>> TAKE A FIRST STEP

WALKING THE WALK IN DEVELOPING SERGEANTS

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TABLE OF CONTENTS

JUMPING SHIP

FROM SHEEPDOG TO BUREAUCRAT

TIMELESS LEADERSHIP

WALKING THE WALK IN DEVELOPING SERGEANTS

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PRESIDENT'S MESSAGE

Chief Alan Rowe
GACP President &
Valdosta State University Chief

Spring 2023

Greetings! As I sit to write this update, it is a record breaking day in Georgia. While many are focused on the important work of the Legislature on "Crossover Day", Georgia continues to lead the country in one more unique way... the highest pollen count on record. As we all work diligently to push through the sinus complications and coughs, we can rest assured that the sunny days of a Georgia summer are right around the corner.

Speaking of records, we just concluded another record-breaking Winter Training Conference. We once again broke attendance records for members and vendors. Our GACP staff worked diligently behind the scenes to not only ensure the highest quality of training was delivered, but also making sure all the other details of a major conference were top notch. While we have all become accustomed to a great conference, there is also another group we rarely think about. Chief Tony Whitmire, our Sergeant at Arms, and all of his volunteer Chiefs who help with setup, scanning, and assisting with every issue that arises are also critical to a successful event. Please consider volunteering at a conference in the future if you're able.

As I mentioned, "Crossover Day" is upon us and I'm happy to report that overall, law enforcement faired very well in this legislative season. While the Session is not complete, our Legislative Committee and GACP staff worked closely with our elected officials to tell the story of the challenges our agencies are facing each and every day. The relationships we are building in the Capitol and those forged on the local level by each of you is critical

to our success. A special thanks to Chief John Robison and Chief Billy Grogan on their continued leadership of our legislative efforts.

It's hard to think that my term as your President is flying by so quickly. Before we know it, we'll all be gathered once again in the Savannah heat; passing the reigns of our great Association to Chief Mark Scott. It is genuinely an honor to serve each and every one of you and I look forward to the things will we continue to accomplish in 2023. Never hesitate to reach out to me, the Executive Board, or your District Representative if the GACP can assist in any way.

Respectfully,

C. Alan Rowe, MS, MPSA
Chief of Police
Valdosta State University
229-333-2190

2023 CROSS OVER DAY

An importatnt day for the Georgia State legislature, a critical day for proposals under debate at the State Capitol.

FROM THE DESK OF THE EXECUTIVE DIRECTOR

A.A. Butch Ayers
GACP Executive Director

By the time this appears in The Georgia Police Chief, the 2023 Session of the Georgia General Assembly will have ended. There have been several bills dealing with automated speed enforcement in school zones. Several chiefs have testified before committees and have met with legislators concerning various issues with these particular bills. It will take several more weeks to digest what impact the new laws will have upon law enforcement in Georgia. Please take the time to review the GACP website's Legislative Updates. We will include a final report to outline the status of all bills that were introduced this year.

I hope each of you are making plans to attend the 2023 Summer Training Conference in Savannah. Our staff is working hard to make sure there is a variety of outstanding training sessions. We also encourage chiefs to bring their command staff to the conferences to attend training, build their network with fellow professionals, as well as interact with exhibitors to see how their products and services can improve the organization's service delivery. Most importantly, exposing them to executive training will help them clearly see issues with a more global perspective. Registration is open, but don't wait until he last minute.

On March 16, 2023, the Executive Board hosted the 2023 – 2024 Goals Conference. Incoming President Mark Scott coordinated with Mary Beth Brownlee from the Association of County Commissioners of Georgia (ACCG) to facilitate the meeting and receive feedback from the attendees. This year, the Board has taken a new approach to providing longer-term approach to addressing the needs by developing a three-to-five-year strategic plan that will be evaluated every year.

Finally, please participate in the GACP Awards Programs. In addition to the McClung / Motorola Award of Excellence for agency programs, we also have awards for individuals: Administrative Assistant, Officer, Supervisor, and Chief of the Year. Show support for your staff by nominating deserving individuals for the great work they do every day.

Butch Ayers

Executive Director

GACP SUMMER TRAINING CONFERENCE
Savannah, Georgia
JULY 23 - 26, 2023
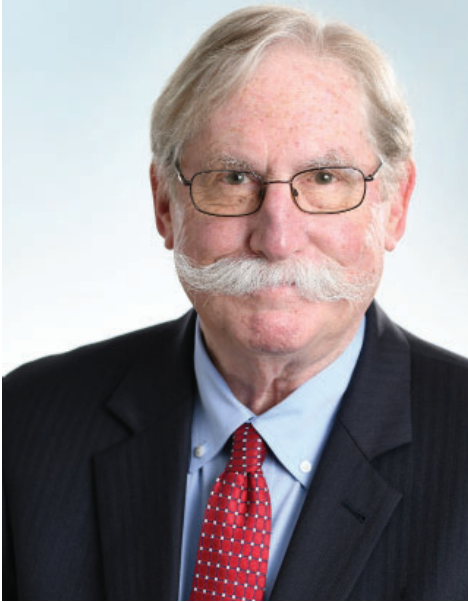
CHIEF COUNSEL'S CORNER

>> Artificial Intelligence in Policing – Fitting New Technologies Into an Old Constitution

Richard A. Carothers
GACP General Counsel
Carothers & Mitchell, LLC.

Policing is a distinctly human endeavor. And yet, it is one that constantly evolves with technological advances that enable officers to more effectively detect crime and apprehend suspects. Legal developments inevitably follow these innovations as courts must balance public safety concerns with individual liberties.

The advent of artificial intelligence (AI) is no different. This technology includes machines which boast enhanced visual perception and speech recognition capabilities. But it also encompasses machines programmed to mimic human intelligence through algorithmic decision-making and problem-solving. In its most ambitious forms, artificial intelligence promises the ability to "learn" based on experience and training rather than merely applying a fixed set of rules programmed by humans.

The appeal of this technology is obvious to understaffed law enforcement agencies. When properly deployed and managed, artificial intelligence can be a force multiplier. Though AI systems can efficiently collect and analyze vast amounts of data, there is no replacing a reasonable officer's judgment when it comes to critical law enforcement decisions which affect individual liberties.

Currently, AI technologies are most readily deployed for narrow and specific tasks. Two of the most widely-used examples of this are the Automatic License Plate Reader (ALPR) and Facial Recognition Technology (FRT).

Automatic License Plate Readers
An ALPR is a high-speed camera system mounted on a fixed object or a patrol car that automatically reads all license plate numbers within its field of vision. The system typically captures a contextual photograph of the vehicle, an image of the license plate, and the time, date, and location of the encounter. The images allow officers to visually confirm that the ALPR has accurately recorded the alphanumeric plate characters.

Facial Recognition Technology

It is one thing for a machine to recognize letters and numbers on a license plate, and it is quite another to for one to reliably recognize a human face in a crowd. But that is precisely what FRT claims to offer.

Facial recognition technology evaluates the similarity between two faces in order to verify or determine a person's identity. The system first engages in facial detection by determining whether a "probe image" contains any faces. Then, the system identifies the location of key facial characteristics such as the distance between the eyes, the depth of eye sockets, and the gap between the forehead and the chin. From there, the system compares the captured facial image to those within a database of warehoused photographs. Within that step, an algorithm generates a score to indicate how similar the probe image is to those in the database. If that score falls within a given threshold, then the system deems that the facial image is a match. Indeed, one of our attorneys was out of the country and upon his return, FRT was being used in lieu of the presentation of the passport and photograph to confirm his identity.

This technology has developed over a period of decades, and is now widely used by law enforcement agencies as an investigative tool to identify suspects, victims, and witnesses. As just one recent and prominent example, FRT has proven to be instrumental in the apprehension of intruders who breached the U.S. Capitol on January 6, 2021.

Critics of FRT warn that its use will chill protests and thereby violate First Amendment rights. A defendant raised this argument in a recent prosecution for violating Georgia's anti-mask statute, O.C.G.A. § 16-11-38. The case arose from a rally organized for the National Socialist Movement in the City of Newnan. On the day of the rally, law enforcement officers encountered a group of counter-protestors who were masked. After an officer repeatedly ordered the protestors to remove their masks, defendant Alan Hutzel refused to comply. Hutzel was arrested for wearing a mask to conceal his identity, and he was ultimately convicted of that charge. On appeal, Hutzel argued that O.C.G.A. § 16-11-38 violated his constitutional right to protest anonymously, and he cited the ubiquitous use of FRT to support that argument. The Georgia Court of Appeals summarily rejected his constitutional challenge, and both the Georgia Supreme Court and the U.S. Supreme Court denied certiorari review.

Critics also complain that FRT can be inaccurate and lead to biased results. But FRT is not meant to be accepted without further investigation and analysis. FRT is just one investigative tool available to officers, and so concerns of accuracy and bias can be mitigated through the use of other corroborating information. Ultimately, by the time a case reaches trial, jurors will be able to compare the probe image to the defendant in the courtroom and decide for themselves.

Agencies can use an ALPR to locate vehicles that have been stolen or which have been associated with a crime or missing person. These systems can also be configured to alert officers when a plate matching an agency's predetermined "hot list" is recorded. In spite of these benefits, some critics worry that ALPRs can be abused to "paint an intimate portrait of a driver's life," "chill First Amendment protected activity," or "target drivers who visit sensitive places such as health centers, immigration clinics, gun shops, union halls, protests, or centers of religious worship."

Although many would share these privacy concerns, courts have been reluctant to conclude that limited use of ALPR technology violates the Constitution. In United States v. Wilcox, for example, the Eleventh Circuit examined a case where two Atlanta police officers were on patrol in a marked police car equipped with an ALPR. The device sounded an alert for a car that was being driven by Larry Wilcox, a convicted felon (not the actor-officer in CHiPs). The Atlanta officers confirmed with the Georgia Criminal Information Center that the car's license plate was expired and did not match the car upon which it was affixed. The officers pulled Wilcox over and found a loaded gun in the felon's back pocket. Noting that Georgia law requires license plates to be visibly displayed at all times on the rear of the vehicle, the Eleventh Circuit found that Wilcox had no reasonable expectation of privacy in his plainly-visible license plate. Georgia's appellate courts have similarly upheld use of APLR technology, finding that an alert from such a system provides an officer with reasonable, articulable suspicion to conduct a traffic stop.

> **Under Georgia's statute, only law enforcement agencies are authorized to collect captured license plate data, and personnel can access the data only for a "law enforcement purpose." O.C.G.A. § 35-1-22(b).**

That is not to say that Georgia law is indifferent to privacy concerns. Georgia is among the first states to enact legislation specifically governing the use of ALPRs. Under Georgia's statute, only law enforcement agencies are authorized to collect captured license plate data, and personnel can access the data only for a "law enforcement purpose." O.C.G.A. § 35-1-22(b). If a law enforcement agency chooses to deploy an ALPR, it must adopt a policy for use and operation of the system, including policies for training officers in the lawful use of captured license plate data. O.C.G.A. § 35-1-22(e).

Although not required by statute, an agency should document all database access in audit logs which identify the name and agency of the law enforcement user, the date and time of the access, the specific data viewed, and the authorized purpose for the access.

Along with considering all of the benefits of ALPR and FRT, law enforcement leadership should carefully craft suitable policies and training regimens to prevent misuse of these tools. Although Georgia law does not currently regulate FRT in the same way that it restricts the use of ALPR, it would be prudent for an agency to implement similar protections. This would include restricting access to an FRT system to specific authorized law enforcement uses, training officers on these restrictions, documenting all access to the system, and auditing system logs to confirm that each usage been justified by a legitimate law enforcement purpose.

Utopia or Dystopia?
It is not hard to imagine how a government could use ALPRs and FRT to subject its citizens to unchecked surveillance. This dystopia is reality in China, where the government freely uses AI technologies to engineer the behavior of its populace. A free society, on the other hand, is distinguished by its limitation of government power.

The United States Supreme Court has recognized its responsibility to ensure that the progress of technology does not erode Fourth Amendment protections. In Carpenter v. United States, the Court bluntly stated: "A person does not surrender all Fourth Amendment protection by venturing into the public sphere." In that case, police accessed over 130 days' worth of cell-site location information (CSLI) data from Timothy Carpenter's cell phone provider in order to track his movements. Writing for the majority, Justice Roberts concluded that the use of historic CSLI data to track Carpenter violated the "reasonable expectation [of privacy] in the whole of his physical movements. While technology could soon allow government to record and observe all of a person's public

movements in real time, both the reasoning of Carpenter and respect for the individual liberties at the core of our society counsel against allowing this to take place.

To be sure, ALPR and FRT are immensely useful tools that must not be overlooked. So long as reasonable guardrails are enforced and an officer's judgment is not outsourced to an algorithm, the benefits of these technologies can be recognized without the dystopian nightmares becoming our reality.

1   *See https://www.ibm.com/topics/artificial-intelligence#:~:text=At%20its%20simplest%20 form%2C%20artificial,in%20conjunction%20with%20artificial%20intelligence (last visited 2/28/2023).*

2   *See https://www.eff.org/pages/automated-license-plate-readers-alpr (last visited 2/28/2023).*

3   *415 F. App'x 990 (11th Cir. 2011).*

4   *415 F. App'x at 992.*

5   *Hernandez-Lopez v. State, 319 Ga. App. 662, 664, 738 S.E.2d 116, 118 (2013). See also Hill v. State, 321 Ga. App. 817, 818, 743 S.E.2d 489, 491 (2013) (concluding that "visual surveillance of vehicles in plain view does not constitute an unreasonable search for Fourth Amendment purposes, even if the surveillance is aided by an officer's use of a license plate tag reader, because a defendant does not have a reasonable expectation of privacy in a plainly visible license plate").*

6   *A law enforcement agency may contract with a private entity to "hold and maintain captured license plate data" subject to the agency's policies and the limitations set forth in the statute. O.C.G.A. § 35-1-22(d)(2).*

7   *See https://www.theiacp.org/projects/automated-license-plate-recognition (last visited 2/28/2023).*

8   *Partnership on AI, Understanding Facial Recognition Systems (Feb. 19, 2020), https://www. partnershiponai.org/wp-content/uploads/2020/02/Understanding-Facial-Recognition-Paper_ final.pdf.*

9   *Jessica Gabel Cino, Heather Kleider-Offutt, Beth Stevens, Kat Albrecht, Robert & Evans, Emma Riedley, The Oracle Testifies: Facial Recognition Technology As Evidence in Criminal Courtrooms, 61 U. Louisville L. Rev. 137, 138 (2023).*

10 *See https://www.eff.org/pages/face-recognition (last visited 2/28/2023).*

11 *Hutzel v. State, 359 Ga. App. 493, 497, 859 S.E.2d 495, 500 (2021), cert. denied, 211 L. Ed. 2d 608, 142 S. Ct. 904 (2022).*

12 *See https://www.wsbtv.com/news/local/facial-recognition-tool-led-mistaken-arrest-georgia-man-lawyer-says/YFV2RODJO5G4VKKJUYOBZKYROM/ (last visited 2/28/2023).*

13 *See Lynch v. State, 260 So. 3d 1166, 1170 (Fla. Dist. Ct. App. 2018) (rejecting argument that a criminal defendant should have had access to other photos the FRT system returned as possible matches).*

14 *See https://www.cnet.com/news/politics/in-china-facial-recognition-public-shaming-and-control-go-hand-in-hand/*

15 *--- U.S. ---, 201 L. Ed. 2d 507, 138 S. Ct. 2206, 2217 (2018) (cleaned up).*

16 *Id. at 2219.*

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District 1

On January 31, 2023, *Lt. Roy 'Ashley' Jones* was named as the *Ocilla Police Chief.* He has total of 13 years of service with the department. *John David Anderson* had served as the Interim Chief after *Chief Billy Hancock* retired November 1, 2022 after serving as the chief for 30 years.

District 2

On March 2, 2023, *Jason N. Hemingway* was named as the *Berlin Police Chief.*

District 3

Carl Hern was named as the *Roosevelt Warm Springs Institute Police Chief* on December 22, 2022.

Kevin L. Carter was named as the *West Point Police Chief* on February 13, 2023. Chief Carter had service as acting chief since August 2022 and served with the department for 12 years.

On March 16, 2023, *Chief Louis M. Dekmar* was awarded *Life Membership* by the Executive Board after 50 years of military and civilian law enforcement service and a combined 30 years as the police chief for the *City of Morrow and City of LaGrange Police Departments.* Among his many professional accomplishments, Chief Dekmar served as President of the Georgia Association of Chiefs of Police and the International Association of Chiefs of Police. During the same meeting, the Board also approved a Resolution recognizing the appreciation and respect for Chief Dekmar and honoring his exceptional dedication and achievements of service.

President Alan Rowe presented Chief Bruce Carlisle (Ret.) with award recognizing his six years of service as Chair of the District Representatives

District 4

On December 6, 2022, *Jackie Dorinda Lee* was named as *Interim Chief* of the *Georgia Military College Police Department.* Chief Lee has served with the department for 21 years and the last 12 as Deputy Chief.

Eastman Police Chief Becky Sheffield retired on January 1, 2023, after 45 years of service to the department. She began her service as a police officer on July 29, 1985. On December 15, 2007 Sheffield was named as Acting Chief and *Chief of Police* on February 23, 2009 for a total of 15 years.

William P. Cooper was named as *Eastman Police Chief* effective January 1, 2023. He has served with the department for 25 years and the last six and a half years as the Assistant Chief.

On January 3, 2023, *Alan Everidge* was appointed as the *Perry Police Chief.* He had served as the Interim Chief since July 2, 2022.

On January 9, 2023, *Roy B. Whitehead* was hired as the I*nterim Police Chief* for the *Warner Robins Police Department.*

The GACP Executive Board awarded *Chief Kent Lawrence* with *Life Membership* on January 22, 2023. Chief Lawrence retired on September 1, 2021, after more than 41 years of service and 34 years as chief of the *Eatonton Police Department.*

Tory E. Thomas was named as the *Ideal Police Chief* on February 5, 2023.

Nikkie R. Renfroe was named as *Acting Chief* of the *Georgia College and State University Department of Public Safety* on February 20, 2023. Chief Renfroe previously served with the Georgia Department of Public Safety where she retired as a Captain after 27 years of service

District 6

On November 28, 2022, *Tiffany Hayes* was named as the *Tybee Island Police Chief.* Chief Hayes has served with the department for 25 years. She succeeds Chief Robert J. Bryson who retired.

On December 29, 2022, Assistant Chief **Lenny Gunther** was named as the **Savannah Police Chief**. Chief Gunther had served with the department for the past 21 years and the last four years as the Assistant Chief. He replaces **Chief Roy Minter** who resigned July.

Kellie Michelle Powers was named as the A**cting Chief** of the **Ogeechee Technical College Police Department** on January 17, 2023

Chief Robert J. Bryson Jr. was awarded **Life Membership** by the GACP Executive Board on January 22, 2023. Chief Bryson retired on December 31, 2022 from the **Tybee Island Police Department** after 29 years of law enforcement service and 12 years as chief of police.

Port Wentworth Police Chief Matthew Libby retired on February 1, 2023, after 31 years of service to with city and more than 10 years as the chief. Assistant Chief **Bradwick L. Sherrod** was named as the **Interim Chief** on February 14, 2023.

District 8

Chief Robbie Alton Stuart was named as the **Blue Ridge Police Chief** on January 1, 2023. Chief Stuart has 28 years of law enforcement service and served as the Assistant Chief for the past 20 months. He succeeds **Chief Johnny James Scearce** who retired December 31, 2022.

District 9

Mountain City Police Chief Thomas Garrison retired on December 31, 2022, after 28 years of service and the past 18 years as Chief of Police. Chief Garrison was awarded **Life Membership** by the GACP Executive Board on January 22, 2023.

Jamie S. Bowden was named as the **Mount Airy Police Chief** on January 1, 2023

William M. Fitzpatrick was named as the **North Georgia Technical College Police Chief** on January 3, 2023. Chief Fitzpatrick retired as a Major from Gwinnett County Police Department after 30 years of service to the County.

Samantha Rose was appointed at *Acting Chief* of the *Social Circle Police Department* on January 25, 2023.

Chief Gary Yandura was named as the *Interim Police Chief* for the *Chamblee Police Department* on February 15, 2023.

Pendergrass Police Chief John Briscoe resigned on February 22, 2023, after two years of service. *William R. McDaniel* was named as the *Police Chief* on February 23, 2023.

Shane Edmisten was named as the *Lavonia Police Chief* on March 27, 2023. Chief Edmisten previously served as the Douglas Police Chief for the past four years until his resignation on March 14, 2023.

On March 16, 2023, the Executive Board recognized the service of *Lavonia Police Chief Bruce Carlisle (Ret.)* to the association and his six years of service as the Chair of the District Representatives.

President Alan Rowe presented Chief Bruce Carlisle (Ret.) with award recognizing his six years of service as Chair of the District Representatives

District 10

Twyla M. Locklear was named as the *Atlanta Technical College Police Chief* on December 13, 2022. Chief Locklear has 30 years of law enforcement experience and served with the department for the past 7 years. She succeeds *Chief Charles Spann*, who retired in October.

On January 3, 2023, *Christopher B. Wilson* was named as the *Southern Crescent Technical College Police Department*. Chief Wilson served with the Griffin Police Department for the past 15 years.

On January 16, 2023, *Harlan Proveaux* was named as the *Inspector General and Chief of Law Enforcement for the Georgia Department of Agriculture*. Chief Proveaux previously served as a Deputy Director for the Georgia Emergency Management Agency.

Peachtree City Police Chief Janet Moon was sworn in as a member of the *Georgia Board of Public Safety* on February 8, 2023.

District 11

On January 19, 2023, *James R. Westerfield Jr*. was sworn in as the *City of Stone Mountain Police Chief.* Chief Westerfield had served as the Interim Chief since May 3, 2022 and has been with the department for 17 years.

CLASS 23-69
FEBRUARY 2023

Front Row (left to right): Steven Gibbons, Nashville Marshal's Office; Chris Wilson, Southern Crescent Technical College; Jacquelyn Carruth, Duluth Police Department; Anthony Vazquez, DeKalb County Marshal's Office; Belinda Penamon, Barnesville Police Department; Kevin Thompson, Franklin Springs Police Department; Kenneth R. Watts, Dillard Police Department; Vicki Stevens, Southeast Georgia Health System Police Department; Alan Everidge, Perry Police Department; Shane Fann, Fort Oglethorpe Police Department.

Middle Row (left to right): Jesse Evans, Acworth Police Department; Pierre Jorden, Oliver Police Department; Paul Lewallen, Cornelia Marshal's Office; Andres Rodriguez, Gwinnett County District Attorney's Office; Robbie Stuart, Blue Ridge Police Department; Charles Hampton, Jr., Atlanta Police Department; Francisco Sanchez, Willacoochee Police Department; Leondus Dixon, Blythe Police Department; Richard Purvis, Ashburn Police Department; Wayne Fisher, Warner Robins Police Department; Robert Mask, Fayetteville Police Department.

Back Row (left to right): Chris Griffith, Paulding County Solicitor General's Office; Christopher Ford, Gwinnett County District Attorney's Office; Derek Lyman, Office of Commissioner of Insurance & Safety Fire; Lance Richards, Norfolk Southern Railroad Police Department; Darin Jennings, Nahunta Police Department; Kelvin Dingle, Sr., Morehouse School of Medicine Police Department; Tom Kirkbride, Clayton County Police Department; Godreque Newsome, Jonesboro Police Department; Melvin Hill, Atlanta Public Schools Police Department.

FEDERAL CONSENT ORDERS

>> A Review of Policies, Processes, and Outcomes

Allan Y. Jiao

Passage of the Violent Crime Control and Law Enforcement Act in 1994 provided the U. S. Department of Justice's Civil Rights Division the authority to authority to force government agencies to enter into a consent decree when they find a 'pattern and practice' of engaging in civil rights violations. Under the Trump administration, these processes were placed under review and fewer cases initiated. Despite this, some researchers suggest there is some evidence to support the use of consent decrees may have made agencies more accountable and effective.

The author suggests consent orders could continue to provide a promising approach to effect institutional change in police organizations, particularly in the area of accountability. Because of this, it is important to review the processes and outcomes of consent decrees to identify areas they need to improve.

Since 1997, about 40 police departments have entered a consent decree with the U. S. Department of Justice. Over time, they have become more 'complex and demanding.' Common areas being addressed through the consent decree process have included issues related to use of force, supervision, improving policy directives, and biased based practices. To resolve identified issues, consent decrees typically require agencies implement training and operational procedures as well as greater accountability through increased supervision and reporting procedures. As part of the reporting procedures the

decrees have required specific data collection and publication of police encounters. In the end, regardless of the issues, the objective of the process is to 'reform the old polices and practices and develop a new system of constitutional and accountable policing.'

Implementation Processes

Once the Department of Justice conducts an investigation and determines a 'finding of fact' an organization is engaged in an systematically unconstitutional practice, the local government must negotiate an agreement to be approved by a federal judge. In addition, they must agree upon a federal monitor who will be responsible for evaluating the agency's progress and making regular reports to the courts.

Common issues that have occurred during the implementation phase include:

1. *Costs*

Entering into a consent decree is very expensive. Some of the costs include legal fees, payment of monitor. One local government contested the process on the grounds they did not have the financial resources pay the associated costs that measured into the millions. Even in a smaller community the cost exceeding a half million dollars. Some of the communities were forced to seek assistance from outside partners and the private sector.

2. *Lack of Cooperation*

Some of the local jurisdictions entered in to negotiations with a negative attitude that led to a caustic and combative attitude between the parties. In other cases, officers pushed back against new regulations and suggested they made their jobs less safe and led to higher crime rates.

3. *Police Subculture*

Many of the issues were attributed to a subculture that supported bad behaviors. In addition, leadership focused on isolated "bad apples" as opposed to systemic misconduct and institutionalized behaviors that slowed the reform efforts.

4. Inadequate Measurement Criteria to Measure Compliance

Finally, measurement criteria has been to articulate and provide agreed upon compliance because much of police activity does not lend to quantitative measurement and cannot be clearly determined or validated.

The author notes there have been few studies of the consent process. Some suggest improvements have occurred by agencies that entered into consent decrees. Even in those rare cases that saw significant improvement there is still questions the consent decree achieved long-term benefits and changes.

As part of his conclusion, the authors referred to other studies that suggested police reform does not occur in police organizations unless it is mandated. Because of this, agencies typically react negatively toward being forced into the agreement as well as the federal monitor. Still some supporters of the process have noted consent decrees are not perfect and certainly have limitations but should not be viewed as making agencies less effective in fighting crime.

If consent decrees are to be used in the future, they will continue to become more 'complex and intricate.' Several key areas of the process must be clarified to lead to a more effective process.

1. Terms of Consent Decrees

The consent order must be based upon an empirical finding of a pattern and practice of unconstitutional actions by the department. Negotiations must articulate detailed objectives and results that include the qualitative and quantitative measures to be utilized.

2. Functions of Independent Federal Monitor

A good monitor must have a 'substantive knowledge of policing issues', be able to achieve goals in an effective and efficient manner and serve as a strong mediator and problem-solver for the agency.

3. Leadership and Management

The agency must have strong, proactive leadership that functions with a sense of urgency, political acumen, and the skills manage the changes require to accomplish the established reforms. Without these characteristics, the need for the department prioritize activities to reform the agency will be questioned and progress significantly slowed.

4. Institutionalization of Policies and Practices

The average tenure for police executives across the nation is very low. If newly appointed executives are not reform minded and supportive of the process, practices within the department will likely relapse to previously identified ways. Because of this, it is imperative the policies and practice be institutionalized to ensure they continue to improve regardless of the 'politics or administration'.

5. Change and Development the Police Culture

How officers' supervisors and organizational leaders respond to an incident is reflection of the organizational culture. It take's time to 'institutionalize' policy and practices and, eradicate bad behavior and change the organizational culture.

6. Creating a Professional Auditing System

Finally, agencies must implement a professional auditing system. It was suggested this process should be independent from the police oversight and institutionalized as a part of the local government. As part of this process, it is critical performance be professionally and objectively measured to provide the officers credibility and ensure performance continues to improve.

In summary, the author provides a thoughtful process for agencies to implement change and how to more effectively respond to findings by a Department of Justice finding of unconstitutional patterns and practices. It is obvious the intent of the legislation was to ensure agencies engaged in these behaviors cease these unconstitutional practices. Still, without critical assessment the process will likely not improve and the contentious environment will continue between agencies as well as the communities are sworn to serve. It would appear a more practical approach would be for agencies to use the information from these decrees to identify expected behaviors, objectively evaluate their own processes, and implement the required changes to exceed expectations.

Allan Y. Jiao, "Federal Consent Decrees: A Review of Policies, Processes, and Outcomes", Police Practice and Research, (2021), Vol. 22, No. 1, pp. 793-804.

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HOW CAN WE ACHIEVE ACCOUNTABILITY IN POLICING?

>> The (Not-So-Secret) Ingredients to Effective Police Reform

Michael D. White, Henry F. Fradella, and Michaela Flippin

The principles for effective police accountability and strategies to meet those principles are well-known. Despite this, they have been difficult for many agencies to establish and maintain. In this article, the authors identify these principles and strategies, discuss the primary barriers to police reform, and provide recommendations for institutionalizing accountability in agencies.

Eight Guiding Principles for Police Accountability

1. **Prioritize the Protect-Life Mission**

   Almost every police operational manual identifies the agency's primary purpose is to protect life. Yet some researchers hold that agency's review of officers' use of force is focused on the 'split-second' use of force. While this perception is legal and fits with department's policy, some suggest a broader review of an officer's use of force comply with the agency's mission to protect life. This would support a broader perspective more in line with a guardian mindset as compared with a warrior mindset.

2. **Acknowledge the Persistent Undercurrent of Racial Injustice in Policing**

   Law enforcement agencies have been used since before the end of slavery to control persons of color. After the Emancipation of slaves, police enforced "Black Codes", arrested and abused peaceful civil rights protesters, among other mistreatments. These historic racial injustices over multiple generations created a deep distrust of law enforcement agencies that represented the entire system. To address these injustices, police agencies need to acknowledge and accept

responsibility for these injustices and apologize for them. This will be first step to reconciliation where trust and cooperations can occur to implement sustainable improvement of public safety practices.

3. *Embrace Legitimacy and Adopt Procedural Justice as a Mechanism for Achieving It*
Based on four components including citizen participation, fairness and neutrality, dignity and respect, and trustworthy motives, procedural justice is key to creating police legitimacy and the feelings that officers' action are 'appropriate, proper, and just.' Each encounter by an officer with the public can serve to build or erode the perception that officers are legitimate. In time, this will lead to the community developing the perception that officers are 'honest, unbiased, benevolent, and lawful.'

4. *Focus on Organizational Change*
Since the Knapp Commission in 1972, agencies continue to rely on the perception that a few "rotten apples" explain the majority of police misconduct. When in reality, widespread organizational culture issues including management practices and lack of focus on issues across organization result in system failures. To accomplish this requires an agency-wide focus on accountability that includes a variety of strategies such as critical incident reporting, open and accessible complaint systems, early warning systems, and outside auditors.

5. *Become a Learning Organization*
To successfully facilitate change, agencies must become learning organizations through a shared vision to learn from officers' experiences and identify best practices. This requires the organization to be strategic, introspective, and proactive to identify deficiencies and embrace change. One tool utilized by learning organizations are 'sentinel event reviews.' The focus of the sentinel event review is accomplished by learning through introspective. Such that an accident or event is 'rarely the result of one person's mistake, but multiple small errors that occur because of underlying issues and weaknesses in the organization. To avoid similar events, this process identifies those errors and weaknesses and enables the agency to mitigate them.

6. *Be Transparent*

   Simply having all of the policies and procedures in place is not sufficient to build the public trust. The agency must be transparent and inform the public so they can make informed judgements regarding the department's actions. In addition, some agencies have employed independent auditors to inspect and evaluate critical operational procedures such as use of force and investigation of complaints. These reviews include the auditor's findings along with recommendations for improvement. To build transparency agencies have also employed the use of body worn cameras to build transparency as well as posted use of force reporting for public review.

7. *Become Data-Driven*

   Agencies should create data systems to track, evaluate, and release organizational and individual officers' performance on critical metrics such as use of force, arrests, and traffic stops.

8. *Account for the Social Cost of Policing*

   The social cost of policing is the impact policing actions have on citizens and the community. While social costs are harder to quantify, the author provides a short summary of some social costs that are often ignored.

Eight Strategies for Effective Police Accountability

While these principles provide the foundation for police accountability, strategies provide the processes achieve accountability. It is important to recognize, there are no "silver bullets", rather agencies must utilize a variety of approaches to create a comprehensive approach to ensuring agencies are being accountable.

1. *Careful Recruitment and Selection*

   Traditional recruiting and selection processes were designed to 'screen out' candidates who would likely engage in problematic behavior. Because of this, these strategies are important. In addition, however, new processes should be implemented to 'screen in' individuals with unique characteristics that would make them better officers such as good judgment and problem-solving skills.

2. *Effective Training*

   Agencies must provide a comprehensive approach to training that includes basic academy, field training, and on-going in-service training. To be effective, training must be realistic and tailored to the officer and the community. In addition, training must be evaluated based on the officer's behavior as compared to individual outcomes.

3. *Effective Administrative Policy*

   Agencies must have clearly articulated, comprehensive policy that is distributed to the entire department and equally enforced. Policy must clearly outline appropriate and inappropriate behavior and require detailed written reports of critical incidents that thoroughly describe their observations and decisions. In addition, supervisor review should be conducted of every critical incident to ensure compliance with department policy and the law.

4. *Effective Supervision and Review*

   Supervision is the foundational element to controlling officers' behavior. To accomplish this, the agency must have a proper span of control, supervisor training, and accountability of their officers' behavior

5. *Proactive Internal Affairs Unit*

   As compared with a passive IA investigation unit that responds to citizen complaints, agencies engage in proactive internal investigative processes use a variety of strategies to identify problematic behavior. For example, when an officer is suspected of engaging in inappropriate behavior the unit may stage incidents to test officers. Comparisons are made between officers with similar assignments to identify outliers. While all complaints may not be substantiated, information may be gathered to identify patterns of behavior.

6. *Accessible Civilian Complaint Process*

   Agencies must have a simple, easily accessed process that is open and transparent for citizens to file complaints against an officer. Misconduct prone

agencies have often been determined to have ignored or made it difficult to file complaints.

7. *Non-Punitive Early Intervention System*

Early intervention systems vary by agency, but commonly include a variety of variables considered as 'red flags' for high risk behavior including use of force, citizen complaints, high-speed pursuits, and civil litigation. When an officer passes an established threshold, supervisors are required to determine if there is reasonable explanation for their actions or they are engaged in problematic behavior is identified. If so, the supervisor uses 'non-punitive' intervention strategies such as training, peer mentoring, and referral to services. The supervisor continues to monitor the officer's performance to ensure the issue has been resolved.

**Eight Guiding Principles
for Police Accountability**

1. Prioritize the Protect-Life Mission
2. Acknowledge the Persistent Undercurrent of Racial Injustice in Policing
3. Embrace Legitimacy and Adopt Procedural Justice as a Mechanism for Achieving It
4. Focus on Organizational Change
5. Become a Learning Organization
6. Be Transparent
7. Become Data-Driven
8. Account for the Social Cost of Policing

**Eight Strategies
for Effective Police Accountability**

1. Careful Recruitment and Selection
2. Effective Training
3. Effective Administrative Policy
4. Effective Supervision and Review
5. Proactive Internal Affairs Unit
6. Accessible Civilian Complaint Process
7. Non-Punitive Early Intervention System
8. External Oversight

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8. *External Oversight*

This approach may range from a citizen oversight board to a full-time, permanent auditor. Having external review is viewed as being more credible. Auditors are considered to be independent and typically have more authority than a board.

Primary Barriers to Effective Police Accountability

While most of these principles and strategies have been repeatedly recommended over the last 50 years, issues of excessive force and other issues continue to plague law enforcement agencies. The authors identify common barriers to police accountability and suggest how to overcome them.

1. *Police Subculture*

   A strong police sub-culture that views on the occupation as being dangerous, isolated from the public, and solidarity among officers that supports an "us vs. them mentality" and resists change. To address this, organizational leaders must work to align the organizational culture with professional organizational values through a guardian mentality as compared with a warrior perspective. They also encourage the agency continue to expand diversity within the department to better represent the community.

2. *Poor Leadership*

   Accountability is dependent on strong, effective leadership. The chief must set the tone for the entire organization. When excessive force and other misconduct are ignored, the policy becomes meaningless.

3. *Unions and Civil Service Impedes Reform*

   Police unions play a significant role in shielding officers who engage in misconduct and are a major obstacle to reform efforts.

4. *Evolving Developments*

   The authors criticized the recent abandonment of federal oversight of local agencies by the U. S. Department of Justice. While the research on the effectiveness of federal monitors is mixed, they suggest the process has 'achieved significant reforms on most departments where consent decrees and other settlements were achieved.' A second evolving trend has been the firing or resignation of well-respected chiefs who supported police reform. The impetus for change in most instances was a 'controversial critical incident.' While some chiefs who are not holding staff accountable should be removed those who are seeking

to effect reform need to be protected from 'unwarranted political pressures.'

5. *Legal Considerations*

The authors went on to add several legal considerations to support police reform including liability when an agency does not have satisfactory policy and procedures in place, abolishing qualified immunity, statutorily restricting use of force and making it a criminal offense for an officer who fails to intervene against an officer use excessive force. Interestingly, each of these are just commonsense approaches some agency leaders have not implemented. In time, leaders' failure to administratively require these processes will like result in legislation that statutorily requires their implementation.

In closing, the authors outlined eight guiding principles and eight strategies that serve as the cornerstone for police accountability. While these initiatives have been suggested for decades, many leaders have failed to implement them and others simply did not enforce them.

Police officers are provided broad discretionary authority to perform their duties. At the same time, they have a sworn responsibility to protect individual's rights under the Constitution. Agency leaders must create an environment that insists these actions are done and support them as they are properly performed.
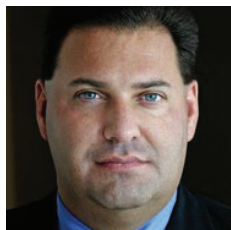
Michael D. White, Henry F. Fradella, and Michaela Flippin, "How Can we Achieve Accountability in Policing? The (Not-So-Secret) Ingredients to Effective Police Reform", Lewis and Clark Law Review, Vol. 25, No. 2, (2021), pp. 405 – 452.

WHAT POLICE LEARN FROM LAWSUITS

Joanna C. Schwartz

Most law enforcement agencies have processes to identify misconduct including citizen complaint procedures, use of force reports, and early warning systems. However, one area that has been ignored by agencies is to review information revealed during the litigation process. The author begins by identifying the different stages of litigation that provide substantial amounts of information beyond what may be found in citizen complaints, use of force reports, or internal investigation reports. First, discovery requires the exchange between the parties to identify witnesses and documents (i.e., emails, bills, internal memorandums, personnel manuals). Interrogatories require written responses to questions. Witnesses are subjected to depositions to obtain sworn testimony. While these processes have assisted other fields such as medicine and retail to develop claims management systems to mitigate the threat to lawsuits, most law enforcement agencies have not capitalized on this valuable information.

To evaluate the potential value of information generated during lawsuits, the researcher studied five departments that employed the use of independent investigators or auditors to 'consistently gather and analyze information from lawsuits filed against their organization.' Interestingly, each agency in the study viewed a lawsuit as a civilian complaint accompanying a demand for money.

When a lawsuit is filed, the allegation is compared to the incident report, use of force report, civilian complaints and other documents to determine information that was not identified in routine processes. Using information gathered during their review of the legal processes, departments employed a variety of approaches to conduct trend

analysis and identify problems that were not detected when the agencies evaluated the incidents in isolation of each other. For example, one agency found two out 23 districts were responsible for 70% of misconduct litigation and 60% of settlement costs. After several weeks of evaluation, investigators found the two districts had too many inexperienced 'rookie' officers, too few senior administrators and experienced officers to serve as field training officers (FTO's) as well as to few African American and Spanish-speaking officers.

While each of the five agencies utilized early warning systems, only two included lawsuit claims in these systems. Four of the agencies compared information in closed litigation files to the closed internal affairs files. This enabled the departments to verify the accuracy and completeness of the investigations.

While most agencies have policies to accept and investigate citizen complaints, the author identified four reasons to support allegations that complaints may not be properly reviewed. First, only a small number of individuals who feel they were mistreated file a complaint. For example, only two-thirds of claims in lawsuits were provided in civilian complaints. Second, misconduct allegations need to be clearly described. Since these complaints may be registered orally or written, they often do not include details regarding the event, witnesses, or offender(s). Third, departments have been found to have problems in receiving processes that discourage filing of complaints in some cases or were harassed during the process. Finally, supervisors filed or labeled complaints in a way that prevent the allegations from being investigated.

While most agencies rely on use of force reports, in some cases these do not require all incidents to be recorded (i.e., dog bites). It was also suggested officers do not always report the use of force and when they do, it may not include important details.

One auditor found the department did not follow the same procedures when investigating internal cases as they did with criminal cases, to include interviewing witnesses, evidence collection, or in-person interviews of the officer. The same agency found investigators often ran backgrounds on complainants and witnesses, but did not examine previous complaints on the officer. As a result, some of the agencies found the litigation file held much more comprehensive information than the internal investigation file. The author suggests two reasons information gathered through litigation is more thorough than traditional processes may be attorneys are required to follow established

ethical obligations and they have the incentive of higher payment for services if they reveal important information to support their claims.

The author noted the threat of being sued has created a blaming culture in law enforcement agencies that has magnified the problem of agencies failing to collect information. The agencies in this study followed similar practices found in other industries including aviation, manufacturing, medical, and nuclear power that gather information from accidents and near misses to identify problems that lead to accidents. In those fields, when incidents occur, in-depth investigations are conducted to determine the root-causes. However, to implement a similar process, law enforcement agencies must create a culture of 'openness to discovery and discussing the problems.'

While most agencies only review lawsuit data because of huge payouts, political pressure, and media attention, the agencies identified in this study treat all investigations the same regardless of the ramifications. By identifying behavior that caused the issue, agencies can identify ways to address 'underlying policy, training, and personnel' issues. Rather than focusing on the amount of the judgment, these agencies focus on identifying the underlying problem that should be investigated and analyzed.

In summary, this article provides new insights into how agencies can take a more comprehensive and objective approach to investigating incidents to improve department operations, prevent accidents, improve relationships with the community, and mitigate lawsuits.

At the same time, it appears only agencies with a large volume of litigation may be using or have the resources to support this approach. This begs the question, are there ways other organizations can utilize a modified approach or collaborate with other agencies to implement these processes?

Joanna C. Schwartz, "What Police Learn from Lawsuits", Cardozo Law Review, Vol. 33, No. 3, pp. 102 – 154, (2021)
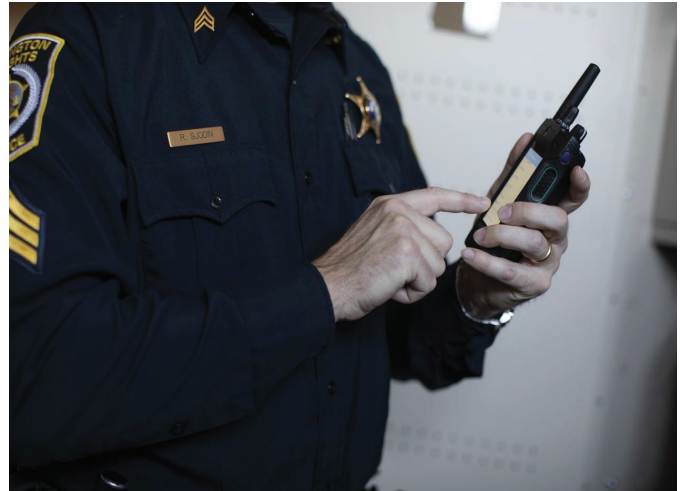
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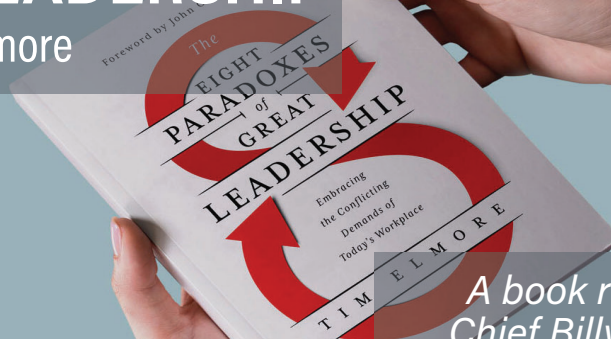
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THE EIGHT PARADOXES OF GREAT LEADERSHIP

>> A book by Tim Elmore

A book review by Chief Billy Grogan

There is a lot to unpack in this excellent book from Tim Elmore, who worked for the king of leadership development, John Maxwell, for over 25 years. The author sets the stage with a discussion of the challenges created by COVID-19 and provides a further description of the times we live in from the US Army War College. Few people would argue that we live in volatile, uncertain, complex, and ambiguous (VUCA) times. That is undoubtedly true for law enforcement leaders. Our complex world either brings out the best in leaders or the worst. According to the author, "Leaders make history, but history also makes leaders."

The problems we deal with today have moved from complicated to complex. This is certainly true for law enforcement leaders. The author describes the type of leader needed today. "What is rare is a leader who is socially and emotionally intelligent and who practices the paradoxes we'll discuss in this book with their teams." Are you a socially and emotionally intelligent leader? The author examines eight areas that seem to have two opposing positions but can complement each other when examined more closely.

The author uses real-life examples of leaders who have succeeded and failed because they had mastered the paradox or came up woefully short. Each chapter contains a summary chart of the paradox and ends with a section with suggestions to think it through and talk it over.

Let's examine each area briefly.

1.   Uncommon Leaders Balance Both Confidence and Humility

The author discusses how people follow confident leaders. If you don't believe in yourself, your people will find it difficult to believe in you. But, of course, confidence can morph into an overgrown ego. Unfortunately, ego-driven leaders run rampant through many law enforcement organizations.

2.   Uncommon Leaders Leverage Both Their Vision and Their Blind Spots

Vision provides the target you are trying to hit. Blind spots offer the ability to try unconventional means to hit it. The author uses Sara Blakely's story to illustrate this point. She is the founder of Spanks. No one wanted to give her a chance because they couldn't think of hose differently. Also, she marketed and unconventionally sold her new product because she didn't know any better. Law enforcement leaders get stuck with conventional thinking because that is how we are used to thinking, and it is safe.

3.   Uncommon Leaders Embrace Both Visibility and Invisibility

Great leaders know when to take the lead and when to step back and let others lead and grow.

4.   Uncommon Leaders are Both Stubborn and Open-Minded

I imagine this paradox might be one of the hardest for leaders to do both. Typically, if you are stubborn, you have a difficult time being open-minded. The author describes a "Pyrrhic victory," meaning a hollow and meaningless victory. For example, you might win a battle at work with a colleague, but at what price?

5.   Uncommon Leaders are Both Deeply Personal and Inherently Collective

The author used Mother Theresa as someone who demonstrates this paradox. She cared for each individual but kept her eye on the significant issues affecting everyone. The author describes these leaders as somehow balancing a telescope and a microscope.

6.   Uncommon Leaders are Both Teachers and Learners

Great law enforcement leaders understand they must continuously learn to stay on top of our profession and serve their communities and team with excellence. As Mahatma Gandhi said, "Live as if you will die tomorrow. Learn as if you will live forever." Leaders sometimes forget they must teach what they know so others can grow and eventually take their place.

7.   Uncommon Leaders Model Both High Standards and Gracious Forgiveness

Rather than expecting excellence, I think we have resorted to expecting mediocrity in many cases. The author argues that setting high standards means that even if you miss, you will be good. We seem to miss the mark as law enforcement leaders with forgiveness. When someone screws up, they are written off. Instead of doing this, we should use these failures as learning experiences. But, some failures are catastrophic, with no recovery possible. Are people in your organization willing to take a chance and try new things? Are you ready to forgive them if they fail with the new endeavor?

8.   Uncommon Leaders are Both Timely and Timeless

An uncommon leader has to keep an eye on trends and traditions. They must be able to see both backward and forward. As the saying goes, "Police officers don't like change or the way things are." Although this saying can be true, I think law enforcement leaders today are more willing to step out and make changes within their organizations when needed.

Conclusion

There is a lot of great content in this book. In fact, I barely scratched the surface of what you will learn when you read this book. In addition, I found a lot of relatable content to our profession. Grab your copy today. You won't be disappointed.

Chief Billy Grogan has over 40 years of law enforcement experience and has served the last 13 years as the Chief of Police. Previously, Chief Grogan served as Deputy Chief in Marietta Police. He is a graduate of the FBI National Academy, Georgia Command College, and the Georgia International Law Enforcement Exchange (GILEE). He holds a Masters Degree in Public Administration from Columbus State University

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MAKING A SMOOTH TRANSITION

>> Approaches to Ensure an Smooth Transition for the Succession of a Police Chief

Chief Louis M. Dekmar,
City of LaGrange Police

The responsibility of the police chief us to ensure leadership depth in a police department begins long before their retirement. The obligation of succession planning includes creating a positive culture, generating a robust policy process, and investing in human capital.

Those factors require consistent engagement and attention and an understanding of bifocal leadership, where we address the daily brushfires but also allocate appropriate attention to the reasonably anticipated events of the future.

CULTURE

It takes time and intentional work to develop an agency's culture. It is behavior, expectations, values, and practices that inform actions and practices. It directly affects agency retention and recruitment. The seven components of culture require consistent and constant care and feeding:

1. **Selection:** hiring, assigning, promoting the right people with the right skills, qualifications, and demonstrated ability.

2. **Training:** recognizing the shortcomings of mandate training and the need to invest in pre and post academy training with classroom and scenario-based exercises, along with a robust Field Training Officer (FTO) program and

comprehensive annual in-service training. Additionally, delivering an FTO program for recently promoted sergeants and lieutenants. As well as ensuring eligible command staff personnel attend "New Chief's" Training.

3. **Education:** recognizing the value of a college education is critical to professionalism. Officers desiring appointments, promotions, and assignments should be required to achieve specific and increased levels of formal education, which should be funded by the agency.

4. **Role Model:** agency leadership and officers alike must understand that by virtue of their position they are community role models and must comport themselves in a manner that will instill public confidence and support.

5. **Community Partnerships:** engagement is more than public relations; it requires close partners that will help direct finite police resources in a manner that creates values and impacts public safety; partnerships are key to innovation.

6. **Zero Tolerance for Bias:** comments or actions that denigrate any person or group based on gender, race, sexual orientation, or disability should be swiftly addressed and appropriate accountability administered.

7. **Problem-solver:** officers must respond to a citizens call for service seeking to engage and taking sufficient ownership to address the public safety or crime issue, not merely provide the clerical function of generating a report.

POLICY

Many chief executives view policy as a system of rules and procedures to guide decisions and achieve desired outcomes. That is the written directive system. Policy has seven elements:

1. **Selection** – Hiring the right people, placing them in the correct assignments, and promoting the most qualified.

2. **Written Directives** – A written directive system that is comprehensive and incorporated into the State Certification and Accreditation process. Neither is a substitute for leadership, but in the hands of sound leadership, Certification and Accreditation are robust management tools.

3. **Training** – Training should be consistent with the agency's written directives and practices are consistent with training and written directives.

4. **Supervision** – Active supervision should function like "check-rides." Pilots undergo "check-rides" routinely to ensure no "shortcuts" are taken or protocol requirements violated. Likewise, police supervisors should respond routinely to scenes and calls for service to observe and document the officers' performance, ensuring quality service consistent with written directives and training is the practice. Recognizing quality performance and making corrections or adjustments as required.

5. **Accountability** – Discipline and recognition processes should be consistent and well understood.

6. **Trend and Outcome Review** – Outcomes in high liability tasks (pursuit, use of force, K-9 bites, workman compensation claims, citizen complaints, etc.) should be reviewed for trends that call for modification of policy and training.

7. **Review for Adjustment or Modification** – Policy should be reviewed for best and emerging practices, changes in case law, technology, state statutes, or practices and ensuring harmony in departmental operations.

A change in police leadership always presents challenges. Developing depth in the organization is created by investing more responsibilities and opportunities to agency personnel and ensuring a culture that reflects a commitment to service and policy components that provide clear guidance agency support and are key to a successful change in police leadership.

Chief Louis M. Dekmar has 48 years of law enforcement experience and served as a Chief of Police in LaGrange and Morrow for total of 31 years. He holds a Bachelor of Science degree in Administration of Justice from the University of Wyoming and a Master's degree in Public Administration from Georgia College and State University. He also received two Honorary Doctorate Degrees from the Central Police University, Taipei Taiwan and LaGrange College. He is also an adjunct professor for several colleges and institutions. Chief Dekmar is Past-President of the International Association of Chiefs of Police (IACP) and Past President and Chair of the Commission on Accreditation for Law Enforcement Agencies (CALEA), having served in that role five of his ten years on the Commission.
He is Past-President of the Georgia Association of Chiefs of Police (GACP) and a graduate of the FBI National Academy (142nd Session).

MAKING A SMOOTH TRANSITION

>> Approaches to Ensure an Smooth Transition for the Succession of a Police Chief

Chief Wayne Denard,
City of Acworth Police

As Wayne Dennard with the City of Acworth was approaching the time that he had planned to announce his retirement from his position as Chief of Police, it was open communication that made all the difference. Dennard had enjoyed a position of unprecedented support from city management, elected officials, and the community for over a decade as police chief. Dennard had a date in mind for his departure, not because of any underlying issue or displeasure with the position, but because he knew his season and found himself desirous of enjoying a new adventure, be it full retirement or at least a sabbatical.

With over a year to go until the date marked on the calendar, Dennard sat down with the City Manager for a conversation regarding succession. There was no desire on the part of city leadership for major course corrections for the agency. So the discussions evolved into who could be tapped to carry on the mission while inserting their own style that would continue to build on the culture while developing leaders and teams.

Dennard's command staff was comprised of two captains with strong experience levels and institutional knowledge. The challenge was that one of the captains was set to soon retire and the other, who was certainly capable, displayed maturity and understanding of his own season, but was not yet desirous of stepping into the role of chief. Ten years earlier, Dennard served in the number two position with the rank of major under the prior chief and was supported by two captains. When the previous chief retired and Dennard

was tapped to lead the agency, Dennard elected to forgo the second in command position and share the duties between the captains.

During the succession discussions, Dennard strongly recommended that the new chief, who was obviously going to be from the outside, be supported with a command structure that included a second in command and two captains. The rank of major was reinstated and filled by promoting from within. The new major, promoted from the rank of captain, was fully capable of the day-to-day and understood the vision and direction of the agency and the city.

Communication and transparency between all of the stakeholders was critical during the process. A candidate was identified and announced as the incoming chief in February of 2022 but would not begin transitioning until September. As soon as the candidate was identified, Chief Dennard called a department-wide meeting to announce his planned retirement set for April of 2023, over a year away. The new candidate was introduced and the command restructure and process of assimilating the new chief into position was fully explained to the entire Acworth Police team. It is because of the open communication, and the fact that the trust from community and leadership is a two-way street, that members of the police department team reciprocated with understanding and support.

The incoming candidate, who had to obtain his Georgia Peace Officer's certification began training and attending some higher level meetings in September of 2022. Chief Dennard continued in the full capacity of Chief of Police, while continuing to communicate his support for the incoming chief and his assimilation, until December 1st when Jesse Evans was sworn in as Chief of Police for the City of Acworth.

Dennard assumed a role of Chief Emeritus with an official title of Deputy City Manager, Director of Public Safety until the planned date of his departure in mid-April 2023. During the period between December and April, Dennard regularly spent time with Chief Evans. Dennard facilitated opportunities for Evans to meet with community stakeholders including pastors, school principals, neighboring agency heads, and business leaders. Dennard attended community meetings and business association gatherings along with Evans. An intentional effort was made to get the new chief in front of the volunteer groups within the city. These included committees such as the downtown development authority, community development, planning and zoning, and historic preservation.

While Dennard continued to be visible in the community and at any appropriate time, he was intentional to not interfere with command direction and the optics of who was in charge. Dennard's time inside the walls of the police headquarters was limited to scattered meetings with the command staff. It is important to note the value of the competent, willing, and selfless command staff supporting the succession plan. Even the command level meetings were gradually curtailed and most of the institutional knowledge input was deferred to the major. This approach of gradually shifting into the shadows was choreographed by Dennard and was fully communicated that this is how the transition would unfold to the police team, the city leadership, and the community.

This was not the typical here today gone tomorrow approach of out with the old in with the new chief of police. The key to the successful transition for Acworth was years of making deposits into the community to build trust followed by open and transparent communication down through the ranks. The stability of leadership within the department, void of internal or external complaints and accusations, along with an existing chief who understood his season, made Acworth's transition unique and well-received. In our season of unrest and questionable trust from the community toward police in general, a well thought through and transparently communicated plan of succession can prove invaluable.

Chief Wayne Dennard retired in April 2023 after 20 years of service with the Acworth Police Department and 10 years as the Chief of Police.

MAKING A SMOOTH TRANSITION

>> Approaches to Ensure an Smooth Transition for the Succession of a Police Chief

Chief Gary Yandurad,
Chamblee Police Department

One may ask, "When a chief retires, how can the police department continue to operate in a positive way?"   This can only be accomplished if the agency is already well-received by the community, government officials, and members of the department. In the case of the Brookhaven Police Department, this positive interaction and acceptance was very much in place with open communications between each of these groups.

It is important to recognize the hiring process is the first step in building the sustainability of the police department. By ensuring there are great members throughout the agency, that include the civilian and sworn staff, is critical for having a strong organizational culture that is focused on serving the community.   This is followed by ensuring proper guidelines and standard operating procedures are in place, and all employees are treated fairly and consistently by all supervisors.

Once this foundation was established, it was important for the Chief to have the right staff in place and to mentor them.   This meant having forward thinking, highly educated, leaders in place throughout the organization who possess common sense and great communication skills. In Brookhaven's case, a Deputy Chief, who had been chosen three years prior to the chief's retirement, had all these attributes. This was confirmed through an assessment center process for the position.

Once appointed, the Deputy Chief was continuously mentored and introduced to many of the connections and affiliations outside the department which are so important to properly network and demonstrate the department as an outstanding police organization. As this was done, other department members were encouraged to utilize their own forward-thinking ideas to showcase and enhance the department's reputation. This resulted in several programs being created including a 911 Response Drone Program, Live 911 Program, and a Co-Responder Program, all of which were the first to be launched in the Metro Atlanta area. Each of these programs were created by supervisors, who were allowed to promote their successful programs, and led to national, as well as international, recognition for the department.

To ensure the continuity of the department's leadership, it was important to already have staff in place to boost morale and the efforts of the entire department. Division leaders were encouraged to choose their staff and hold them accountable. While this approach helped to ensure each division was successfully operated, it also helped to boost morale and demonstrate employees have opportunities to grow within the department.

As the internal staff recommendations were already in place for the Chief's replacement and the additional promotions, the city utilized a new concept which was very well accepted. A leadership trainer / consultant, who had already worked with the command staff, was hired to evaluate and make recommendations. This quickly led to the verification of a new Chief from within, and the recommendation to open the Deputy Chief position internally and externally through an assessment process to identify a great person to support the new person selected to be the new Chief. During this time, the department was continuing to experience growth resulting from previous as well as potential annexations, so a consultant firm was also in place to assist in recommending organizational changes to improve department operations even further.

Taking all the above into consideration, the city introduced a unique idea to ensure a smooth transition by promoting the new Chief four months prior to the actual retirement of the incumbent Chief. To accomplish this, the City Manager created the position of Chief Emeritus, whose role was to act as an advisor to the newly appointed Chief

and City Manager during the transition period. This new concept received many positive comments and requests from other agencies as an innovative transition to the department's new leadership and a unique title for an outgoing Chief.

In summary, the successful transition of the newly appointed Brookhaven Police Chief could have only occurred with the support of the entire department, who through their positive efforts throughout the community, led to the support and recommendations of the City Manager and City Council.

Chief Gary Yandura has 47 years of law enforcement experience starting his career in Lake Forest, Illinois. Prior to launching the Brookhaven Police Department as its first chief in 2013, he served as the police chief in College Park and Hiram. Since his retirement from Brookhaven in January 2023, he has assumed the role as Interim Chief with the Chamblee Police Department. He holds a bachelor's degree in criminal justice and masters degree in public administration. He has also attended Northwestern University, School of Police Staff and Command as well as the FBI LEED's program in Quantico, VA.

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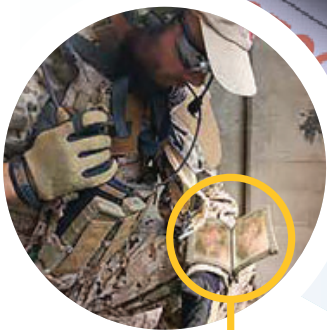
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USING DELIBERATE PRACTICE TO PROVIDE COST-EFFECTIVE FIREARMS TRAINING

The overwhelming majority of officers will never fire their weapon at a suspect during their career. Most, however, will be placed in multiple situations in which they engage and legitimately point their duty weapon at a suspect for a variety of reasons, including arrest of armed suspects, felony vehicle stops, or other life-threatening situations. These dangerous and rapidly evolving encounters represent one of the few events in which an officer must absolutely use exceptional judgment and perform properly each and every time.

To ensure officers are able to perform to this level requires that agencies provide training that has the goal of always striving to attain excellence, not proficiency. Those who achieve this level make the task look easy and natural but, what often appears as natural talent, is actually the result of better practice.[1]   In his bestselling book, Outliers, Malcolm Gladwell coined the anecdote that to master a skill, such as safely using and deploying a firearm, an individual must practice it for at least 10,000 hours. However, this practice must be done using a deliberate and highly focused approach in which the individual is operating at the edges of their ability, where they are forced to slow down, make errors and correct them. Instructors often refer to this 'deliberate practice' as developing muscle memory. In reality, it is actually creating myelin that insulates the nerves. Every human movement, thought, or feeling, is a precisely timed electric signal traveling through a chain of neurons. Myelin is the insulation that wraps nerve fibers and increases signal strength, speed, and accuracy. The more a circuit is fired, the more that myelin optimizes that circuit, the more myelin optimizes that circuit and the stronger, faster, and more fluid individuals' movements and thoughts become. Every time an individual practices

these movements in a deliberate manner, the better the individual can perform the task or action. To achieve this level of excellence, it is not necessary for officers to go to the range several times a week or fire 50 or more rounds every time they go to the range. This article provides a variety of processes, strategies, and tools, agencies can cost effectively employ to ensure officers are constantly improving. Robert Vadasz, is the record holding 12-time NRA National Police Shooting Championship Grand Champion. According to Vadasz, it takes 10 years for an individual to become a good shooter.

Identify you Failure Points

The first step to becoming more proficient with a firearm is to identify the actions the shooter does not perform well. The shooter must fail in order to learn and improve. If they never identify their 'failure points', they will never improve. Is it fluidity of motion, accuracy, dealing with time restrictions, or shooting from distances? Vadasz suggests the best way to accomplish this first step is to make the test extremely difficult.

Have a Training Plan

Prior to going to the range, individuals need to develop a plan of what they are seeking to accomplish. Having identified an individual's 'failure points', drills and exercises must be narrowly focused and demand intense attention to address the failure points.

Keep a Training Record

Vadasz noted "anytime you want to improve, you have to track your practice, you have to keep a record." Every professional athlete in the world keeps a record of their training. Typically, the only stats that police officers retain are qualification scores. But the qualification scores, "which are incredibly simple and easy", are a test, not a training exercise.

When creating training record, the logbook should include specific details to describe the training exercise. What was the skill being addressed? What were the techniques utilized? What was the draw time, distances fired, shot grouping, accuracy? "When they shoot a drill at 10 yards and nailed it, what do they do next? They do not do it more, they do it at 12 yards or for less time and keep pushing those performance barriers." That is what the record is for.

Integrate Dry Firing in with Live Firing

According to Vadasz, "Dry fire training is where the best shooters in the world, truly become the best shooters in the world." He added "when the weapon fires, the brain shuts down temporarily, but that does not occur with dry firing. So, the brain can remember everything. All of your learning happens in dry firing. Almost none of your learning occurs in live fire. Reinforce what you are trying to do in dry fire."

He suggests incorporating dry firing in the training, "Shoot it live and then shoot it dry. There is a ton of benefit found from bouncing between the live and dry firing exercises. This drill is not done by slowly pulling the weapon and slowly squeezing the trigger." Integrating dry firing with the live firing enables the individual to really drive those newly developed habits.This technique can be done with speed, movement, accuracy, or anything. This enables the individual to get four repetitions with one round being fired. This is a huge cost saver. "Once they identify their problems in how they pull their trigger and how they grab/hold the gun, they can replicate the action when they are away from the range."

> To ensure officers are able to perform (to this level) requires that agencies provide training that has the goal of always striving to attain excellence, not proficiency.

Integrate the Use of Training Guns

Training guns were developed to eliminate the danger associated with firearms training and enable shooters to practice almost anywhere. There are a variety of training guns on the market for agencies to consider using. The Glock 17P Gen5 practice pistol[2] has a functioning slide, resetting trigger and removable magazine. This practice pistol is identical to a Glock pistol in handling, weight, size and balance. Essentially, the shooter is safely practicing dry firing with the same weapon, but without any firing capability. Costs range from $450 to $510.

The Shot Indicator Resetting Trigger (SIRT) pistol, manufactured by NextLevel Training, has the functional features of the Glock 17/22 to provide a safe, effective, and innovative training weapon to complement live fire training. The system enables the shooter to gauge the smoothness of their trigger control while a 'laser marks the spot' where the shot would have gone. Pieces of reflective tape can be placed in different locations. When the shooter 'dry fires' and 'hits' the target, it immediately reflects the light from the tape to give the brain positive feedback they performed well. In response, the brain tells the shooter they want to do it again. Costs range from $239 - $439

Laser bullets made by iTarget Pro[3], G-Sight[4], Laser Ammo[5], Strikeman[6] and other companies are designed to be placed in the chamber. When the target is hit, the system sends feedback on the accuracy of their shot to the app. These are great tools that enable shooters to conveniently practice dry firing anywhere. Prices range between $100 and $350.

The MantisX dry fire training system uses sensors that mount on the firearm rail and captures the shooters movements as the trigger is pressed. This enables the device to analyze the shooters' movements before, during and after the shot. For example, it will record flinching, slapping or anticipating the recoil and provide immediate feedback through the app[7]. Prices range between $100 and $250 for the different versions of the system.

Conversion Kits

Another cost-effective approach to enhance individuals' skill building around failure points is to gradually transition from dry firing exercises to smaller caliber ammunition. Agencies can use this approach to train officers with their duty weapon by implementing a .22 caliber conversion kit. The individual is using the same weapon but at a significantly reduced cost. The cost of a .22 caliber conversion kit for a Glock pistol averages about $300. The savings in ammunition used with the one-time purchase, is less than three cases of 9mm ammo.

Red Dot Sights

When asked about the use of red dot sighting systems, Vadasz said "red dot sights increase accuracy almost immediately." In his opinion, "Red dots on pistols for the terms of law enforcement and the application of force is the single biggest improvement of situational awareness and de-escalation that we have seen in our lifetimes. Period."

The red dot is not a front sight, it is an overlay. If done correctly, it forces the shooter to keep both eyes completely open and to focus entirely on the threat. Instead of being tunnel visioned or focused onto one thing, the officer's situational awareness of what is going on down range and around their area is greatly enhanced. If the officer is engaged with the person for two minutes, they can spend that time to focus on their de-escalation efforts, communicate with others, or move into a better position.

Firearm Simulators

Firearm simulators provide a cost-effective approach to skill building and decision-making. In most 'traditional' firearms training exercises, individuals never draw their weapon without firing it. It begs the question. Is it possible that over years of training an individual can develop a conditioned response that when faced with a threat in the field that they automatically do what has been done in training or qualifications thousands of times?

One study revealed that students who were provided situational awareness training on a firearms simulator along with standard skill-based training experienced less mental workload and possessed better situational awareness than those who did not receive the simulation training[8].

While different systems provide varying training capabilities, most provide drills to reinforce fundamental techniques as well as provide feedback to improve the accuracy of their firing. In addition, firearm simulators also provide a safe environment to provide ultra-realistic, live-fire exercises forcing individuals to make "shoot / don't-shoot" decisions.

While most agencies do not have simulators, agency leaders can network with other departments to access these training opportunities. The State of Georgia Criminal Justice Coordinating Council (CJCC) provided funding between FY 2021 and FY2023 for 46 agencies to purchase or upgrade various simulator systems. In addition, each of the regional police academies are equipped with Lasershot firearm simulators. Agencies can reach out to the regional academies to schedule training time on the devices.

Firearms Instructors

Agency leaders should review their firearms training programs to ensure it is continually improving as well as enhancing individuals' skillsets. Firearms instructors are typically 'gun guys' who shoot well. However, they do not always have the skill set to be a good instructor. It is important for firearms instructors to be viewed as performance coaches. Telling someone they are performing poorly will not make them better. Vadasz suggests, "The job of the firearms instructor is to improve each person to the level they are willing to improve within their own skin. It is so much easier to repeat a positive than it is to

avoid a negative. If a shooter fires 100 rounds and two strike outside 10-ring, so many instructors will focus on what happened there. Why do you care about those? They got it right 98% of the time. Reinforce the good."

In closing, when officers engage suspects, they are expected to exercise good judgment and perform properly every time. This is especially true when they are placed in situations where they may have to use deadly force. Qualification scores signify the officer has demonstrated proficiency with the weapon. This article suggests agencies employ 'deliberate practice' techniques to continuously strive toward the higher standard of excellence.

Officers are not required to go to the range weekly or fire the weapon every time they train. Advancements in technology and training techniques are continuously evolving to ensure agencies and officers can train in a cost-effective manner. In the end, officers will be more confident and make better decisions.

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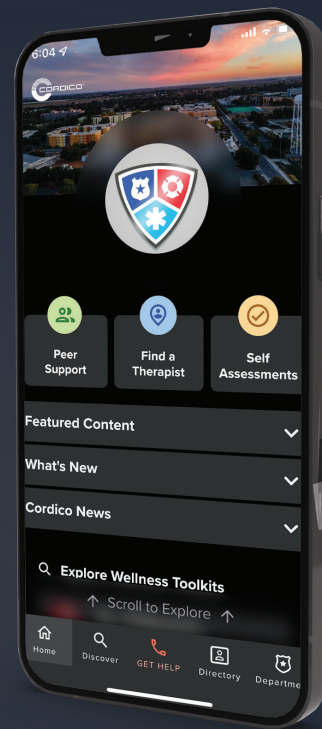
JUMPING SHIP
>> Reasons for Sworn Personnel Turnover in Law Enforcement Agencies

Dr. Charlie Scheer

The contemporary environment of police workforce management is problematic and difficult in an era of budget uncertainty, declining applicants, increasing retirements, and other dynamics that have impacted both recruitment of new personnel and sworn officer turnover. As police leaders search for answers amid competing headlines and anecdotal accounts of officers leaving for myriad potential reasons and open positions affecting service delivery, a narrative that policing is being abandoned by officers has been created, despite variation of the extent of the challenge among agencies of different size and character (Cobb, 2020; Friese, 2022).

In Alfred Lansing's historical account of the Antarctic exploration ship Endurance and its ill-fated expedition in 1914, the phrase "jumping ship" or "abandon ship" is used to express a deliberate and meaningful act. Unlike an impulsive decision, "jumping ship" in maritime parlance occurs only after great consideration of grave consequences and one's terminal condition on account of the deterioration of a ship itself as beyond repair, and all options for hope in rehabilitation are exhausted. In the case of the Endurance and its sinking, as popularized in Lansing's novel Endurance: Shackleton's Incredible Voyage, "jumping ship" was a last-resort move. The use of this phrase here should allow readers to consider that individuals who have abandoned the policing profession may be doing so after similar consideration, an acceptance of one's defeat under catastrophic circumstances may lead to the decision to abandon, "almost apathetically", a situation of irreversible loss (Lansing, 1959, p. 4).

To what extent do police officers who leave either their agencies, or the career of policing entirely, feel similarly distraught and hopeless that the state of affairs they encounter either in their agencies or in the profession is an irreversible condition? Using an eight-jurisdiction survey which provides data about officer turnover intent, a dialogue about forces that inspire officer turnover and actionable steps agencies can take to address it can be initiated.

Police Retention and Career Perceptions is a survey-based research project that visited a national sample of eight police agencies in 2021 to ascertain what sworn personnel at multiple levels planned for their career trajectories. Findings from nearly 650 completed surveys were informative and consisted of multiple data points that police leaders can build upon to address turnover, and create policy solutions to address the phenomenon of "jumping ship" among certain age and experience demographics. As evidenced by Table 1, the response rate was roughly 86 percent and the surveys were generally evenly distributed among the eight participating agencies. Respondents had about 13 years of experience on average, and 69 percent were one-agency-only sworn officers with no experience elsewhere. Roughly 82 percent of respondents were male, and 94 percent responded that they had some form of college coursework. Just over half were patrol officers (52 percent).

Table 1.
Question Responses to Disposition to Leave.

Number of completed participant surveys: 646

(86% total response rate)
Participant breakdown:

- Biloxi MS PD   (11%)
- Smyrna GA PD   (4%)
- Vernon Hills IL PD   (3%)
- Topeka KS PD   (14%)
- Frederick MD PD   (11%)
- Thornton CO PD   (19%)
- Bryan TX PD   (13%)
- Portland OR Police Bureau (25%)

Survey included patrol, specialized units, and command staff at each site.

Table 2 expresses the most critical question statements, written on the survey in the form of a four-point Likert scale of strong agreement to strong disagreement with the following two prompts: "I am actively seeking work outside the policing profession," and "I am actively seeking work in another law enforcement agency." Results indicated that roughly 18 percent of respondents were actively seeking employment outside policing, including separation for retirement. Whether or not this number represents an acceptable ratio of potential "leavers" is up for discussion among agencies whose numbers might be higher or lower, and whose jurisdictions may differ either in number or character from the sampled agencies. It is important to consider the sample validity (a national sample across eight locations) in ascertaining if 18 percent represents a high or low number of "ship jumpers", especially during turbulent political and economic times as 2021 represented. Interestingly, the number of "leavers" was much lower when respondents were asked if they agreed with the prompt about seeking work in another agency: only 6 percent agreed with the statement, which confounded researcher expectations.

Table 2.
Response Rates
and Numbers from Study

"I am actively seeking work outside the policing profession."

	Number	Percent
Strongly agree	41	6.3
Agree	75	11.6
Disagree	265	41.0
Strongly disagree	265	41.0

"I am actively seeking work in another law enforcement agency."

	Number	Percent
Strongly agree	9	1.4
Agree	29	4.5
Disagree	264	40.9
Strongly disagree	344	53.3

The reasons for the numbers – perceived as moderate, or in the case of those hopping to another agency, low – are critical when considering the other items on the survey which are reflected in Table 3. The survey asked questions to define "job stress" and "job satisfaction" using many indicators including satisfaction with pay and benefits, scheduling, supervision, and more. Table 3 reflects associations between job satisfaction and stress and leaving the profession. The survey found relationships between one's perceptions of the fairness of the promotional process, compensation and benefits, increased fear of being sued, and increased job danger with stress and satisfaction that impacted their desire to leave policing. The study also found relationships between the perceived ability to help people, the alignment of their personal values with that of their shift, and job autonomy on reduced stress which impacted their desire to leave policing. In summary, reduced stress and job dissatisfaction led respondents to report that they were less likely to leave policing, and the biggest impactors of this feeling were the ability to plan their own work, the feeling that their values aligned with a certain shift or group of coworkers, and their ability to maximize the opportunity to help others.

Table 3.
Predictors of Job Dissatisfaction and Stress Associated with Intention to Leave Police work.

Fear of being sued	(+)
Fairness of promotional process	(+)
Compensation & benefits	(+)
Value alignment with shift	(-)
Ability to help people	(-)
Role clarity	(-)
Autonomy	(-)

The study presents intriguing opportunities for actionable steps to increase employee engagement in the workplace to address turnover. Surveyed officers stated that they are more likely to leave the profession if they have an unclear expectation from citizens; face to face public meetings and increased understanding across the police-public divide that was exacerbated by public protests in the last few years could do well to close the gap, including citizens' police academies and ride-alongs, especially for young persons. Some agencies have also instituted "reverse ride-alongs" which place the officers in immersive community learning experiences such as with elderly, homeless, and disabled populations. The survey also determined that officers fearful of physical danger and being sued are more likely to feel stress associated eventually with turnover intent; these issues can be addressed intimately in both the initial academy training and field training experiences to assuage officers' fears which are often amplified by media accounts. Phrases such as "I'd rather be tried by twelve than buried by six" may have a subtle message of inevitability that is confusing to the inexperienced officer, and could be better explained at the recruitment and initial training stage with intentional and frank discussions of how lawsuits and physical danger can be dealt with emotionally and practically. The study also found that when officers feel as if their work has lost its positive impact, they are more apt to leave the profession; this opens up many doors for the individual agency to assist officers in career planning, transitioning to other opportunities in special teams and roles, and exercise creative ideas to continue to have positive public interactions. When many officers reach the five-year mark, they often begin to consider other positions within the department, some of which remove them from immediate public contact. Keeping these people engaged with the community through other means can stave off feelings that they no longer "do good" because they are entering supervisory roles which don't allow them to see the positive benefits of their work. Finally, the study demonstrated that when officers perceive the promotional process as unfair, they may consider leaving the profession; transparency, a thorough process of evaluation, and post-process evaluations by candidates can lead officers to a deeper understanding of an agency's intention and motives which may stave off unwanted turnover.

In many ways, the anecdotal narrative that police are leaving the profession "in droves" is not reinforced by data on police turnover intention. What drives this narrative may be simple fear of rising crime in an era of anti-police sentiment, or realistic anger on the part of sworn officers towards forces that are seen as sabotaging the police mission (politics, change, and more). But police leadership should be seeking answers among their own sworn staff as to how best to assuage fears on the part of officers about factors that contribute to turnover, and developing plans and programs to address officer stress and job dissatisfaction which can go far in convincing them not to "abandon ship."

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FROM SHEEPDOG TO BUREAUCRAT
>> The Consequences of Going from "We" to "Me"

Jack E. Enter Ph.D

Over the many decades of providing leadership training, one of the more common complaints I have heard from participants about managers is "they have forgotten where they come from." For a mission steeped in protecting the public and each other and "running to the sound of trouble", supervisors and managers often focus less on the law enforcement mission and more on their individual careers. Given their new positions of authority, they have left not only the mission, but their focus upon the men and women at the operational level. This loss of a "we" team perspective is also accompanied by a fear of getting in trouble for decisions that may jeopardize their new status.

They rarely see this change in themselves, but their former peers certainly notice a new focus on "me." Men and women who exhibited courage in the operational level, now exhibit the common responses of fear: fight, flight, and freeze. The same individuals who used to pursue armed felons down a dark alley are now afraid of problem employees or making other decisions which might affect them personally. One police officer summarized this with the question, "why are we heroes on the streets but cowards in the suites?" The courage seen consistently among operational personnel seems to fade away when promoted. It is often clear to everyone under their command that managers have lost their" we" perspective, their courage about personnel matters, and the "sheepdog" mission focused on protecting and serving our communities.

Internally, this shift occurs in most managers in law enforcement and is often seen in outbursts of anger (fight), not dealing with a problem employee (flee), or simply refraining from making tough decisions in general (freeze). Micromanaging employees

on minor issues, not communicating, and failing to resolve internal issues are all common observations of former and current managers in law enforcement. If the word "leader" assumes leading and forward movement, for most managers they now instead choose not to lead but to "run away at the sound of a problem." It is no wonder that leadership failure among law enforcement supervisors and managers is common, some estimate in the range of 80 to 90 percent.

Once focused on avoiding trouble, the fear can also spread to the operational mission. Perhaps this transition from the mission to "me" was most dramatically shown in the law enforcement response at the school in Uvalde. Though the timeliness of the response of officers to the scene was commendable, the failure to act once there was beyond understanding to most law enforcement in the country and to the American public in general. Numerous officers, at the command of the police chief on the scene, failed to engage the shooter and 19 children and two teachers died.

> It is often clear to everyone under their command that managers have lost their" we" perspective, their courage about personnel matters, and the "sheepdog" mission focused on protecting and serving our communities

Bill Bennett, the former Secretary of Education during President Reagan's administration, provided his thoughts on what happened in Uvalde that day. He stated that in professions connected to an important mission (in some ways "a calling"), when men and women are promoted and move up the ranks, they lose their focus on their identity as teachers or police officers and become bureaucrats. As school administrators or police chiefs, they are no longer driven by the mission of teaching children or protecting the public – but upon their own political security and future.

Law enforcement managers must never emotionally leave their operational peers or the mission of protecting their communities. Once promoted, they must recognize this inherent danger and aggressively stay connected to the mission and the men and women on the front lines. Working alongside and communicating with operational personnel daily keeps us grounded in the strong relationships inherent in law enforcement and reminds us of the mission we were drawn to when we started our careers. Perhaps the best way to maintain this "we" and mission perspective is to be known as a "police officer, who also happens to be a lieutenant (or captain, or chief, etc.)". You lose your mission and your "we" focus; you lose your ability to lead, "run at the sound of trouble," and protect our communities.

Courage may be the most underrated characteristic in our discussions on leadership. We must not succumb to a fear of getting in trouble but be bold in our ability to keep demonstrating bravery in tackling both the external and internal demands of the law enforcement role. Uvalde should have never happened in the manner it did, nor should we back away from dealing with the complex issues of dealing with problem employees and managers. Alexander the Great once observed, "an army of sheep led by a lion is better than an army of lions led by a sheep." Have others help you "keep you in the fight", externally and internally. Let's keep being lions and sheepdogs, and not sheep.

Jack E. Enter Ph.D. first entered law enforcement in 1972 and has held both operational and command positions in civilian law enforcement and the military. He has lectured throughout the United States and abroad on leadership and other law enforcement topics. He is the author of Challenging the Law Enforcement Organization: Proactive Leadership Strategies (2022); and Leadership in the Midst of Change: Principles That Do Not Change (Blue360; 2022). For further information visit www.jackenter.com.

TIMELESS LEADERSHIP

Chief Dan Flynn (Ret.)

Leadership is the ability to influence others to get them to freely, voluntarily and loyally do what the leader wants them to do. It is the ability to capture both the hearts and minds of followers so they will want to follow, as opposed to using power, authority, or incentives in order to make them follow. True leadership requires the informal power to win people over to get them to internalize the same ideals as the leader. Indeed, leadership is a rare ability, and we only really know it when we see or feel it.

False leaders are everywhere and anyone who has ever worked, studied, or served under a false leader who turned out to be any combination of selfish, ignorant, arrogant, or unethical, knows they are not the real thing. On the other hand, those who have worked, served, or studied under someone who was a positive effective leader; one who cared about people other than themselves, lead their followers by helping them achieve personal and organizational growth, self-esteem, and self-actualization, knows they have seen true leadership. Whereas false leaders manipulate people for selfish reasons, truly effective leaders build people in a positive constructive way so they can realize their dreams and take them to the next level.

No one really knows if people are born to be leaders, or if average people can learn to be leaders, but we do know that effective leaders are rarely the best looking, most popular, or loudest people in any environment. We also know that effective leaders are more than just people with good intentions or good attitudes, they are purpose-driven individuals with a positive vision. They have strong communication skills with which to communicate their vision; and they are people who proactively initiate action rather than just reacting to the things that happen around them.

While someone's job description may say they are a leader, their job performance may show that they are a manager, but not necessarily a leader. Although it is rare, someone can be both a manager and a leader. However, there is a distinct difference between the two skill sets. Managers narrowly engage in the activities of management, i.e., planning, organizing, staffing, directing, coordinating, reporting, and budgeting, but if they fail to inspire people to grow and work to achieve goals that will benefit others, they are not leaders. Effective leaders are wise people who are not self-promoting, hateful, revengeful, or petty. Instead, they are the ones who naturally inspire, refresh and motivate others. They downplay their followers' mistakes and failings, but instead build people up by quietly and subtly, drawing out their best qualities, strengths and potential.

> **False leaders are everywhere and anyone who has ever worked, studied, or served under a false leader who turned out to be any combination of selfish, ignorant, arrogant, or unethical, knows they are not the real thing.**

True leaders tend to evolve over time; thus they are not always at the top of their career or peak of wisdom when they are leading. Nevertheless, they always have a personal quality or light that exudes a sense of someone who is much more than they appear on the surface. While they are not always the highest-ranking person in their environment, if you watch them closely, you can see that although they are compliant, they are not driven solely by organizational policies or goals, but rather higher ideals and standards, if not a higher voice only they hear.

In our quest to find true constructive leaders, a good place to start is by looking for "servant leaders," meaning leaders who serve the needs of their followers by nurturing and reasoning with them, while encouraging and molding them in positive directions. Servant leaders understand, but minimize, the insecure, petty, suspicious side of people, but rather chose to develop their better nature in which they are affirmative, self-confident, strong, and fair. Effective leaders must understand in order to be understood, and they inherently know how to enrich the better nature in those who trust and connect with them.

Even though servant leaders tend to be effective leaders, they may not be enough for followers who want to develop their full personal potential. They eventually learn the ultimate leaders in our society are the spiritual leaders. Spiritual leaders may or may not be clergymen or religious leaders, but they have faith in the leadership lessons demonstrated in the Bible. They ascribe to the notion that God puts each of us on a personal journey or at a particular place for specific purposes bigger than ourselves. Spiritual leaders may not always be able to fully articulate their internal purposes, but they do have insight and a vision of their journey to a better place; one they can only reach by leading others. They understand the lessons and values of patience, faith, loyalty, integrity, and compassion.

By far, the very best, most promising, leaders are the ones who not only have intelligence and clarity of mind, they also know how to listen to their heart; the real source from which the skills of leadership abound.

Chief Dan Flynn (Ret.) served as the Marietta Police Chief for 14 years. Prior to joining Marietta, he served as the Chief of the Savannah and Savannah-Chatham Metropolitan Police Departments. He also moved up in the ranks of Miami-Dade Police Department to the rank of Major. He holds Bachelor's and Masters degrees in Public Administration as well as post-graduate certificates from the University of Miami and George Washington University. Chief Flynn is a graduate of the FBI National Academy and Senior Management Institute for Police.

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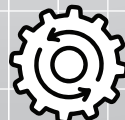
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SCAN ME

WALKING THE WALK IN DEVELOPING SERGEANTS

>> Take A First Step

Dr. Marshall Jones

In the age of the body worn camera and cell phones, we can commonly see video of police-citizen encounters in the media, especially in situations of alleged excessive use of force. Long before any internal investigation, state agency investigation, or grand jury review, law enforcement faces a media arbitrated court of public opinion. It is interesting that the majority of these videoed encounters lack visual evidence of the most important actors in the criminal justice process, a sergeant. Sergeants set the tone, reduce ambiguity for officers, and bring the assets of supervision and management to increasingly chaotic and volatile situations. A sergeant also skilled with the influence of leadership, is an increasingly valuable commodity to their agency.

There is no debate amongst police professionals on the critical role that first-line supervisors play in protecting the public, providing coaching, mentoring, and support for officers, while ensuring adherence to agency standards. Increasing civil litigation, especially amidst renewed calls to end or modify qualified immunity, should bring sharper focus on "close and effective" supervision.

The renewed focus on the importance of sergeants to law enforcement agencies is gaining momentum. This is a common topic at IACP and state police chiefs' associations across the country, where oceans of heads nod in agreement about the importance and need to develop and support these critical shepherds of sheepdogs in our agencies. Focus on the critical role of first line supervisors in curriculums at police command colleges across the country is increasing.

The Issue

So, what is the issue? No one argues that we, as a profession, do not need to invest in line supervision. Most state POSTs have curriculum for line-supervisors. Leadership and supervision training is readily available, both traditionally and on-line.

The problem is many agencies are struggling with maintaining day-to-day efficiency, meeting staffing requirements, worried about reduced applicant pools, and putting out the "brushfires" of police work. Applicant pools are now sparse with the once almost guaranteed population of military veterans and generational cops. The military brought not only life experience, but years of modeled followership and leadership. The generational cops had a solid grasp of police culture and realities of the job. These stalwarts of past recruiting success for policing are noticeably and increasingly absent.

Agencies in Florida, Texas, and Georgia have all reported drastically increasing retention issues. Exasperating the exodus is many are not leaving for another law enforcement agency, but rather the profession altogether (PERF, 2019). When someone leaves for another agency, at least the profession has a zero-sum proposition. Officers leaving the profession at such an increased pace is amplifying the crisis in recruiting.

Retention mitigates these recruiting woes, and leadership is the key to retention. It is commonly said that "happy is the new rich" in terms of generational expectations of work today. According to PERF, (2018) sergeants make up 6.6% of all sworn membership and directly supervise 85% of agency personnel. The nexus to "happy" being their line supervisors is rooted in research across multiple professions, but even more so in the high consequence environment of policing.

The point of this article is to present some empirical data, concepts for discussion, and a call to take action, any action, toward improving your agency's leadership pipeline toward better prepared and equipped sergeants. Take a step, even a small one.

Leadership Pipeline

Law enforcement has hit a crisis point in maintaining staffing. We must adapt to the new reality. The past reality where candidates line up at law enforcement agencies to fill a few vacancies and accomplish a lifelong dream have come to an end. Today's reality where traditional retirement ebb and flow are at a heightened retirement point while qualified an interested applicant are hard to find. The reality of combating traditional media,

social media, and social movements that seeming lay all social ills at the feet of law enforcement. A reality where the generation preferences of newer officers often create conflict with their more seasoned counterparts and managers.

We should borrow, beg, and steal best practices from other professions and disciplines. One model, from the business world, is the Leadership Pipeline by Charan, Drotter, and Noel. Their 2001 book has been an international best-seller exploring how agencies can shape their organizations, and culture, to facilitate constant development of leadership and facilitate good succession planning. Jones (2021) presents an adapted cop version of the leadership pipeline (figure 1).
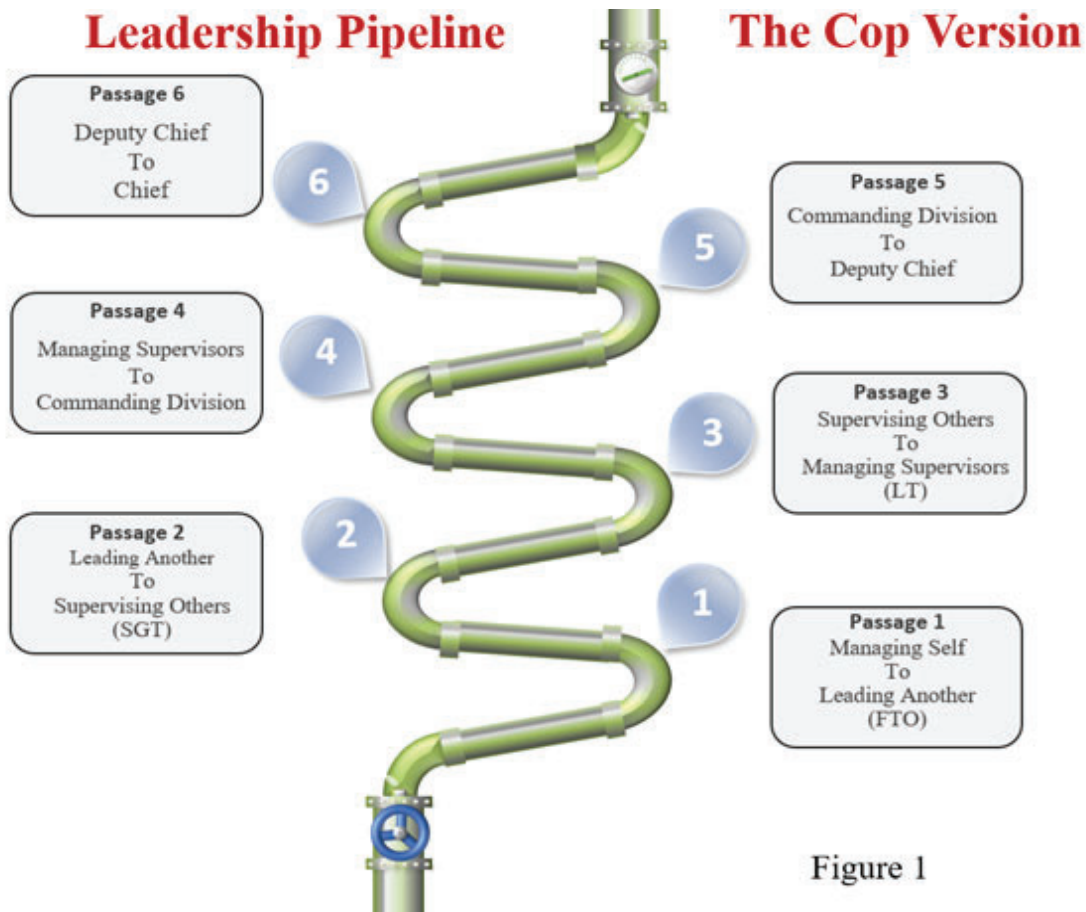

Figure 1

The leadership pipeline can serve as a frame for agency directives, development strategies, and leadership modeling that strengthens culture. Aspects, such as FTOs having a leadership vs. trainer focus, structured rotation of specialty units to develop strong skillsets, and practices not allowing promotions in-place are a few of the driving decisions that help set clear expectations and lead to stronger leader, supervisor, and manager preparation. It also helps anchor agency processes and directives in areas

of selection, training, promotion, evaluation, feedback, and mentoring processes. A leadership pipeline model can help agencies strategically plan and leverage processes toward a final goal of strong leadership, supervision, and management.

PERF's National Conference on First-Line Supervision

PERF offers good insights to help agencies frame potential action plans which aligns well with the concept of developing a leadership pipeline. PERF held a national conference on first-line supervision and published, as part of their Critical Issues in Policing Series, Promoting Excellence in First Line Supervision: New Approaches to Selection, Training, and Leadership Development (https://www.policeforum.org/assets/FirstLineSupervision.pdf) in 2018.

The PERF (2018) report is rich with perspectives and best practices for agencies of all sizes across the country. PERF offers 11 Steps Agencies Can Take to Improve First-Line Supervision (figure 2) that can be broken down into selection processes, training, evaluation, and developmental categories.

Figure 3

US Department of Justice Definition of 'Close and Effective' Supervision.

(a) Respond to the scene of certain arrests.

(b) Review each arrest report.

(c) Respond to the scene of uses of force.

(d) Investigate each use of force.

(e) Confirm the accuracy and completeness of officers' written reports.

(f) Respond to each complaint of misconduct.

(g) Ensure officers are actively working to engage the community and increase public trust and safety.

(h) Provide counseling, redirection, and support to officers as needed.

(i) Ensure supervisors are held accountable for performing each of these duties.

United States v. Town of East Haven, et al., Case No. 3:12-cv-1652 (AWT), Agreement for Effective and Constitutional Policing dated 11/20/2012, ¶ 165

Sergeant Selection Processes

Selection processes for sergeants, and any position in your agency, help set expectations for what the position requires and how to prepare. At a minimum they should be based on a job description establishing the required knowledge, skills, abilities, and other attributes (KSAOs) for the job of sergeant. Promotion processes are as varied as the number of agencies and policing. They range from simple multiple-choice exams to more robust processes with multiple hurdles, to very robust, but expensive, options such as assessment centers. It often depends on agency culture, directives, budget, and labor agreements.

From a leadership development standpoint, the promotional process is critical. The aspects of policy that set the criteria for qualifications, experience, and points not related to the process, such as seniority or military preference, are important. Even more important is the materials that comprise the foundation for the exam. Ideally, an agency uses its own written directive systems, case law, and other applicable reference materials that are commonly necessary for sergeants to understand and access.

High fidelity exams will allow candidates to use materials commonly available to sergeants to do problem solving activities. These can include in-basket assessments, scenarios, tabletops, or full assessment centers. Written exams, based on multiple choice responses to agency written directives, can be helpful to test a candidate's base level of knowledge and serve as a first hurdle of a process. Multiple-choice knowledge tests should not be the sole test component. Technically proficient test takers, and those with the time to study, often score well. Psychometrically robust processes test for problem solving, logic, and experience that simply can't be assessed in a multiple-choice exam.

Sergeant Training

It is important to distinguish education versus training. We often confuse the two. Education is simply presenting information and rarely impacts behavior or performance. Training on the other hand, is more interactive and designed to leave participants with information and knowledge towards skill development an improvement. Training takes time and practice.

Many police executives point to state required first-line supervisor training, agency training, or outside training avenues as proof that they are preparing their sergeants. Productive training of sergeants includes a Sergeant Field Training Program, proactive and constant feedback mechanisms, and ongoing developmental opportunities.

The Sergeant FTO Program concept is gaining momentum across the US. These range from orientations to probation long programs that include peer shadowing, structured training, and routine sessions with a FTO or mentor. Given the loss of military veterans among the officer cohorts likely preparing for promotion, as well as less-tenured officers being thrust into promotions, structured and supportive training programs are the key to success for our new sergeants. This conceptual model is akin to models used by the US military. Each branch has tried and true success, over generations of members, that have been successful in building sustainable cultures resulting in leadership development and secession.

Action item: Do you have a Sergeant Field Training Program? If so, is it robust and meeting your needs? If not, why not? Additionally, seek and send your sergeants two ongoing training opportunities related to any aspect of followership, leadership, supervision, and management.

Evaluation

A key foundation of the leadership pipeline is a proper performance management system. Performance appraisal systems are as random and varied as uniform patch designs. Some are basic performance appraisals used for all city or county employees, while others are designed based on the job of police function with appropriate scales of performance.

It is remarkable for an industry with such a robust performance management system for field training that performance appraisals in law enforcement lag behind best practices in other industries. Given the consequence of not providing good performance reviews, one would think it would be expertly designed with behaviorally anchors scales that are valid and reliable across the profession.

Just as officers need properly anchored performance feedback and appraisal systems, sergeants do as well. These systems highlight expectations for the job and force accountability. It is common in agencies to dread performance management and appraisals. Good systems are tools for the agency and help sharpen the swords of supervisors and leaders, necessary for them to model proper behavior to the generation of supervisors that will follow them.

Action item: A great place to start in exploring performance management systems is assessing whether your performance appraisals are based on the job of a police Sergeant or based on the job of an officer or general city or county employee. We reap the behaviors that we reward.

Developmental Categories

Development should begin in the field training and include developmental opportunities for officers to prepare for promotion early in their careers. Becoming a field training officer can be an opportunity to get experience as a first-line supervisor. It all depends on if the agency expects FTOs to simply be trainers or adopt a stronger model where FTOs are viewed as leaders.

Perhaps the strongest developmental opportunities and agency can leverage is to help each member identify their unique talent and skillset and use it in their profession. Agencies are a collection of its members, and each member has unique talents and abilities. Good supervisors and leaders help members identify and use these talents.

The Most Meaningful Action an Agency Can Take: Help Sergeants Stay on the Road

Sergeants need to be out on the road with officers. That is where they are most effective and can make the most difference. Span of control is critical. In the PERF (2018) study, agencies surveyed reported span of control for sergeants ranging from 4:1 to 15:1. the ideal ratio, according to those participating in the project, was a 6:1 ratio. How many officers do your sergeants supervise?

Sergeants are also the "hinge pin of trust" in our agencies. They control flow of information, garner (or not) buy-in of change and serve as the embodiment of the agency when it comes to job satisfaction of officers. The most valuable commodity that a sergeant can give to their officers is their time and attention. Does your agency work to

minimize administrative functions to free them to be out and about with officers? Have the added job responsibilities related to equipment and technology reduced their time in the field? Are expectations clearly set that sergeants know that they are expected to be out among the officers?

Officers need to know their sergeant is "out and about." Whether it is holding officers accountable, assisting on a call, or serving as a calming presence it is important and relates specifically to the "close and effective" supervision standard (figure 3) that agencies will be judged civilly or if the DOJ comes calling.

Figure 2

**PERF's 11 Steps Agencies Can Take
to Improve First-Line Supervision**

1. If civil service regulations or collective bargaining agreements limit your ability to conduct adequate testing of candidates for sergeant or to select the best candidates for these positions, look for ways to challenge these regulations or agreements.

2. Offer promotional tests on a regular schedule.

3. Use additional testing tools besides written tests.

4. Provide comprehensive training that goes beyond state mandates.

5. Give sergeants training before they hit the streets.

6. Provide sergeants with scenario-based training, particularly on high-risk encounters.

7. Keep officer-to-sergeant ratios down, so sergeants have more time to spend on the street.

8. Provide sergeants with mobile digital technology that allows them to complete more administrative tasks in the field.

9. Evaluate sergeants on the key aspects of their roles.

10. New sergeants should receive regular, detailed feedback.

11. Provide sergeants with opportunities to develop their careers before and after promotion.

PERF (2018)

Conclusions

Agencies are forced to leverage FTOs and line-supervisors with less law enforcement experience. We have less members with military experience. There is a stronger focus on the "life" side of work-life balance that can create staffing issues. Staffing issues makes it more challenging to send people to training and take time off. If we do not reframe and regauge the scenario from "what has always been" to what we face today, agencies will continue to struggle to meet the day-to-day challenges and have little ability to focus on agency development, which relies on a strong leadership pipeline.

Developing a leadership pipeline model for your agency gives you a framework to work on components to strengthen agency leadership. Are your written directive systems aiding in your organizational effectiveness or are they a hindrance? If a hindrance, then work to make sure your agency "does what it says" and leverage that system to free up wasted time and energy. Once directives align, you can focus on selection, training, and evaluation aspects.

It is critical to stop to reflect if you can improve your agency's leadership. If so, identify an actionable item, and take a first step.

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Dr. Marshall Jones leverages experience from law enforcement, consulting, coaching, training, and applied research to explore leadership, organizational, recruiting, and retention issues. He is the co-author of the book Law Enforcement Leadership, Management, and Supervision published by Blue360 Media.

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SLOOOOOOW DOWN
>> Understanding Intentional Deceleration

Chief Louis M. Dekmar & Sergeant Joshua Clower

In 2018, Lagrange Police Department incorporated the concept of intentional deceleration or "slowing down" in response to calls for service. Training staff were introduced to research conducted by Colonel John Boyd, which emphasized the concept of the OODA Loop (Observe, Orient, Decide, Act), "…a four-step approach to decision-making that focuses on filtering available information, putting it in context, and quickly making the most appropriate decision while also understanding that changes can be made as more data becomes available."

During the course of introducing officers to new or supplemental active shooter training, it became clear that an officer's actions can quickly outrun their cognitive ability to process an event. Adopting the OODA Loop in firearms and use of force training involved a process of instructing a single facet of the module before going to the next.

This was facilitated with "dry runs" or practice drills with a focus on footwork only, utilizing red guns, with no presented threats. Once officers demonstrated a command of footwork, the training transitioned to paper threat targets, before engaging "force on force" training scenarios. When the paper targets were introduced, the phased lessons of intentional deceleration became clear to participating officers.

Training staff observed that officers' responses to use of force events resembled very closely the OODA Loop process developed by Col. John Boyd. During training, when officers were confronted in a simulated Active Shooter Event, they would rush into a room and confront a paper target, resulting in the officers engaging non-threat targets with deadly force as well as the threat targets. Frequently, within a second or two of

firing the "simunition" round at a non-threat target, an officer commented in frustration regarding that action. Following the drill, officers and instructors debriefed the training. Officer(s) that had engaged a non-threat target admitted they failed to process the target appropriately, essentially relating that they were moving too fast to accurately assess targeting.

OODA Loop
(Observe, Orient, Decide, Act)
"...a four-step approach to decision-making"

Evaluating that information, along with other related issues involving police training and field performance, it was recognized that the OODA Loop process has a larger role in our agency's training curriculums, apart from use of force. The concept of slowing down was valid in many situations encountered by LaGrange police officers. Obviously when officers or an innocent third party are faced with an immediate threat officers must act quickly. But, in a significant majority of the situations we deal with on a daily basis, we have "time." Time allows officers to create distance, extra distance allows for time to find cover; time, distance, and cover allows for officers to take a deep breath, which facilitates a sound decision-making process. Incorporating these simple but critical steps ensures our police officers trained in the OODA Loop process to function more effectively.

Emphasizing the OODA Loop in all components of training, which requires officers to slow down and take a deep breaths, improves the decision-making process. The benefits of this concept were not immediate. But over several years, when incorporated in all aspects of training by all instructors, the LaGrange Police Department experienced remarkable success in the training environment, but more importantly in the field. The various field applications of the OODA Loop process involve incidents common to all law enforcement agencies. It is also where we have experienced the most effective results dealing with the mentally ill, suicidal subjects, first aid/life-saving, difficult traffic stops, handcuffing, and use of force incidents. LaGrange officers are trained, when it is feasible, to formulate a plan and then implement that plan to the best of their ability, particularly in the application of force.

In our experience, use of force cannot always be avoided. But when the OODA Loop process is a part of the application of force, it almost always conforms to the tenants of Graham v. Connor and meets the standard expected by the communities we serve. Further, as an agency that has had body-worn cameras since 2009, the video recording captures an officer's actions in a use of force incident as deliberative...speaking calmly, not using profanity, and formulating a plan before acting. The result is increased support from the public for our use of force actions. In training we have coined the phrase "Don't Let Your Feet Outrun Your Brain," or "slow your feet down enough to allow your brain to catch up." By doing so officers make good, sound, and safe decisions for themselves and the citizens we serve.

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Chief Louis M. Dekmar (Ret.) has 49 years of law enforcement experience and served as a Chief of Police in LaGrange and Morrow for total of 31 years. He holds a Bachelor of Science degree in Administration of Justice from the University of Wyoming and a Master's in Public Administration from Georgia College and State University and a graduate of the FBI National Academy (142nd Session).

Sergeant Joshua Clower has served with the LaGrange Police Department for 19 years. He is currently the department's Training Supervisor and K9 Unit Supervisor.