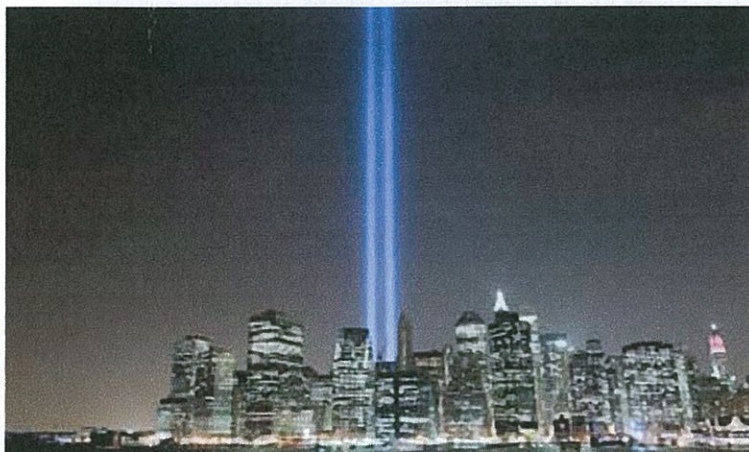


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Has American law enforcement failed to adapt to meet new challenges? (iStockphoto)

9/11: The Need for an American Law Enforcement Transformation

How We Can Lead the Way

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It was an otherwise normal morning in September. The year was 1981 and I was serving as a young Marine with the Diplomatic Security Battalion. A terrorist intelligence report had been delivered to my Marine detachment indicating that our embassy may be the target of an attack. The Abu Nidal Organization and others were actively

spreading their own special version of hatred throughout Europe and North Africa. I found myself sitting at my post during the dark and lonely predawn hours, writing in my journal about the frustration that I felt as a warrior who was a target, unable to engage a faceless enemy, and wondering if we would ever be permitted to take the battle to the enemy. I wondered how long it would take the enemy to bring the battle to us.

Twenty years had passed. The year was 2001. The date was September 11th. I was a chief of police. As I walked into the police department dispatch office, I saw the staff staring quietly at a television that showed an image of one of the World Trade Center towers on fire.

"What happened, I asked?"

"There has been a terrible accident," replied the dispatcher.

"A plane has hit the World Trade Center," another said.

We stood there in silence for a moment until I spoke the words that I had been hearing in my head.

"That was no accident," I said.

The second plane exploded inside the second tower a few moments later. Americans were dying *en masse* on national television. We never really did take the battle to them. Now the jihadists have taken the battle to us. Fathers, mothers, sisters, and brothers were dying as we watched. I wondered if my fellow Americans would understand what this meant, or

would we forget the pain and move on as we had done before? I knew what it meant. I called my wife to tell her that I loved her.

Now, in the year 2009, some things have changed and some things have not. I am no longer a police chief. Currently I work as a law enforcement trainer and consultant. In all that time the one thing that hasn't changed is the American law enforcement professional identity. Professional identity is how we see ourselves as a profession, and how that reflects in our unified mission. I posit that the American law enforcement professional identity is long overdue for transformation, and that the real threat of terrorism at home creates greater urgency.

There are several theories regarding the process of evolution in biological organisms. The theory of gradual evolution and natural selection is the one in which most of us are familiar. The second theory, which is less commonly known, is called "punctuated equilibrium." Punctuated equilibrium is said to occur when a powerful event causes the need for change as a mechanism for survival. September 11th was a moment of punctuated equilibrium. We can act effectively by changing the way we do business, or we can turn our backs, act as if there is no clear and present danger, and watch our people die in great bleeding numbers once again.

Malignant Inertia: clinging to status quo

It may be of some use at this point to include a brief history of American law enforcement. In order to have a perspective on the journey ahead, we must first understand how far we have not come. The structure and traditions of American law enforcement comes largely from those experienced by the colonists in England and other parts of Western Europe. To this day, we use terms that originate in antiquity, such as Sheriff, which is derived from the title "shire reeve", or keeper of the shire (county). Our constables are derived from the office first described in 1252 as "comestable" or "count of the stables". In fact, the current American police culture is not far removed from that which was first established by Sir Robert Peel in his Metropolitan Police Act of 1829.

Law enforcement history as taught to new recruits indicates that American law enforcement has undergone a transformation through three periods of development. The "political era" which ran from approximately 1850-1940 was characterized by political influence over the police mission, which led to a heavy involvement in the delivery of social services and a common thread of police corruption.

The "reform era," which began somewhere around the 1940s was characterized by the development of rules and regulations as well as the persona of an aloof crime fighter who acted in a detached and unemotional manner. When you think of this era, you should hold the image of Sergeant Joe Friday of *Dragnet* fame and his immortal words, "just the facts, ma'am" (which were never spoken during the run of two television and a radio series) The reform era focused on "preventative patrol" and rapid response to calls for service. This era also led to the development and expansion of bureaucracy and the accompanying organizational inertia. President Ronald Reagan was once quoted as saying, "the first order of bureaucracy is protect the bureaucracy." This remains very true in current American law enforcement culture.

The final historical era is said to be the "community oriented policing and problem solving era." This style of police administration is intended to focus on taking a holistic approach to working with citizens and other agencies to solve problems related to crime. I would posit that if the reader looks at the evidence at hand they would conclude that although there are some gasping vestiges of proactive problem solving in our current police programs, the

overwhelming culture of American policing is still one based upon the images of the antiquated reform era.

Why should we care about the current state of affairs in law enforcement training, organizational structure and culture? Because an antiquated bureaucracy cannot communicate effectively across organizational lines, make and act on decisions quickly, or adapt and improvise to overcome the challenges of a fluid battlefield. Because, eight years after the September 11th attacks we have not *significantly* changed law enforcement training, leadership, organizational structure, or culture. We should care because we are still trying to respond to events after the fact, and are allowing politics, agendas and short sightedness to set the pace and direction of change. Most of all, we should care because there has been a long silence. The silence is not an indication that the storm has passed. The silence should be whispering to each of us, "get ready, you're in the eye of the storm and the winds are shifting."

A new way of doing business

In order for American law enforcement to change in a significant manner to meet the new challenges of our times, there must be a maturing of the core culture that drives our operations and expectations. The building blocks of this change will be leadership, training and organizational design. I will present a generalized model for each; however, I will focus primarily on training, as it is the intervention that is most likely to be acted upon with the least amount of resistance and pain.

One definition of leadership as proposed by Edgar Schein of the Slone School of Management is that a leader acts as the creator and manager of culture. Dr. Schein posits that leaders create and change cultures, while managers live and work within them. Even a casual observation of the state of American law enforcement today in comparison to as it existed in 2001 will indicate that we seem replete with managers and short on leaders. Those who try to lead are often the voices in the wilderness, tolerated or dismissed by those who love status quo. The leadership of 21st century law enforcement must be an educated, holistic, and forward-thinking leadership based on what Dr. Stephen Covey calls an "abundance mentality." This means that we lead focused on mission and service, not on self-interest. We must lead in such a manner that we promote creative thinking and risk taking among our members. The passions, creative energies and talents of people cannot be mandated into service. People who understand and believe in the mission of the organization or culture must freely give them. American law enforcement is acting on a culture that is out of step with the times. Furthermore, we do not have *a national police mission*. When asked about what they see as the mission of American law enforcement, police recruits give answers that imitate the images of television cop shows and reform-era, reactionary thinking. If we do not know where we are going, or why we are going there, that is exactly where we are most likely to end up.

It has often been said that leadership sets the tone. American law enforcement needs to have an effective system of cultivating new leaders instead of passively expecting them to sprout up from the ranks like toadstools. The first step in this direction is the setting of mandatory statewide standards for the "Officer Corps" that to some degree mirror those of our military institutions. These standards should include the education, training and demonstrated practical skill levels that are prerequisite to appointment within a law enforcement agency at the rank of lieutenant or above. At a minimum, the appointee should have completed a bachelor's degree in police science, criminal justice, public policy, management, or a similar field of study. In fact, I would submit that a new curriculum of study should be established within the university system that is tailored to the actual needs

of law enforcement leaders. This curriculum would include an in-depth understanding of the American criminal justice system, leadership development, strategic planning and budgeting, communications skills and mediation, human resource management and development, issues in homeland security and critical thinking and problem solving. To augment these minimum higher education standards, the appointee should have completed a rigorous Officers Candidate School, and have a minimum of two years' service in the enlisted ranks.

Implied in this first step is the establishment of enlisted and officer career paths. Enlisted peace officers should undergo a rigorous 18-month training and education academy that incorporates both skills training and collegiate level education in police science. This training would culminate in the graduate being certified as a peace officer and receiving an accredited associate's degree in applied police science. In order for this accredited program to exist among proprietary and regional academies, a partnership would need to be established between the state's universities and peace officer training and certification commissions. The establishment of two separate career paths will allow the law enforcement community an opportunity to grow professionally within an established system at the level in which the individual is most naturally inclined. Officers who wish to grow as professionals, yet wish to stay "on the road" can do so as a senior enlisted officers. The bottom line is that there would be an established statewide career path and that it would be up to the individual officer to choose to earn their positions within the peace officer system. If we want to be professionals, instead of just saying we are professionals, we will have to do what Chef Emeril Lagasse says and "kick it up a notch." Bam!

The portion of the transformational trilogy that I believe is least likely to be instituted until another even more tragic moment of punctuated equilibrium occurs, is the total reorganization of America law enforcement. Decades of living with crime levels that fluctuate predominately due to economics and demographics have not been enough to spur on this change. The attacks at the Pentagon and the World Trade center have not been enough to effect this change. I fear that only after terrorist acts of heart-wrenching and economically-devastating magnitude will we be forced to put cultural inertia and private agendas aside for the better good of all.

The current structure of law enforcement in my home state of Texas and nationally is one that has existed since before the inception of our nation. It is quite like our current leadership model in that it consists of a multitude of agencies that came into existence haphazardly rather than being born of any plan. Agencies range in size from small occupying armies to one-officer departments in which the chiefs are not really even in charge of themselves. In fact, we have police agencies that focus on state, county, city, and regional issues. We have school police, university police, railroad police, park police, river police, airport police, and the list goes on *ad infinitum*. With the exception of the basic training standards and minimal continuing education standards as established by each state's P.O.S.T, every individual agency has a varying degree of required training and expertise for their officers and command staff.

Remember, we began this foray into the need for revolutionary change with the specter of increased frequency and severity of terrorist acts here in the United States. How can we be expected to effectively deal with the issues of terrorist act prevention or aftermath recovery if the first responders are not beginning on an even playing field? To establish continuity of service, we must first establish continuity of training, leadership and organizational operations, including the all-important factor of organizational communications. With 28 years of combined military and civilian law enforcement experience in four regions of this

country, including ten years as a chief of police, and five years as the director of a regional training academy, I can attest that we as a nation have not moved very far toward these objectives since September 11th, 2001.

Any state can take a pioneering leadership role by restructuring its law enforcement system into one that is based on current need based objectives rather than on tradition, special interests, and inertia. For example, each state's law enforcement training can be restructured into a state police model where all peace officers must receive their basic, specialized and continuing education training from one of several regional state peace officers academies. In this model, all peace officers are state peace officers that are assigned to one of the various regional subdivisions. This system makes continuity of training, leadership, and organizational operations far more likely than in our current fragmented structure. We will return to the state centralized training model before the end of this article. Let us focus first on the benefits to the state peace officer organizational model.

Under this model, each state peace officer will be able to receive specialized training that prepares them for assignment to the various subdivisions, after achieving the required basic standards. These subdivisions would be established under two parameters: geographic/demographic, and task orientation. The geographic/demographic orientation would include major municipalities (more than 250,000 residents), municipalities (50,000 to 250,000 residents), regional police based on a regional council of governments system, and specialized statewide law enforcement (state police investigations) such as the Texas Rangers, FDLE or a similar model. The task orientation would include specialized functions such as patrol, investigations, training; counterterrorism, and school and university police. Under this system, each officer has the same basic training, but can choose to develop their careers in any one of several directions based on the advanced training and education they seek and earn. Similarly, each officer may choose throughout their careers to seek regional or task-oriented transfer without any loss of rank, status, or accompanying pay and benefits. Funding for this shift is derived by redirecting current local, state, and federal funding towards regional/state law enforcement service. Current law enforcement officers and command staff would retain their positions with the caveat that they would have to meet all required standards within a nationally predetermined time and demonstrate consistent improvement each year until that goal is reached. Yes, this would require accountability and commitment to excellence. Yes, it will mean that we as a profession will have to *be* excellent, not just talk about being excellent. Funds derived via court fees as well as federally designated homeland security funding (this will require a new commitment by the federal government) could be used to support statewide scholarship opportunities for those officers and command staff who are willing to do the work to meet educational, training, skill, and physical fitness standards. Yes, this will take money. How much are we losing, or are we in danger of losing economically to crime, including the inevitable crime of catastrophic terrorism within our borders?

This organizational model makes sense in that it is focused on current mission-related goals and is a positive step forward for the members of the professional law enforcement community. So we may ask, "Why won't it come into being?" Even as I write these words, I know that it will not happen. There are too many players in this game that will fight this change into extinction. There are too many organizations and individuals who have too much personally and emotionally invested in the status quo.

What does terrorism have to do with it?

Why should an article that began with the concept of jihadist terrorism be focused on a

theme of change for the structure, leadership, culture, and training of America's police? Because a chain is only as strong as its weakest link and the peace officer in the field is often the first link in the chain that is supposed to make up our national security system. Currently, eight years after September 11, 2001 and 24 years after the attacks of my Marine Corps days, there are still no national or state standards for training our law enforcement professionals about their expected role in homeland security. We will continue to spend huge sums of money on unnecessary equipment and develop plans to clean up the mess after the attack. Little of consequence is being done to strengthen the first link in the chain. We need to change in a revolutionary manner because current American law enforcement culture is still more focused on someone carrying a dime bag of marijuana than it is someone shooting our children in schools or detonating a suicide bomb in a church, hospital, or shopping center. Finally, because when it does happen it may be a far sight worse than the aforementioned atrocities.

As a discipline chair on academy and training standards for Texas, I insisted on addressing the need for the establishment of a dynamic standard of basic and in-service recertification training for Texas law enforcement officers in the area of homeland security. Several subject matter experts were recruited to add their perspective to the project. Former military counter terrorism expert Michael Giddings stated in the final report,

Training for peace officers should at a minimum focus on developing an understanding of the terrorist mindset, methods of operation, increased emphasis on recognition and reporting of pre-incident indicators, suspicious activities, terrorist weapons and tactics, attack in progress recognition, and appropriate response options."

I posit that none of this currently exists in any meaningful format and that the current law enforcement culture and system does not support or enforce its integration into the fabric of our professional being.

Walking along the cutting edge, and sometimes falling off

President Theodore Roosevelt was once quoted as saying,

...the credit belongs to those who are actually in the arena, who strive valiantly; who know the great enthusiasms, the great devotions, and spend themselves in a worthy cause; who at best, know the triumph of high achievement; and who, at worst, if they fail, fail while daring greatly, so that their place shall never be with those cold and timid souls who know neither victory nor defeat.

The United States has not and should never be the home of timid souls. Throughout our history, Americans have strove valiantly for a worthy cause. We cannot let history record that our friends and neighbors died and suffered while we stood silent. The times have changed and with the changing of these times come new challenges to our safety, our economy and our collective future. We must hold true to the spirit that has originally defined us. We must step forward to meet the challenges of today and tomorrow. We can never be among the timid souls.

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