

The Bill Blackwood Law Enforcement Management Institute of Texas



Performance Based Staffing for Detectives



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ABSTRACT

Successful criminal investigations hinge on many factors, including the initial response by the patrol officer, witness accounts, and physical evidence, just to name a few. There is no greater asset, however, to this investigation than the assigned detective themselves. An experienced, highly trained, and skilled detective is often times what makes the difference in a crime being solved and successfully prosecuted. Many law enforcement agencies throughout the United States have seemingly discounted the value of experienced detectives by implementing a mandated type rotation based on time alone. Enacting such a policy may allow for cross training within divisions, but the counter effect is detrimental because it causes the displacement of skilled detectives, which ultimately results in years, if not decades, of investigative experience becoming an unused commodity. Law enforcement agencies should maintain its highest level of detective by adapting procedures and policies to staff their investigation divisions based off of performance. This model holds the detective accountable and places awareness on performance standards, which enables the law enforcement agency to provide a better product to the public.

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INTRODUCTION

Criminal investigation is a very important and extremely specialized division of law enforcement that requires specific training and skills be acquired by its detectives (Geberth, 1998). Law enforcement agencies from small to large must undertake the vital task of staffing and maintaining competent and knowledgeable detectives. This is a constant within a majority of departments, although methods and ideology for the retention of detectives within this specialized unit vary greatly. All law enforcement agencies have the responsibility and duty to ensure that the personnel designated to the assignment of investigations are those who best serve the public. Each individual citizen wants to know that his or her case is being investigated by the best person for the job, whether that crime is as simple as a broken window or as complicated and tragic as a homicide. The public is, after all, the consumer as far as law enforcement personnel are concerned, and they can only be expected to buy this product if it is of the highest quality. In law enforcement, as within other professions, one must show a high level of performance in order to not only gain the trust of its desired audience but keep it. According to Stachnik (2001), what detectives are placed within an investigation division has to be given serious consideration, as this staffing has a direct effect on how efficient the division will be.

Many law enforcement administrators have opted for the one size fits all technique of mandatory rotations for detectives, whether this is a one, two, or five year program and regardless of the type of specific investigations performed by the detectives (property crimes versus crimes against persons). Auburn Police Chief Valerie Harris stated, "The need is to balance experience and give everyone an opportunity to

develop their skills in different areas” (Stone, 2010, para. 1). This appears to be in line with the civilian arena, where many companies have adopted some model of job rotation for a variety of reasons. Although this model does offer some benefits, the tenure of a detective within the criminal investigation division should be based on his or her capabilities and job performance, not simply on a predetermined date that is arbitrarily set. Law enforcement agencies should utilize performance based staffing for their investigation divisions as the benefits outweigh alternatives, such as mandatory rotation. According to Stachnik (2001), who interviewed several senior law enforcement officials, one of which, Chief Charles Wernick stated that for a detective to refine their skills in order to sufficiently do their job took years of training. With this performance model, detectives are permitted more leeway to remain within their respective divisions as long as they produce a quality product. While some might advocate that this performance based model limits the opportunities of others within a law enforcement agency, a large consensus would argue that someone who has worked hard to obtain his or her position and status deserves to keep that position until such time they prove incapable or ineffective within that assignment. Staffing and tenure within criminal investigation divisions should be established by merit and accomplishment not a predetermined allotment of time.

POSITION

As with all types of policing, investigations is an acquired skill, meaning it is a learned position, not something that one is instinctively able to do without the aid of some form of training, both formal and informal. One of the fundamental key advantages to utilizing the performance based staffing is that it sets no pre-established

time frame as to how long a detective has to learn and hone these skills. This allows the detective to develop his or her investigative aptitude and gain valuable experience, becoming a major resource his agency can utilize. According to Geberth (1998), a detective will spend years learning and training in order to master his craft: "Time and experience are the best resources for the continuing education necessary in developing a proficient investigator" (para. 7).

This acquired experience is something that should not be overlooked as it adds credibility to the agency itself and confidence from the public perspective. If this confidence from the public falters both sides suffer. In an article from Mayer (2012), Todd Crawford president of the El Dorado Deputy Sheriff's Association alluded to the fact that the El Dorado Sherriff's Office was moving its investigation division away from a performance base by removing extremely skilled detectives from investigations over the next couple of years to bring in new personnel, which would have a negative effect on the general public. Mayer (2012) also referenced B.J. Pierce, the representing attorney for the El Dorado Sheriff's Association, as well as a former detective herself. Pierce alluded that detectives with excellent skills and investigative experience which should be utilized and maintained were being moved and re-assigned to patrol thus impeding the investigation division. This sentiment is shared by others throughout the law enforcement community. In an article concerning the Dallas Police Department, Eiserer (2012) quoted Edward Maquire, an American University criminologist, who stated, "This idea of taking people out of investigative units and putting them on the streets in ... anything less than extreme circumstances is extremely disruptive to the operation of the agency, and the costs are probably going to be incurred by victims and

others” (para. 65). Although experience alone does not always equate to being a good detective, it is a building block which when utilized correctly can play a major role in the success or failure of an investigation. According to Haner (1994) in Washington D.C. after removing skilled and experienced detectives then replacing them with more youthful officers the arrest rate plummeted by fifty percent, which prompted the return of the more experienced detectives to that unit.

Another important aspect of utilizing a performance based staffing for criminal investigations is that it permits a detective the time to work cases from start to finish, which is important for several reasons. One of these is a detective does not want to simply walk away from his case load and leave it to another detective to pick up the pieces. Another reason felt strongly about by both detectives and victims of crime is the bond forged between the two while investigating criminal cases. This is especially true with cases involving crimes against persons (murder, robbery, assaults, etc.). These are typically the type of cases that a more experienced detective would be assigned. As referenced by Geberth (1998) concerning detectives being moved from an investigation division, “Officers who are transferred out of investigative assignment leave behind cases. Investigatively speaking, this creates additional work as the newly assigned investigator has to become familiar with someone else’s case” (para.10). Geberth (1998) also alluded that along with becoming familiar with another’s work, the newly assigned detective must also become familiar with those associated with the case (victims, witnesses, suspects) to enable them to best continue the investigation that had previously been started, “not only are investigations disrupted but also oftentimes the cases remain unresolved” (Geberth, 1998, para. 10). This is an opinion that is also

held strongly within the civilian community as well. Mayer (2012) referenced Nina Ashford, a member of the Crime Victims of California as saying that it was “integral to have well-seasoned detectives investigating a case beginning to end” (para. 6). This is something that should be taken into account by police administrators when considering staffing options for their investigation divisions. As further referenced in Mayer (2012), Ashford, who had gone through a horrific event with her sister being murdered stated, “The bond you build (with a detective) is indescribable” (para. 7). This need to have the most experienced detectives remain within the investigations division to work cases from start to finish has sparked some law enforcement agencies to create what is often referred as major crime units, which guarantees that select experienced detectives will stay in the unit permanently, dedicated to serious crimes (Byars, 2012). One such organization is the Boulder Police Department, as referenced in Byars (2012), Detective Chuck Heidel made two direct points stating, “First is you have people with experience,” and “Second is being able to stay with the case, because you might work this for a couple of years” (para. 18).

Another issue to consider for any law enforcement agency is the relationship related to expense and pure time put into the training and development of a fully functioning, qualified, and capable detective: “Practically speaking, it takes at least one year for an officer to become somewhat familiar with investigation procedures and approximately two years before the officer effectively contributes to the operation” (Geberth, 1998, para. 5). A criminal detective is a very important commodity, and as with any commodity, there is a cost incurred. The expense of training and developing these specialized skills are ultimately paid for by taxpayers in one form or another. For

this reason, law enforcement agencies must make sure that they receive a return on their investment (time and money spent training a competent detective), which is best accomplished through performance based staffing. According to Mayer (2012), in discussing the cost of a mandatory rotation program, B.J Pierce was quoted stating, “It takes \$10,000.00 dollars per officer to retrain. It takes significant taxpayer funds to train, when we already have trained detectives” (para. 15). According to Stachnik (2001), during a new detective’s first 12 months in the investigative division, his or her law enforcement agency should be prepared to designate at least four weeks toward training: “This training would merely consist of the basics and would most likely only consist of a basic orientation to the new assignment, an obligatory one week school studying the fundamentals of criminal investigation, and perhaps an introductory school for interviews and interrogation” (Stachnik, 2001, p.12).

The total cost of what it takes to competently train a detective has numerous underlying factors and, at best, is difficult to assess. Some of these factors include continuing education courses within investigations, such as advanced interview and interrogation, advanced crime scene, computer/financial crimes, child abuse, and homicide investigations, just to name a few. Concerning using a mandatory rotation instead of maintaining and utilizing experienced trained detectives, Geberth (1998) stated, “From an administrative perspective, I would be concerned about the cost of training newly assigned officers only to have to retrain their replacements? This certainly isn’t cost effective” (p. 2). Another factor often overlooked, along with cost of the courses themselves, is the salary of the detective who is still being paid while he is away from work attending this training. Stachnik (2001) stated, “When one factors in

the basic cost of an investigator's salary, and the lost productivity that result when new investigators are absent from their assignment due to training, seemingly negligible training cost quickly add up" (p.12). Additionally, consideration must be given to departmental budgets. According to Scott (2005), cities and federal programs are experiencing cut backs, which have a thinning effect for law enforcement budgets throughout the nation. This is something that should be taken into account as according to Scott (2005), "The everyday demands on big-city policing often constrain limited resources, and when cost cutting is required, training suffers" (para. 4).

COUNTER POSITION

There are people who feel that maintaining an investigation division utilizing performance based staffing for its detectives is not effective or efficient. One of the reasons given is that with performance based staffing not setting a specific time limit on the tenure of detectives, it limits the opportunity others may have within that specific law enforcement agency and prevents them from acquiring additional usable skills. Another reason some administrators do not prefer basing tenure of detectives on a performance model is that it tends to compel burnout and result in morale problems.

As stated by Cook (2013), "Officers gain new knowledge and skills from working cases and training related to criminal investigations" (p. 6). Many agree with this point of view, feeling that if detectives were forced to rotate by the use of a time line (i.e. mandatory rotation), it would result in a more efficient and well rounded employee. Cheraskin and Campion in 1996 found that, "as a training and development tool, job rotation's primary advantage is employees' improved knowledge and skills" (as cited in Cook, 2013, p. 6).

The biggest concern with allowing patrol officers to arbitrarily move into investigations and replace a seasoned detective or investigator is the overall effect it may have on the division itself. The obvious danger to this type of rotation model is the potential loss of experience. Geberth (1998) stated, "Periodically transferring these experienced investigators back to patrol is not only demoralizing to the members of the agency but is counterproductive to the professional investigative process" (para. 7). One way that has been suggested to deal with patrol officers obtaining additional skills and training within investigations is to establish a type of rotating position staffed by patrol officers. This hybrid position of a patrol-detective would not take the place or result in the removal of any of the full time detectives but would make allowances for officers to rotate in for a specified amount of time to learn a foundation of investigations. Stachnik (2001), while interviewing several highly recognized law enforcement officials, alluded to the fact that at least one of them, Chief Charles Wernick, who was in defiance of a standard mandatory rotation for detectives, did see benefits of allowing additional training for patrol officers in investigations, believing that this would best be accomplished by rotating the patrolman through the division every 90 to 180 days. This type of cross training would appear to satisfy the need for allowing patrol officers to become familiar with certain aspects of the investigations without crippling the division by removing full time detectives whose tenure would still be determined based off of performance.

Another assertion often pointed out by those who oppose a more performance based staffing for detectives or investigators is that it promotes a type of stagnate atmosphere within that specialized division. The premise of this is that a detective or

officer staying within his position for a long period of time becomes taxed and drained, causing him or her to lose focus and motivation, resulting in disinterest or burnout (Cook, 2013). This also can create morale problems as stated by Bean (2009), "As a person remains in the same position, the absence of something new and sheer monotony add up to boredom and, consequently, stagnation and morale problems (p. 6).

The fact that detective and investigators sometimes become complacent or burned out is something that is really not in question. But it not only happens to the 20 year veteran detective, it can occur at any point and time during a detective or investigators tenure due. This complacency, as would be expected, is often times accompanied by the detectives work suffering in both production and quality. Once signs of this began to show and other means of resolving the situation (counseling, coaching, career planning, etc.) have been exhausted, that detective's level of performance no longer validates him staying within the investigation division and the detective is then re-assigned based off of his performance, not through a mandated rotation period. Daniels (2001) stated, "Job rotation should not be used in an attempt to cure job burnout because poor job performance will almost certainly follow the marginal performer from his original assignment to the new one" (as cited from Stachnik, 2001, p. 12).

RECOMMENDATION

Criminal investigations play an enormous role in the overall success of law enforcement agencies. For this reason, it is imperative that the most qualified personnel be assigned to the investigation division, as well as maintained in this division for

whatever period is dictated by his or her job performance. For this reason, law enforcement agencies should utilize a performance based method for staffing their criminal investigations divisions. Detectives and investigators gain their knowledge through not only rigorous specialized training but also through experience, which is something that can only be measured with time. According to Geberth (1998), "The skills that are eventually developed by an investigator need to be constantly applied in order for the agency to benefit from permanent assignment" (para. 8). It simply stands to reason that the more any person uses a specific skill set, the more conversant they become in their abilities. Agencies and municipalities of all sizes invest thousands of dollars training qualified detectives and for these municipalities not to use this resource would be financially irresponsible. The ability to work cases to completion by detectives also has the additional benefit for the victims of crime as their detective will have a better knowledge and understanding of their case. Often, as a direct result, the victim ends up forging a bond with the detective, a sort of alliance which not only aids in the investigation but also empowers the victim.

To help ensure the highest level of detective, many law enforcement agencies that utilize performance based staffing have initiated plans which include strict guidelines in both the selection and retention of detectives. Many of these plans involve the use of certain checks and balances during the selection process itself, such as supervisor recommendations, written testing, and oral review boards. Another component in successfully managing performance based staffing is the use of standard written evaluations. Written evaluations that are conducted throughout the tenure of a detective's assignment provide an honest overview of work quality and productivity.

Despite the benefits of using performance for the basis of staffing an investigation division, some believe that mandating a rotation for detectives and patrolman offers better advantages such as cross training and preventing “burn out”. Although there is no denying burn out occurs, there is also no denying that there are plenty of veteran detectives who spend a majority of their careers in investigations and do not experience “burn out” but remain consistently productive in providing the public with the highest level of service. In dealing with the needs of patrol officers to obtain additional training, an alternative offered by some agencies is to designate a position(s) and rotate patrol officers into the investigation division for a limited time, thus satisfying the needs of the patrol division to cross train while preserving the integrity and cohesiveness of the investigation division.

Criminal detectives are persons who their agency as well as the entire community has made a significant investment in of both time and money. The importance and value that comes with gaining experience within an investigation division should not be taken for granted by police administrators, city or government officials, or the public as a whole. Criminal detectives are trained, knowledgeable professionals that as referenced in Smith (2011), “want to be masters of their chosen profession, not jacks of all trades and masters of none” (para. 3). Using performance to base the staffing of investigations certainly can help accomplish that goal.

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