

OpTac International News Bulletin

Police Standards and Officer Performance

As discussed in previous **News Bulletins**, both criminal and civil action against law enforcement officers and their agencies is on the rise. Questionable training practices and officer decisions are at the center of adverse verdicts in these cases. This edition of the **OpTac International News Bulletin** presents important criteria when determining officer performance standards and testing.

Many law enforcement agencies simply use state standards for the selection and continued education of their officers, which under many circumstance can be sufficient; however, these standards can still be legally challenged if found to be inadequate. *Thomas v. City of Evanston*, a Fair Employment Practice Case, is one of the leading judicial opinions relating to employment standards. The court held the following:

"To be *content valid* the test must satisfy several attributes. First, the test makers must have done a proper *job analysis*, that is, a study of important work behaviors required for successful performance and their relative importance. Second, the test must be related to and representative of the content of the job. In other words, the test must measure ability to perform competently on the specific job. Third, the test must be scored so that it properly discriminates between those who can and cannot perform the job well."

Furthermore, in *City of Canton v. Harris*, the U.S. Supreme Court held, "Inadequacy of police training may serve as a basis for §1983 municipal liability only where failure to train amounts to deliberate indifference to rights of persons with whom police come in contact." The term, "deliberate indifference" applies to members of the community *and* law enforcement officers who may become injured as a result of a police policy or custom. An agency's lack of funds is not a defense for failure to train its officers adequately.

While legal issues relating to civil liability are important, an even greater concern is the relationship between officer selection and training, and subsequent job performance. This is especially true when officers must intuitively balance officer safety and the unjustified use of force; a comprehensive understanding of both must be inculcated through continual training. Reduced training budgets combined with increased community expectations further complicate the current state of policing. Law enforcement agencies must improve their new-hire screening processes and officer training with regard to job-related standards and testing. This not only includes firearms and fitness testing, but also, quantifiable situational assessments and decision-making.

Additionally, deteriorating socio-economic conditions in many communities worldwide are causing increased frustrations within their populations, thereby contributing to strained relationships with law enforcement officers. Socio-economics are rarely discussed in the context of causality and police incident outcomes. Although, the recent riots in Baltimore, Maryland are a prime example where questionable policing, a community long frustrated by the local economy, and individual/group criminal behavior, combined to create an extremely volatile situation (last week, the Mayor fired the Police Commissioner, citing a lack of leadership). There is no simple solution, but the first step is for all law enforcement agencies to review their job-related standards and testing in order to ensure effective new-hire screening processes and officer training. Agencies must provide their officers with the necessary tools to perform their jobs safely and proficiently.