

**SUPERVISION
OF THE
PROBLEM EMPLOYEE**

A No-Nonsense Guide to Prevention and Policy

KEVIN JOHNSON

TABLE OF CONTENTS

INTRODUCTION	2
It Could Happen To You	2
What Caused The Scandals	4
This Book	6
CHAPTER 1: THE SCANDALS	8
Sacramento Fire Department	8
Porn Star Costume Ball	8
Unauthorized Rides	8
Group Sex	9
The Response: Damage Control and Public Disgrace	9
We Are Not Done	11
The Ultimate Consequence: National Ridicule	11
Sacramento Police Department	12
A National Epidemic	13
Rampart Scandal	13
The Oakland Riders	13
Office Sex	14
Dog Food Prank	14
A Much Bigger Problem	15
CHAPTER 2: HOW DID THIS HAPPEN	16
A Common Theme Emerges	16

A Critical Role	17
Not So Typical Fire Captains	18
Porn Star Costume Ball	18
Unauthorized Rides	18
Group Sex	18
Morphine Theft	18
The Police Sergeants: Hear No Evil, See No Evil	19
Sexual Assault	19
A Lack Of Supervision	20
The Next Questions	21
CHAPTER 3: EXCUSES FOR NOT SUPERVISING	22
Self-Induced Pressures	22
Desire To Be Liked	22
They Are My Friends	27
Well I Use To Do It	28
The Old-Timer	30
Peer Pressure	32
No Support From Management	34
Concerned About The Discipline	36
I Agree With The Employee	39
Worthy Of Its Own Chapter	41

CHAPTER 4: IT'S THE LITTLE THINGS	42
The Briefing	42
Look like a Pro, Act like a Pro	45
No Consequences, No Change	45
Observe the Signs	46
The Ripple Effect	49
Problem Employees	51
CHAPTER 5: PROBLEM EMPLOYEES	52
The Challenge	52
The 10%	64
Holding Them Accountable	68
CHAPTER 6: THE CODE OF SILENCE	70
An Unwritten Rule	70
Organizational Culture vs. Individual Responsibility	73
The Role Of The Supervisor	77
CHAPTER 7: THE DISCIPLINE PROCESS	79
Definitions	79
The Three Questions	80
Lack Of Knowledge Or Training	80

Personal Issues	82
Deliberate And Intentional Actions	84
No Consequences, No Change	86
Progressive Discipline	89
Discipline Matrix	92
Short-Term Vs. Long-Term Solutions	93
Discipline Without Punishment	94
CHAPTER 8: POLICY CONSIDERATIONS	99
Policies Regarding Untruthfulness	99
Policies Regarding Failure To Report	104
Mediation And The Pre-Investigation Meeting	105
Mediation	106
Pre-investigation Meeting	106
Proactive Response	107
CHAPTER 9: SUPERVISION SCENARIOS	110
Insubordination	110
Laptops	112
The Wild Night	113
The Girlfriend	114

Inappropriate Pictures	117
The Inappropriate Joke Or Conversation	118
Conclusion	119
CHAPTER 10: IMPORTANT TO REMEMBER	120
APPENDIX A	128
APPENDIX B	131
BIBLIOGRAPHY	133
ABOUT THE AUTHOR	136
OTHER BOOKS BY THE AUTHOR	137

INTRODUCTION

IT COULD HAPPEN TO YOU

When it comes to the future, there are three kinds of people: those who let it happen, those who make it happen, and those who wonder what happened.

John M. Richardson, Jr.

Your hard work and long years of service have finally paid off; you have just been promoted to Fire Chief of the Sacramento Fire Department. You are eager to start establishing your priorities and addressing those difficult issues facing fire chiefs across the nation: recruitment, dealing with growth and increased demand, equipment replacement, and the development of future leaders within the organization.

But then suddenly and without warning, your department is hit with a succession of scandals. Just one month into the job, and you are propelled into the spotlight as your department becomes a national media story.

The scandals start with a report that several on-duty firefighters attended a “Porn Star Costume Ball” at a local hotel. The event, featuring porn stars and outlandish costumes, was attended by several hundred people. The on-duty firefighters spent several hours posing for pictures with the porn stars and drinking alcohol. Even more alarming is the claim by a young woman who attended the event, alleging that she was sexually assaulted inside the cab of a fire truck by one of the firefighters.

While you are still reeling from the Porn Ball incident, you receive more disturbing news. Reports start coming in alleging that firefighters are cruising bars looking for women to take on “joy rides” in their fire trucks. The firefighters are parking in front of nightclubs; women leaving the clubs would be offered rides.

If that is not enough to give you gray hair, a group sex scandal involving firefighters—three males and one female—erupts in one of the fire stations. The group sex has been occurring for several months.

About this time, you may be convinced that you’ve hit rock-bottom. Not so fast: next, you learn that a large amount of morphine has been stolen out of the medical bags on fire trucks. During a routine inventory, large amounts of morphine syringes were discovered to be either missing morphine or to have been completely replaced with saline.

As you read this, you’re probably thinking this sounds like a script for a Hollywood movie—either that, or your worst nightmare. But to Sacramento Fire Chief Julius “Joe” Cherry, this was not a movie, but a reality show starring his own firefighters. After less than a month as the new fire chief, Chief Cherry’s strategic plans and priorities were placed on hold, his leadership attacked by employees, politicians, and an angry community. Chief Cherry felt a constant sense of impending doom:

I keep waiting for my cell phone to ring and the other shoe to drop. That is my greatest fear.¹

Chief Cherry spent the remaining two years of a stellar 34-year career engulfed in these scandals and crisis management.

Now, imagine just one more nightmare scenario: you have just been appointed Sacramento Police Department Internal Affairs Commander. After a short time, you find yourself investigating a scandal that is shocking and deplorable. It involves a police officer who has been accused of sexually assaulting prostitutes. He allegedly grabbed their breasts and received sexual favors not to make arrests. The accused officer is also charged with the rape of a juvenile while driving to a juvenile detention facility. The investigation uncovers other acts of fondling women contacted by the officer during calls for service.

In the end, this case will result in the termination of the police officer and a nine-year prison sentence. But the damage he caused was immense and not easily contained: not only did he harm his victims, but he scared the reputation of the police department as a whole.

I know this case well; it was no imaginative exercise for me. It was my own introduction to the world of police internal affairs and misconduct investigations.

WHAT CAUSED THE SCANDALS

I have spoken to many leaders in both police and fire organizations who have speculated about the causes of these scandals. Their theories range from inadequate hiring standards and background investigations, to out-dated department policies and performance evaluations. I set out to conduct my own research, while serving as the commander of the Internal Affairs Division for the Sacramento Police Department and during my assignment with the Sacramento Fire Department. I arrived at a more plausible, though troubling, conclusion: inadequate supervision.

Supervision was particularly egregious in the case of the fire department scandals: each scandal directly involved a supervisor. In fact, in the case of the porn ball scandal, it was the supervisor's idea to go to the ball. In addition, it was a supervisor's idea to offer rides to women leaving nightclubs. The group sex scandal? One of the male participants was the supervisor. As for the morphine thefts, not only was the primary suspect a supervisor, but also a majority of the supervisors failed to conduct monthly drug audits resulting in a lengthy period before discovery of the thefts.

In the case of the police department scandal, supervisors also receive a share of the blame. Investigations revealed that the activity of the offending officer was not adequately monitored by his supervisor. The supervisor failed to follow-up on rumors of misconduct, and ignored obvious violations of departmental policies and standard police procedures.

¹ Chief Cherry, Sacramento Bee January 30, 2005

In my criticism of supervisors, I realize that I am taking an uncommon approach. Leaders often react to misconduct and scandals by focusing solely on the individual who committed the misconduct. Internal reviews often results in the conclusion, “He was just a bad apple, no one could have known he would do such a thing. What’s important is that we got rid of him.” But it’s easy to become stuck in this mind-set. When this happens, you become a *reactionist*-meaning you are simply waiting for the next scandal to erupt, at which point your leadership will be evaluated based on how quickly you responded and disciplined the employee.

This book gives you another option: a *proactive* response. First, you must accept my premises: certain employees will misbehave, but they will do only what they are allowed to get away with. Thus, poor supervision results in employee misconduct. If you are on board with this reasoning, then we can really start to address the fundamental issue that leads to employee misconduct: inadequate supervision.

In regards to leadership positions, I use the term “*inadequate supervision*” to describe poor selection and promotional processes, inadequate training and policies, lack of performance accountability, and a reluctance to demote those who fail to meet acceptable standards.

In regards to supervisory positions, I use the term to denote those supervisors who do not want to supervise, lack the skills and knowledge to supervise, align themselves more with their subordinates than with management, and fail to enforce policies or to hold employees accountable.

Inadequate supervision by leaders or supervisors creates an organizational culture that promotes and condones employee misconduct.

If we accept the proposed theory that inadequate supervision is the root cause of employee misconduct, several pressing issues emerge:

- How should we select supervisors?
- How should we train new supervisors?
- What important issues must new supervisors understand regarding their role?
- How should we hold supervisors accountable?

THIS BOOK

This book was not written as an academic or scholarly attempt at regurgitating classic or currently popular theories of leadership or supervision. Nor does it follow the commercial approach of the top-ten books. Instead, I chose to write this book with a real world let’s-talk-straight approach to practical every-day issues facing supervisors. I have deliberately avoided writing in an academic style, opting instead to write as I lecture. I want the reader to feel the passion, the disgust, and the anger I experienced during the investigation of these scandals. Although the stories involve police and fire personnel, the issues are germane to any supervisory position whether in private business or government agencies.

A final, but very important comment before we start. I had the honor and privilege of working with members of both the Sacramento Police and Fire Department for over thirty years. Although the stories you are about to read are troubling and beyond belief, remember that the

majority of the personnel in both of these agencies had nothing to do with the misconduct and were victims of the misbehavior of a few. This also applies in the numerous police and fire department misconduct investigations that I have conducted throughout California in recent years, as part of my consulting company. When I am speaking about the individuals who commit misconduct, I often refer to the slogan of the United States Marines, who identify themselves as “The Few, The Proud.” The people I discuss in this book are “The Few, The Dysfunctional.”

So, to the majority of police and fire professionals, who honorably and bravely put their lives on the line everyday to protect and serve, I hope you read this book as a warning and an alert. My goal is to make you aware of the dangers to your organization when:

- Supervisors don’t supervise.
- Dysfunctional employees are not held accountable.
- The majority ignore the misconduct of a few.

What you are about to read, I wish someone had told me as a young police supervisor twenty-five years ago.