

Literacy Standards for the Entry Level Criminal Justice Practitioner

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Abstract

In recent years both the private and the public sectors have experienced the ill effects of literacy problems. Several private companies have instituted their own programs to raise the functional literacy levels of new employees. They designed these programs to school employees in specific literacy skills needed by the company. However, this is simply treating the symptom and not the disease. Unfortunately the public sector does not have the fiscal resources to pursue such programs. Presently the lack of fiscal resources forces public agencies to prioritize monetary allocations. Programs to raise the literacy level of new employees are not a top priority. Inadequate literacy levels among new employees is a problem for all public sector organizations. However, it is more obvious and significant in the criminal justice community. This research project examines the functional literacy of entry level criminal justice officers and discusses possible options for instituting literacy requirements for basic recruits.

Literacy and Law Enforcement

In researching this subject, the question was asked, "What is the average functional literacy level of high school graduates in Florida?" There is no answer. The Florida Department of Education has not conducted such a study.

Graduating seniors are required to take and pass the "High School Competency Test" (HSCT) to receive a high school diploma. The HSCT is a pass/fail test and does not provide the participant or the education system an approximation of a functional literacy level. Portions of the HSCT were tested using the Flesch-Kincaid Grade Level formula; these portions tested to an eighth grade level.

The Florida Department of Education is revising the test to a tenth grade level in October, 1994. However, Table 1 (next page) shows a steady decline in HSCT scores from 1987 to 1991, with an average pass rate of 86.6 percent in the communications portion and a 78.2 percent pass rate in the mathematical portion.

Other reports show similar downward trends in Scholastic Aptitude Test (SAT) scores and American College Testing (ACT) scores since 1967. [Changes to the ACT in 1990 resulted in an average score two points higher than the previous years.] Both the SAT and ACT showed significant declines in reading and math. The decline in ACT verbal skills also was significant.

Reading is a key element in being able to satisfactorily function on any job. When one considers the difficulty level of required reading material for the criminal justice practitioner, the implications of these statistics are not promising. Graduating Florida high school students function at the eighth grade level, and their literacy skills have diminished over time.

According to Andrew Dantschisch, Assistant Professor of Criminal Justice at St. Petersburg Junior College: "Just as test scores are going down and educational levels are getting worse instead of better in society, it's reflected in law enforcement" (Clark, 1992, p. 16).

Table 1
SSAT II/HSCT Percent Passing
1987-1991

<u>Subject Area</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
Communication	88	88	85	87	86
Mathematics	82	80	76	78	75

As part of this research, several document types were tested using several formulas to assess reading grade level. The formulas used were the Flesch-Kincaid Grade Level, Flesch Reading Ease, and Gunning's Fog Index (see box at left). Five common Florida Statutes tested to an average grade level of 14 (see Table 2, next page). Three Monroe County Sheriff's Office Operation Policy chapters tested to an average grade level of 13.3. A Florida Department of Law Enforcement legal update tested to a 19th grade level.

These and similar documents are everyday reading for law enforcement or correctional officers. As Clark (1992) stated:

The lack of literacy skills can have wide-ranging, adverse effects on policing, according to those interviewed by LEN. Officers who can't read the law and grasp its ever-changing nuances can hardly be expected to uphold it, they say. (p. 1)

The continuing decline in literacy skills can have a damning impact on the image of professionalism sought by police, as well as hampering law enforcement efforts to institute ambitious community and problem-oriented policing programs. Community based policing requires accurate and clear communication with the community members served by the street officer. Without such communication, information may not be relayed properly, creating misconceptions and doubt and hampering an agency's program.

"Those who can't communicate verbally tend to fall back on authority of force," stated Dantschisch (Clark, 1992, p. 17). This is counter to the philosophy of community based policing. Resolution of criminal justice and social matters are sought through means other than the use of force. Clark (1992) also noted, "Criminal cases may be jeopardized when police reports are not clearly written and when officers are unable to communicate clearly during courtroom testimony, according to prosecutors" (p. 1).

Jane White, Director of the Criminal Justice and Law Center at Lansing Community College, which includes the Michigan Police Academy, said, "There is no institution of higher education that is not concerned about the students we're getting today in terms of critical thinking skills and in terms of reading and writing skills" (Clark, 1992, p. 16).

The key phrase in this quote is *critical thinking skills*. Such skills are essential to law enforcement and corrections in society today. Quality education programs can develop these skills. If a student is lacking basic literacy skills he/she can not take advantage of critical thinking skill development efforts in any program.

Judith Libby, a 14-year educator at the Indiana University and Indiana State Police

Academy said, "Police probably write more than any other group that you'll ever meet. Officers must be able to read and comprehend legal concepts -- and keep up with the ever-changing world of criminal statutes. If they can not read case law, they can not uphold the law" (Clark, 1992, p. 16).

Flesch-Kincaid Grade Level

$.039 \times (\text{average number of words per sentence}) + 11.8 \times (\text{average number of syllables per word})$

Total - 15.59 = Grade Level

Flesch Reading Ease

$1.015 \times (\text{average number of words per sentence}) + .846 \times (\text{number of syllables per 100 words})$

206.835 - Total = Flesch Reading Ease Score

Note: The lower the score the more difficult to read

Gunning's Fog Index

$(\text{average number of words per sentence}) + (\text{number of words of 3 syllables or more})$

Total x .04 = Fog Index

Note: The Fog Index is another measure of approximate grade level a reader must have achieved to understand the document

According to the commanding officer of the Boston Police Academy, Captain Harold Prefontaine, "The law is a living, viable thing, it changes continuously. To understand Supreme Court decisions, to understand changes in the statutes, these people need to be able to read, digest and understand the training bulletins that are sent" (Clark, 1992, p. 16). James Stinchcomb, director of the Miami-Dade Community College's School of Justice and Safety Administration said, "We're getting people who went to high school and they can't read a sentence for heaven's sake!" (Clark, 1992, p. 16).

Training bulletins are intended to be read by individual officers. While they can, and should be discussed and clarified in roll calls and classes, they also are posted on bulletin boards for officers to read any time. Officers should have the skills to read and digest these documents on their own.

One other area where literacy skills (or lack of them) becomes critical is in the court room, where an officer's ability to communicate and his/her written reports come under scrutiny. According to Steven Stewart, Clark County, Indiana, Prosecutor, "there's no question there are close cases where confusion about the police report affects the way the jury processes the evidence. Juries and defense lawyers expect police officers to exhibit their legal acumen when testifying during criminal trials" (Clark, 1992, p. 17).

Adds Steven Goldsmith, former Marion County, Indiana, Prosecutor and present Mayor of Indianapolis, "Police departments are heavy information industries. One of their main products and by-products is the processing of information. The ability to

communicate and process large amounts of information affects the productivity of the department -- as well as its results" (Clark, 1992, p. 17).

Clark (1992) also contends that literate officers are less likely to make mistakes. Mistakes in criminal justice work can and most likely often result in civil litigation and judgments against agencies.

Document	Flesch-Kincaid Grade Level	Flesch Reading Ease	Fog Index
F.S. Burglary	15	31	17
F.S. Assault	20	17	24
F.S. Lewd	14	36	16
F.S. Careless Driving	14	46	17
F.S. Head Lamps	17	37	21
MCSO Chapter 1	15	28	19
MCSO Chapter 34	12	40	16
MCSO Chapter 44	13	35	17
FDLE Legal Update	19	6	24
HSCT	8	63	11

Officer Literacy in Florida

Joe Macy, Director of the Criminal Justice Institute at Palm Beach Community College, informally surveyed other training centers in April, 1988. He asked about recruit performance on basic skills tests and concluded that there were recruits that did not pass the basic skills at the required 9th grade level. However, they did complete the basic recruit course and were certified. Director Macy brought the issue of basic literacy skill needs for recruits to the Training Center Director's Association in October 1988.

The Florida Criminal Justice Standards and Training Commission began to discuss literacy skills testing during its January 1989 meeting. As a result, training centers were surveyed on five points:

- 1) if a basic skills test is administered
- 2) if so, which test and level
- 3) when administered
- 4) if remediation is offered
- 5) if students who fail the basic skills test are submitted to CJSTC as eligible for certification.

In April 1989, Dr. Tom Fisher of the Florida Department of Education spoke to the Commission concerning grade level norming. He described it as the average score earned by the 9th grade students in the norming group. Norming is not done yearly, therefore, the level chosen may not be acceptable in today's society.

A report to the Commission outlined the following options regarding basic skills testing for recruits:

- adopt a specific exam based on materials used in basic recruit training.
- require that all schools use one exam.
- leave the policy as is; each school decides if an examination will be administered and which exam, and the Commission continues to certify recruits who do not pass a 9th grade basic skills test.

The Commission has undertaken a program to develop a basic skills test for entry level law enforcement and correctional officers. A statewide job tasks analysis is being conducted as part of this project, which is not yet completed.

According to FDLE's Division of Criminal Justice Standards and Training, the Criminal Justice Standards and Training Commission adopted the following policy in a special meeting in December, 1992:

Standards and Training staff will develop a basic skills test.

Staff will administer this test to all graduates of a basic academy not later than ten days after completion.

All recruits in an academy starting on or after July 1, 1993, will be required to take and pass this exam before certification.

The standard of a high school diploma or GED will not change. Any change would require legislative action and does not seem practical. It is still not clear on what foundation the basic skills test will be developed.

In an early discussion, the Division of Criminal Justice Standards and Training staff suggested that a 9th grade literacy level had been discussed as acceptable for entry level law enforcement and corrections officers. At the time this discussion involved the Florida Department of Education. An argument offered for this level was that line officers do not need to read and comprehend statutes, manuals and other related materials to perform essential tasks of the job. There are supervisors to clarify these materials. Superficially, this argument sounds reasonable, but it is essentially flawed.

To say that a supervisor continually should interpret and offer application suggestions is not practical. Less supervision, not more, is a common goal among progressive criminal justice agencies. More supervision is costly and inappropriate in an era of efficiency and agency rightsizing.

What happens during the promotional process? Do these officers get promoted? If the pool of promotable officers is reduced due to inability to compete, do we lower the standards? If history is an indication of the future, these or most of these officers will get promoted. Then who will be there to help the line officer?

The argument offered is not valid. Based on Division staff input, the Commission has probably recognized the problem. Work on a basic skills test has just begun again. After such a delay, it's too early to predict in what form and on what basis it will emerge.

Wollack & Associates has developed basic skills tests for approximately six state

criminal justice standards commissions and several hundred agencies over the past 20 years. According to Stephen Wollack, all related written training and job materials tested to an average grade level of 15.5 (S. Wollack, personal communication, January 6, 1993). Depending on the formula used, this may vary by a few grade levels. Wollack also said that the California POST conducted an independent study and confirmed the average grade level he had found. Wollack stated, "cop work is literate-intensive. The [reading] requirement involves a lot of statutory material, policy and procedures -- just endless amounts of material."

The firm of Standard & Associates have been involved in the FDLE basic skills test early on. Fred Rasilson of Standard & Associates said that, in a nationwide study of 4,000 applicants, 25% were not able to read at the 12th grade level and 30% could not perform addition, subtraction, multiplication, or division tasks essential to the job of a police officer (F. Rasilson, personal communication, January 6, 1993).

Both Wollack & Associates and Standard & Associates tests are pass/fail tests. Neither provides a projected literacy level for the applicant. Rasilson said that their test, The National Police Officer Selection Test, was developed after a job tasks analysis. This analysis was conducted over several years and involved numerous agencies in several states. It focused on the written material the officer will encounter and must be able to read and comprehend to perform the essential job task of a police officer. The written material is at a minimum of a 12th grade level.

When asked, Rasilson said that if job materials were written at a 9th grade level, the test would reflect that grade level of material. Also, a test could be developed for a specific grade level. However, this would not be a valid test because it does not relate to the job tasks analysis.

The test developed by Wollack & Associates is also based on numerous job tasks analyses. Mr. Wollack warned against focusing on grade levels, but on basic skills need to perform essential job tasks. Unfortunately, this involves being able to process written material on a 12th grade or higher level.

The small amount of written material tested by this researcher also supports this point. Therefore, it is neither rational nor practical to accept anything less than an 11th grade functional literacy level for criminal justice recruits.

Lowering standards just to graduate students from our educational system is counterproductive to the profession. Even though the concept of functional literacy is complex and ambiguous, a standard must be set, even in the face of possible civil ramifications. In short, we have to address the illness of illiteracy and stop treating the symptoms.

As a result of this study I would recommend:

A minimum 11th grade functional literacy level should be adopted for entry level law enforcement and correctional officers.

Agencies have two testing options available to them to identify applicants lacking basic skill performance.

Option #1. Adopt a test such as the National Police Officer Selection Test or that of Wollack & Associates based on a job tasks analysis. (Note: A job tasks analysis for the agency should be checked against the one used to develop the "off the shelf" test.) This

test would eliminate the applicant if he/she fails to meet the minimum standard. The failed applicant should be referred to a remedial education center/program. The failed applicant should be allowed to retest within a specified period of time.

Option #2. At the time of application, administer The Adult Basic Education test. (Note: This test is widely accepted in the state and is approved by the Florida Department of Education. It is also the test most widely administered by the state's Criminal Justice Training Centers.) The test would identify the applicant's functional literacy level. Test results could be used in two ways:

- a) As a selection tool. One applicant testing higher than another equally qualified may be selected over the one with the lower score.
- b) As a threshold for elimination. If the applicant did not achieve a minimum (11th grade) literacy level, he/she would be eliminated from further employment consideration. The failed applicant should be referred to a remedial education center/program. The failed applicant should be allowed to retest within a specified period of time.

Option one is the more defensible of the two. It would be based on a study of basic skills needed to perform the essential job tasks. It also more closely mirrors the standard of job testing set by the Americans With Disabilities Act.

The Florida Criminal Justice Standards and Training Commission sets minimum standards for certification, including a basic literacy skill level for entry criminal justice practitioners. Agencies should adopt a higher standard.

As we near the end of the 20th century, technological changes are ever increasing in number and frequency of occurrence. One needs good literacy skills just to keep pace with these changes. As public agencies we can no longer afford to lag behind technologically driven changes. The cost in dollars and productivity is too great now and intolerable in the future. Individuals with acceptable functional literacy skills are needed for us to fulfill our social obligation into the next century. The criminal justice system must become partners with the educational system and help it to produce graduates with the literacy skills needed by the criminal justice community and society.

Bruce, a south Florida native, is a 12-year veteran of the Monroe County Sheriff's Office. He began his career in the Reserve Unit. Since then he has also held the positions of Dispatcher, Patrol Deputy, Patrol Supervisor, Division Commander of the Lower Keys, and currently is the Inspector General for the agency. Bruce has an A.A. degree and B.A. in Criminal Justice. He graduated from the FBI National Academy (160th Session, 1991); and FCJEL's Senior Leadership Program (Charter Class, 1993).

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