esteem of professional peers, but by loyal commitment to the *agency* and *its* philosophy.

Often the police bureaucracy is represented by overdetailed task breakdowns, with many specialized units, to the point that members of some units know very little, and care very little, about what other units are doing. The police agency becomes a number of small kingdoms.

If the police bureaucracy is to become a vital and creative institution, professional people cannot give mechanical commitments to agency programs, only to professional goals; they will not see the service as competition for "rank" but as a means of professional growth and experience. This means, ultimately, that "rank" must give way to some other indication of personal worth.

#### FUTURE

As we look to the future, it is bright. Improved police attitudes will bring improved public attitudes and cooperation; the professional American policeman is very cognizant of the fact that in order to gain *respect*, he must be *respectable*. The President's Commission on Law Enforcement and the Administration of Justice (National Crime Commission) will shortly report to the President. Its Assessment Task force will report on the volume, nature, and causes of crime; its Police Task Force will report on methods to improve police and pro-

cedures of agencies; its Corrections Task Force will report on ways to improve the work of prosecutors, judges, and defense attorneys; and its Science and Technology Task Force will report on how science and technology can improve our system of Criminal Justice.

The police task force will deal with the police role, organization, policing the vertical city, private and industrial police, morale, regionalization, field procedures, personnel practices, and state wide standards, cadet programs, crime prevention legislation, police community relations, portable pensions, lateral entrance, and a host of peripheral subjects.

This report is due January, 1967, and should be made available shortly thereafter.<sup>1</sup> It should be of assistance to all units working within the administration of criminal justice, and should result in a greater mesh of operations, and a lessening of overlapping and duplications that are so wasteful of facilities, equipment, and manpower.

More and more we recognize that a common philosophy of administration and operations must be developed in the administration of criminal justice, and existing conflicts in value systems eliminated. It is my personal judgment that soon we will develop multi-disciplinary core programs for our colleges and universities, with heavy emphasis on the behavioral sciences, that can be the common preparation for all personnel who wish to enter a career in the administration of criminal justice, whether they desire to work for police, prosecutor, correctional institution, or other specialty. I think we will soon develop sophisticated multi-disciplinary training programs within our agencies that will require new personnel to

spend weeks or months with other agencies so that the professional careerist will acquire an appreciation of the works of other units.

#### CONCLUSIONS

I am optimistic as I look to the future of American policing. I see many of the new breed rising to positions of policy making authority, and I note a most refreshing change in public police expressions. There is more and more acceptance of the philosophy that all citizens have the right to protection of their persons and neighborhoods from anti-social attacks, and, as innocent, suspect, or guilty, all citizens have the right to just and proper treatment by those who are assigned the task of enforcing the law. There is more and more acceptance of the philosophy that policing involves more than crime repression—catching crooks—that it must be vitally concerned with crime prevention and with the protection of personal liberty, as well.

Even though not all citizens are as committed to the common good as would be desired, we cannot allow our enthusiasm to be dampened, or fail in our responsibility to set a good example before the community. Every policeman, representing the government, is in a position to be a force for good, for by his example he teaches the community and moulds its attitudes. We cannot induce a spirit of respect for man if we tolerate evil means to accomplish good ends, or if we ignore human dignity in enforcing the law. We cannot induce a spirit of respect for law if we treat people who constitute our crime problem as if they were beyond the protection of the Constitution, or if we violate the law in enforcing the law. It is my considered judgment that *lawful enforcement of the law* does not increase crime, or harm the police function, but rather, engenders public support and cooperation. That is the challenge to today's professionally educated officer.

<sup>1</sup> Commission Summary Report, entitled *The Challenge of Crime in a Free Society*, is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. (Catalog No. Pr 36.8:L 41/C 86; \$2.25 per copy)