

"WRITING POLICY AND PROCEDURE"

by Ken Hilte-

You've always known a well written policy and procedure (P&P) manual is a valuable asset to your organization. It is more than a "how-to" guide to your organization. It provides consistency of operations and can be the focus of your defense in litigation. But now it's happened. The Sheriff, Chief, or Director of your organization has ordered that your policy and procedure manual be rewritten, and you've been selected to head the project. There are some things to consider.

WHAT WAS WRONG WITH THE OLD MANUAL, AND WHY DO WE NEED A NEW ONE?

Chances are, your old manual was irrelevant, outdated, hard to use, not meeting your needs, and/or had become more of a liability than an asset to your organization. There are a number of reasons why this could have happened. Perhaps the manual was exactly what was needed when it was written, but since that time, the policies and procedures have not been reviewed on a regular basis. Updates and revisions are done in memorandum form rather than republication. These, of course, end-up on a clipboard and/or bulletin board and are soon forgotten. Perhaps additions to your manual have been "shoe-horned" into your manual in a piecemeal fashion, and any continuity that once existed, is now gone.

All this adds up to make your manual irrelevant. It is no longer accurate, its provisions are no longer enforced, and no one refers to it anymore. Not only is it not helping your staff make decisions anymore, it is now fodder for litigation where attorneys will use it to point out that:

1. your P&P is out of step with industry standards,
2. it hasn't been reviewed since 19??
3. your staff doesn't abide by the P&P
4. you don't enforce your P&P

WHERE TO BEGIN

You must begin by assembling any applicable Federal, State, and Local laws which will apply to your organization and its operations. Many States also have State Regulatory Agencies that oversee their operations. Their regulations must be gathered, studied, and incorporated into any plans you are making.

If your organization is operating under court orders or consent decrees, you'll need copies of those. Note that some of these may have become outdated and irrelevant in their own right. Contact the office which provides legal services to your organization for guidance as to whether or not these documents need to be considered in your new P&P manual.

Next, your agency may be contemplating accreditation through an organization such as the American Correctional Association (ACA) or the Commission on Accreditation for Law Enforcement Agencies (CALEA) among others. If so, you'll need copies of their standards.

These laws, regulations, court orders, consent decrees, and standards become the foundation of your new P&P manual. In the absence of all else, these things must be satisfied.

FORMAT & REVISION

The terms "policy" and "procedure" are frequently interchanged as though they were synonymous. They, in fact, are not. A "policy" is an organization's philosophical statement regarding the subject. It should be relatively short and rarely exceed two to three sentences. A "procedure," on the other hand, is a detailed description of how that policy will be accomplished. It describes who will do what and in what order it will be accomplished.

Procedures should be written in an outline type format utilizing short bullet statements rather than long rambling paragraphs. Double-spaced, enumerated, bullet statements make the manual easy to read and easy to reference, i.e., "Section III.B.6.c., of Chapter 09.06 of the Policy and Procedure Manual."

A common mistake in employing this type of format is the failure to remember that if there is an "A," there must be a "B;" a "1" requires a "2," etc. So, if there is only one item in the subparagraph, don't label or enumerate it. Simply list the single item or instruction.

The manual should be written by someone with strong writing skills. The proof reader must also be someone with equally strong skills.

A loose leaf, three-ring type binder will allow you to remove and add changes as they are enacted. Amendments to the P&P manual should be published in a manner that allows entire pages to be removed and replaced. The replacement pages should bear their date of approval and/or adoption.

Every policy and procedure chapter should have one person exclusively responsible for authorizing changes to it. Usually, the best choice for this responsibility is the commander of the division concerned with that particular P&P. Anyone may suggest a change, but only the one person commanding the section primarily effected by that P&P should have the authority to change it.

GENDER SPECIFICITY

There is no argument that women are now an integral part of our career field, however, many agencies unnecessarily complicate their writings with constant references to "he or she will..." etc. This can be avoided by publishing a disclaimer in the "introduction" portion of the manual explaining "The pronouns used in this manual are in the masculine form. This was done for the sake of clarity and to avoid the redundancy of using 'he or she, and his or her.'"

MANDATORY STATEMENTS

Great care must be taken to insure that where mandatory actions are required, the author must use the words "shall, will, or must" as opposed to "should or may."

FORMS CONTROL

There must be some type of control over forms used within an agency. Well meaning personnel sometimes will create or invent a form, make several hundred copies, and incorporate them into their operations. Suddenly, these "renegade or maverick" forms become part of the standard operating practices, yet there is no policy or procedure to govern their use.

Agencies should designate one person as the "Forms Control Officer." This officer is responsible for keeping a list of all forms used and assigning them corresponding form numbers.

New forms may be proposed, approved, numbered, and then added to the inventory.

Every form then mentioned in policy and procedure should also have its corresponding forms number included in parenthesis, i.e., "The deputy will complete an Incident Report (DB Fm 14)...."

AUTONOMY/UNNECESSARILY RESTRICTIVE POLICY

If you ask your line-level staff to identify the one area of your organization where they would like to see improvements, chances are you will get multiple votes for "consistency." One of the greatest benefits of an effective policy and procedure manual is an increase in consistency of operations.

Your P&P manual, however, must be careful not to "micromanage." Studies have shown that one of the greatest causes of stress among line-level staff is their perception that they have no control over how they do their jobs. Although they want and need consistency, they also prefer that "everyone else do it my way."

The answer is not to make your manual overly restrictive. Write your procedures to meet the mandatory requirements as outlined by applicable laws, consent decrees, and accreditation standards. Next, write your procedures to insure consistency in the areas where operational demands obviously require consistent behavior. Steer clear, however, of too many "thou shalt not" type statements, and leave your staff some discretion as to how to accomplish their tasks.

INTERNAL REVIEW

The chief executive officer for the organization concerned for the organization concerned should review the manual annually. This review process should be documented. This will help keep your manual current.

Your manual should also be reviewed by your Legal Advisor, County or City Attorney.

OUTSIDE REVIEW

There are certain portions of your P&P manual which lend themselves to review by outside agencies, i.e., fire department, health department, city/county/state attorney, etc. For example, your policy regarding fire drills and/or the handling of hazardous materials, can usually benefit from being coordinated with your local fire department.

SUMMARY

Upon completion and publication of your new Policy and Procedure Manual, your line-level and supervisory staff will appreciate having a viable tool to guide them through their day-to-day operations. Your written policies and procedures coupled with your consistent operations will now be an asset in your defense of future litigation.

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