"Close and Effective Supervision"

Conceptualizing the Role of Police First-Line Supervisors in Preventing Officer Misconduct:

A Qualitative Content Analysis of Federal Consent Decrees

by

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ABSTRACT

Police excessive force, unlawful stops and searches, false arrests, and other forms of misconduct remain significant issues in American law enforcement. Abuses of power by even a few police officers erode public trust, reduce the legitimacy of law enforcement, and expose individual officers and law enforcement agencies to criminal and civil liability. When misconduct occurs, inadequate police leadership and supervision are often cited as contributing causes. First-line supervisors have direct, positional authority to influence the behavior of officers they lead, yet little is known about what actions first-line supervisors are expected to take to prevent misconduct. Federal consent decrees have been a promising area of police reform knowledge for researchers and practitioners. While these documents enumerate dozens of police reform measures in multiple subject areas, the role of the first-line supervisor remains disparate and unclear, ultimately hampering the effectiveness of first-line supervisors in operationalizing the reforms prescribed by these documents. The aim of this study was to develop a conceptual model that enhances understanding of actions police first-line supervisors are expected to take to prevent officer misconduct. A qualitative content analysis of federal consent decrees led to the development of six themes and a conceptual model that describe expected first-line supervisor behavior. This paper contributes to the body of knowledge about police leadership in the context of misconduct prevention and consent decree reform. It proposes a conceptual model helpful to police practitioners seeking to better define the role of first-line supervisors in an unpredictable, complex work environment that leaves little room for error.

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To Rachel, who now knows more about police misconduct than she ever cared to.

Thank you for being my cover officer throughout this process.

Without you, the destination would have been unreachable, and the journey meaningless.

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conversations about police misconduct at the dinner table, for coupon books promising snack deliveries and Diet Dr. Pepper refills, and for always being willing to "grab that page from the printer." There will *always* be one more page on the printer.

To Mom and Dad, for instilling in me a lifelong, unquenchable love of learning, and for being an example of what higher education looks like in every sense of the phrase. To Ali & Mooey (whose name shall ever be written thus), for leading the way to graduate school, and for making it look deceptively easy.

Finally, the irony is not lost on me that in writing a thesis that emphasizes the need for greater awareness, I may have inadvertently overlooked those without whom this research would have been impossible. To each of you, I offer my sincere thanks.

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GLOSSARY

Chain of Command/Command Structure. A hierarchical organizational structure common in most law enforcement agencies, wherein positions on the organizational chart correspond to a quasi-military rank structure (e.g., captain, lieutenant, sergeant, officer) and information flows from the top down through a delineated line of authority.

Community-Oriented Policing. A community-centric policing philosophy that emerged in the 1980s to address growing crime trends and police-community tensions. This philosophy expands traditional policing roles of law enforcement and order maintenance into community relationship-building as a way to identify and address crime problems.

Consent Decree. One of a variety of documents that may be used to signify an agreement between the federal government and a law enforcement agency. Other documents include memorandums of agreement, memorandums of understanding, and settlement agreements. Although these documents serve slightly different legal purposes, they all share the same goal of documenting police reform measures agreed upon by two or more parties. For ease of reference during this study, these various document types are all subsumed under the name "consent decree."

Constitutional Policing. Policing practices that uphold rights guaranteed to citizens by the U.S. Constitution. Constitutional policing is the main goal of federal consent decree reform.

ECW. Electronic control weapon. A less-lethal force weapon used by police officers to temporarily incapacitate a subject using electrical impulses. Commonly referred to by the brand name Taser.

First-Line Supervisor. A law enforcement officer (i.e., not civilian) who usually holds the rank of sergeant and who has formal, positional authority over one or more non-supervisory officers.

High-Liability Action. An action performed by a law enforcement officer that presents a greater potential for misconduct to occur, or an action that has been part of a pattern or practice of misconduct and has triggered a need for federal reform.

Internal Affairs. A law enforcement officer or unit within a law enforcement agency that is responsible for investigating allegations of police misconduct.

Law Enforcement Agency. Any local or state police department, police bureau, division of police, sheriff's office, sheriff's department, or similar organization that employs law enforcement officers and is charged with upholding the laws and constitution of the United States and the laws and constitution of the jurisdiction wherein the law enforcement agency is located.

Law enforcement Officer. Any officer, deputy sheriff, detective, sergeant, lieutenant, captain, chief, or sworn police officer of similar rank who has formal arrest powers and is employed by a law enforcement agency.

Misconduct. Any police action, whether intentional or unintentional, that is not in compliance with federal, state, or local law, or with the law enforcement agency's policy

Pattern-or-Practice Investigation. An investigation into a law enforcement agency conducted by the Special Litigation Section of the United States Department of Justice's Civil Rights Division that is intended to determine if a systemic pattern or practice of unconstitutional policing exists within that agency. Consent decrees are the typical result of pattern-or-practice investigations.

Risk Management System. A system that stores aggregated historical data about officer behavior that has been obtained from numerous sources. This data may take the form of statistics, narrative summaries, documents, or other formats.

Squad. Short for "patrol squad." A group of law enforcement officers who are led by a first-line supervisor and who are expected to work as a cohesive team to respond to radio calls for service and to proactively address crime problems.

Terry Stop. A forced police-citizen encounter wherein a law enforcement officer, based on reasonable articulable suspicion that a crime has been, is being, or is about to be committed, temporarily restrains the liberty of a citizen for enough time to confirm or dispel this reasonable suspicion. Formally known as an "investigatory detention."

Unit. Short for "specialized unit." A group of law enforcement officers who are led by a first-line supervisor and who are expected to work as a cohesive team to address specific problems (e.g., narcotics unit, gang unit) or to police in a specialized manner (e.g., motors unit, traffic unit, community outreach unit).

Use of Force. Any action by police officers that, "by means of physical force or show of authority…in some way restrain[s] the liberty of a citizen'" (*Terry v. Ohio*, 1968, as cited in *Graham v. Connor*, 1989). While "use of force" is typically used to refer to physical force exerted on a citizen by a police officer (e.g., grabbing hold of someone, shooting someone), use of force also includes the mere presence or verbal commands of a law enforcement officer if used in a manner that restrains the liberty of an individual.

CHAPTER 1

INTRODUCTION

Following the 2020 murder of George Floyd by a Minneapolis police officer, an estimated 15–26 million people participated in demonstrations across the United States, calling for large-scale police reform (Buchanan et al., 2020). While the vast majority of demonstrations transpired peacefully (Mansoor, 2020), some turned violent, leading to injuries, deaths, property damage (Booker et al., 2020; Taylor, 2021), and additional complaints of excessive force by police (Vigdor et al., 2021). During one demonstration, in Denver, Colorado, police indiscriminately used tear gas and pepper spray against some of the protestors. A federal court later awarded 12 of these protestors $14 million in damages, ruling that Denver police had violated their constitutional rights (Kasakove, 2022). During trial testimony, one expert witness and former police chief attributed the use of excessive force to a "sweeping failure of leadership" by the Denver Police Department (Cardi, 2022). In 2015, a United States Department of Justice (USDOJ) report described a pattern of civil rights violations by Ferguson, Missouri police officers, and reported that "supervisors and leadership do too little to ensure that officers act in accordance with law and policy" (Department of Justice Civil Rights Division, 2015, p. 2). Nearly 25 years before the USDOJ report on Ferguson police, an independent commission investigation into the beating of Rodney King by Los Angeles Police Department (LAPD) officers attributed the widespread use of racially biased excessive force within the LAPD to "a significant breakdown in the management and leadership of the Department" (Independent Commission on the Los Angeles Police Department, 1991, p. iv). These examples suggest that when police misconduct is identified, leadership failure is also present.

Although police misconduct is not a new phenomenon, it remains a pressing

problem in American law enforcement. Accurate estimates of police misconduct are hard to make (Dunn & Caceres, 2010), but it is generally accepted that most police officers perform their jobs well and without engaging in misconduct (Department of Justice, 2017; Kane & White, 2009; Weisburd et al., 2001). Despite this, abuses of power by even a few police officers erode public trust in the involved law enforcement agency (Dunn & Caceres, 2010; Weitzer, 2002), reduce the legitimacy of law enforcement generally (Ivković, 2009; Stinson et al., 2016), and expose individual officers and local law enforcement agencies to criminal and civil liability (Police Executive Research Forum, 2005; Powell et al., 2017). While no absolute remedy exists to eliminate incidents of misconduct within the law enforcement profession, there is pressure for law enforcement leaders and officers to identify, correct, and prevent incidents of misconduct within policing.

Conceptualizing Police Misconduct

Misconduct is commonly defined as the "deliberate violation of a rule of law or standard of behavior, especially by a government official" (Merriam-Webster, 2002). This definition encapsulates a range of behaviors that apply specifically within the law enforcement context. Kappeler et al. (1998) broadly categorize police misconduct into categories of police crime, occupational deviance, corruption, and abuse of authority. Kane and White (2009) expand this framework to include eight categories of behavior: "profit-motivated crimes, off-duty crimes against persons, off-duty public order crimes, drugs, on-duty abuse, obstruction of justice, administrative/failure to perform, and conduct-related probationary failures" (p. 745). These and similar definitions of police misconduct summarize a myriad of behaviors in which officers may "violate a rule of law or standard of behavior." For example, officers who report late for work or file paperwork incorrectly commit misconduct, but so do officers who stop a vehicle without

legal justification, or who use an unreasonable amount of force when effecting an arrest. These types of misconduct are vastly different in scope, yet police leaders, communities, and the federal government expect officers to avoid all kinds of misconduct while engaging in their duties (Department of Justice, 2017; Kappeler et al., 1998; United Nations, 2011; Weitzer, 2015; White & Kane, 2013). At the convergence of these expectations sits the first-line supervisor.

Conceptualizing Police Leadership

Despite volumes of academic research and mainstream literature, a single, comprehensive definition of leadership is as elusive today as it ever has been (Bennis & Nanus, 2007; Wilson, 2016; Yukl, 2013). Leadership has variously been defined by describing traits inherent in an individual (Colbert et al., 2012; Ishaq et al., 2019), the ability of a person to inspire followers (Burns, 2003; Joshi et al., 2009; Salas-Vallina et al., 2020), the use of formal authority (Carnabuci et al., 2018; Melcher & Kayser, 1970, Shamir & Eilam-Shamir, 2017; Zhang & Xie, 2017) and informal influence (Ferrazzi & Weyrich, 2020; Seidman, 2013), the distribution of power between leaders and followers (Bolden, 2011; Harris, 2013; Kempster et al., 2014), and the ability of a person to lead change in an organization (Alavi & Gill, 2016; Coruzzi, 2020; Kotter, 2012), to name just a few examples. Conceptualizing leadership in the context of policing is also complicated (Andreescu & Vito, 2010; Garner, 2017; Pearson-Goff & Herrington, 2013), although descriptions of traditional police leadership typically focus on authoritarian or transactional leadership styles (Campbell & Kodz, 2011; Deluga & Souza, 1991; Densten, 2003; Jermier & Berkes, 1979; Laguna et al., 2010; Thomas & Cangemi, 2021). In these styles, leaders make decisions with little input from followers, control job performance through rewards and punishments, and rely on the use of formal, positional authority to lead followers (Fisher et al., 2014).

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Structure and Organization of Policing

Local and state law enforcement agencies organize their police officers and supervisors into a hierarchical structure consistent with the rank system found in the United States military (e.g., captain, lieutenant, sergeant, officer). Within this structure, information flows from the top down through a delineated line of authority known as the *chain of command* or *command structure*. Each non-supervisory police officer is assigned and reports to the next highest level in the chain of command, which is usually a supervisor holding the rank of sergeant. Sergeants hold positional authority and leadership responsibility for the actions of the officers under their supervision. Figure 1 depicts a typical law enforcement agency organizational chart.

Figure 1

Typical Law Enforcement Agency Organizational Chart
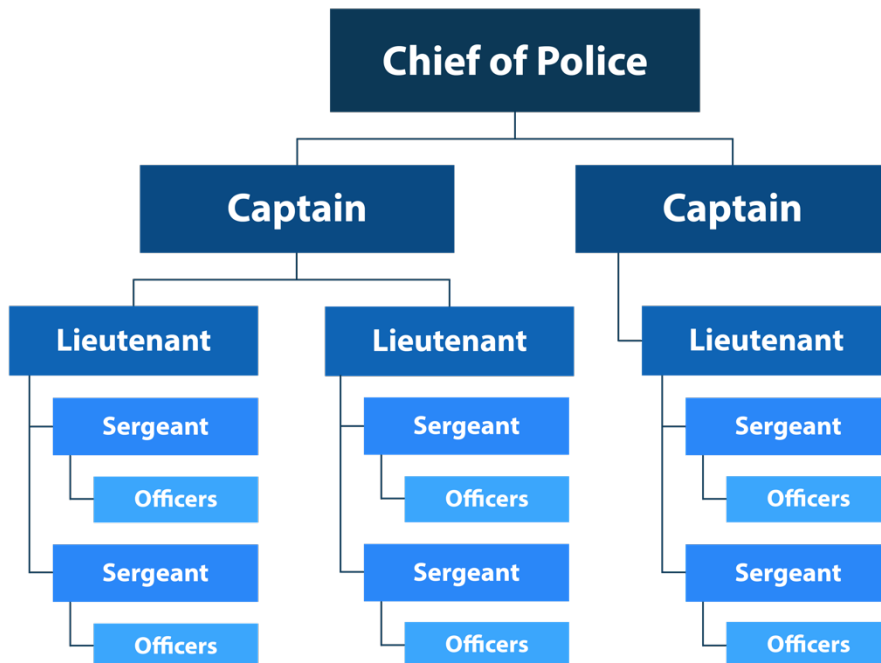
Scope of Police Leadership

Police officers perform many functions necessary for the orderly maintenance of society, such as protecting life and property, enforcing traffic laws, preventing crime, arresting criminals, conducting searches, seizing evidence or contraband, and investigating crimes (Burton et al., 1993). In recent years, the scope of police work has expanded to include building community relationships (Engel, 2002; Murphy & Drodge, 2004; Willis, 2013), intervening in mental health crises (Shapiro et al., 2015; Steadman et al., 2000), gathering intelligence (Heaton, 2000; McGarrell et al., 2007; Ratcliffe, 2008), and customizing enforcement efforts to address local crime trends (Cordner & Biebel, 2005; Willis, 2013). As the scope of policing has changed, so have approaches to police leadership. Police leadership styles have gradually shifted away from traditional authoritarian and transactional approaches to a transformational style, where leaders rely on collaboration and interpersonal relationships to shape behavior, rather than on positional authority to subordinate officers (Barth-Farkas & Vera, 2016; Burns, 2003; Fisher et al., 2014; Yukl, 2013).

New approaches to law enforcement bring with them new policing philosophies and changes to policy and procedure that must be communicated from senior police leaders at the top of the organizational chart to line-level officers through the chain of command (see Figure 1). Officers are expected to understand and implement these changes when interacting with citizens. Police chiefs and senior leaders recognize the essential role of first-line supervisors in operationalizing higher-level policy decisions and organizational changes (Police Executive Research Forum, 2018). One law firm involved with federal police reform explained that first-line supervisors are "the driveshaft that converts...policy to practice on the street" (Sheppard Mullin Richter & Hampton, 2015). Without the commitment of first-line supervisors, lasting change

becomes a tenuous proposition (Schafer et al., 2021).

Although first-line police leadership is essential, first-line supervisors have the problematic task of influencing officer behavior in an unpredictable and dangerous work environment. Police officers operate with significant autonomy, and first-line supervisors are not present at every officer-citizen traffic stop or interaction. Any officer-citizen interaction brings the possibility for actual or alleged misconduct to occur, which increases the importance of ensuring officers' behavior complies with law and policy.

Purpose of Study

Given the impact of police misconduct and the necessity of first-line supervisors in linking the officer on the street to the larger mission and objectives of the law enforcement agency, this study aims to enhance understanding of actions police first-line supervisors are expected to take to prevent officer misconduct. This study approaches this problem from one angle, by analyzing the role of first-line supervisors in federal consent decrees,[1] which are tools that compel systemic reform in law enforcement agencies that have demonstrated a "pattern or practice" of misconduct (Department of Justice, 2017).

This study applies the definition of misconduct most consistent with the analyzed data. *Misconduct* is any police action, whether intentional or unintentional, that is not in compliance with federal, state, or local law, or with the law enforcement agency's policy. Although consent decrees primarily focus on misconduct that results from the violation of citizens' constitutional rights by police, more minor acts of misconduct are also mentioned within the data (e.g., failing to follow administrative policies); since consent

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[1] A variety of documents may be used to signify an agreement between the federal government and a law enforcement agency. These documents include consent decrees, memorandums of agreement, memorandums of understanding, and settlement agreements. Although these documents serve slightly different legal purposes, they all share the same goal of documenting police reform measures agreed upon by two or more parties. For ease of reference during this study, these various document types are all subsumed under the name "consent decree."

decrees do not always distinguish between types of misconduct, the definition adopted in this study allows for the broadest scope when searching for first-line supervisor influence within the data. Opposite from misconduct is *constitutional policing*, which describes policing practices that uphold rights guaranteed to citizens by the U.S. Constitution. Closely related to the concepts of misconduct and constitutional policing are *high-liability actions*, which denote law enforcement activities where there is a higher potential for misconduct to occur or where a demonstrated pattern or practice of misconduct in this area has triggered a need for federal reform. While the most common high-liability actions mentioned in the data concern police use of force, other areas include searches, seizures of property, sexual assault investigations, handling mental health crises, and engaging in vehicle pursuits.

Although consent decrees enumerate dozens of police reform measures in multiple subject areas, the role of the first-line supervisor remains disparate and unclear, ultimately hampering the effectiveness of first-line supervisors in operationalizing the reforms prescribed in these documents. A qualitative content analysis of federal consent decrees led to the development of six themes and a conceptual model that describes expected first-line supervisor behavior in preventing officer misconduct. This paper contributes to the body of knowledge about police leadership in the context of misconduct prevention and consent decree reform. It also proposes a conceptual model helpful to practitioners hoping to better define the role of the first-line supervisor in an unpredictable, complex work environment that leaves little room for error.

CHAPTER 2

CONTEXT

Police first-line supervisors lead their officers within the context of an unpredictable, dangerous work environment, where side effects on officers include high levels of physical and psychological stress (Garbarino & Magnavita, 2015; Santa Maria et al., 2019; Violanti et al., 2017; Webster, 2013), adverse health effects (Gershon et al., 2002, 2009), and strains on families and personal relationships (Gershon et al., 2009; He et al., 2005). Some studies suggest that increased work stress can also lead to higher incidents of excessive force or other types of misconduct (Bishopp et al., 2016; Neely & Cleveland, 2012). Acts of police misconduct ultimately compound extant stressors, jeopardizing the mission of the law enforcement agency and creating additional challenges for first-line supervisors, who are expected to help officers navigate these challenges in furtherance of achieving constitutional policing objectives. This chapter aims to provide context on the impacts of police misconduct and the use of consent decrees to bring about reform.

Impacts of Police Misconduct

The effects of police misconduct vary in scope and magnitude, and they reverberate far beyond the local law enforcement agency and the officers directly involved in specific incidents. Multiple examples of police misconduct are outlined in this section to provide context for the potential consequences of officer misconduct (see also Appendix B). Although consent decrees mention minor acts of misconduct, they are primarily concerned with identifying, correcting, or preventing suspected, alleged, or confirmed acts of misconduct that violate citizens' constitutional rights.

The United States Constitution guarantees U.S. citizens numerous rights that are potentially implicated whenever a citizen interacts with a law enforcement officer. Commonly, these include the right to be represented by an attorney (U.S. Const. amend. VI), to avoid self-incrimination or compelled confessions (U.S. Const. amend V), to be free from cruel and unusual punishment (U.S. Const. amend VIII), and to not be deprived of "life, liberty, or property without due process of law" (U.S. Const. amend. XIV). The use of excessive force by police, a common form of misconduct, violates Amendment IV to the U.S. Constitution, which provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The supreme court has long held that the use of force by police constitutes a seizure under the Fourth Amendment.[2] Thus, a police officer who pulls over a vehicle for a traffic violation has seized the vehicle and its occupants according to the Fourth Amendment, but so has an officer who uses any force, up to and including deadly force, to detain a citizen. The murders of George Floyd and Walter Scott, the police K-9 mauling of Frank Baker, and the beating of Rodney King are examples of prominent Fourth Amendment violations by police stemming from excessive force (see Appendix A).

Law enforcement officers who are themselves arrested damage the legitimacy of the law enforcement profession (Ivković, 2009; Stinson et al., 2016). A study of law

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[2] "Whenever an officer restrains the freedom of a person to walk away, he has seized that person" (*Tennessee v. Garner*, 1984; see also *United States v. Brignoni-Ponce*, 1975). "A 'seizure' triggering the Fourth Amendment's protections occurs only when government actors have, 'by means of physical force or show of authority…in some way restrained the liberty of a citizen'" (*Terry v. Ohio*, 1968, as cited in *Graham v. Connor*, 1989).

enforcement officer arrests between 2005 and 2011 showed that one in 1,389 U.S. law enforcement officers had been arrested for a variety of crimes (Stinson et al., 2016). Criminal actions by law enforcement officers may also open the law enforcement agency to civil lawsuits, the costs of which are often passed on to taxpayers (Corley, 2020).

Public acts of misconduct draw national media attention, promote potential public outrate, and impact police officers not involved in the original act of misconduct. Demonstrations following the murder of George Floyd mobilized millions of people nationwide and caused an estimated $2 billion in insured property losses, the largest recorded losses from civil unrest in U.S. history (Insurance Information Institute, n.d.; Kingson, 2020). Prominent police killings have provoked fatal attacks on police officers, increased anti-police sentiment, and discouraged officers from proactively patrolling neighborhoods (Wolfe & Nix, 2016).

Federal Government Intervention into Police Misconduct

Since the founding of the United States, leaders and citizens alike have worried about how best to balance individual liberties with the government's need to maintain order and provide for the safety of its citizens (Adegbile, 2017). Before 1994, the federal government had only a small selection of tools to compel police reform on a local or state level. These tools consisted of criminal prosecution or lawsuits against individual officers accused of violating civil rights.

Under 18 U.S. Code § 242, an officer acting "under color of law" (i.e., in official capacity) may be held criminally liable for willfully subjecting any person "to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States." This law allows the federal government to criminally prosecute officers for depriving citizens of constitutionally held rights when acting in an official capacity as a law enforcement officer. Punishments for violating this

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statute include fines, imprisonment, or death, depending on the nature and severity of the crime.

A similar statute exists that allows the federal government to sue officers for acts of misconduct committed in an official capacity. Under 42 U.S. Code § 1983, an officer acting "under color of law" (i.e., in official capacity) may be held civilly liable for subjecting or causing "to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws."

While both statutes allow the federal government to punish officers who engage in *past* acts of misconduct*,* neither tool allows the federal government to *prevent* misconduct by addressing underlying, systemic problems at the law enforcement agency level.

Consent Decrees

Four years after the beating of Rodney King by Los Angeles Police Department officers, congress passed the *Violent Crime and Law Enforcement Act of 1994*. This act made it unlawful for "any governmental authority…to engage in a pattern or practice of conduct by law enforcement officers…that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States" (42 USC §14141).

In redress for complaints of a "pattern or practice" of unconstitutional policing, the U.S. Department of Justice (USDOJ) has the authority to "review the practices of law enforcement agencies that may be violating people's federal rights" (Department of Justice, 2021). The federal government may then intervene to compel systemic change at the agency level (Rushin, 2014), through a "pattern-or-practice" investigation and, when warranted, a federal lawsuit. In place of costly litigation, most agencies undergoing such

investigations have opted for a court-monitored settlement agreement known as a consent decree. This agreement does not require the department to admit wrongdoing but compels the adoption of mutually agreed-upon reforms that are enacted under threat of court action. Table 1 provides a summary of the pattern-or-practice investigation process.

Consent Decrees as a Data Source

This study adopted a model of contextual positioning developed by Ralph et al. (2014) to position consent decrees as the primary data source. Since consent decrees are extant data and not researcher-conducted interviews, as is common in many qualitative content analysis studies, certain information helpful for placing the data within the proper context for the research study is absent. For example, with interview data, a researcher potentially influences the creation of the resultant interview transcripts through the phrasing of their questions, the interview setting, and the interactions between the researcher and participant.

This information is important to understand "the position of the researcher and their interaction with the data source" (Ralph et al., 2014, p. 4). Ralph et al.'s (2014) model of targeted questioning is designed to help the researcher "establish rapport with the extant data" (p. 4) in the same way that an interviewer establishes rapport with a participant before an interview. Using this model, a series of who-what-where-when-why-how questions "elucidate the nature of the extant data" and position the researcher in the study with a "greater level of awareness and reflexivity" (p. 6). A summary of these questions and answers is found in Table 2, but two points are particularly important for understanding the context of consent decrees as research data:

Table 1

USDOJ Pattern-or-Practice Investigation Process

Step	Description	Primary Parties Involved
Preliminary Inquiry	Internal USDOJ review process used to determine whether to open a pattern-or-practice investigation.	Attorneys from USDOJ's Civil Rights Division's Special Litigation Section (SLS)
Investigation Initiation	Recommendation by SLS attorneys to Assistant Attorney General for Civil Rights to open investigation. If approved, notification will be made to the head law enforcement officer in the jurisdiction being investigated.	Civil Rights Division's SLS Assistant Attorney General for Civil Rights Head law enforcement officer in jurisdiction being investigated
Investigation	Interviews, observations, policy reviews, ride-alongs, and data collection to identify the parameters and scope of the issue being investigated.	"Attorneys, investigators, paralegals, and community outreach specialists from the Civil Rights Division" (Department of Justice, 2017) Police leaders, line-level officers, police unions, and community stakeholders.
Investigation Conclusion	Upon finding a pattern or practice of unconstitutional policing, the USDOJ will issue a Findings Letter detailing the findings of the investigation and any next steps. If no pattern or practice is found, the USDOJ will close the investigation.	Civil Rights Division Police leadership Police Unions Community Stakeholders
Reform Agreement Negotiation	Negotiations between the USDOJ and the jurisdiction to determine if a settlement can be reached or if the case will be litigated in court. Settlements often take the form of a consent decree.	USDOJ Community Groups Police Leadership Police Unions

Sources: Chanin (2017); Department of Justice (2017).

First, consent decrees do not describe lived phenomena; they describe *desired* lived phenomena. Overall compliance with the terms of a consent decree by a law enforcement agency is not a guarantee that every first-line supervisor action described in a consent decree has taken place in the way it is described. Thus, a law enforcement agency under consent decree may plausibly achieve desirable results in furtherance of constitutional policing without first-line supervisors engaging in some of the actions described within the consent decree.

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Second, consent decrees result from a collaboration *qua* negotiation between many parties interested in police reform: the USDOJ, police consultants, academic researchers, police leadership, line-level officers, police union representatives, and community organization representatives. As Douglass (2017) points out, the USDOJ holds most of the power in this negotiation because any failed negotiation will lead to litigation that the USDOJ is almost certain to win. This power dynamic must be kept in mind when analyzing data in this study.

Conclusion

Police misconduct is a problem that impacts not only officers and law enforcement agencies involved in specific incidents of misconduct, but also uninvolved police officers, law enforcement agencies, and communities. The most grievous acts of police misconduct infringe on individual rights guaranteed by the U.S. Constitution. Law enforcement agencies that continually violate the rights of U.S. citizens may be compelled to enact certain reforms through collaborative and court-sanctioned settlement agreements known as consent decrees. These documents serve as the research data in this study.

Table 2

Targeted Questioning of Consent Decrees

	Question	Response
Who	Who participates in conceiving, supporting, shaping, writing, editing, and publishing consent decrees?	The Special Litigation Section of the Civil Rights Division of the United States Department of Justice, in collaboration with policing experts (consultants), researchers, data analysts, police leadership and line-level officers from the agency under consent decree, police union representatives, community organization representatives, and the United States Attorney's Office.
	Who are consent decrees intended to benefit?	The law enforcement agency being investigated, the community which the agency serves, and other law enforcement agencies not under consent decree.
What	What stated or assumed purposes do consent decrees serve?	To institute systemic changes that promote constitutional policing within local law enforcement agencies. To provide a model for other agencies to institute similar practices.
	What specific value do consent decrees bring to the current study?	A structured method for systemic police reform. They make specific mention of first-line supervisor actions in preventing misconduct.
Where	Where are consent decrees intended for use?	Within law enforcement agencies to implement policy and practice changes; by a court-appointed monitor to determine if compliance has been achieved.
When	What is a consent decree's intended lifespan?	They remain in force until the law enforcement agency demonstrates compliance to the satisfaction of a court-appointed monitor. Monitoring usually continues for multiple years after consent decrees are put in force.
	To what extent are the issues that influenced and informed the production of consent decrees relevant to the temporal context of the current study?	Consent decrees arise out of a federal investigation into systemic civil rights violations by a local or state law enforcement agency. Civil rights violations are an ongoing problem in American society, as evidenced by high-publicized incidents of police misconduct.
Why	Why would consent decrees be used?	As part of a settlement agreement designed to avoid costly litigation; as a model for law enforcement agencies wishing to proactively implement reforms without mandatory federal intervention.
How	How are consent decrees written?	In a directed, prescriptive tone that describes specific actions that must take place and who should take those actions.
	How are consent decrees achieving their purpose?	Mixed results. The Department of Justice claims that consent decrees are an effective reform tool; some academic studies are inconclusive about consent decree efficacy.

Source: Ralph et al. (2014)

CHAPTER 3

LITERATURE REVIEW

This study used a qualitative content analysis of federal consent decrees to identify expectations of communities and law enforcement agencies regarding the first-line supervisor's role in preventing police misconduct and achieving constitutional policing objectives. This chapter reviews the literature on the role of the first-line supervisor within police organizations and places the current study within a theoretical framework of community-oriented policing and transformational leadership.

Leadership

Leadership is widely accepted as essential to achieving the objectives of businesses, communities, non-profit institutions, schools, government agencies, and other organizations (Aithal, 2015; Burns, 2003; Hogan & Kaiser, 2005; Hughes et al., 1996; Shafique & Beh, 2017; Yukl, 2013), yet leadership remains an elusive concept, lacking a single definition or measurement instrument (House & Podsakoff, 2013). Bass (1990) posits that the descriptions of leadership are as diverse as the scholars attempting to study the idea. Bass (1990) further notes similarities between leadership definitions, suggesting that leaders influence individuals or groups through the leader's position, style, power, traits, or other behavior, generally with the goal of achieving a shared objective.

Organizational outcomes are largely dependent on the characteristics, attributes, competencies, and actions of leaders who encourage followership. Modern institutions function in rapidly changing and complex environments (DeRue & Myers, 2014). Police organizations are no exception. Police officers are expected to understand and effectively operate in a complex social, political, and organizational environment (Casey & Mitchell, 2007).

Leadership in Policing

Traditional perspectives on law enforcement leadership frame leaders as having averse, authoritarian relationships with subordinates (Jermier & Berkes, 1979; Sarver & Miller, 2014; Silvestri, 2007). Researchers have since expanded views on modern police leadership by exploring styles that extend beyond authoritarian or transactional approaches into areas of shared leadership (Herrington & Colvin, 2016; Steinheider & Wuestewald, 2008), transformational leadership (Drodge & Murphy, 2002), situational leadership (De Paris, 1997), and empowerment leadership (Wuestewald & Steinheider, 2006). It is widely accepted that first-line supervisors play a key role in influencing the behavior of their officers (Engel, 2001, 2002; Famega et al., 2005; Ingram, 2013; Ingram & Lee, 2015; Phillips, 2015; Schafer & Martinelli, 2008; Willis, 2011), yet research is still limited in explaining exactly what this role entails and how much actual influence first-line supervisors have (Engel, 2001).

Police First-Line Supervisor Defined

First-line supervisors are sworn police officers (i.e., not civilians) who usually hold the rank of sergeant (King, 2003) and who have formal, positional authority over one or more non-supervisory officers. Although the term *supervisor* connotes a managerial role, which is sometimes seen in opposition to leadership (Bennis & Nanus, 2007), the literature equally describes the roles of police first-line supervisors, middle management, and senior police officials as leadership (Andreescu & Vito, 2010; Engel, 2001; Filstad et al., 2020; Pearson-Goff & Herrington, 2013; Schafer, 2010). Thus, literature describing police leadership generally may be applied not only to police chiefs and other senior leaders but also to first-line supervisors.

Extant literature discussing leadership in policing agrees that first-line supervisors are the link between the larger, strategic objectives of the law enforcement

agency and the daily activities of police officers in the field (Engel, 2001; Phillips, 2015; Schafer & Martinelli, 2008). This means the success of agency initiatives and change efforts hinges in large part on the level at which supervisors "buy in" to these initiatives and make them a priority for their officers (Schafer et al., 2021). One role of first-line supervisors is to communicate their policing philosophy and department expectations to their officers (Ingram, 2013). Overwhelmingly, first-line supervisors are expected to frame these expectations within the community-oriented policing philosophy (Ford et al., 1999; Morash & Ford, 2002; Oliver & Bartgis, 1998; Trojanowicz, 1994).

Community-Oriented Policing

Community-oriented policing (also referred to as "community policing" and "community-oriented policing services (COPS)") emerged as a philosophy in the 1980s to address rising crime rates and ongoing frustrations over police-community tensions that became apparent during the Civil Rights Movement of the 1960s and 1970s (Mastrofski, 2019). The establishment of the Office of Community Oriented Policing Services (COPS) within the U.S. Department of Justice in 1994 solidified community-oriented policing as a prominent law enforcement philosophy (COPS Office, 2021). The crux of this philosophy is an expansion from the traditional policing roles of law enforcement and order maintenance to community involvement in crime prevention (Correia, 2000; Gill et al., 2014; Willis, 2011). Under the precepts of community-oriented policing, law enforcement agencies work with communities to identify crime problems and determine creative solutions (Brown, 1989; Magers, 2004); police are expected to engage the community as partners in public safety instead of viewing them as recipients of law enforcement actions (Chappell, 2008; Friedman, 1994). Although there is no one way to "do" community-oriented policing, this shift requires that the philosophy permeate the culture, policies, objectives, and organizational structure of a police

organization (Mastrofski, 2019). Consequently, officers and first-line supervisors are expected to *be* community-oriented, not just to engage in occasional non-enforcement community interactions. The notion that police officers strive for "customer satisfaction" captures the essence of the community-oriented policing philosophy (Morash & Ford, 2002).

With the shift to community partnership and collaboration came more decision-making authority for first-line supervisors and their officers (Willis, 2011). Under a traditional model of policing, senior leaders passed down orders through the chain of command with the expectation that these orders would be followed without question and with little deviation (King, 2003). Although Jermier and Berkes (1979) assert that elements of decentralized authority and collaborative decision-making have always been present in even the strictest chain of command structures (e.g., in the role of dispatchers, who direct officer actions without following formal lines of authority), community-oriented policing formalized the concept of collaborative decision-making and "grassroots" change efforts originating at the line-level and first-line supervisor levels (Willis, 2013). Senior police leaders may identify problems ("burglaries have increased in the North End"), but first-line supervisors and their officers are expected to determine how to solve them. While these solutions ideally arise from strong police-community partnerships, some have been skeptical about whether these partnerships transcend the realm of the theoretical.

Friedman (1994) points out that despite the emphasis on community collaboration inherent in community-oriented policing, many law enforcement agencies develop or adopt community-facing initiatives generated by paid consultants and then present them to citizens, without first seeking input from community members. Barlow and Barlow (1999) argue that community-oriented policing is little more than "image-

management policing," which focuses more on portraying how "policing wages war on the image of crime rather than crime itself" (p. 667). And multiple researchers have pointed out that empirical evidence suggests community-oriented policing has had little impact on reducing crime levels (Crowl, 2017; Gill et al., 2014; Mastrofski, 2019; Rosenbaum & Lurigio, 1994).

Law enforcement agency resource constraints or lack of emphasis on community-oriented policing by senior police leaders can also be a barrier to adopting community-oriented policing strategies. Chappell (2009) found that although most police officers at a medium-sized Florida police agency agreed with the philosophy of community-oriented policing, resource and time constraints were barriers to implementing the philosophy in the field. Phillips (2015) points to first-line supervision as a potential barrier to implementation, finding that even in departments where the goals of community-oriented policing are firmly established by senior leadership, first-line supervisors whose attitudes are incongruent with community-oriented policing methodology are likely to negatively affect the attitudes of officers they supervise, thereby preventing full implementation of community-oriented policing strategies. Similarly, a study of Baltimore City police officers found that although the agency emphasized community-oriented policing, first-line supervisors directed less than five percent of their officers' unassigned patrol time in pursuit of these objectives (Famega et al., 2005). In law enforcement agencies where community-oriented policing philosophies had been implemented alongside a data-driven approach to problem identification known as CompStat, Willis (2013) found that first-line supervisors defaulted to encouraging their officers to engage in "activities that could be easily measured, such as generating tickets and making arrests" instead of working with the community to solve problems, which is more difficult to measure (Willis, 2013).

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Transformational Leadership in Policing

As law enforcement philosophies shifted toward community-oriented policing, police leadership philosophies shifted from a transactional style that emphasized compliance with policy and supervisory orders, to a transformational style (Andreescu & Vito, 2010; Engel, 2002), which was more consistent with the goals of increased collaboration and decentralized decision-making necessary for community-oriented policing. As described by James MacGregor Burns (2003), the founding theorist of transformational leadership:

> Leaders take the initiative in mobilizing people for participation in the processes of change, encouraging a sense of collective identity and collective efficacy, which in turn brings stronger feelings of self-worth and self-efficacy, described by Bernard Bass as an enhanced "sense of 'meaningfulness' in their work and lives." (p. 25)

Pearson-Goff and Herrington (2013), in a review of 22 years of police leadership literature, identified preferred behaviors of first-line supervisors that are consistently aligned with notions of the ideal transformational leader: *creating a shared vision*, *engendering organizational commitment, driving and managing change,* and *problem solving*. Garner's (2017) survey of 869 Texas law enforcement leaders found that desired leadership qualities of *honesty*, *competence*, *vision*, *compassion/empathy*, and *inspiring others* remained consistent with a near-identical survey conducted thirty years prior. Andreescu and Vito (2010) found that similar desired qualities were shared across multiple law enforcement jurisdictions; however, some shifts in preferred leadership qualities have occurred over time. Garner (2017) found that police leaders in 1987 placed a greater emphasis on more transactionally focused areas, such as policy compliance, direction, tight control, and rules and procedures, than on more transformational-typical

qualities like empathy, leading by example, honesty, and integrity. Garner's study is significant because it suggests there was a shift in desired police leadership traits during the same time period that community-oriented policing was coming into popularity.

Although transformational leadership is prominent in law enforcement, Fisher et al. (2014) argue that it has been overstated in police work and that a blend of transformational and transactional leadership is needed for leaders to be effective. Silvestri (2007) supports this claim, arguing that regardless of which style is thought to be better, the reality is that transactional leadership styles are still prevalent in most police organizations. Transformational and transactional styles of leadership need not be mutually exclusive. Yukl (2013) describes modern notions of transformational leadership as often "more concerned with attainment of pragmatic task objectives than with the moral elevation of followers" (p. 321). Bass (1985) agrees that transformational and transactional styles have both been used simultaneously and effectively by leaders to influence followers. Transformational leadership has been linked to job satisfaction and enhanced productivity (Rowold & Schlotz, 2009), and officers who have transformational leaders report higher levels of job satisfaction and more willingness to exert extra effort in their assigned duties (Morreale, 2002).

First-Line Supervisor Influence on Officer Behavior

First-line supervisors have the ability to influence officer attitudes and behavior by structuring the environment in which officers work (e.g., maintaining schedules, allocating staffing, and assigning daily priorities) and by working alongside officers in the field. Ingram and Lee's (2015) research suggests that congruency between officers and first-line supervisors in the areas of supervisory support and views on aggressive enforcement leads to higher job satisfaction and productivity. Traditional classifications of police first-line supervisor styles were typified by whether they engaged primarily in

administrative tasks or enforcement activities (Engel, 2001; Phillips, 2015). Engel (2001) expanded on this binary distinction by developing four styles of police leadership based on first-line supervisors' *activity levels*, *decision-making style*, *power distribution*, *task/relations orientation*, and *inspirational motivation behaviors. Traditional Supervisors* were more directive and task-oriented, *Innovative Supervisors* were more collaborative and community-oriented, *Supportive Supervisors* saw themselves as a buffer between higher management and their officers, and *Active Supervisors* sought to be in the field leading by example instead of sitting behind a desk. Engels's (2002) later research on police supervision in the context of community-oriented policing found that *Active Supervisors* exerted the most influence over officer behavior on the street. Engel is quick to note that this influence cuts both ways: supervisors who set an example of using excessive force, for example, may influence their officers to do the same. Engel's research is significant in the community-oriented policing context because it suggests that *Innovative Supervisors*, who are more community oriented, may not have significant influence over shaping officer behavior toward community-oriented policing objectives.

Owens et al. (2018) later extended Engel's (2002) findings into a different context, showing that first-line supervisors who are "active" with their officers during interactions in an administrative setting by modeling fairness, impartiality, and patience increased the likelihood that officers would treat citizens in a procedurally just way on the street. This research is significant to the current study since first-line supervisors are expected to lead in an environment that precludes their continual presence, and therefore their direct supervision, at their officers' interactions with citizens.

Barriers to First-Line Supervisor Influence

The position of first-line supervisors as the lowest supervisory rank within the command structure places them in a "perceived position of conflict, caught between their responsibility *to* supervisor officers and their responsibility *for* subordinate officers" (Engel, 2001, p. 342). This conflict may manifest in first-line supervisors having to choose between protecting the officers they lead and upholding department policies and objectives. Mastrofski et al. (2011) found that first-line supervisors identified "keeping officers out of trouble" as their most important goal (responsibility *for* subordinate officers), even ahead of reducing crime and treating citizens fairly (responsibility *to* supervisor officers and the law enforcement agency). Barriers may similarly arise when first-line supervisors desire to implement department initiatives but are hampered because the department has not put in place the structure to support those changes (Santos & Santos, 2012), or when first-line supervisors perceive that senior police leaders are not held to the same standards as first-line supervisors and officers (Schafer & Martinelli, 2008). Barriers may also arise from the inherent nature of police work, which requires officers to be ready at a moment's notice to answer a radio call for service (Willis, 2011), leaving first-line supervisors with little discretion over planning the daily activities of their officers. This unpredictability makes it nearly impossible to schedule activities or allocate staffing required for building community relationships or engaging in creative problem solving.

Consent Decree Reform

Consent decrees are intended to "promote policing that respects civil rights, minimizes the harms of policing, enhances trust and legitimacy, and is effective in managing public safety, all while remaining fair to and cost-effective for the departments and communities that are sued" (Harmon, 2017, p. 618). Although consent decrees were

initially lauded as a major step forward in police reform efforts (Chappell, 2017), some researchers argue that there is not yet enough empirical evidence to measure their efficacy (Alpert et al., 2017; Chappell, 2017; Harmon, 2017; Rushin, 2014). Chappell (2017) attributes one cause of this to the fact that it can be difficult to separate consent decree reform from other sources, such as shifts in law enforcement or political leadership. Chappell further notes that police misconduct often stems from deeper, societal issues, and that "without some consideration of deeper change, we may simply be putting an expensive 'band aid' on a symptom that will reappear once supervision [of the consent decree] ceases" (p. 573). Alpert et al. (2017) and Rushin (2014) attribute another difficulty in studying consent decree efficacy to the lack of transparency about why the USDOJ chooses certain law enforcement agencies and not others to investigate; however, in 2017, the USDOJ published a report intended to increase transparency in this regard. Rushin's (2014) study suggested that, despite the USDOJ's claim of "cost-effective" reform, pattern-or-practice investigations are too costly and time-consuming to allow the USDOJ to enforce all the claims of systemic police misconduct that they ideally ought to be. Douglass (2017) and Harmon (2017) call for a model consent decree that could be used by communities wishing to proactively implement reforms without federal government oversight. Although a guide by the International Association of Chiefs of Police (2006) provided a thorough consolidation of consent decree reforms up through its publication date, the role of the first-line supervisor as an integral player in police reform remained hidden in the shadows of other reform categories. Likewise, current research fails to isolate the role of the first-line supervisor as its own category within the context of consent decree reforms.

Conclusion

  The existing literature suggests that, despite some barriers to success, first-line supervisors are in the most advantageous position within the police command structure to influence the behavior of their officers; however, research is still limited on how first-line supervisors best achieve this objective. Expectations of first-line supervisor behavior align closely with the concept of transformational leadership and reinforce the philosophy of community-oriented policing. The achievement of leading in a transformational style in furtherance of community-oriented policing objectives is complicated by the fact that first-line supervisors lead officers in a complex and dynamic environment marked by increased demands for accountability, the emergence of new crime types, organizational reforms, and an increased need for community engagement. Furthermore, providing constitutional policing services within the context of consent decree reform leaves first-line supervisors with little research or guidance on how to lead officers within this challenging work environment. These challenges simultaneously present legitimate barriers to first-line supervisor influence on officer misconduct and make the need for effective police leadership greater than ever (Meaklim and Sims, 2011).

CHAPTER 4

METHODOLOGY

This study aims to describe actions that police first-line supervisors are expected to take to prevent misconduct from their officers. To achieve this aim, I conducted a qualitative content analysis (QCA) of 40 federal consent decrees entered by the federal government and U.S. law enforcement agencies between 1997 and 2017 (see Appendix C).

Research Design

Qualitative content analysis involves the "subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns" (Hsieh & Shannon, 2005), culminating in a rich description of the phenomenon being studied (Elo & Kyngäs, 2008). QCA may take an inductive or deductive approach. An inductive approach is preferred when the aim is to develop knowledge in an area where little is known or where no existing theories describe the phenomenon being studied, while a deductive approach allows for testing of a previous theory or applying existing codes, categories, or themes to a new situation (Elo & Kyngäs, 2008). In this study, I adopted an inductive approach because there is not yet a clear conceptual model of first-line supervisor influence on preventing police misconduct within the context of consent decree reform.

Although QCA procedures have been described differently by various researchers (Cho & Lee, 2014; Klenke, 2016; Schilling, 2006), certain elements remain essential to QCA studies. For example, "coding is the heart and soul of text analysis" (Klenke, 2016), and reducing a corpus to a smaller number of categories as a way of extracting meaning is a key component (Elo & Kyngäs, 2008; Klenke, 2016; Lindgren et al., 2020). Likewise, the delineation of a systematic, rules-based process is necessary for establishing trustworthiness and methodological rigor (Mayring, 2014a; Schilling, 2006). QCA

procedures adopted for this study were based on those described by Hsieh and Shannon (2005) and Mayring (2014a, 2015), and consisted of data collection, data familiarization, determination of the unit of analysis, data analysis through code-category-theme development, and conceptual model development. Memoing was used throughout the study to assist with data analysis and researcher reflexivity.

Researcher Positioning

As a researcher-practitioner within the field of law enforcement, I am an insider-outsider (Dwyer & Buckle, 2009) in this study. I am an outsider because I have never been involved with federal police reform, nor have I worked for any law enforcement agencies whose consent decrees are analyzed in this study. I am not a first-line supervisor. My position as an outsider required that I ask "naive questions to explore the data in depth" (Hayfield & Huxley, 2015, p. 4), rather than relying on *a priori* assumptions about what behaviors are and are not effective in preventing officer misconduct. I am an insider because I currently work in the law enforcement profession. My position as an insider enhanced my ability to understand and accurately represent the data (Hayfield & Huxley, 2015) in this study.

For almost nine years, I have served as a law enforcement officer in a mid-size law enforcement agency near Washington, D.C. I have served as a uniformed patrol officer, a detective, a federal task force officer, a crisis negotiator, and a trainer of police tactics and decision-making. As the president of my department's police association, I have worked closely with the chief of police, senior commanders, and municipal leaders to revise department policy, implement systems changes, and lead culture change initiatives. Through these experiences, I have gained a working knowledge of day-to-day law enforcement operations, the hierarchical leadership structure (i.e., "chain of command"), police jargon, and the legal foundation for police actions. This prior

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knowledge helped me better discern the latent meaning (Elo & Kyngäs, 2008) and context of police-specific language typical in consent decrees (e.g., "use of force," "community policing," "Terry stop," "less-lethal force"). My prior experiences shape my perceptions of the influence police leaders have in effecting change and influencing officer behavior. For example, my experiences lead me to question whether changes to policy and procedure can be effective without the concerted efforts of department leadership, including and especially the first-line supervisor.

Memoing

Throughout this study, reflexive memos (Saldaña, 2021) captured how my prior knowledge and experience influenced my interpretation of the data. When I found myself making assumptions about what the data was saying, memo writing allowed me to question these assumptions. For example, on one occasion I wrote a memo challenging my assumption that phrases like "the department shall collect…" automatically implicated the first-line supervisor:

> Wording such as "shall collect" does not automatically implicate supervisors. For example, through the use of computerized means or other reporting mechanisms, officers may report statistics that go directly to another division or computer system that is not ever looked at by a human, thereby bypassing the supervisor altogether.

This observation enhanced my sensitivity to the latent meaning of specific language used in the data. Besides aiding in reflexivity, memoing helped me document the analytic process and code-category-theme development, summarize the data, reflect on surprising findings, and draw parallels between the data and the literature (Saldaña, 2021). Memos were written as "free memos" (Saldaña, 2021) or were attached to codes, categories, data segments, or documents.

Data Collection

Consent decrees are the focus of this study because they are the product of a collaboration between the federal government, the law enforcement agency under decree, and, often, community stakeholders. These documents capture a convergence of perspectives and interests in police reform in a legally binding context. These documents also describe actions that first-line supervisors are expected to take under these reforms. Since consent decrees are official, formal, collaboratively-entered, and legally binding agreements, they provide a solid foundation for understanding expected first-line supervisor actions that are likely to occur in practice; violations of consent decree provisions bring legal consequences, and collaboration by police leaders incentivizes them to ensure that expected first-line supervisor actions are carried out. Other types of reform documents, such as proposals offered by community action groups or court judgments, do not fit the criteria for this study.

The U.S. Department of Justice maintains a list of federal intervention measures against local law enforcement agencies on its official website (Department of Justice, 2022). A list of consent decrees entered over a twenty-year period, beginning in 1997 with the first consent decree, served as the basis for data collection. This list was cross-checked with Google search results to ensure it was comprehensive. The initial data consisted of 55 documents. After excluding three court judgments/injunctions issued during the same period, 52 documents remained. Eleven of these documents were technical assistance letters written by the Department of Justice. Since these letters are non-binding, they were excluded from this study. One final document, a memorandum of understanding entered with the Missoula County (Montana) Attorney's Office in 2014, was excluded because it did not concern a law enforcement agency or police first-line supervisors. (A memorandum of understanding entered with the Missoula Police

Department in 2013 *was* included in this study.) After these eliminations, the data corpus comprised 40 documents, totaling 1,833 pages.

Each consent decree was downloaded, and the file was retitled with the law enforcement agency name and the year of the consent decree to allow for ease in finding, sorting, and comparing documents. Qualitative data analysis software MAXQDA (2022 edition), served as the "software workbench" (Klenke, 2016), allowing for data familiarization and analysis.

Data Familiarization

A cursory reading of each consent decree familiarized me with its structure and content. Consent decrees are legal documents that are segmented by reform area (e.g., "training," "policies," "body-worn cameras," "supervision"). An initial reading revealed that some sections would likely not be helpful in answering the research question. For example, the "introduction," "background," and "implementation" sections common in many consent decrees described the legal basis for the agreement and how the agreement would be implemented and monitored. These sections provided background information but did not aid in understanding the actions of first-line supervisors.

As legal documents, the language of consent decrees is formal and prescriptive. They describe expected actions and the specific person who should take those actions (e.g., "supervisors shall document…"). Although consent decrees describe supervisor actions specifically, they define the term *supervisor* more broadly than *first-line supervisor* is defined in this study. In the data, *supervisor* was almost always defined as any sworn police officer at the rank of sergeant or above who is charged with oversight of other people (Albuquerque, 2015; Cincinnati, 2002; Seattle, 2012). This definition included first-line supervisors (i.e., those who directly supervise officers who interact with the public) but did not distinguish them from other lower-ranked supervisors (e.g.,

corporals, sergeants, lieutenants) or senior supervisors (e.g., captain, deputy chief, chief) (Buffalo, 2002; Pittsburgh, 1997; Steubenville, 1997) who may not have direct influence over officers on the street. This made it necessary to determine the context in which *supervisor* was used within the data.

Determination of the Unit of Analysis

The research question for this study implied the requirement of two elements before a data segment could be coded: an actor (i.e., first-line supervisor) and an action (e.g., analyze, respond, notify). Mayring (2014b) describes three units of analysis necessary for coding: recording units, coding units, and context units. *Recording units* describe "which text portions are confronted with one system of categories" (Mayring, 2014b, p. 51), *coding units* describe the smallest portion of text that will be assigned a code, and *context units* describe the largest portion of text that may be used to provide context for the coding unit. In this study, the recording unit of analysis was the entire text of consent decrees, minus those sections that describe the legal implementation and monitoring of consent decrees themselves. Grammatical clauses served as the coding unit of analysis because they usually described only one expected first-line supervisor action, but they also included enough information to make the data segment meaningful to my research question (e.g., "...supervisor will review the basis for the initial stop or seizure" (Cincinnati, 2002, para. 27)). The context unit of analysis was the topical section of the consent decree in which the coding unit appeared. For example, the data segment "supervisor will review the basis for the initial stop or seizure" was contextualized based on whether it fell under a topical section describing internal affairs investigations, routine reviews of documentation, supervisor presence at a scene, or historical information included in a computerized records management system.

Data Analysis

Coding

Coding began soon after data familiarization so that the structure of the documents remained fresh in my mind. The Alamance County Sheriff's Office (2016) settlement agreement served as the first document for analysis since it followed the basic structure of most other documents, and the length was a reasonable 32 pages. I began with a line-by-line reading, looking for any actions in which first-line supervisors engaged. Since consent decrees are largely composed of simple subject-verb-object sentence constructions, I was naturally led to adopt a coding method that closely aligned with process coding, which focuses on action in the data (Saldaña, 2021). While many codes were named after verbs taken straight from the text (*in vivo*), consent decrees often used synonyms to describe identical actions. Consequently, I consolidated similar data segments under a single code that captured substantially the same meaning. For example, clauses containing the verbs "document," "record in writing," and "memorialize in writing" were all coded as *documenting*. My familiarity with law enforcement procedures assisted in this regard, but also made it important to keep codes close to the original text to ensure that they were properly grounded in the data instead of being skewed by my background.

After coding about two dozen data segments, I began to realize both the benefits and the limitations of this approach. *In vivo* process coding allowed me to keep the language of the codes consistent with the language of the text, but labeling codes with only the verb deconstructed the data too far, rendering it nearly meaningless in addressing the research question (Elo & Kyngäs, 2008; Schilling, 2006). First-line supervisors may be *evaluating*, *documenting*, and *investigating*, but *what* is being evaluated, documented, or investigated? More importantly, what does this have to do

with preventing officer misconduct? Realizing this, I began the coding process again, this time capturing not only the actions that were taken but also the object of the action (e.g., *evaluating officer performance, documenting complaints, investigating alleged misconduct*). This remained my basic coding schema throughout the remainder of the study.

Although coding is sometimes described linearly to simplify explanation and conceptualization, the actual coding process is recursive (Birks & Mills, 2015; Saldaña, 2021). When identified data segments required a code similar to one already created, I reviewed the data segments under that code to ensure the new data was consistent with the code parameters. If it was, I applied the code. If it was not, a new code was created.

Regular coding system checks—generally conducted after coding each consent decree—ensured that the code parameters had not inadvertently shifted. For example, during one coding system check, I noticed that the code *receiving notification of high-liability actions* also included data segments describing how first-line supervisors receive notification of excessive force or policy violations. These are not only high-liability actions but also misconduct. Consequently, this led to the creation of the new code *receiving notification of alleged misconduct*.

Category Development

Category development began after about 20 percent of the data had been coded. Using Microsoft Word to sort codes alphabetically allowed natural categories to emerge. For example, multiple codes described ways that first-line supervisors were supposed to document their actions (e.g., *documenting corrective actions taken with officers, documenting evaluation of high-liability actions*). I initially categorized these codes as DOCUMENTING ACTIONS; however, this did little more than lump codes under a broad, descriptive label, running counter to Saldaña's (2021) observation that categorization

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should "move toward *consolidated meaning*" (p. 13, emphasis in original). Following

Mayring's (2014a) advice of developing "categories directly out of the material" (p. 374),

I returned to the coded data segments under each category to search for words that

explained not only *what* first-line supervisors were doing but also gave insight into the

meaning behind the actions. In the example of documentation, this led to the category

MEMORIALIZING IN WRITING. This was a phrase used throughout the data that captured

the essence of documentation to not only capture what events had transpired but to

create an important, permanent record of them. Following this process of categorization

led to "true description without bias owing to the preconceptions of the researcher, an

understanding of the material in terms of the material" (Mayring, 2014b, p. 79).

Like codes, categories developed recursively throughout the data analysis process

through the use of constant comparison (Birks & Mills, 2015), which ensured that the

category system was grounded in the data. Category definitions helped ensure category-

code alignment. Although Saldaña (2021) and Klenke (2016) advocate for a robust

category definition structure consisting of labels, descriptions, inclusion criteria,

exclusion criteria, and examples, I found these elements to be too cumbersome in the

early stages of categorization, when I needed the flexibility to experiment with different

code-category configurations. Instead, I opted to describe the category with a simple

sentence that captured the category's basic concept (e.g., *RESPONDING TO THE SCENE* —

"Refers to a first-line supervisor's obligation to be physically present on the street with

their officers"). More robust category definitions in line with Saldaña and Klenke's

recommendations developed near the end of the coding process.

Theme Development

While some researchers use the terms *theme* and *category* interchangeably

(Hsieh & Shannon, 2005; Saldaña, 2021), my definition of *theme* aligns with that of

Braun and Clarke (2006): "a theme captures something important about the data in relation to the research question, and represents some level of *patterned* response or meaning within the data set" (p. 7, emphasis in original). Theming the data required yet another level of abstraction beyond category development (Kleinheksel et al., 2020; Lindgren et al., 2020). Consequently, I grouped categories to discover not only how the actions of first-line supervisors influenced officer misconduct, but how (or if) these actions interrelated with one another. Grouping themes in Microsoft Word, much in the same way that I developed categories, proved insufficient at capturing "patterned meaning" in the data. Instead, flowchart tools allowed for better visualization of how the categories interacted.

Recognizing that "themes are not descriptions but researcher *interpretations* that summarize our beliefs about the data" (Saldaña, 2021, p. 258), it was again important for me to revisit my original codes, categories, and data segments to ensure that themes remained "data-driven" (Braun & Clarke, 2006). Reviewing memos that I had written throughout this study helped in this regard. This process resulted in the development of six final themes, which describe ways in which first-line supervisors engage in close and effective supervision to prevent officer misconduct.

Conceptual Modeling

Although themes and categories are often described using a hierarchical chart, with codes grouped into mutually exclusive categories that are then grouped into mutually exclusive themes, I agree with Lindgren et al. (2020) that human behavior cannot always be so neatly organized. The process of visually mapping categories to develop themes led to the development of a conceptual model that provides a graphical representation of the interrelationships of the themes and their underlying categories. This model helps show the complex, interrelated nature of first-line supervisor actions in

pursuit of misconduct prevention, and, perhaps, to allow for easier explanation, examination, and improvement of this phenomenon (Klagge, 2015).

Data Analysis Software

MAXQDA (2022 Edition) was used to store, search, code, and categorize the initial data and all memos. Categorization also happened in Microsoft Word. Theming occurred in the online flowchart software Draw.io, and Adobe Creative Suite products were used to produce the final conceptual model. Regular backups of MAXQDA data provided the benefit of historical snapshots, which allowed me to return to the data at a granular level to see how codes had emerged and changed throughout the study.

Methodological Rigor

A common way of ensuring quality and establishing trustworthiness in a QCA study is through the use of multiple coders (Kleinheksel et al., 2020; Mayring, 2014a; Schilling, 2006). The practical limitations of a master's thesis precluded the use of multiple coders in this study, but I sought to demonstrate trustworthiness through methodological rigor: keeping an audit trail of my code-category-theme decisions through memo writing (Birks & Mills, 2015; Kleinheksel et al., 2020), adhering to a "systematic, rule bound procedure" of analysis (Mayring, 2014a; see also Finfgeld-Connett, 2014), and then meticulously retracing my code-category assignments when I determined at the beginning of this study that the procedures I was using were inadequate and needed to be adjusted (Kleinheksel et al., 2020; Mayring, 2014a). Considerable attention was paid to ensuring that code-category-theme development remained grounded in the data, while also acknowledging how my unique positioning in the context of this study enhanced and limited my interpretation of the data.

Conclusion

       This study aimed to develop a conceptual model that enhances understanding of actions police first-line supervisors are expected to take to prevent officer misconduct. Qualitative content analysis of 40 federal consent decrees led to the development of six themes that describe these actions. When viewed in the context of existing leadership and policing theories, these themes provide meaningful insights into the research question both for practitioners and future researchers.

CHAPTER 5

INTERPRETATION OF FINDINGS

Police officers work in a dynamic, dangerous environment that requires decisive action and leaves little room for error. This study aims to describe how police first-line supervisors influence the behavior of their officers to prevent these actions from resulting in police misconduct. Qualitative content analysis (QCA) of 40 federal consent decrees[3] entered between the federal government and law enforcement agencies between 1997 and 2017 (see Appendix C) led to the development of six interrelated themes that describe expected first-line supervisor actions to identify, correct, and prevent officer misconduct. These themes form a conceptual model of first-line supervisor influence on officer misconduct within the framework of consent decree reform, which is depicted in Figure 2. A full explanation of this model is presented at the end of this chapter, but the following overview summarizes theme interrelationships and serves as a reference point as findings are explained.

Overview of Themes and Conceptual Model

Six themes developed in this study describe how "close and effective" supervision enhances a first-line supervisor's awareness of the preferred, past, and present behavior of their officers, resulting in their ability to take action to prevent potential future acts of misconduct, ultimately leading to the development of larger systems of constitutional policing. First-line supervisors accomplish these objectives as they:

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[3] A variety of documents may be used to signify an agreement between the federal government and a law enforcement agency. These documents include consent decrees, memorandums of agreement, memorandums of understanding, and settlement agreements. Although these documents serve slightly different legal purposes, they all share the same goal of documenting police reform measures agreed upon by two or more parties. For ease of reference during this study, these various document types are all subsumed under the name "consent decree."

Figure 2

Graphical Model of Close and Effective Supervision
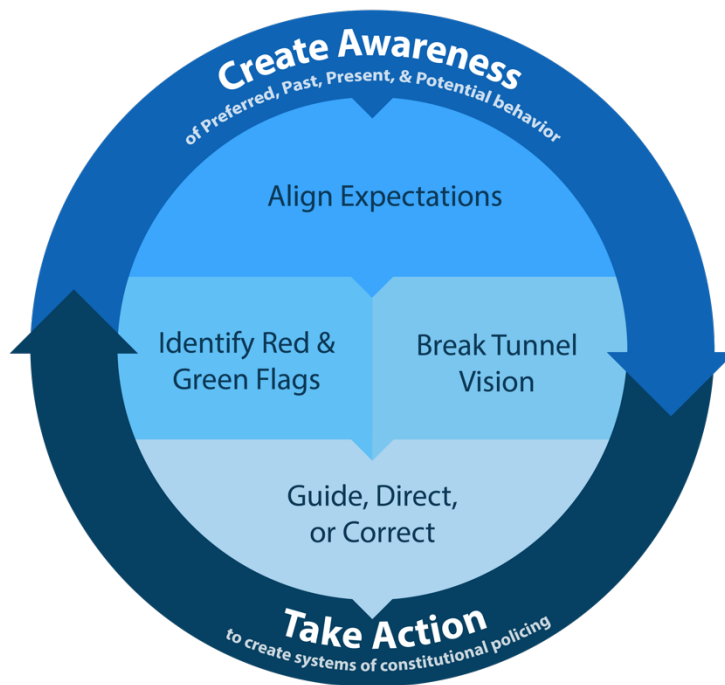
- *Align Expectations of Preferred Officer Behavior*. Multiple stakeholders share the goal of achieving constitutional policing practices, but viewpoints about how to achieve this goal may differ. First-line supervisors influence officer behavior away from misconduct as they align the expectations of these stakeholders to the greatest extent possible.

- *Identify Red & Green Flags of Past Officer Behavior*. When stakeholder expectations align, a standard is created that serves as a baseline first-line supervisors use to evaluate past officer behavior and become more aware of potential future behavior.

- *Break Tunnel Vision on Present Officer Behavior*. Officers in high-stress or high-liability situations may fail to recognize alternate courses of action that

can lead them away from potential misconduct. First-line supervisors influence officer behavior by remaining aware of present officer behavior and, when necessary, taking action in response to that awareness.

- *Transform Awareness into Action.* When first-line supervisors identify problematic officer behavior, they have an affirmative obligation to take action that corrects misconduct or prevents actions from becoming misconduct. Many of these actions are prescribed by consent decrees.

- *Guide, Direct, or Correct Officer Behavior.* First-line supervisors are expected to influence officers by adapting their leadership style to the type of officer behavior they are addressing. Generally, the higher the liability of an action, the more directive the first-line supervisor is expected to be.

- *Transfer Action into Larger Systems of Constitutional Policing.* The goal of preventing misconduct is not just the effective handling of individual incidents, but the creation of a system that makes it nearly impossible for persistent patterns of misconduct to exist. First-line supervisors contribute to a larger system of constitutional policing by taking actions that enhance the awareness of other stakeholders within this system.

In this chapter, each theme, along with its accompanying actions is first explained. At the conclusion, a conceptual model of close and effective supervision is presented.

Align Expectations for Preferred Officer Behavior

Consent decrees commonly describe four stakeholders concerned with achieving the desired objective of constitutional policing: law enforcement agencies, police leaders (including first-line supervisors), officers, and community members. First-line supervisors are expected to interact with all these stakeholders. Although law enforcement and community stakeholders may sometimes disagree about how best to achieve the objective of constitutional policing, they generally share the goals of increasing public safety and ensuring that relationships between the police and the community remain safe and productive (Adegbile, 2017). *Role congruence* describes the degree to which these expectations and shared attitudes about policing are in alignment (Ingram, 2013; Phillips, 2015). Role congruence increases the effectiveness of change efforts and leads to higher job satisfaction (Ingram & Lee, 2015), while role incongruence creates frustration, confusion, and inefficiency (Ingram & Lee, 2015; Willis, 2011). In hierarchical organizations, such as law enforcement agencies, role congruence is commonly achieved as each level of the hierarchy communicates expectations in a top-down manner to the next lowest level, as depicted in Figure 3.

In this model, role congruence results in the effective identification and pursuit of shared objectives; however, if one level in this hierarchy falls out of alignment with the level above, it often influences those levels underneath, as depicted in Figure 4. For example, tight role congruence between first-line supervisors and their officers (but not the department) may result in resistance to department goals or change initiatives (Ingram, 2013). Tight role congruence between the law enforcement agency and first-line supervisors (but not the community) may result in ineffective or unconstitutional police service.

Figure 3

Hierarchical Model of Role Alignment

Figure 4

Role Misalignment in a Hierarchical Model
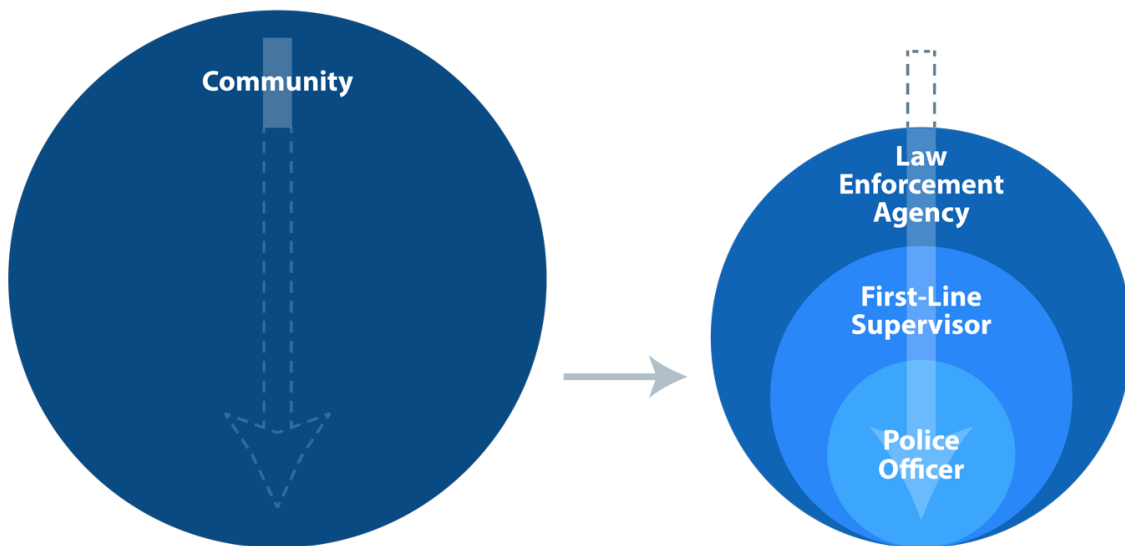
Consider the example of Ferguson, Missouri, where the United States Department of Justice (USDOJ) pattern-or-practice investigation into the Ferguson Police Department (FPD) discovered tight role congruence between city leadership, the chief of police, first-line supervisors, and police officers. Expectations aligned between these stakeholders about the importance of revenue generation as an output of law enforcement actions, often at the expense of community expectations for police service. The USDOJ's findings report (Department of Justice, 2015a), which served as the precursor to the consent decree with FPD, described this role misalignment:

> The City's emphasis on revenue generation has a profound effect on FPD's approach to law enforcement. Patrol assignments and schedules are geared toward aggressive enforcement of Ferguson's municipal code, with insufficient thought given to whether enforcement strategies promote public safety or unnecessarily undermine community trust and cooperation. Officer evaluations and promotions depend to an inordinate degree on "productivity," meaning the number of citations issued. Partly as a consequence of City and FPD priorities, many officers appear to see some residents, especially those who live in Ferguson's predominantly African American neighborhoods, less as constituents to be protected than as potential offenders and sources of revenue.

The resulting consent decree described FPD's obligation to "reorient their approach to law enforcement to focus on community engagement and collaborative partnerships" (Ferguson,[4] 2016). It set forth several mechanisms to achieve this, including requiring officer-citizen interactions in a non-enforcement context, and community relationship-building as a way to foster trust. FPD provides an example of how consent decrees alter the hierarchical model of role alignment to achieve

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[4] Throughout this chapter, parenthetical citations of consent decrees are shortened to the name of the law enforcement agency's jurisdiction. For example, *U.S. v. City of Ferguson* is shortened to "Ferguson."

role congruence by encouraging overlapping communication and partnerships between multiple stakeholders, as depicted in Figure 5.

Figure 5

Collaborative Model of Role Alignment
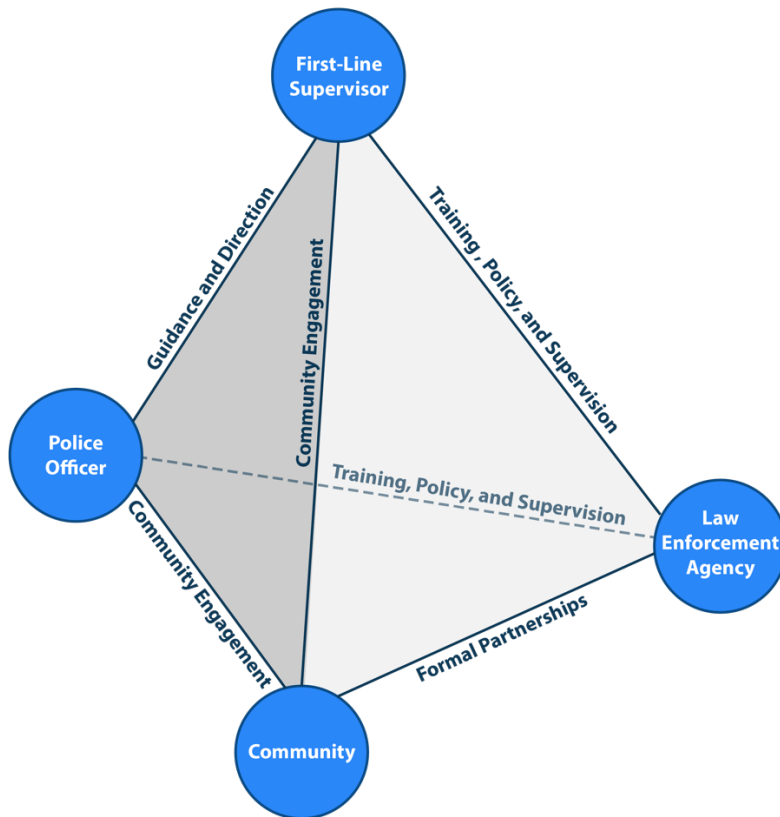
In this model, role congruence results from the collaborative effort of multiple stakeholders to align expectations. If the expectations of one stakeholder fall out of alignment with another, redundant communication systems and partnerships exist to identify and correct this role incongruence. For example, if individual officers determine not to engage the community during their normal shifts, first-line supervisors still learn about community expectations through their own interactions. If neither first-line

supervisors nor officers engage the community, the law enforcement agency, through formal partnerships with community organizations, learns of community expectations and transfers these to officers and first-line supervisors through training and policy.

Consent decrees expect first-line supervisors to ENGAGE IN CONTINUAL FEEDBACK, CREATE COMMUNITY PARTNERSHIPS, and RECEIVE TRAINING to ensure role congruence between themselves and the officers they lead.

Engage in Continual Feedback

Consent decrees set up the expectation that the law enforcement agency will "actively seek input and feedback" (Cleveland, 2015, para. 294) from first-line supervisors and officers to "evaluate whether policies and procedures are being implemented effectively or whether additional or modified training on policies is warranted" (Sheppard Mullin Richter & Hampton, 2015). Likewise, first-line supervisors are expected to "provide timely, constructive feedback" (Baltimore City, 2017, para. 189) to their officers, such as clarification about policies (Suffolk, 2014), direction on ethical policing practices (Albuquerque, 2015), and guidance necessary for their officers to improve and develop in their careers (East Haven, 2012). Common feedback areas between first-line supervisors, officers, and law enforcement agencies are presented in Table 3.

Law enforcement agencies, police officers, and first-line supervisors also receive continual feedback from the community by attending community meetings (Albuquerque, 2015), administering feedback surveys (Missoula, 2013), and consulting regularly with community groups (Los Angeles County, 2015; University of Montana, 2013).

Table 3

Common Feedback Areas Between Law Enforcement Stakeholders

Expected Feedback Topics
Adjustments to community survey methodology and content
Equipment needs
Improving standardized training
Resource allocation
Suggestions/concerns about policies, training, tactics, or equipment
Technological improvements

Sources: Baltimore City (2017); Cleveland (2015); Los Angeles (2001); Los Angeles County (2015); New Jersey (1999); Newark (2016); Portland (2014)

Creating Community Partnerships

Consistent with the philosophy of community-oriented policing, community engagement is "an essential component of the [Civil Rights] Division's police reform strategy" (Department of Justice, 2017). This being the case, most consent decrees provide limited specific guidance to first-line supervisors about what constitutes community engagement activities or how first-line supervisors are expected to guide and direct their officers in this respect. Most expectations for first-line supervisors are limited to short, general phrases: "engaging the community" (Cleveland, 2015), "building community partnerships" (Albuquerque, 2015), and "lead efforts to increase public trust" (Baltimore City, 2017). Table 4 lists expected actions of first-line supervisors to CREATE COMMUNITY PARTNERSHIPS.

The Ferguson Police Department (2016) provides the most robust guidance for community engagement, as indicated by asterisks in Table 4. Several other consent decrees also describe specific ways that first-line supervisors engage the community. At the University of Montana Police Department (2013), first-line supervisors consider recommendations from an external review board to determine if sexual assault cases need to be reopened, reexamined, or recategorized. The Missoula Police Department

(2013), Newark Police Department (2016), and Los Angeles County Sheriff's Department (2015) expect first-line supervisors to consider results from community surveys when making decisions on how to lead their officers. Also at the Los Angeles County Sheriff's Department (2015), an ongoing agency-community partnership with the Museum of Tolerance provides first-line supervisors with clear guidance on avoiding bias in policing.

Table 4

Expected Actions of First-Line Supervisors to Create Community Partnerships

Category	Activity Description
Specific Actions	Assign officers to specific areas to allow for neighborhood problem-solving*
	Attend community meetings
	Require officers to attend community meetings, as scheduled, within the officers' assigned patrol area*
	Require officers to patrol via walking and/or bicycle patrols in assigned areas*
	Require officers to provide residents in their assigned area with their business email and business telephone number, and respond to calls and emails within a reasonable time period*
General Guidance	Build community partnerships
	Develop positive relationships with diverse community groups
	Encourage direct officer-resident communication
	Encourage officers to regularly communicate with members of the public
	Engage the community
	Ensure that officers are working actively to engage the community with the goal of increasing public trust
	Guide officers on building community partnerships
	Improve public safety and crime prevention through community engagement
	Lead efforts to increase public trust
	Problem-oriented policing methods
	Understand community policing methods

Sources: Albuquerque (2015); Baltimore City (2017); City of Miami (2016); Cleveland (2015); *Ferguson (2016)

Receiving Training

Training transfers knowledge and skills from the law enforcement agency to the first-line supervisor, who is then expected to use gained knowledge and skills to lead officers in furtherance of the objective of constitutional policing. Training received before (City of Miami, 2016; Detroit, 2003) or soon after (Cincinnati, 2002) a first-line

supervisor's promotion allows "newly promoted supervisors to better understand the requirements of their positions" (Baltimore City, 2017). Refresher training allows first-line supervisors to stay up to date on laws, policies, and police tactics, and is usually conducted annually (Detroit, 2003; District of Columbia, 2001; Prince George's County, 2004). Training typically involves classroom instruction, but some consent decrees describe other formats, such as scenario-based training (Virgin Islands, 2009) or field training (Baltimore City, 2017).

Training generally covers three topics—supervisor-specific skills and knowledge, leadership skills and knowledge, and general police skills and knowledge—although some law enforcement agencies also require training relevant to specific high-liability areas. For example, at the Prince George's County Police Department (2004), first-line supervisors are trained in canine "Guard and Bark"[5] methodology to ensure that authorizations for canine deployments are based on a correct knowledge of canine tactics. At the Missoula Police Department (2013), first-line supervisors are trained in handling sexual assault cases because this was a high-liability area for their agency. A list of areas in which first-line supervisors are expected to be trained is found in Table 5.

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[5] Guard and bark methodology is a "technique where the dog stops just short of the suspect, crouches in a ready position and barks at the suspect. The dog is trained to initiate a bite on the suspect if the suspect makes an aggressive move towards the dog, or attempts to flee. The dog can also be ordered to bite by the handler" (Jewert, 2007).

Table 5

Areas in Which First-Line Supervisors Are Expected to be Trained

Category	Training Topic
Supervisor-Specific Skills and Knowledge	Analyzing data in the risk management system Assessing reasonableness of officer actions Conducting misconduct investigations Conducting use of force investigations Handling high-liability cases, such as sexual assaults or uses of force Reviewing reports Strategies to direct officers to minimize uses of force Strategies to intervene to prevent misconduct Supervision of specific, high liability areas Supervisor/employee communication skills Supporting officers who report misconduct and may face retaliation Techniques designed to promote proper police practices
Leadership Skills and Knowledge	Command accountability Cultural diversity Ethics Integrity Interpersonal Communication Leadership Management Non-discrimination Procedural justice Professionalism Theories of motivation and leadership
General Police Skills & Knowledge	Canine deployment Community policing Crisis intervention Custodial detention Firearms qualifications Legal updates Policy updates Use of force legal knowledge Use of force tactics

Sources: Albuquerque (2015); Baltimore City (2017); Beacon (2010); Cincinnati (2002); Detroit (2003); Cleveland (2015); District of Columbia (2001); Los Angeles (2001); Los Angeles County (2015); Missoula (2013); New Jersey (1999); Newark (2016); Portland (2014); Prince George's County (2004); Steubenville (1997); Virgin Islands (2009)

Example of Aligning Expectations

First-line supervisors take many actions to align expectations and maintain role

congruence between multiple stakeholders. These actions are broadly categorized as

ENGAGING IN CONTINUAL FEEDBACK, CREATING COMMUNITY PARTNERSHIPS, and *RECEIVING*

TRAINING. A collaborative model of role alignment may be used to show how a first-line

supervisor fulfills the expectation of "building community partnerships and guiding officers on this requirement" (Albuquerque, 2015). Although this example begins with action taken by a community group, the collaborative model of role alignment allows for the process to begin with any stakeholder. This process is described below and illustrated in Figure 6.

1. A community group provides feedback to a law enforcement agency with whom they have a formal partnership (e.g., Los Angeles County, 2015).

2. The law enforcement agency adjusts policy and training based on feedback received from the community group (e.g., University of Montana, 2013).

3. Officers and first-line supervisors receive updated training and policies from the law enforcement agency.

4. Based on this training and policy, first-line supervisors lead efforts to increase public trust (e.g., Baltimore City, 2017) and direct officers to engage the community (e.g., Cleveland, 2015).

Figure 6

Example of Role Alignment Within a Collaborative Model
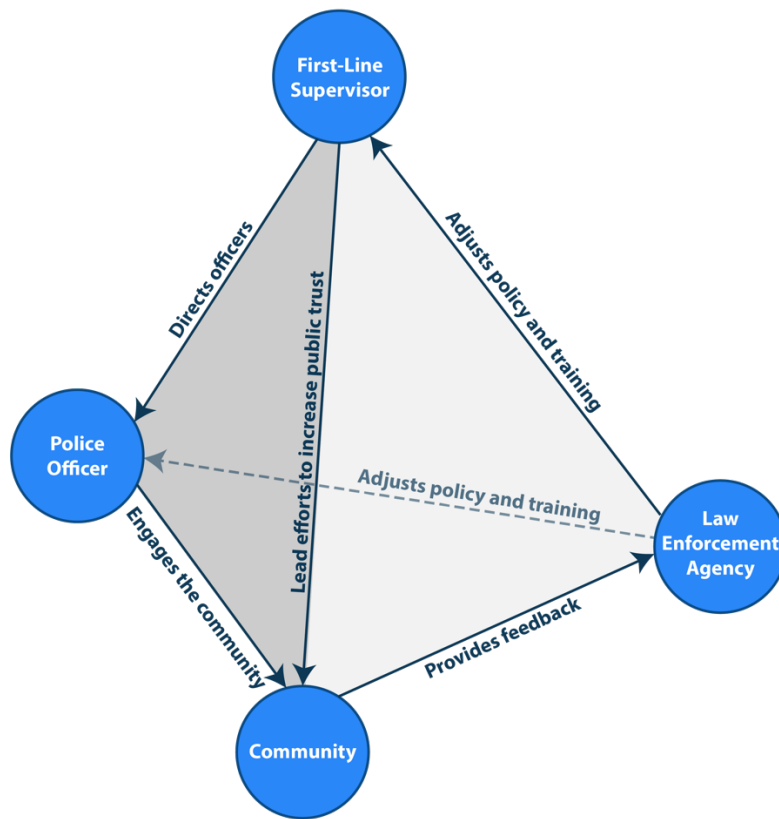
Summary

Collaborative role alignment enhances first-line supervisor awareness of the preferred behavior of their officers from the perspectives of the law enforcement agency, the community, police officers, and first-line supervisors. These expectations come into alignment as first-line supervisors *ENGAGE IN CONTINUAL FEEDBACK* driven by *RECEIVING TRAINING* and *BUILDING COMMUNITY PARTNERSHIPS*. Aligned expectations of preferred officer behavior become the baseline against which first-line supervisors evaluate officer behavior. In this respect, first-line supervisors' awareness of, and ability to align, expectations about the preferred behavior of their officers gives context as first-line supervisors evaluate their officers' past and present behavior.

Identify Red and Green Flags of Past Officer Behavior

Past behavior can be a reliable indicator of future behavior (Ouellette & Wood, 1998). Consent decrees suggest that the greater awareness first-line supervisors have of past officer behavior, the better they can "identify and monitor opportunities for officers to engage in misconduct" (City of Miami, 2016). Since consent decrees are enacted precisely *because* past patterns of behavior have gone unnoticed or unaddressed, first-line supervisors are expected to enhance their awareness of past officer behavior to proactively identify "both potentially problematic as well as commendable behavior among officers" (Albuquerque, 2015).

Red flags describe identified problematic behavior. Just as a red flag posted on a beach indicates the lingering presence of dangerous underwater currents caused by a storm that has already left the area, past problematic officer behavior may serve as a reliable indicator of an officer's propensity to engage in misconduct in certain situations. Conversely, *green flags* describe identified commendable behavior (including the absence of problematic behavior). Past commendable officer behavior may serve as a reliable indicator that an officer is likely to police constitutionally and may be able to assist other officers to police constitutionally. Red and green flags arise from behavioral trends that have occurred in the relatively distant past (e.g., over many years of an officer's career or as a collective pattern of behavior within a squad or unit), or as isolated incidents that occurred in the relatively recent past (e.g., specific incidents that occurred during the prior shift).

As first-line supervisors identify red and green flags of individual and collective officer behavior in both the distant and recent past, they can better anticipate situations where red flag behavior may become problematic or where green flag behavior may be advantageous. First-line supervisors identify red and green flags by *ANALYZING RISK*

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MANAGEMENT DATA and *PERFORMING QUALITY CONTROL*. The former is concerned with discovering trends in the relatively distant past, while the latter is concerned with scrutinizing the day-to-day (i.e., recent past) activities of officers. This concept is illustrated in Figure 7.

Figure 7

Identify Red and Green Flags
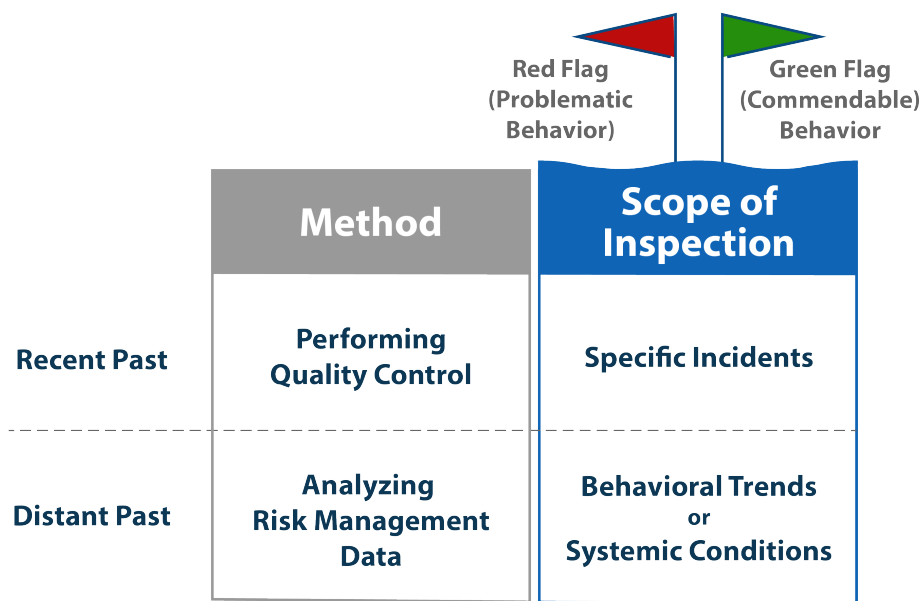
In the example of the first-ever consent decree, entered with the Pittsburgh Police Bureau (1997), the USDOJ found that the Bureau did not have a tracking system to identify patterns of misconduct that would "alert management to a potential problem" (Department of Justice, 2015b). Consequently, one of the reform measures put into place by the Pittsburgh Police Bureau was a risk management system that tracked employee data and provided early warnings when problematic behavior was identified. Since this first consent decree was entered, accountability systems have been a constant and major part of consent decree reform efforts (Department of Justice, 2017).

Analyzing Risk Management Data

Risk management data provides a lens into the past behavior of an officer or group of officers. Risk management systems store historical data that is aggregated from multiple sources and made available to first-line supervisors, including data about police actions (e.g., stops, searches, uses of force), employee behavior (e.g., internal affairs investigations, civil lawsuits, use of sick leave), and other department matters (e.g., training records, community policing data). This data may take various forms, including statistics, narrative summaries, and documents. It may be structured around individual officers or groups of officers, allowing for first-line supervisors to make "appropriate comparisons in order to identify any significant individual or group patterns of behavior" (Albuquerque, 2015, para. 218). This data allows for "supervisory awareness and proactive identification of both potentially problematic as well as commendable behavior among officers," (Albuquerque, 2015, para. 212). It also allows first-line supervisors to identify "potentially problematic individual and department-wide conduct or signs of stress or other behavior that would benefit from being addressed" (Baltimore City, 2017).

The New Jersey State Police consent decree (1999) called this system a "Management Awareness Program," (para. 40), which captures the essential function of risk management data in creating awareness for first-line supervisors to better carry out their management duties. First-line supervisors are then expected to "incorporate the knowledge gained from this review into their ongoing evaluation and supervision of officers" (Cleveland, 2015). By *ANALYZING RISK MANAGEMENT DATA*, first-line supervisors extend the adage, "you manage what you measure" (Morgan, 2017) by also measuring what others before them have managed. Table 6 summarizes typical information available to first-line supervisors in a risk management system.

Table 6

Typical Risk Management Information Available to First-Line Supervisors

Category	Description of Information
Employee Information	Civil lawsuits Commendations Counseling reports Discipline Sick leave usage
Internal Investigations	Complaints (or absence of complaints) Misconduct investigation results Use of force review files
Police Actions	Arrests Calls for service Citations Community policing data Person stops Searches & seizures Traffic stops Uses of force Warrants issued
Training Records	Attendance records Current curricula Lesson plans Other records about training received

Sources: Beacon (2010); District of Columbia (2001); Portland (2014); United States Department of Justice (2017)

In conjunction with data storage, risk management systems usually contain an early intervention component that triggers a warning when officers engage in an "abnormal pattern of problematic behavior" (Department of Justice, 2017). Early warning systems have been described as "one of the most important management tools for monitoring officer performance and as 'central to the goal of changing the organizational culture of a police department to effect long-term, sustainable police reform' (Walker & Macdonald, 2009)" (Department of Justice, 2017). Waiting for an early warning alert is not sufficient for effective supervision, however: first-line supervisors must proactively access and analyze risk management data to discover red and green flags. Besides routine analysis, first-line supervisors are expected to access

risk management data each time a new officer is transferred into their squad or unit (Cincinnati, 2002). Since data analysis and pattern identification are not typical pre-employment qualifications for law enforcement officers, the law enforcement agency has a responsibility to train first-line supervisors on the use of risk management systems to accomplish these objectives (Los Angeles, 2001).

Performing Quality Control

The saying "inspect what you expect" captures the first-line supervisor's obligation to PERFORM QUALITY CONTROL. As ANALYZING RISK MANAGEMENT DATA is concerned with historical trends, PERFORMING QUALITY CONTROL is concerned with recent, specific situations, up to and including the most recent shift that an officer worked. First-line supervisors are expected to thoroughly review and evaluate officer behavior to determine if it adheres to law and policy (Cleveland, 2015; Portland, 2014; Virgin Islands, 2009). Scrutiny of both written (e.g., police reports) and non-written (e.g., body camera footage) documentation submitted by officers before the end of each shift is a common way of achieving this goal. PERFORMING QUALITY CONTROL may occur regularly (City of Miami, 2016; New Jersey, 1999; Virgin Islands, 2009) or randomly (Beacon, 2010; Cincinnati, 2002), and may involve inspections of routine information, such as traffic tickets, or directed reviews of high-liability areas, such as use of force incidents. Table 7 lists information on which first-line supervisors are expected to perform quality control.

Table 7

Information on Which First-Line Supervisors are Expected to Perform Quality Control

Category	Description of Information
Written Documentation	Arrest paperwork CAD logs Case/incident reports Investigation files Prisoner injury reports Search warrants Traffic citations Use of force reports
Audio-Visual Documentation	Body camera footage Mobile video recorder footage

Note: CAD stands for "Computer Aided Dispatch" and is typically used to describe information entered into the computer system by dispatchers or officers during an incident (e.g., call date, time, and location; names and personal information of citizens; the type of crime being investigated; officer or dispatcher notes).
Sources: Baltimore City (2017); Beacon (2010); Cincinnati (2002)

Investigations are formal quality control measures that first-line supervisors undertake when misconduct is alleged or suspected (Beacon, 2010). At the first-line supervisor level, investigations are normally relegated to determining preliminarily whether misconduct has occurred (Beacon, 2010; Cincinnati, 2002; Detroit, 2003); identified misconduct is forwarded to a separate internal affairs unit for further investigation (Alamance, 2016; Steubenville, 1997). Typical actions required of first-line supervisors while conducting investigations are listed in Table 8.

Table 8

Typical Actions Required of First-Line Supervisors While Conducting Investigations

Description of Action
Collect physical evidence
Evaluate information to meet a "preponderance of the evidence" burden of proof
Instruct officers to comply with internal affairs
Interview officers at the scene of an incident
Interview the subject [of a use of force]
Interview witnesses to an incident
Resolve inconsistencies between witness statements
Review video tapes from vehicle dash cameras
Take photographs of injuries

Sources: Cincinnati (2002); City of Yonkers (2016); Detroit (2003); Orange County (2010); Virgin Islands (2009)

Example of Identifying Red and Green Flags

Identifying red and green flags allows a first-line supervisor to become aware of past officer actions that may become a future problem, or which may prove a future asset. Table 9 provides a list of sample questions first-line supervisors may ask when analyzing risk management data or performing quality control as a way of *Identifying Red and Green Flags*.

Table 9

Sample Questions to Identify Red & Green Flags

Category	Sample Questions to Ask
Performing Quality Control (Recent Past)	
Basic Information	What is the date, time, and location of the incident? What is the crime that was committed or alleged? Was the subject armed, resisting arrest, or evading police? What other officers were present at the incident?
Legal Justification	Was there a legal basis for the police action? Was the legal basis for the police action known before the action took place, or only discovered after? Does the documentation indicate possible criminal activity by the officer?
Policy Compliance	Did the officer obtain supervisory approval if required for any actions? If supervisory approval was required and not obtained, what was the reason? Were all actions in compliance with policy? Could any problematic behavior be corrected with training or supervisory counseling? Do any problematic behaviors need to be investigated further?
Quality of Written Documentation	Does the document contain all the facts of the incident? Does the document *accurately* represent all the facts of the incident? Does the document contain *pro forma*, canned, or conclusory language?
Quality of Non-Written Documentation	Was the body camera or vehicle camera activated in accordance with policy? Are there inconsistencies between any camera footage and the written documentation?
Analyzing Risk Management Data (Distant Past)	
Individual Officer Behavior	Have I analyzed data about officers whom I view as problematic? Have I analyzed data about officers whom I do not view as problematic? Have I included various categories of data in my analysis, such as police actions, training, and employee information? Have I looked for patterns of problematic behavior (red flags)? Have I looked for patterns of commendable behavior (green flags)? Have I looked for the absence of data, such as the absence of complaints, which may indicate commendable behavior?
Collective Officer Behavior (Squad or Unit)	Have I analyzed collective data about the squad or unit I supervise? Have I looked for patterns of problematic behavior (red flags)? Have I looked for patterns of commendable behavior (green flags)? Have I looked for signs of stress that may indicate increased opportunity for misconduct, such as critical incidents that could take an emotional or psychological toll on officers?

Note: These questions were formed by deriving key concepts of data analysis and quality control from consent decrees and rephrasing them into question format.
Sources: Albuquerque (2015); Baltimore City (2017); Cleveland (2015); Newark (2016); Prince George's County (2004)

Summary

ANALYZING RISK MANAGEMENT DATA and *PERFORMING QUALITY CONTROL* allow

first-line supervisors to identify past problematic or commendable officer behavior. This

allows first-line supervisors to recognize how this behavior may become a liability or an

asset in future incidents. Supervisors who identify past problematic behavior have an

affirmative obligation to act in response to those behaviors. Supervisors who identify

commendable behavior are also encouraged to act in ways that further the career of the

identified officer and the objective of constitutional policing.

More will be discussed later in this chapter about actions first-line supervisors

are expected to take in response to past officer behavior; however, since problematic

officer behavior occurring in the present will soon become past problematic behavior if

left unaddressed, a first-line supervisor's awareness of past officer behavior is closely tied

to an awareness of what officers are doing presently.

Break Tunnel Vision on Present Officer Behavior

Physiologically, tunnel vision describes the loss of peripheral vision (Vargas-Martín & Peli, 2006). Metaphorically, tunnel vision describes a person's inability to perceive alternate courses of action or to see others' viewpoints (Findley, 2012). In this sense, tunnel vision is closely associated with the psychological concept of confirmation bias (Aronson & Aronson, 2018). Both physiological and metaphorical tunnel vision are widely discussed law enforcement phenomena in academic research and mainstream law enforcement literature (Findley, 2012; Grossman, 2009; Reichart, 2016; Trainum, 2016). Officers who are involved in stressful, dynamic situations, such as shootings or high-speed pursuits, may experience physiological tunnel vision (Grossman, 2009; Novy, 2012; Reichart, 2016). Similarly, officers in these situations may intentionally or unintentionally fail to perceive alternate courses of action that could prevent misconduct.

Consent decrees have consistently maintained the expectation that first-line supervisors provide close and effective oversight of their officers (Albuquerque, 2015; City of Yonkers, 2016; East Haven, 2012; Los Angeles, 2001; University of Montana, 2013). Part of this oversight requires that first-line supervisors maintain awareness of the present behavior of their officers on the street and then intervene in certain situations. First-line supervisors who fail to remain aware of present officer behavior are left to rely on documented officer accounts of incidents (see *Identifying Red and Green Flags: Performing Quality Control*) and may miss on-scene problematic behavior in which the first-line supervisor could intervene. By RECEIVING NOTIFICATION of present officer behavior and RESPONDING TO THE SCENE accordingly, first-line supervisors expand their awareness away from what they assume is happening on a scene to gain a clearer understanding of what is actually happening. Figure 8 illustrates this concept.

Figure 8

Break Tunnel Vision

For example, the City of Miami Police Department (2016) expects first-line supervisors to "be available throughout their shift to respond to the field to provide supervision," and the Albuquerque Police Department (2015) and Baltimore City Police Department (2017) require first-line supervisors to respond to the scene of complaints and uses of force. Both *RECEIVING NOTIFICATION* and *RESPONDING TO THE SCENE* are expected first-line supervisor actions designed to break metaphorical tunnel vision and increase awareness of present officer behavior.

Receiving Notification

First-line supervisors are expected to receive notifications on several different topics, including high-liability actions in which officers are presently engaged (East Haven, 2012), alleged misconduct (Cincinnati, 2002), citizen complaints (Alamance, 2016; Virgin Islands, 2009; City of Yonkers, 2016), and off-duty legal action against an officer (New Jersey, 1999). While these were all common triggering events for notification, some agencies required first-line supervisor notification for events tailored to their specific agency. For example, the Los Angeles County Sheriff's

Department (2015) required supervisory notification before a consensual search of a citizen's home because this was an agency-specific high-liability area. And the Baltimore City Police Department (2017) and Albuquerque Police Department (2015) required notification by internal affairs to first-line supervisors when one of their officers was placed under investigation.

Notification may come from multiple sources, including the self-report of an officer who is directly involved in a high-liability incident or possible misconduct (Albuquerque, 2015; Beacon, 2010; Newark, 2016), a whistleblower complaint from an officer who observes another officer engage in possible misconduct (District of Columbia, 2001; Los Angeles, 2001), or an officer who receives a complaint from a citizen (Cincinnati, 2002; Prince George's County, 2004). Table 10 lists common events that trigger notifications and the sources from whence these notifications originate.

Table 10

Notifications First-Line Supervisors Are Expected to Receive

Category	Source of Notification	Triggering Events
High-Liability Incidents	Self-Report Whistleblower	Any use of force Canine deployment Making an arrest Pointing a firearm Prior to consent search of home Prisoner injuries Taser deployment
Alleged, Suspected, or Confirmed Misconduct	Self-Report Whistleblower	Officer witnesses excessive force Officer witnesses discriminatory policing Officer forgets to activate body camera or vehicle camera when required by policy
Legal Action	Self-Report	Officer arrested or charged with a crime Officer becomes subject of protective order Officer named in a lawsuit
Other	Senior Chain of Command Internal Affairs	Citizen requests a supervisor Internal Affairs is investigating officer Internal Affairs receives complaint about officer

Sources: Cleveland (2015); Los Angeles County (2015); New Jersey (1999); Prince George's County (2004); Suffolk (2014); Virgin Islands (2009)

Responding to the Scene

First-line supervisors are expected to maintain a regular field presence with their officers (City of Miami, 2016; Los Angeles, 2001; New Jersey, 1999), "be available throughout their shift to respond to the field to provide supervision" (City of Miami, 2016), and promptly respond to the scene of high-liability incidents and complaints (Cincinnati, 2002; Prince George's County, 2004). *RESPONDING TO THE SCENE* describes more than a perfunctory obligation; it is incumbent on the first-line supervisor to respond "immediately" (East Haven, 2012) and "promptly" (City of Warren, 2012) to take one or more actions to prevent actual or alleged misconduct. Although first-line supervisors are expected to routinely be in the field with their officers, the most common reason for first-line supervisors to respond to the scene is when they *RECEIVE NOTIFICATION* from their officers. A list of triggering events that require a first-line supervisor to respond to the scene is presented in Table 11.

Table 11

Actions that Require a First-Line Supervisor to Respond to the Scene

Triggering Action
Allegation of excessive force
Citizen complaint
Consent searches
ECW discharge
Execution of search warrants
Firearm discharge
Injury to citizen caused by police action
Request from subordinate officer
Uses of force

Sources: Albuquerque (2015); Baltimore City (2017); City of Yonkers (2016); Portland (2014); Prince George's County (2004); Virgin Islands (2009)

Summary

RECEIVING NOTIFICATION and RESPONDING TO THE SCENE are closely related categories of action; RECEIVING NOTIFICATION nearly always required RESPONDING TO THE SCENE. First-line supervisors take actions in these two categories to break their tunnel vision on present officer behavior, but on-scene responses also allow first-line supervisors to break the tunnel vision of their officers through actions they take once they arrive. Thus, consent decrees provide that awareness of present officer behavior inevitably leads first-line supervisors to act in response to that awareness.

Transform Awareness into Action

The three themes discussed up to this point have all dealt with increasing first-line supervisor awareness of officer behavior. *Aligning Expectations* increases awareness of preferred officer behavior from multiple stakeholder viewpoints. *Identifying Red and Green Flags* increases awareness of past officer behavior, which may serve as an indicator of problematic or commendable future behavior. And *Breaking Tunnel Vision* increases awareness of present officer behavior by placing first-line supervisors into a position to accurately assess an unfolding incident. Awareness of past or present problematic officer behavior creates a kind of "potential energy" that obligates first-line supervisors to respond with one or more actions prescribed within consent decrees. By doing so, first-line supervisors turn awareness into action, or "potential energy" into "kinetic energy," which ultimately results in the first-line supervisor taking action to *Guide, Direct, or Correct* officer behavior. This process is depicted in Figure 9.

Figure 9

Move from Awareness into Action
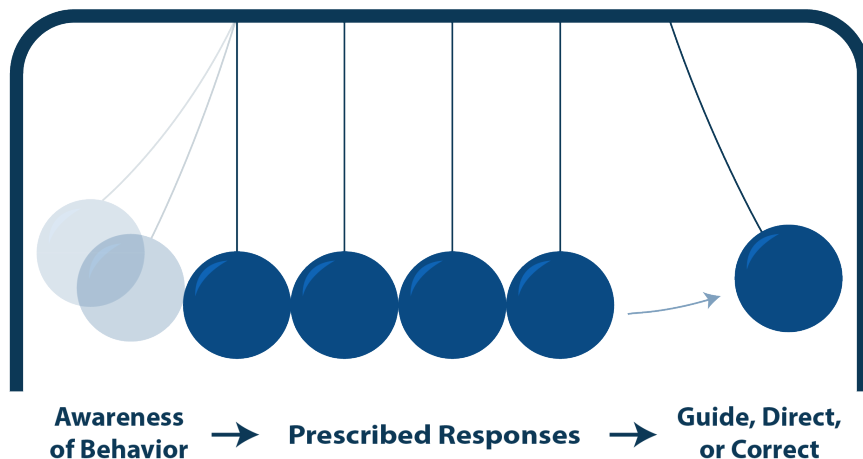
The obligation of first-line supervisors to act on their awareness may be expressed with the sentence formula: *"When first-line supervisors become aware of X, they are required to Y, which may lead them to [guide, direct, or correct] if Z."* For example, when first-line supervisors become aware of <u>an officer's use of force</u>, they are required to <u>respond to the scene and ensure that medical aid is rendered to the subject of the use of force</u> (Cincinnati, 2002; City of Warren, 2012; Cleveland, 2015; Newark, 2016; Portland, 2014; Prince George's County, 2004), which may lead them to <u>correct</u> officer behavior if <u>misconduct was suspected</u>. A list of prescribed first-line supervisor responses to identified officer behavior is presented in Table 12.

Summary

Whether first-line supervisors become aware of problematic officer behavior that happened in the recent past, distant past, or the present, first-line supervisors have an "affirmative obligation" (Pittsburgh, 1997) to act in response to that awareness. These actions are often pre-determined by consent decrees. Pre-determined responses are the mechanism through which consent decrees ensure first-line supervisors act on awareness and place themselves in the best position to correct or prevent identified officer misconduct. Consent decrees expect that first-line supervisors will then adjust their leadership behavior in response to the type of officer behavior they are addressing.

Table 12

Prescribed First-Line Supervisor Responses to Identified Behavior

Category	When first-line supervisors become aware of...	They are required to...
Past Officer Behavior (Identify Red & Green Flags)	Early warning alert from risk management system	Undertake intensive review of risk management data
	New officer transfers into unit	Review risk management data for officer
	Pattern of problematic behavior discovered in risk management data	Undertake intensive review of risk management data
Present Officer Behavior (Break Tunnel Vision)	Alleged misconduct	Respond to the scene
	Canine apprehensions	Respond to the scene
	Citizens who consent to turn over recorded cell phone video of police interactions	Respond to the scene to secure the video evidence
	Citizens wishing to file a complaint	Respond to the scene to assist the individual in filing the complaint
	Confirmed misconduct	Notify Internal Affairs
	ECW discharges	Respond to the scene
	Officers who request a supervisor at the scene	Respond to the scene
	Possible criminal conduct by an officer	Notify detectives
	Search warrant executions	Review and approve the search warrant plan Be present for the search warrant execution
	Subjects suffering from mental health crises	Seek input from crisis intervention unit
	Use of force incidents	Respond to the scene and... assess the situation in person direct activities at the scene examine the subject for injury ensure the subject receives medical attention

Sources: Albuquerque (2015); Baltimore City (2017); Cincinnati (2002); City of Warren (2012); City of Yonkers (2016); Cleveland (2015); District of Columbia (2001); Maricopa County (2015); Newark (2016); Pittsburgh (1997); Virgin Islands (2009)

Guide, Direct, or Correct Officer Behavior

   First-line supervisors are expected to take multiple actions to influence officer behavior, including monitoring (Cincinnati, 2002), intervening (Virgin Islands, 2009), redirecting (Cleveland, 2015), and counseling (City of Yonkers, 2016). The type of action expected from first-line supervisors is largely determined by the type of behavior being addressed. In the case of alleged, suspected, or confirmed misconduct, consent decrees expect first-line supervisors to correct behavior through punitive or non-punitive means. In the case of high-liability incidents, first-line supervisors are expected to take an active role in directing action so these incidents don't lead to alleged, suspected, or confirmed acts of misconduct. In the case of routine officer behavior (i.e., day-to-day activities in non-liability areas), first-line supervisors serve as a guide, helping to motivate and encourage officers. Figure 10 depicts how different levels of officer behavior are met with different first-line supervisor responses.

Figure 10

Guide, Direct, or Correct
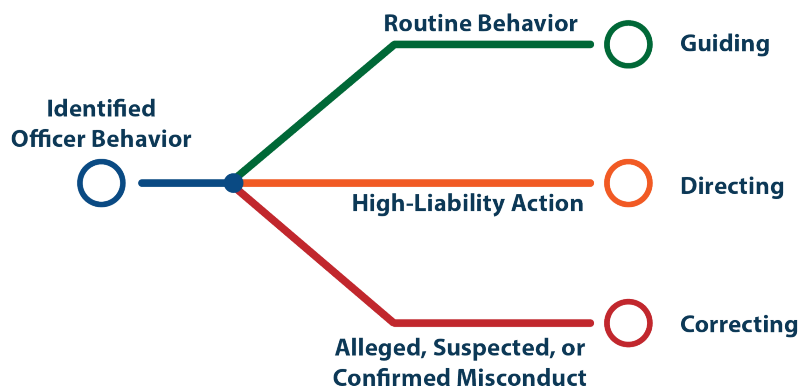
While differences in first-line supervisor responses do not always align neatly with just one of the categories depicted in Figure 10, consent decrees nevertheless expect that first-line supervisors will use varying actions to *guide, direct,* and, if necessary, *correct* officer behavior. These actions are summarized in Table 13.

Table 13

Actions Taken by First-Line Supervisors to Guide, Direct, or Correct Behavior

Category	Activity Description
Guide	Address underlying stressors
	Affirmative checks of officers' well-being
	Help officers improve performance and develop as police officers
	Identify and encourage qualified officers to take specialized roles
	Identifying training opportunities
	Identifying underlying stressors
	Mentoring
	Prevent retaliation against officers who report misconduct
	Promote officer wellbeing
	Support officers who report misconduct
Direct	Additional mentoring and supervision
	Approving or disapproving officer actions
	Authorize high-liability Actions
	Call in additional resources
	Develop Work Plans
	Direct officers to minimize uses of force
	Higher level of monitoring and accountability
	Take over on-scene decision-making
Correct	Admonishment
	Corrective action
	Demotion
	Dismissal (Relief of duty)
	Informal counseling
	Recommend non-disciplinary corrective action
	Referral for discipline
	Structured supervisory review
	Supervisory correction and intervention
	Supervised, monitored, and documented action plans
	Suspension
	Training
	Written reprimand

Sources: Alamance (2016); Albuquerque (2015); Baltimore City (2017); Beacon (2010); Cincinnati (2002); City of Miami (2016); Cleveland (2015); Easy Haven (2012); Los Angeles (2001); Los Angeles County (2015); New Jersey (1999); Newark (2016); Portland (2014); Puerto Rico (2013); Virgin Islands (2009);

Guide

"Fostering positive career development" (City of Miami, 2016; Portland, 2014) describes actions that first-line supervisors are expected to take to guide officer behavior and develop officers professionally (East Haven, 2012). These actions include mentoring (Los Angeles County, 2015), identifying training opportunities for officers (Baltimore City, 2017), and, in the case of identified green flags, recommending officers for specialized positions (Cleveland, 2015). First-line supervisors are also expected to maintain control over the work environment by addressing "underlying stressors to promote officer well-being" (Albuquerque, 2015), and by supporting officers who may face retaliation from notifying supervisors about possible misconduct (Albuquerque, 2015; Baltimore City, 2017; City of Miami, 2016; Los Angeles, 2001).

Direct

When first-line supervisors become aware that their officers are engaging in high-liability behavior, they are expected to take a more directive leadership style. For example, consent decrees describe how first-line supervisors direct on-scene actions by interviewing officers or citizens who witness a use-of-force incident (Prince George's County, 2004); calling in additional resources, such as officers trained to handle mental health crises (Cleveland, 2015); or approving or disapproving officers to participate in high-liability actions, such as approving strip searches (Baltimore City, 2017), canine deployments (Beacon, 2010), the use of a beanbag shotgun against a crowd (Cincinnati, 2002), or disapproving high-speed pursuits (Beacon, 2010).

Correct

When officer behavior must be corrected, consent decrees typically classify the correction as either punitive or non-punitive (City of Miami, 2016; East Haven, 2012; Newark, 2016). Punitive correction may include "admonishment, written reprimand,

suspension, demotion, or dismissal (Puerto Rico, 2013). Non-punitive correction may include informal counseling (Alamance, 2016), additional training (Baltimore City, 2017), and "supervised, monitored, and documented action plans" (Cincinnati, 2002; Prince George's County, 2004, Virgin Islands 2009). First-line supervisors are usually responsible for correcting minor misconduct, such as violations of policy that don't involve citizen interactions (Baltimore City, 2017), or "minor complaints which result from a misunderstanding" (Alamance, 2016). Other alleged, suspected, or confirmed misconduct, such as excessive force, biased policing, or unlawful searches and seizures require the first-line supervisor to make notification to internal affairs or senior police leaders to handle full investigations and take corrective action.

Summary

Consent decrees describe an expectation that first-line supervisors who become aware of suspected, confirmed, or alleged misconduct will take action to correct that behavior. Outside of misconduct, first-line supervisors are given more latitude to address officer behavior in a way that "fosters positive career development" and generally *avoids* punitive measures as a tool for influencing behavior.

Transfer Action into Larger Systems of Constitutional Policing

The ultimate goal of consent decrees is not just the effective handling of individual acts of misconduct, but the elimination of systemic misconduct and the establishment of a system that makes it nearly impossible for misconduct to exist or grow (Department of Justice, 2017). Transferring action into larger systems of constitutional policing requires that as first-line supervisors *Guide, Direct, or Correct* officer behavior, they make others aware of the actions they have taken by *MEMORIALIZING IN WRITING* or by *NOTIFYING UP THE CHAIN OF COMMAND* so that senior leadership can become aware of patterns of behavior that may warrant adjustments to policy or training. This chain of events is depicted in Figure 11.

Figure 11

Move from Action to Awareness

Systems of Awareness ← **Memorialize in Writing Notify Up the Chain** ← **Guide, Direct, or Correct**
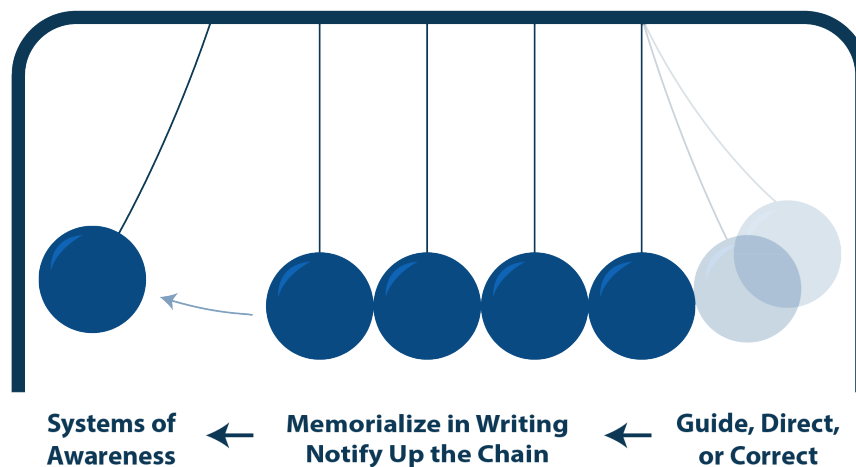
Memorialize in Writing

Documentation is the predominant tool by which first-line supervisors connect actions they have taken to a larger system of constitutional policing. The consent decree phrase "memorialize in writing" (Baltimore City, 2017; City of Yonkers, 2016; Cleveland,

2015; East Haven, 2012) suggests that first-line supervisors are expected to do more than just record the facts of what has happened: they are expected to create a permanent, lasting record as a way to remember—and later recall through a risk management system—actions taken by officers in furtherance or hindrance of the goal of constitutional policing. *MEMORIALIZING IN WRITING* is the primary mechanism through which first-line supervisors make other first-line supervisors and senior police leadership aware of officer behavior. For example, if an officer transfers into a new squad and is therefore under new supervision, that new first-line supervisor is expected to *Look for Red and Green Flags* of this officer's past behavior by referring to written documentation about their actions. This documentation originates from other first-line supervisors who have *MEMORIALIZED IN WRITING* the actions of this officer.

In the example of the New Orleans Police Department, the consent decree monitor noted that there was "scant written evidence…documenting the level, uniformity, or consistency of supervision and counseling" (Sheppard Mullin Richter & Hampton, 2015, p. 10). Besides posing a problem for consent decree monitoring and the avoidance of federal litigation, "documentation is the means by which institutions communicate, coordinate, and evaluate their standards, activities, and performance" (p. 12). Within consent decrees, first-line supervisors are expected to *MEMORIALIZE IN WRITING* many actions, including interventions taken with officers (New Jersey, 1999), evaluations of use of force incidents (Baltimore City, 2017), and approvals of citations and reports (Mount Prospect, 2003). These and other actions that first-line supervisors are expected to document are listed in Table 14.

Table 14

Actions that First-Line Supervisors are Expected to Memorialize in Writing

Theme	Description of Documented Actions
Guide, Direct, or Correct	Alleged misconduct and recommended actions
	Approval or disapproval of high-liability actions
	Counseling
	Departures from recommended disciplinary actions
	Disagreements with disciplinary actions for officers
	Disciplinary actions taken
	External referrals to assist officers
	Intervention actions taken
	Training given to officers
	Violations of policy or deficiencies in officer behavior
Identify Red & Green Flags	Determination of officer actions aligned with policy and law
	Evaluation of uses of force
	Investigations of stops, searches, citations, arrests
Break Tunnel Vision	Intake of citizen complaints
	Personal involvement in a use of force incident

Sources: Albuquerque (2015); City of Yonkers (2016); Cleveland (2015); Detroit (2003); East Haven (2012); Easton (2010), New Jersey (1999); Virgin Islands (2009)

Notify Up the Chain

Although memorializing in writing is the primary mechanism through which information is transferred within the chain of command, first-line supervisors are also expected to make immediate notification to senior police leadership in certain instances. At the Baltimore City Police Department (2017), first-line supervisors are expected to make notifications to senior leaders of use of force incidents before the end of the shift. At the Los Angeles Police Department (2001), first-line supervisors are expected to hold regular briefings with senior leaders to account for activities in which their officers are engaged. At the Alamance County Sheriff's Office (2016) and the Beacon Police Department (2010), first-line supervisors are expected not only to receive notification of citizen complaints but to forward them directly to the chief of police.

At least one purpose of *NOTIFYING UP THE CHAIN* is to involve other stakeholders in decision-making, eliminate potential conflicts of interest, and potentially activate

additional resources that may be necessary to identify, avoid, or prevent potential

misconduct as it is unfolding. (Albuquerque, 2015; Newark, 2016; New Jersey, 1999).

Summary

The last theme describes actions first-line supervisors are expected to take to

contribute to a larger system that promotes constitutional policing. First-line supervisors

are expected to do this by MEMORIALIZING IN WRITING the behaviors of their officers and

the actions that they have taken to *Guide, Direct, or Correct*, and by NOTIFYING UP THE

CHAIN as a way of promoting transparency, mobilizing additional resources, and

eliminating conflicts of interest.

Model for Close and Effective Supervision

The phrase "close and effective supervision" began appearing in consent decrees in 2012. About half of the consent decrees entered between 2012 and 2017 contain this language, but the essence of this phrase is captured in every consent decree included in this study. First-line supervisors are not idle observers: they are expected to closely monitor their officers' behavior, review historical data, be present on the scene, counsel and support officers, redirect behavior when necessary, and ultimately prevent misconduct and contribute to the creation of a larger system of constitutional policing.

This research led to the development of a conceptual model consisting of six themes describing first-line supervisor actions that, when taken together, allow for close and effective supervision to take place. This research suggests that first-line supervisors are expected to be "close" to the behavior of their officers both literally and figuratively. First-line supervisors are literally close to the behavior of their officers when they *RESPOND TO THE SCENE*, *RECEIVE NOTIFICATIONS*, *MAKE ON-SCENE DECISIONS*, *APPROVE OR DISAPPROVE OFFICER ACTIONS*, and perform some of the actions necessary to *Guide, Direct, or Correct* their officers, such as *MODIFYING AND IMPROVING OFFICER BEHAVIOR* or *FOSTERING POSITIVE CAREER DEVELOPMENT*. First-line supervisors are figuratively close to the behaviors of their officers when they scrutinize past officer behavior by *ANALYZING RISK MANAGEMENT DATA*, *PERFORMING QUALITY CONTROL*, and by seeking to *Align Expectations* between community members, the law enforcement agency, and their officers. "Effective" supervision occurs as first-line supervisors prevent misconduct and contribute to a larger system of constitutional policing. Misconduct prevention begins as first-line supervisors enhance their awareness of the preferred, past, present, and potential behaviors of their officers. These four directions of awareness are depicted in Figure 12.

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Figure 12

Four Directions of First-Line Supervisor Awareness
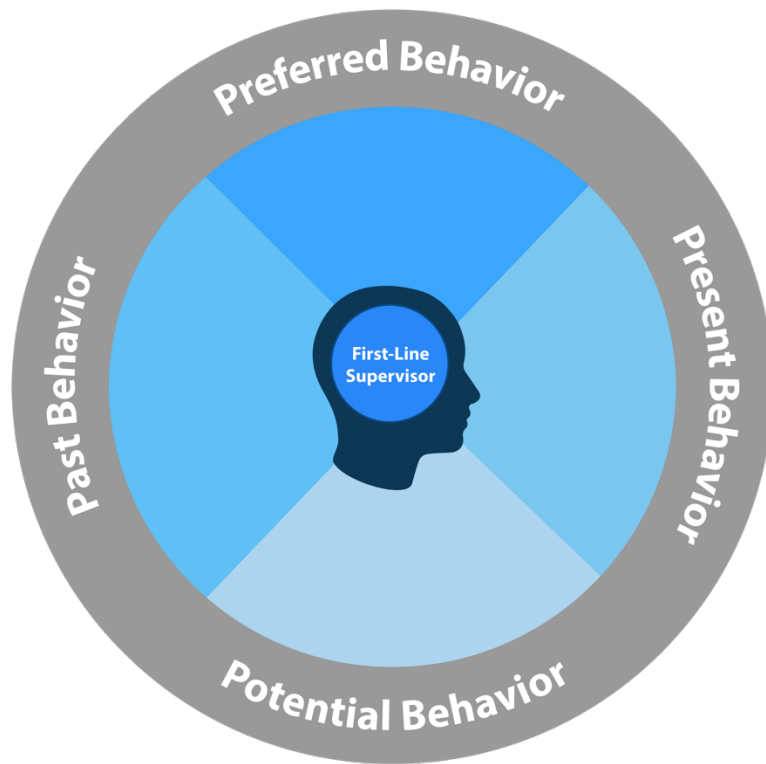
The implication behind this model is that first-line supervisors cannot expect to lead effectively if they are hyper-focused in only one of these directions. Nor can first-line supervisors hope to lead effectively if they are aware of their officers' behavior, but unprepared or unwilling to take appropriate action to prevent misconduct when opportunities present themselves. Awareness is a precursor to action, and, if done correctly, action increases the awareness of others, which then informs their action. This cycle of awareness-building and action-taking is depicted by the outer ring shown in Figure 13 and described by the themes *Transform Awareness into Action* and *Transfer Action into Larger Systems of Constitutional Policing*.

Figure 13

Model for Close and Effective Supervision
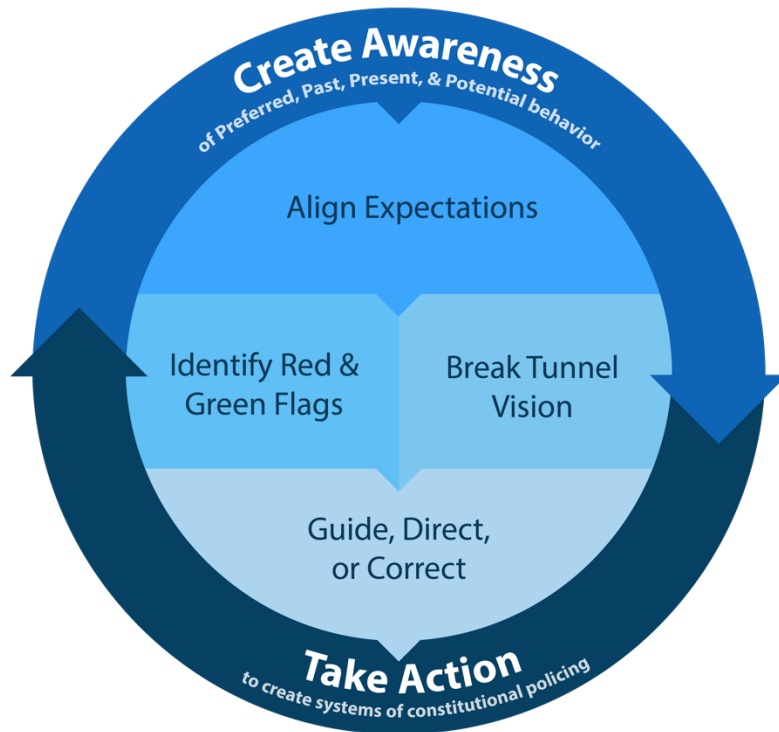
The center of this model describes ways that first-line supervisors move from awareness to action. When first-line supervisors *Align Expectations of Preferred Officer Behavior*, they enhance their awareness of the expectations of police behavior from multiple stakeholders, specifically community members, senior law enforcement leaders, and officers themselves. These aligned expectations become the standard against which first-line supervisors measure past and present officer behavior. First-line supervisors enhance their awareness of past officer behavior as they *Identify Red & Green Flags* by scrutinizing recent documentation and historical data about their officers' behavior. Problematic behavior alerts first-line supervisors that something must be done to prevent problematic historical trends or past actions from becoming problems in the

present. Contemporaneous to enhancing awareness about past behavior is the expectation that first-line supervisors will enhance their awareness of present officer behavior as they *Break Tunnel Vision* on behavior in which their officers are currently engaged. Awareness of both past and present behavior brings with it an obligation to turn awareness into action. Whether first-line supervisors are aware of problematic or commendable officer behavior, they are expected to *Guide, Direct, or Correct* officers to ensure constitutional policing. When properly documented, the guidance, direction, or correction of a first-line supervisor enhances the awareness of other individuals within the law enforcement agency, allowing them to take action to contribute to a larger system of constitutional policing, as depicted in Figure 14.

Figure 14

Systems of Constitutional Policing
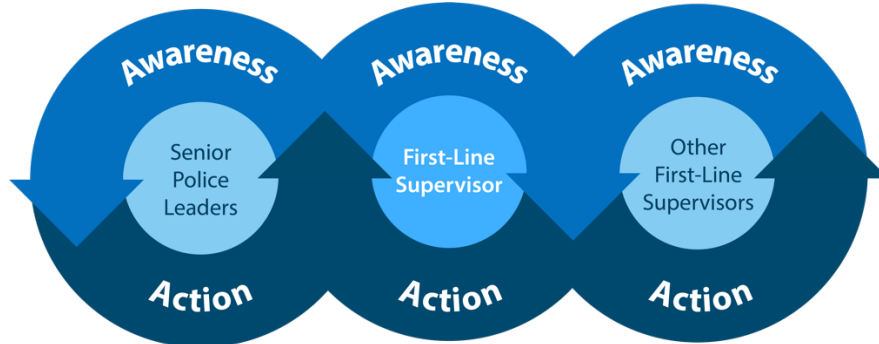
Conclusion

Consent decrees occur because the United States Department of Justice has identified a pattern or practice of unconstitutional policing within a law enforcement agency. Consent decrees not only seek to eliminate individual acts of misconduct but to establish systems that make it impossible for misconduct to exist and to grow. In a properly functioning system of constitutional policing, actions taken by first-line supervisors contribute to changes in policy, procedures, and practice that ultimately influence the way a law enforcement agency achieves constitutional policing objectives. The themes and conceptual model developed in this chapter describe actions that consent decrees expect first-line supervisors to take to become part of this larger system of constitutional policing.

CHAPTER 6

DISCUSSION

This study explored actions that police first-line supervisors are expected to take to prevent acts of misconduct by officers they supervise. A process of inductive qualitative content analysis of 40 federal consent decrees entered between 1997 and 2017 allowed for the consolidation of first-line supervisor actions scattered throughout these documents. Categories of expected actions led to six themes that provided a meaningful answer to the research question, "what behavior are police first-line supervisors expected to take to prevent officer misconduct?"

This research suggests that police first-line supervisors influence officer behavior away from misconduct as they engage in a process of close and effective supervision marked by a cycle of awareness-building and action-taking. This cycle incorporates supervisory activities consistent with prevailing policing philosophies and leadership concepts; however, this study suggests that consent decree reform and the first-line supervisor's role within it remain heavily focused on ensuring constitutional officer behavior in an enforcement context and less focused on one of the central tenets of modern law enforcement, community-oriented policing. This surprising finding and two others are discussed below.

Limited Integration of Community-Oriented Policing Activities

The United States Department of Justice (USDOJ) describes community relationships as a core element of enacting meaningful police reform and establishing a community-oriented policing philosophy (Department of Justice, 2017). As discussed in previous chapters, first-line supervisors are the link between line-level officers and strategic department objectives and philosophies. These connections notwithstanding, the current study suggested that first-line supervisors still receive very little direction

about how to turn department community-oriented policing strategies into meaningful behavior by officers they supervise. As described in Table 4, guidance to first-line supervisors about involving community members in crime reduction is vague and limited. Ferguson's consent decree was one notable exception, where a clear and concrete, albeit brief, plan described how officers were expected to engage the community (see Table 4). This study showed that community involvement is heaviest when first-line supervisors *Align Expectations*, but that missing from nearly every consent decree was a prescription about how first-line supervisors are expected to track and monitor community engagements by their officers in a meaningful, concrete way; very few systems exist to *Identify Red and Green Flags* or *Break Tunnel Vision* regarding officer-community interactions outside of an enforcement context. For example, PERFORMING QUALITY CONTROL is heavily focused on ensuring that enforcement actions have taken place in a manner consistent with law and policy, but there are virtually no expectations that first-line supervisors will perform quality control on how well their officers "engage the community" or have "direct officer-resident communication" (Table 7). The lack of quality control in these areas is likely to lead to blind spots in supervision and officer behavior. This study's findings are in line with Willis' (2011) observation that first-line supervisors who are not given clear direction about how to measure community-oriented policing objectives may default to measuring enforcement activities, such as ticket-writing or arrests.

Convergence of Transformational and Transactional Leadership Styles

This research suggests confirmation of Fisher et al.'s (2014) conclusion that a combination of transactional and transformational leadership styles is necessary for the effective supervision of police officers. Yukl's (2013) observation that the line between these two styles is sometimes blurred also held true in this study. This research

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suggested that first-line supervisors influence officer behavior away from misconduct as they take a transactional approach to certain types of behavior (e.g., misconduct resulting in excessive force, injury, or deprivation of civil rights) that require reliance on positional authority to direct officer actions or to strictly enforce policy. In these instances, first-line supervisors have little discretion about how to take corrective action or impart discipline. In other situations, however, first-line supervisors are expected to take a more transformational approach, guiding and motivating officers through counseling, encouragement, training, and support, attempting to *avoid* punitive discipline rather than impart it.

Consistent with Engel's (2001, 2002) *Active Supervisor* style, first-line supervisors influence officer behavior by being present with them at the scene of certain high-liability incidents. In variation to Engel's findings, this study suggested that the primary reason for a first-line supervisor RESPONDING TO THE SCENE is to ensure officers adhere to policy and, in some cases, to take over decision-making. In this way, the purpose of supervisory presence is to influence officer behavior through a transactional approach, rather than to motivate or lead by example; however, outside of these high-liability incidents or incidents dealing with misconduct, first-line supervisors are expected to use leadership techniques consistent with a transformational style, such as coaching, supporting, and promoting officer wellbeing (see Table 13). Bass (1990) concludes that transformational leaders can be created through training; this research agrees, citing the combination of skill- and theory-based training in subjects like police tactics, leadership, and communication (see Table 5).

Data Analysis as a Routine Activity

First-line supervisors are expected to be part-time data analysts. Through both routine and targeted analysis of risk management data, first-line supervisors are

expected to *Identify Red and Green Flags* of past officer behavior. This finding has important implications both for how community-oriented policing and transformational leadership are integrated into the culture and systems of a law enforcement agency.

First, the emphasis on risk management data to enhance first-line supervisor awareness of employee behavior (*Identify Red and Green* Flags) leads to the expectation that first-line supervisors will adapt their leadership style and actions based on specific situations of individual employees (*Guide, Direct, or Correct*). This finding suggests a shift from transactional paradigms of police leadership, in which first-line supervisors are primarily concerned with influencing behavior through the uniform enforcement of policy and not with individualized supervision.

Second, data analysis has positive implications for community-oriented policing. Within this philosophy, first-line supervisors are expected to lead their officers in identifying and addressing community concerns and crime trends. The skills that first-line supervisors are expected to apply in identifying patterns of problematic and commendable officer behavior may be transferrable to a crime analysis context. This study revealed that first-line supervisors are not expected to analyze or interpret crime data in furtherance of identifying community concerns, which could then inform how they lead their officers. If first-line supervisors were trained in this regard, it may provide additional resources for implementing a community-oriented approach to policing.

Third, the role of first-line supervisors as data analysts requires more time spent on administrative activities instead of supervision in the field. This study suggested that on-scene response and subsequent decision-making are essential actions for preventing misconduct. Given the importance of in-person supervision in *Breaking Tunnel Vision* of present officer behavior, first-line supervisors must be careful to balance the need for

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understanding historical data with the need to address incidents that are unfolding in real-time.

Limitations

Consent decrees provide inherent limitations as a data source. As discussed in Chapter 2, consent decrees describe the *expected* actions that first-line supervisors take to bring about police reform. The fact that consent decree documents are court-monitored and enforceable lends reasonableness to the conclusion that if reforms prescribed therein are deemed successful by the courts, the expected first-line supervisor actions also described therein have taken place. Even if this conclusion is reasonable, room must be left for the possibility that law enforcement agencies under consent decree somehow achieve the intended reform goals *without* first-line supervisors acting in every expected way. For example, this study suggested the importance of first-line supervisors in CREATING COMMUNITY PARTNERSHIPS, but without a reliable way to measure these actions, law enforcement agencies may conceivably achieve the desired reform goals *sans* community relationship-building, calling into question the need for community engagement in the first place.

A second limitation is that this study did not thoroughly consider the impact that the law enforcement agency has on a first-line supervisor's ability to lead, although some findings allude to ways law enforcement agencies are expected to provide a system within which a first-line supervisor works. For example, a first-line supervisor cannot have access to agency-wide risk management data if the law enforcement agency does not provide the system to store and access this data. Likewise, a law enforcement agency whose policies and procedures promote unconstitutional or biased policing practices may make it difficult for first-line supervisors to achieve role alignment between the agency and the community. This study begins with the assumption that the law

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enforcement agency (or at least senior leadership) is committed to constitutional policing.

Transferability

One of the purposes of consent decrees is to provide a reform pattern for other law enforcement agencies who are not currently, nor may ever be, under consent decree (Department of Justice, 2017). Although each consent decree is written for a specific law enforcement agency in their unique circumstances, most consent decrees share common reform elements. This study has described these elements in the context of the first-line supervisor, making note of exceptions that may be illustrative for agencies wishing to adopt similar practices. Although all law enforcement agencies and communities have unique needs and challenges, the two-decade history of consent decree reform across 40 law enforcement agencies of varying sizes and locations suggests that activities that appear consistently throughout these documents have a record of successfully preventing misconduct.

Also not discussed in this study is the financial cost of implementing consent decree reform. While reform strategies described in consent decrees may be effective, they may also be cost-prohibitive for jurisdictions that lack impending federal litigation as motivation for funding police reform. Even if some of the reforms described in consent decrees are affordable, jurisdictions that do not have identified systemic policing problems may be reluctant to invest any financial or human capital into adjusting a system of policing that appears to be working as desired. The size of law enforcement agencies is another factor to consider when applying this study across contexts. Although consent decrees have been entered with agencies that have fewer than one hundred officers and with those that have more than one thousand, very small law enforcement agencies may find some of the reform efforts excessive or unnecessary. For example, an

agency with only a few officers may not find the need to adopt a sophisticated, computerized early warning system for problematic officer behavior, but may wish to adopt the principle of *Identifying Red and Green Flags* within an analog system designed to achieve similar results.

Conclusion

First-line supervisors are in a position of authority to influence the behavior of the officers they lead. This study suggested that consent decrees establish a system wherein first-line supervisors are expected to become aware of their officers' behavior and then take action in response to that awareness. This system is referred to as "close and effective supervision." Certain components of this system may need further development to be successfully operationalized by first-line supervisors. For instance, consent decrees do not offer specific guidance on how first-line supervisors are to go about implementing or tracking community-oriented policing objectives.

This study contributed to the discipline of police leadership by advancing understanding of first-line supervisor actions in preventing officer misconduct. The actions described in this study help to establish a baseline whereby first-line supervisors prevent misconduct. While misconduct prevention is essential to constitutional policing, constitutional policing does not necessarily equate to the highest quality of police services (Scott, 2017). Research that describes how first-line supervisors influence officer behavior above the baseline of misconduct prevention is still necessary to achieve policing practices that satisfy the needs of communities.

CHAPTER 7

CONCLUSION

This study aimed to answer the call for more research on how police first-line supervisors shape "organizational performance and officer behavior" (Schafer & Martinelli, 2008, p. 318), particularly in preventing officer misconduct. Based on a qualitative content analysis of expected first-line supervisor behavior within the context of federal consent decree reform, this research concludes that first-line supervisors are expected to influence officer misconduct not only by intervening in imminent acts, but by contributing to a system that prevents conditions where misconduct can occur. First-line supervisors move closer to accomplishing this objective as they maintain awareness of their officers' past and present behavior, comparing it against the preferred behavior of multiple stakeholders, and then taking action to guide, direct, or correct officer behavior. This study suggests that first-line supervisors are expected to incorporate aspects of both transformational and transactional leadership styles, allowing for the balance of vision-setting and empowerment that modern police officers expect, but also leaving room for strict adherence to a policy- and rules-based system necessary to preserve the constitutional rights of citizens and avoid many of the negative impacts that a single act of misconduct can bring.

Inductive qualitative content analysis (QCA) proved an effective pathway for theme development in this study because prior research had not explored the role of the police first line supervisor within the context of federal consent decree reform. QCA was limited to analysis of consent decrees and similar federal reform documents. United States Department of Justice (USDOJ) letters that discussed findings of pattern-or-practice investigations provided narrative background about the underlying issues contributing to consent decree reforms. While these letters were sometimes used in this

study to provide background information, they may prove a valuable data source for future research into consent decree reform. For example, a study analyzing differences between USDOJ findings across law enforcement agencies could analyze differences in how these findings translate into consent decree reform measures based on the size, location, or unique demographics of the law enforcement agency.

This research found that first-line supervisors have a prominent role—if not *the* prominent role—in influencing officer misconduct. First-line supervisors are involved in nearly every category of reform described within consent decrees. One surprising finding is that first-line supervisors were expected to have input into the strategic planning of law enforcement agencies through a process of continual feedback. Related to this, this research clearly illustrates the importance of law enforcement agencies creating community partnerships, which aligns with a community-oriented policing philosophy; however, this study raises the question of how well first-line supervisors are equipped to transfer this philosophy to officers on the street. Very little specific guidance is provided to first-line supervisors in this subject area. Future research may wish to explore the role that the community plays in expected consent decree reform. Like the role of first-line supervisors, the role of the community is often dispersed throughout these documents. In the case of both first-line supervisors, community involvement, or other areas of consent decree reform, future research is needed to determine the relationship between the expected actions enumerated in consent decrees and their relationship with actual reform implementations.

This study exists at the intersection of growing bodies of research describing police first-line supervisor influence and federal police reform. While current literature establishes the importance of avoiding police misconduct, and of first-line supervisor influence in effecting change within a law enforcement agency, a gap in the literature

suggested more research was needed to understand the role of police first-line supervisors in preventing misconduct specifically, and not just in enhancing officer effectiveness generally. The central contribution of this study is a conceptual model useful for practitioners wishing to understand the actions police first-line supervisors are expected to take to achieve a minimum threshold of misconduct prevention. Beyond this, current and future studies into how different leadership styles enhance officer effectiveness toward achieving goals above the baseline of misconduct prevention may prove helpful in creating more effective, but also constitutional, police officers and law enforcement agencies.

For researchers, this study consolidates the expected actions of first-line supervisors described in consent decrees, providing a pathway for easier understanding and classification of first-line supervisor behavior within the context of consent decree reform. Future studies into consent decree reform may find this model helpful in isolating supervisor behavior as a separate reform category, much like the implementation of body cameras, risk management systems, or improved policies currently are.

For both practitioners and researchers, this study challenges existing assumptions that community-oriented policing philosophies and strategies are widely adopted and practiced within American law enforcement agencies and the communities they serve. Communities have expectations that law enforcement officers will police constitutionally, upholding and respecting the rights of individual citizens. Law enforcement agencies expect that first-line supervisors will lead their officers in achieving this objective. Leadership has been described as "disappointing people at a rate they can absorb" (Heifetz & Linsky, 2002, p. 142); within the context of police misconduct, communities and law enforcement agencies can absorb very little

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disappointment, making the first-line supervisors' role in taking action to identify, avoid,

and prevent acts of misconduct through close and effective supervision even more

essential.

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APPENDIX A

ACTS OF POLICE MISCONDUCT REFERENCED IN THIS STUDY

March 3, 1991 — Rodney King — Los Angeles Police Department

Shortly after midnight on March 3, 1991, California Highway Patrol officers attempted to pull over a vehicle for speeding. The driver of the vehicle, Rodney King, initially refused to stop because he had been drinking and was on probation for robbery. (Associated Press, 2017). After leading police on a 7.8-mile high-speed pursuit, which had now been joined by police officers from the Los Angeles Police Department and the Unified Police District, King pulled over in front of a San Fernando Valley apartment building and exited his vehicle. An amateur video captured what happened over the next 89 seconds as Los Angeles Police Department officers Tased King twice and struck him more than 56 times in the head and torso with batons. King sustained "skull fractures, broken bones and teeth, and permanent brain damage" (Krbechek & Bates, 2017). Three officers directly involved in the beating, and their sergeant, who stood by without intervening, were charged with assault with a deadly weapon and excessive force. All four were acquitted; two were later convicted of civil rights violations in federal court.

July 17, 2014 — Eric Garner — New York City Police Department

On July 17, 2014, in New York City, Eric Garner, 43, died while being arrested by NYPD officers for selling untaxed cigarettes on the side of the road. During the arrest, Officer Daniel Pantaleo restrained Garner using a chokehold prohibited by the NYPD. Garner's dying words—"I can't breathe"—were captured on cell phone video and became a rallying cry for the Black Lives Matter movement (Closson, 2021). Officer Pantaleo did not face criminal charges but was later fired for violating policy by using this prohibited tactic (Southall, 2019).

April 4, 2015 — Walter Scott — North Charleston Police Department

On April 4, 2015, in North Charleston, South Carolina, Walter Scott, 50, was pulled over by Officer Michael Slager for a broken tail light. Scott fled on foot from Slager, who caught up to him in a nearby grassy lot and attempted to stop him by deploying his Taser. When this attempt proved unsuccessful and Scott fled again, Slager fired eight shots at Scott, striking him five times and ultimately killing him (Schmidt & Apuzzo, 2015). In a subsequent investigation, Slager gave false testimony about the incident to investigators. He was convicted of second-degree murder and obstruction of justice and sentenced to 20 years in prison (Vann & Ortiz, 2017). Slager later pleaded guilty to federal civil rights violations (Williams et al., 2017).

June 24, 2016 — Frank Baker — St. Paul Police Department

On June 24, 2016, St. Paul police officers responded to a 9-1-1 call for a street fight that involved armed individuals. At the scene, no street fight was discovered, but officers discovered Baker sitting in a nearby vehicle. After ordering him out of the vehicle, K-9 officer Brett Palkowitsch released his dog on a compliant Baker and allowed the K-9 to maul him while Palkowitsch kicked Baker in the chest, breaking seven of his ribs and collapsing both his lungs (Department of Justice, 2021). Palkowitsch was found guilty of federal excessive force charges and sentenced to six years in prison. Baker received a $2 million settlement from the city of St Paul (Sepic, 2021).

May 25, 2020 — George Floyd — Minneapolis Police Department

On May 25, 2020, in Minneapolis, George Floyd, 46, who was suspected of passing a counterfeit $20 bill at a local food store, died while in police custody after being handcuffed and pinned to the ground by four officers for more than nine minutes

(Levenson, 2021; Oppel & Barker, 2021). All the officers were fired from the Minneapolis Police Department the day after the incident (Culver, 2020). Derek Chauvin, one of the officers involved, was later charged with, and convicted of manslaughter, second-degree murder, and third-degree murder; he was sentenced to 22.5 years in prison (Chappell, 2021; Bogel-Burroughs & Arango, 2021). Chauvin also pleaded guilty in federal court to violating Floyd's constitutionally guaranteed right "not to be deprived of liberty without due process of law" (United States Department of Justice, 2021). The other three officers were found guilty in federal court of the same charge (United States Department of Justice, 2022).

APPENDIX B

IMPACTS OF POLICE MISCONDUCT

Arrests of Law Enforcement Officers

Officers have been fired and arrested for a litany of crimes, including insurance fraud (Grzeszczak, 2022), child sexual misconduct (Hudson, 2021), destruction of evidence (Shore, 2022), illegal drug use (Kath, 2022), drug trafficking, embezzlement, and evidence mishandling (Lenthang, 2022). A study of law enforcement officer arrests between 2005 and 2011 showed that one in 1,389 U.S. law enforcement officers had been arrested for crimes ranging from drunk driving to domestic violence, to drug dealing, to child sexual crimes (Stinson, 2016).

Civil Unrest

In the 14 days following the Floyd murder, civil unrest across the United States caused an estimated $2 billion in insured property losses, the largest recorded losses from civil unrest in U.S. history (Insurance Information Institute, n.d.; Kingson, 2020). In the City of Minneapolis alone, costs to rebuild damaged property and infrastructure were estimated at $350 million (City of Minneapolis, 2021). Other demonstrations across the United States resulted in escalating uses of police force against demonstrators, and some of these resulted in officers being fired or disciplined for misconduct (Booker et al., 2020; Taylor, 2021; Vigdor, 2021).

Decline in Police services

In 2010 in Miami, two officers and their supervisor were fired for ignoring dispatched emergency calls (Masihy, 2013). In 2017, two LAPD officers were similarly fired for ignoring a robbery-in-progress call so they could play the game Pokémon Go on their cell phones (*Lozano et al., v. City of Los Angeles*, 2022).

De-Policing

After the Brown shooting, subsequent protests, and retaliations against police, national discourse began to describe what was called the "Ferguson Effect," or an apparent rise in crime and reluctance of officers to enforce the law due to fear of retaliation and backlash by the community (Wolfe & Nix, 2016). Subsequent research has acknowledged the prevalence of this discourse, but generally finds evidence of de-policing to be scant or non-existent (Blake & Lafond, 2017; Chanin & Sheats, 2018; Marier & Friddell, 2020; Wolfe & Nix, 2016).

False Convictions

In the Rampart and Tulia scandals, over 75 citizens were wrongfully convicted when police officers falsified reports, planted evidence, lied about the discovery of drugs and guns, and perjured themselves on the stand (Covey, 2013). In Chicago, police used interrogation methods akin to torture to elicit forced "confessions" from suspects (Ralph, 2020).

Lawsuits

A 2021 study found that police misconduct settlements in three large cities— New York City, Chicago, and Los Angeles—totaled $2.5 billion over 10 years (Thomson-DeVeaux et al., 2021). The costs of settlements like these are often passed on to taxpayers (Corley, 2020), giving cities a strong motivation to curtail lawsuits (Dunn & Caceres, 2010).

Retaliation Against Police

       Highly publicized acts of police misconduct have led to attacks on police officers who were unrelated to the initial incident. In December 2014, two NYPD officers were killed in an ambush as retaliation for the deaths of Eric Garner and Michael Brown[6] (Mueller & Baker, 2014). In July 2016, five Dallas police officers were killed during an otherwise peaceful Black Lives Matter protest. Before ultimately being killed by police, the Dallas shooter confessed that "recent police shootings" were a catalyst for his actions" (Fernandez et al., 2016).

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[6] The shooting death of Michael Brown by Ferguson, Missouri police officer Darren Wilson was not an act of misconduct as the term is defined in this study; Wilson was never charged with or convicted of local, state, or federal criminal charges, or of police department policy violations.

APPENDIX C

FEDERAL REFORM DOCUMENTS ANALYZED IN THIS STUDY

Table C1

Federal Reform Documents Analyzed in This Study

Year	Law Enforcement Agency	State	Document Type
2016	Alamance County Sheriff's Office	NC	Settlement Agreement
2015	Albuquerque Police Department	NM	Settlement Agreement
2017	Baltimore City Police Department	MD	Consent Decree
2010	Beacon Police Department	NY	Agreement
2007	Buffalo Police Department	NY	Memorandum of Agreement
2002	Cincinnati Police Department	OH	Memorandum of Agreement
2016	City of Miami Police Department	FL	Settlement Agreement
2012	City of Warren Police Department	OH	Settlement Agreement
2016	City of Yonkers Police Department	NY	Agreement
2015	Cleveland Division of Police	OH	Settlement Agreement
2004	Cleveland Division of Police	OH	Settlement Agreement
2002	Columbus Division of Police	OH	Resolution Letter
2003	Detroit Police Department	MI	Consent Judgment
2001	District of Columbia Metropolitan Police Department	DC	Memorandum of Agreement
2012	East Haven Police Department	CT	Settlement Agreement
2010	Easton Police Department	PA	Agreement
2016	Ferguson Police Department	MO	Consent Decree
2001	Highland Park Police Department	IL	Memorandum of Agreement
2015	Los Angeles County Sheriff's Department	CA	Settlement Agreement
2001	Los Angeles Police Department	CA	Consent Decree
2015	Maricopa County Sheriff's Office	AZ	Settlement Agreement
2015	Meridian Police Department	MS	Settlement Agreement
2013	Missoula Police Department	MT	Memorandum of Understanding
2000	Montgomery County Police Department	MD	Memorandum of Agreement
2003	Mount Prospect Police Department	IL	Memorandum of Agreement
1999	New Jersey State Police	NJ	Consent Decree
2013	New Orleans Police Department	LA	Consent Decree

Year	Law Enforcement Agency	State	Document Type
2016	Newark Police Department	NJ	Agreement
2010	Orange County Sheriff's Office	FL	Agreement
1997	Pittsburgh Bureau of Police	PA	Consent Decree
2014	Portland Police Bureau	OR	Settlement Agreement
2004	Prince George's County Police Department	MD	Memorandum of Agreement
2004	Prince George's County Police Department	MD	Consent Decree
2013	Puerto Rico Police Department		Agreement
2012	Seattle Police Department	WA	Settlement Agreement
1997	Steubenville Police Department	OH	Consent Decree
2014	Suffolk County Police Department	NY	Agreement
2013	University of Montana Office of Public Safety	MT	Memorandum of Agreement
2003	Villa Rica Police Department	GA	Memorandum of Agreement
2009	Virgin Islands Police Department		Consent Decree