Sworn To Honor

No Peace Without Police – No Police Without Honor

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1 PREFACE

Organized policing started in America 180-years ago. It was common knowledge then, as it is now, that police need to be persons of good character.

However, the Forefathers of organized policing did not create a management system based on values associated with persons of good character. Instead, they developed a semi-military behavioral control system enforced by Web-of-Rules and progressive punitive discipline systems. Over the last several decades, police reform efforts have failed to correct that error. Sworn To Honor intends to fix that deficiency.

All police officers pledge their honor not to violate the expressed and implied trust and faith the public has placed in them and their positions and jobs. Their Oath of Office and police Code of Ethics compels this self-imposed and self-governed conduct and behavior while on duty and off duty. The practice is well established.

For decades, police have acknowledged and branded themselves as persons who honor good character values. Observe or visit the buildings where police reside. Note the flags, engravings on the buildings, platitudes on the walls, and memorials attesting to the excellent character values they proclaim to honor (e.g., excellence, integrity, truth, courage). Read the words ("Protect and Serve") on the side of nearly every police cruiser. The words are specifically chosen to reassure the public that the person driving that vehicle is a person who honors good character values.

Officers who lack good character values have never represented the high number of honorable officers in today's agencies. Honorable officers do not need the Web-of-Rules used for decades to manage their conduct and behaviors; instead, they are self-governed. The truth is that the Web-of-Rules is the stumbling block unfit officers use to protect them from removal.

Environments create cultures and cultures shape behaviors. The Honor Project restarts policing by creating an organizational environment based on

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values. Values create cultures wherein only persons of good character can survive.

The cultural values that define a good character are the ultimate criteria for service in the police profession. No person should ever be hired or retained who lacks the fortitude to honor a person's good character values.

D. J. Van Meter, PhD

Founder: Van Meter and Associates, Inc.

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3 INTRODUCTION

Note: Copy and enter the following URL to view a video presentation of this part of the introduction: **https://vimeo.com/647846159**

Police are the most powerful people in our Criminal Justice System; only they can take a person's life or personal freedom before a trial.

Currently, powerful anti-police outside forces intend to destroy the very fabric of Home-Rule policing. However, the immediate and most significant threat to professional policing comes from within the police community. These are members (at all ranks) who have lost their desire or competencies necessary for their positions and jobs.

Two cases with alternate solutions illustrate why police need to think differently about how they have currently managed; and the need for a different management system that will move their agencies higher to a new level of thinking and method of operations.

> *Case Example: A police officer discharged his weapon seven times at others in seven years. One occasion involved a shoot-out. No weapons were found in the other cases. Each time, the officer claimed self-defense, and the review board justified the shootings. However, the officer was removed from enforcement duties for seeing "too many shiny objects" and assigned to duties that involved less contact with the public. While off-duty, the officer chased, shot, and killed a fleeing (found later to be unarmed) burglary suspect during a foot pursuit. Again, he claimed self-defense; but was terminated for unsafe conduct and behavior, violating good police practices, and stupidly endangering members of the general public. The arbitrator ruled departmental policy failed to adequately inform him these incompetencies were prohibited and reinstated the officer with full back pay. Labor Arbitration Decision: Arbitration- Union and City St. Petersburg (Florida) 93-16205, 1993 BNA LA Supp. 102573*

> *Case Example: A five-year patrol/traffic enforcement officer continuously challenged management's authority to direct his work time. He resisted enforcing traffic laws, improperly conducting foot patrols, and delayed taking*

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> *service calls. Several non-punitive efforts were made to persuade him to change his attitude, but he failed. When he learned that he was about to be put in a Performance Improvement Plan - he resigned; then filed a lawsuit charging retaliation under the Whistle Blowing Protection Act claiming the city and defendant violated the State's Anti-Traffic Ticket Quota law. Although the jury acquitted all defendants, there was no remuneration for all the lost time and costs involved in defense. Civil Court Decision: Bryce Morgan v. City of Monterey, Superior Court, State of California. 2021*

Depending on the cause of the problem, and the circumstances involved, management must implement the best available solution.

A. Performance Improvement Planning (P.I.P.s)

P.I.P.s are appropriate when *fact-finding* and *reasonable evidence* suggests that the primary problem is employee competence (i.e., medical, psychological, cognitive, physical). Developed and appropriately implemented, P.I.P.s are non-disciplinary interventions, ensure employees' Due Process and Just Cause rights and keep the improvement burden with the employee.

P.I.P.s are never a good solution if the problem cause is a negative attitude and the employee refuses a fair opportunity to improve performance. Employees of this character will likely resist, allege illegal discrimination, post manifestos on their social network, blow a Whistle, voluntarily resign and then file a lawsuit for wrongful termination. The offer of a P.I.P. violates Peter Drucker's Fifth-Deadly Business Sin - "Feeding Problems and Starving Opportunities" (Peter F. Drucker: Management In A Time of Chance. Penguin Group 1995).

B. Punitive Progress Discipline, Last Chance Agreements, or Termination

Punitive actions are appropriate only when *investigations* provide *clear and convincing evidence* that the employee is guilty as charged and worthy of the consequences imposed by management.

3.1 Case Critiques

In the first case presented, management committed a fatal error in arbitration by "*failing to prove the charged offense*." In the second case, management won. However, in both cases, management always loses time and costs defending its

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management rights and potential or actual damage to the public perceptions and confidence in agencies when viewed in the arena of public opinion.

3.2 Summary

In summary, police management needs a method of operations to create a performer-friendly work environment that raises and transports managerial authority from managing employees' conduct and behavior to measuring and accrediting employees' accomplishments; this will require different thinking that does not place them in a defensive position when removing incompetent and insubordinate personnel.

3.3 Part Two – Different Thinking About How Police are Managed

Current police management can be thought of as a rules-based adversarial employer-employee relationship model. The employer-employee relationship is based on a Web-of-Rules, enforced with a punitive discipline system that governs and controls employees' conduct and behavior. Legally, this system keeps the *Burden of Proof* on management when enforcing these rules.

In the early-1960s, employment laws and aggressive and adversarial unions won employees' rights to challenge and limit administrators' authority to control employees' conduct and behavior. Nevertheless, management failed to heed the "Rules Without [positive employer-employee] Relationships Lead to Rebellion" principle.[1]

The problem is that the overwhelming number of officers do not need governed conduct and behavior. They are self-governed. They come to work, do their jobs, and get along well with others. They need a management system and leaders that inspire them to give their best and remove Outliers from the work environment.[2]

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[1] Josh McDowell's coined the principle - Rules without relationships lead to rebellion. McDowell is an author or co-author of over 150 books relate to the topic. Rules Without Relationships Lead to Rebellion – Josh.org

[2] Police Outliers triggered the Rodney King (1992) and George Floyd (2020) civil riots. The numbers of Outliers in each case was four (4). In Minneapolis approximately 800 officers were dishonored. In Los Angles approximately 10,000 officers were

dishonored. In America, these eight officers in the two departments dishonored approximately 696,644 officers – not including officers past and future.

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Officers are not hired to be controlled or disciplined. They are hired to fulfill management's legal needs. Candidates are recruited, and background checked to ensure, as much as practicable, they have the willingness and competencies to control their conduct and behavior that police work demands of them. Once officers have completed recruit training, taken their oath, and pass field training, they inherit the burden of self-governing their conduct and behavior.

3.3.1 Validating the Need for Change

Agencies operate on limited budgets with little control over the number and varied nature of calls for service. Officers work primarily without direct supervision - often in rapidly changing circumstances with threats to their safety and others. Police need a management system that encourages officers to make discretionary decisions without fear of violating the Web-of-Rules, particularly in critical and high-stress situations. They need what Wheatly [1994] defined as a "…strong frame of reference." [3]

The Frame of Reference for police is found in the *expressed and implied duties* in officers' Oath of Office and the agency's organizational values, Code of Ethics, and Mission. Third-party tribunals (e.g., court and arbitrators) have continuously supported this level of thinking free of illegal or unfair discriminatory practices as a solid foundation to support and defend all employment and retention decisions.

Case Example One: The court upheld the management-rights provision in the F.O.P.'s C.B.A. that state the police management retained the rights to manage the affairs of the Police Department in all respects, to establish and enforce Police Department rules, regulations, and orders, and to introduce new, improved, or different methods and techniques of Police Department operation. [4]

Case Example Two: The Court stated, "Since both the public and police officers themselves hold the police officer in *a position of honor* and *respect, it is incumbent upon a police officer to keep his or her activities above suspicion both on and off duty.* Thus IAD [Internal Affairs Division], within clearly defined

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[3] "Organizations succeed when the system supports the independent activity of members by giving them, quite literally, a strong frame of reference. Margaret J. Wheatley. Leadership and the New Science. Berrett-Koehler Publishers. San Franciso. 1994. Pg 95

[4] 393 F.3d at 1104 (citing Fraternal Order of Police, Lodge No. 151 v. City of El Reno, PERB No. 353 (1998); Lodge No. 103, Fraternal Order of Police v. City of Ponca City, PERB No. 349 (1997)).

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constitutional parameters, must be given the latitude to conduct investigations to ensure the continued integrity of the department. It is critical to any meaningful IAD investigation that, once officers have been assured that their constitutional guarantees remain intact, they are required to respond to specific questions dealing with job performance. Without such a mandate, the IAD cannot ensure the integrity and trustworthiness of the department's officers, and the public cannot be assured of the propriety of placing its trust in these public servants."[5]

3.4 Summary

Over a century of police reform has failed the police profession and the overwhelming number of officers (past and present) who have proven themselves capable and worthy of the public's trust to honor the duties of their positions and jobs – on duty and off duty, through self-governed conduct and behavior.

Police reform leaders inside and outside agencies need an employer-employee relationship that creates an organizational environment that:

- aligns well with how courts and arbitrators think and view the expressed and implied duties of officers to self-govern their conduct and behavior
- ties members' accomplishments to the agency's mission and organizational values
- ensures all employees are given fair opportunities to be successful in their positions and their jobs
- advances the interests and needs of members who honor the duties and responsibilities of their positions and jobs, while supporting management's duty to remove Outliers who dishonor their positions
- reinforces the symbiotic relationship employers, employees, and the public need to work together in the realities of the internal and external environment in [police] operations. [6]

[5] Jones v. Franklin County Sheriff, 555 N.E. 2d 940 (Ohio 1990).

[6] Peter F. Drucker. Managing in a Time of Great Change. Trueman Tally. New York. 1995.

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4 Sworn to Honor Overview

4.1 Program Description

Sworn To Honor is a system for transitioning police from managing and governing employees' conduct and behavior to hiring and retaining only those willing and capable of self-governed conduct and behavior.

4.2 Rational

Employment is a "best efforts" contract requiring employees to diligently attempt to carry out the expressed and implied duties and responsibilities of their positions and their jobs. Police officers take a solemn oath to be trusted to honor their word. As one court has stated:

> *Since both the public and police officers themselves hold the police officer in a position of honor and respect, police officers must keep their activities above suspicion both on and off duty to ensure the profession's continued integrity. Anything less could not ensure officers' integrity and trustworthiness, and the public cannot be assured of the propriety of placing its trust in these public servants. (Citing Jones v. Franklin County Sheriff, 555 N.E. 2d 940 (Ohio 1990)).*

1. The expressed and implied values and work ethics in the Oath of Office, Code of Ethics, Mission, and Position/Job descriptions are performance contracts.
2. With few exceptions, the vast majority of police officers have proven themselves capable and willing to honor their expressed and implied duties and responsibilities of their positions and their jobs through their self-governed conduct and behavior.
3. Hiring or retaining officers who have demonstrated their unwillingness or are incapable of learning to self-govern their conduct and behavior impose a dangerous and unacceptable threat to the safety and welfare of the communities they serve.

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4.3 Discussion

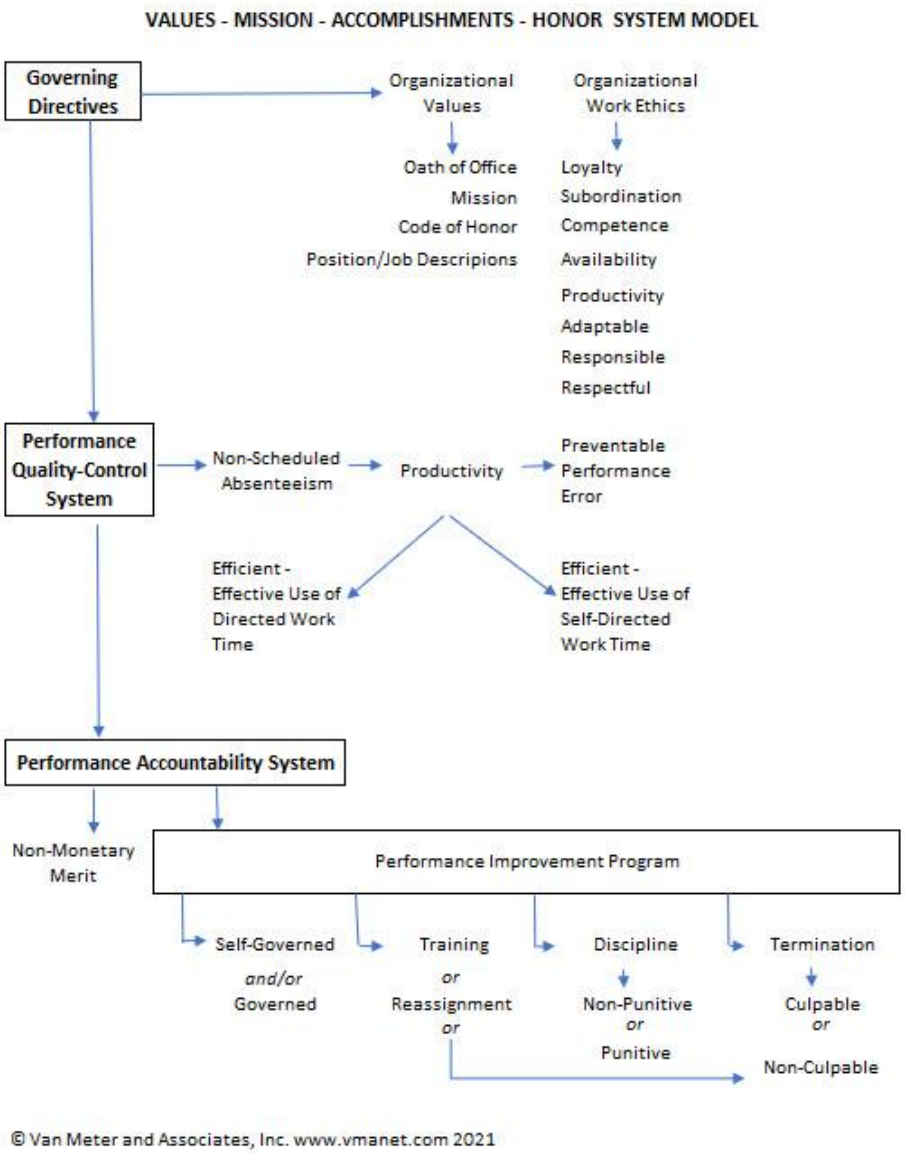
All employment and retention decisions are based on how well employees align their Self-Governed conduct and behavior with management's Governing Values.

4.3.1 The Honor Model

The Honor Model is composed of three interrelated systems.

- Governing Values System
- Performance Quality-Control System
- Performance Accountability System

[Note: All employees' self-governed conduct and behaviors must align with and support the expressed and implied duties and responsibilities in the Honor Model.



4.3.1.1 Governing Values System

The Governing Values System is divided into two sets of values:

1. Four Organizational Values

- Oath of Office
- Mission
- Code of Honor
- Position/Job Descriptions

2. Eight Organizational Work Ethics Values

1. Loyalty

2. Subordination

3. Competence

4. Availability

5. Productivity

6. Adaptability

7. Responsibility

8. Respectfulness

Combined, these two sets of Organizational Values are enforced as contracts for employment and retention.

4.3.2 Performance Quality Control System

The Performance Quality Control system is divided into three categories.

Categories	Performance Measures
1. Attendance	Non-Scheduled Absenteeism
2. Performance Error	Preventable Performance Error
3. Productivity	Efficient and Effective Use of Productive Time a. Directed Work Time b Self-Directed Work Time

These three categories are assigned to all jobs in the agency, with each job having sub-measures specific to the jobs' nature.

Measurement data is gathered and entered routinely into a dedicated tracking program

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Performance ratings are generated cumulatively for quarterly, semiannual, tri-annual, and yearly summary evaluations.

Rating scores identify whether significant gaps in performance ratings exist and, if so, the underlying primary cause.

4.3.3 Performance Accountability System

Performance Accountability is divided into three sections.

- Non-Monetary Performance Merit
- Performance Improvement Program
- Employment Termination

4.3.3.1 Non-Monetary Merit Program

Awarded to employees who have a current Letter of Honor in their Performance Evaluation File

4.3.3.2 Performance Improvement Program

Available to employees who qualify for its use and are willing to accept the responsibilities for improvement. There are two categories:

- Self-Governed Improvement
- Governed Improvement

4.3.3.3 Employment Termination

Two categories of termination exist:

- Honorable (Without Fault)
- Dishonorable (With Fault)

4.4 COMPONENTS

4.4.1 Model Forms

1. Mission- governs the purpose of organizational performance

2. Code of Honor governs the method and means employees use to accomplish the agency's Mission

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3. Loyalty Pledge compels members to honor (through self-governed conduct and behavior) the employer's organizational values and work ethics.

4. Position and Job Descriptions models various positions and jobs within the organization.

5. Organizational values and work ethics that mandate self-governed employee conduct and behavior are:
   - Prerequisites for employment and retention
   - Based on balancing employer and employees' rights supported in employment law and labor-management relations
   - Essential for the efficient, effective, and safe operations of the organization.

4.4.2 Performance Tracking System

Microsoft Excel templates report and rate performance data associated with three performance measures

1. Costs associated with Excessive Non-scheduled Absenteeism

2. Costs associated with Excessive Preventable Performance Errors

3. Costs associated with Excessive and Inefficient, Ineffective or Unsafe Use of Productive Work Time
   a. Directed Work Time
   b. Self-directed Work Time

4.5 Policies Governing Accountability and Commitment

1. Front-end Performance Evaluations
2. Non-monetary Merit Program
3. Attendance/Absenteeism
4. Preventable Performance Error
5. Efficient and Effective Use of Work Time
6. Performance Development Program
   a. Self-Governed Development

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b. Governed Performance Development
c. Progressive Discipline
d. Termination (with and without fault)

4.5.1 Measurement and Evaluation Targets

1. Measures and Rates Excessive Non-Scheduled Absenteeism
2. Measures and Rates Excessive Preventable Performance Errors
3. Measures and Rates Efficient and Effective Use of Productive Work Time
4. Discipline Penalty Assessment Program: Assess fair and equitable penalties for disciplinary infractions
5. R.O.I. Program: Measures and Calculates Monetary Loss on Deficient Employee Performance

4.5.2 Operational Policies

1. Measuring and Evaluating Performance Policy
2. Performance Improvement Policy
3. Non-Monetary Merit Policy
4. Termination (With and Without fault as an element) Policy

4.5.3 Customizable Forms

Note: Forms are adaptive in Microsoft Word and Excel

1. Letter of Honor
2. Fact-Finding
3. Decision Making Flow Chart
4. Statement of Mission
5. Code to Honor
6. Loyalty Pledge
7. Self-Performance Development Plan
8. Formal Performance Development Plan

4.5.4 Position and Job Descriptions Models

1. C.E.O. – Chief

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2. C.A.O. – Assistant Chief/s
3. Command Levels
4. Middle Management
5. First Line Supervisor
6. First Responders
7. Administrative Staff

4.6 About the Author

Dr. Donald J. Van Meter is a Human Performance Theorist and founder of Van Meter and Associates, Inc., located in Columbus, Ohio. He has 15 years of sworn law enforcement experience. He authored the book, Evaluating Dysfunctional Police Performance: A Zero-Based Approach. He the Sworn to Honor: No Peace Without Police and No Police Without Honor to assist public safety enforcement agencies in transitioning from governed to self-governed police management.

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