

EXPECTATIONS FOR PROFESSIONAL CONDUCT

By Phil Hansen

In 40 years of public service, I have never experienced such a low point in relationships between law enforcement and the public at large, at least with respect to how that relationship is portrayed in the media. While we have certainly experienced strained relationships through the years, particularly in urban environments, it seems today as though even Middle America is questioning our values and ethics.

There are a number of excuses we can make in attempt to justify this condition. We live in a technology-centered, media-driven society in which anyone with a cell phone is a potential reporter. Citizens record nearly every contact we make in the field. One in a thousand of those contacts may reflect poorly on our profession, but it is that one isolated incident that is exploited on the national news. To make matters worse, at times it feels as though our own Department of Justice would rather investigate local law enforcement personnel than pursue career criminals.

We are not strangers to opposition and adversity in law enforcement, and together we will make it through this difficult time. Regardless of how it may feel, we must continue to recognize and appreciate the fact that the vast majority really do admire our profession and support us in our work, when our work is done properly. What we can never afford to do is discredit ourselves

through dishonorable and unprofessional conduct. In doing so, we suffer horrible, self-inflicted wounds and provide substance to the criticism and allegations of our detractors.

I recently read a national news story about a SWAT unit that mistakenly served a warrant at the wrong home. If the story was accurate and the wrong residence was indeed targeted, there were certainly shortcomings in that team's intelligence gathering, scouting and operational planning procedures. As disturbing as these types of errors may be, at least they were probably honest mistakes made with good intentions, and therefore forgivable to some degree. What struck me as unforgivable were the alleged actions of the team with regard to the disrespectful and abusive way they treated the occupants of the residence during the warrant service. Sadly, we need not look too far to find several such stories.

Uncontrolled shouting and the use of profane or abusive language during an operation such as a warrant service is not only unprofessional, it is unproductive and usually indicates immaturity and a lack of confidence or self-control on the part of the operator. There is seldom any legitimate reason to treat a suspect in that manner, but it is totally inexcusable to subject children and other non-resisting persons to such treatment. As leaders, we cannot afford to

tolerate that type of behavior. We must regularly monitor our personnel and set expectations with respect to professional conduct. If we know our people as well as we should, any tendency to act in such a manner should be diagnosed early and corrected immediately.

SETTING EXPECTATIONS

One of the crucial duties in any leadership role is the setting of clear expectations for subordinate personnel. For SWAT personnel, these expectations should extend far beyond mere competency in implementing tactical concepts or the demonstration of technical proficiency in using weapons and equipment. Our expectations must touch all aspects of performance, particularly with respect to how we treat others.

Command personnel are responsible for setting the operational tone¹ and asking pointed questions concerning the treatment of occupants encountered during a warrant service. Operational briefings should include contingency plans and discussion about how children, elderly and other non-suspect, compliant persons will be cared for during the course of the operation. For instance, compliant women and children might be removed from the location and secured in a van that has been staged for that purpose.

Small children need not be handcuffed and it is only a matter of sense and common decency to secure blankets or articles of clothing for detainees as soon as it is safe to do so. How we treat detainees is critical with respect to potential liability but more importantly, treating them with dignity is the right thing to do. If your team is not already doing so, strong consideration should be given to the audiotaping of warrant service entries in order to monitor the performance of your personnel and to refute false claims of excessive behavior.

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REMEMBERING WHO WE WORK FOR

Recently, the term “constitutional policing” has become popular among pundits and police managers. They banter the term about in speeches but seldom provide an explanation as to what it really means. My own opinion is that it means more than simply enforcing the law within constitutional constraints, something we already know we are supposed to do. I believe it has more to do with honoring the oath we all took to protect and defend the Constitution, and respecting the fact that in our constitutional form of government, we derive our authority from the very people we police.

One of our nation’s principal founding documents is the Declaration of Independence. It is a text our Supreme Court routinely refers to when attempting to interpret the intent of our founders regarding constitutional issues. The Declaration states that we each have been endowed with “the right to life, liberty and the pursuit of happiness,” but it goes on to say so much more. It tells us that “to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.” In other words, our authority comes from the public we serve, and our most fundamental duty is the preservation of their rights as defined by our Constitution. The best leaders always teach and model the way. Teach your personnel to respect constitutional values by respecting the rights of others and treating them with dignity.

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PROVIDING VALUE TO YOUR ORGANIZATION

The decision to maintain a SWAT team carries with it tremendous responsibility. It is neither easy nor inexpensive to properly select, train, equip, maintain and deploy SWAT personnel in conformance with best standards and practices. For most agencies, this effort and expense cannot be justified solely by the number of warrants served or barricaded situations resolved. As a result, SWAT personnel must find ways to demonstrate their value to the

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organization on a daily basis. Individual team members should be the standard bearers for their agency at all times with respect to work ethic, tactical excellence, uniform appearance, restraint and the dignity with which they treat others. If so, your team will be appreciated and supported by not only your executive staff, but by the community at large.

True leadership is values-based, and as leaders we must set expectations and demand standards of conduct that are in line with those values. I once overheard a good sergeant briefing some of our young officers before they hit the field. Among other things, he said, “Never forget that as a police officer you may have the right to take someone’s liberty, but you never have the right to take their dignity.”² If we can all just heed that simple advice, this difficult time will surely pass. ■

ENDNOTES

1. For more information on the leader’s obligation in this regard, see “Setting the Operational Tone,” *The Tactical Edge*, Spring 2015, pp. 42-43.
2. Sgt. Christopher Nartatez, Santa Maria Police Department, 2013