

# AELE PUBLIC SAFETY JOURNAL



## AELE Public Safety Journal

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# AELE PUBLIC SAFETY JOURNAL



## The AELE Public Safety Journal

is a semi-annual, peer-reviewed digital journal focusing on scientific research, legal research, and other issues relating to applied public safety issues and concerns written by scholar practitioners. Emphasis is placed upon public safety research subjects, program evaluation, data analysis, legal issues affecting public safety, risk management, scholar-practitioner insights, and other contemporary and practical concerns of the public safety community.

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## Welcome to the Inaugural Edition

As Editor of the Americans for Effective Law Enforcement (AELE) *Public Safety Journal* (PSJ), along with the Editorial Board and the Board of Directors, I am pleased to present the digital, inaugural edition of the peer reviewed PSJ to you.

Our goal is to provide you with timely, thought-provoking articles that present valuable, legal, scientific, and evidence-based information that you can use in your professional life. Rather than simply give you the headlines, we intend on providing you with insightful articles that address cutting edge topics in public safety.

This digital, peer reviewed journal is intended to be for the public safety “scholar practitioner” and the person who wants to know a little more, by asking substantive questions to understand the “why” as well as the “what.” In short, this journal, with its scholarly, unique layout, and topical information is for you.

We have leveraged and have included digital media to some journal articles to bring relevant video and interactive data to you, in short, making these articles come to life. This allows you to dig a bit deeper into the information presented and allows you to better tailor the content to your needs.

We hope the PSJ will fill the void between the ubiquitous case updates and the unapproachable scholarly journals. We strive to give you the best, most relevant information in a usable format; information presented by leading scholar practitioners from across the country.

Enjoy this issue. The PSJ will continue to evolve in future issues. I would love any feedback you have on this issue and what you would like to see in future issues.

Professionally yours,



James E. Brown, Esq.

Editor

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# The Impact of Brady and Giglio In The Age of Police Reform

Rodney Hill, Esq.

In the past decade numerous high-profile incidents of police use-of-force have led to public demands for police agencies to be transparent and accountable to the communities they serve. Police officers who testify in court may have their credibility challenged and called into question if certain instances in an officer's disciplinary record raise suspicion as to their credibility. This has led to demands from the public to have the ability to inspect an officer's disciplinary record. In many jurisdictions a police officer's disciplinary record is part of an officer's personnel record, which is generally confidential and not available to the public.

In a 2021, WNYC published a report that showed 23 states (and the District of Columbia) that classified public employee files as exempt from public disclosure. Laws in New York, California, and Delaware specifically made police officers' personnel records confidential. The report also noted 15 states allowed for limited access to those records, and 12 states where police disciplinary records are generally available to the public.<sup>1</sup>

Appeals to make police discipline records public have slowly increased over the years. In 2020, Rebecca Brown of The Innocence Project wrote:

"It is critical that any authentic police accountability reform proposal ensure that police disciplinary records that are currently confidential be made public. As long as information about misconduct is kept from the public, endless instances of police abuse, torture, and wrongful convictions will continue unabated."<sup>2</sup>

In response to appeals for transparency and accountability of police officer disciplinary records, some jurisdictions have begun to allow the public the ability to access those records. For example, prior to 2021, Maryland statutes explicitly exempted police disciplinary records from public disclosure via public information records requests, and only allowed them in

discovery in very narrow situations. However, after a high-profile in custody death<sup>3</sup>, the statute was changed to explicitly state that police disciplinary records are no longer confidential personnel records. Those records are now subject to public disclosure via the Maryland Public Information Act.<sup>4</sup> What once were confidential personnel records, may now become available as part of discovery in a criminal or civil case where an officer is testifying as a witness or primary investigator.

In jurisdictions where an officer's disciplinary record is still considered to be a confidential personnel record, access to an officer's disciplinary record can still be achieved pursuant to a Brady/Giglio motion by opposing counsel. Although these two cases are not new, demands to see an officer's disciplinary record have become the norm instead of the exception.

The purpose and objective of this article are for police commanders, police administrators, and police legal advisors to get a basic understanding of Brady/Giglio, so they can understand how they may seriously impact your agency if not handled correctly.

## Understanding Brady & Giglio

In the U.S. Supreme Court case of Brady v. Maryland, 373 U.S. 83 (1963), the Court ruled that prosecutors must provide defendants with all exculpatory evidence in its possession that could exonerate the defendant.

A summation of the facts for that case is as follows:

In 1958, John Brady and Charles Boblit were found guilty of robbery and first-degree murder. Brady took the stand during his trial and admitted that he participated in the underlying robbery, but told the court that Boblit committed the murder. Prior to the trial, Brady's attorney requested all statements that Boblit made to the police. The prosecutors provided him with all statements except Boblit's confession to the

<sup>1</sup><https://project.wnyc.org/disciplinary-records/>

<sup>2</sup><https://innocenceproject.org/its-time-to-make-police-disciplinary-records-public/>

<sup>3</sup>Implementing Anton's Law: Public Access To Police Records In Maryland Uneven, Sometimes Costly, Despite New Law, by Miranda Spivack | March 12, 2022

<sup>4</sup>In Maryland prior to 2021, records related to investigations of alleged misconduct by police officers were generally considered confidential personnel records that were not readily available in discovery. However, in 2021, the Maryland legislature recodified the law and explicitly stated that internal affairs records involving members of the public are no longer confidential personnel records, therefore making them subject to discovery. MD Code, General Provisions, § 4-311(c)(1) states inter alia, "record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, is not a personnel record for purposes of this section."



murder. On appeal, Brady argued that the failure to disclose Boblit's murder confession, denied him Due Process rights. The Supreme Court ruled that the prosecution's failure to turn over the confession violated Brady's 14<sup>th</sup> Amendment's Due Process rights.

In its ruling, the Supreme Court stated:

We now hold that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.

The case was remanded back for sentencing reconsideration.

In the U.S. Supreme Court case of Giglio v. United States, 405 U.S. 150 (1972), the Court ruled that the prosecution's failure to inform the jury that a witness had been promised not to be prosecuted in exchange for his testimony was a failure to fulfill the duty to present all material evidence to the jury, and constituted a violation of due process, requiring a new trial.

In 1968, John Giglio was convicted of passing forged money orders and sentenced to five years' imprisonment. During his criminal trial his unindicted coconspirator testified against Giglio. Defense counsel cross-examined him, seeking to discredit his testimony by revealing possible agreements or arrangements for leniency. Unbeknownst to the prosecutor trying the case, another prosecutor offered Giglio's co-conspirator immunity in exchange for his testimony against Giglio.

The conviction was reversed, and the case was remanded for further proceedings.

### Impact of Brady & Giglio

The Giglio case expanded the Brady decision to require prosecutors provide the defense with material and exculpatory evidence; notwithstanding whether it was requested by the defense. Material and exculpatory evidence includes any evidence that effects a witness's credibility. As such, disciplinary records of sustained allegations that question an officer's integrity and credibility must be revealed to the defense. This would include sustained allegations of theft, filing a false report, giving false testimony, perjury, misrepresenting facts in an official document, or lying to a supervisor about leave time; basically, any type of untruthfulness. However, depending on the jurisdiction, it may also include unfounded allegations of the same type.

Simply put, any sustained allegation against an officer that calls the officer's credibility into question, regardless of the underlying circumstances, must be revealed, because a sustained finding for integrity calls

into question an officer's future integrity. It brings to life the old adage, "If he/she is lying about this, what else is he/she lying about." It does not matter if the officer was dishonest about something minor, or if the dishonesty was something major that affected the outcome of an investigation; "a lie is a lie."

Giglio requires the prosecutor to provide the defense with that information sua sponte. It does not matter if the defense requested it as part of discovery, what the specific jurisdiction's discovery rules are, or if the information was subpoenaed. What is actually discoverable may vary from jurisdiction to jurisdiction. Giglio only requires that the defense be made aware of an officer's prior integrity complaint, however, if the prosecutor proceeds with the prosecution notwithstanding the disclosure, one should anticipate the defendant filing a *subpoena duces tecum* demanding that the department produce the actual Internal Affairs investigative report.

### Internal Affairs Investigations

There was a time when the records of internal affairs investigations remained strictly within the possession of the department. Department leaders did not worry of their investigations being scrutinized by members of the public. A simple statement saying that the incident was investigated and either the investigation found no wrong doing, or saying that discipline was levied generally sufficed.

However, understanding that this information may be discoverable and could lead to a request to produce the Internal Affairs investigative report, leaders must ensure that allegations involving integrity and credibility be properly and thoroughly investigated. There should be recognition that if a court ordered a department to produce the Internal Affairs report, the credibility and the quality of the investigation will be scrutinized by the public. This holds true even in cases where the leadership sustained allegations against the officer. The leadership may face questions regarding if the proper policy violations were sustained, if the correct officers were held accountable, or if the questioning of the officers was appropriate.

Leaders and/or investigators should avoid the perception that they are minimizing a complaint or that they are sweeping the matter under the rug. The internal investigation should be unbiased and complete. The investigation should "go where the evidence leads," regardless of if it will leave a negative mark against the department, or negatively impacts the officer's reputation or career. A governmental entity that allows for mediocre internal investigations, could easily find itself on the receiving end of a Consent Decree if it is revealed that it was not holding its officers accountable, especially in situations where constitutional violations are repeatedly occurring.

Administrators should consider the following steps to ensure that their internal affairs unit is conducting proper investigations:

1. **Staffing** – In order to ensure that the internal affairs investigation is thorough and complete, departments must look to the staffing of their internal affairs. Is the unit adequately staffed with enough investigators to properly handle the assigned caseloads? An investigator's assigned caseload must be a reasonable manageable number. One that affords the investigator the ability to commit the necessary attention to each assigned case.

Also, look at the quality of the investigators assigned to internal affairs. Internal Affairs should not be used as a dumping ground to hide incompetent officers. Department leaders should consider how a poorly investigated complaint could negatively impact a civil lawsuit against their department.

2. **Investigative Review** – Internal Affairs commanders should establish monthly reviews of all open investigations to serve as a quality control mechanism. In reviewing ongoing investigations, commanders can make investigative recommendations, as well as affording them an opportunity to stay current on all investigations. Leadership should consider using an investigative checklist to ensure certain steps are not missed in the investigation.
3. **Training** – Personnel assigned to Internal Affairs are detectives and should receive the equal amount of investigative training as detectives assigned to any other investigative unit. On-the-job training is fine, but it should not be a substitute for the information taught in an educational setting. The Americans for Effective Law Enforcement (AELE) offers certified basic and advanced internal affairs investigations courses.
4. **Questioning Respondent Officers** – When interviewing a respondent officer who is the subject of the investigation, investigators should be properly prepared. Having a set list of questions is a very good start. However, investigators should not be "married" to the list of questions. They should be prepared to follow-up with questions when an answer given appears unbelievable. They should not be afraid to confront a respondent officer when the officer gives what appears to be a rehearsed or canned response. The investigator should be prepared to dig further and ask those uncomfortable questions.

The last thing a department leadership wants is to have investigators from their internal affairs unit named in a lawsuit because a Brady/Giglio disclosure produced an incomplete investigation that appears to be biased towards the officer(s) being investigated.

## Court Review

Depending on the jurisdiction, the release of an Internal Affairs investigative report may be barred by employment, labor, or privacy laws. Notwithstanding, the report may still be subject to subpoena by defendant or plaintiff. Many states are introducing legislation that allows for the release of a police officer's disciplinary record. Depending on the jurisdiction, this may or may not include sustained or unfounded investigative case findings.

The representation by the department leadership that they properly investigated the case and reached the correct finding may not be sufficient enough for the court. The court could order the department to hand over the internal investigation to the defense as part of discovery (over the objection of the department). Alternatively, the court could elect to order the department to produce investigative report(s) to the court for in camera review. Upon review of the investigative report, the court could reach a conclusion that differs from the department and/or governmental entity leadership, especially if the quality of the investigation has come into question.

## Brady/Giglio List

If an officer is sustained for an allegation that calls the officer's credibility into question, the officer can no longer be an effective witness. Anytime the officer takes the stand to testify, these allegations will be raised and the officer's testimony may be impeached. A sustained finding for an impeachable offense renders an officer useless as a law enforcement officer because they can never testify in court. This has led to the creation of what some call a Brady/Giglio list.

A Brady/Giglio list is nothing more than a list maintained by the department leadership, or the prosecutor's office (can be both state or federal) that contains the names of police officers who have had sustained findings or allegations that question the officer's integrity and credibility, as well as criminal convictions for similar events. The requirement that they be sustained findings is not an absolute, it can contain both criminal and administrative allegations that are pending investigation and adjudication.

There is no specific standard of what can go onto the list. But department leadership should proceed pensively when placing an officer on this list. Many collective bargaining agreements have provisions expressly stating that officers may not be terminated simply because they have been placed on that list.

The maintenance of the list by prosecutors instead of the police, has been a point of consternation in some jurisdictions because there is no specific standard. This leaves officers with little to no recourse in having themselves removed from the list. This is especially problematic when an officer is placed on the list simply because an allegation has been made, and there has been no adjudication of the facts.

### Administrative Impact & Department Image

Administratively the issue is what to do with an officer who is placed on this list, and how does the officer's placement on the list affect the department's image.

Department commanders and administrators must decide where to assign an officer who has found their way onto a Brady/Giglio list, because their courtroom testimony will always come into questioning. If an officer's credibility is constantly scrutinized because they are on a Brady/Giglio list, they should not be used in an enforcement capacity. Imagine an officer who is on a Brady/Giglio list being the first officer on the scene of a serious crime, and the sole witness to certain actions.

Taken a step further, imagine that same officer is involved in a fatal shooting, and their statement of events comes under suspicion because their name is on the Brady/Giglio list. Furthermore, the liability incurred by police commanders both directly or vicariously could prove to be not worth keeping the officer in an enforcement role.

Department commanders and administrators must also contend with the public image of employing officers on the department who cannot testify in court because of credibility issues. The information about these officers is readily available in many jurisdictions. In the Baltimore area for example, the group Open Justice Baltimore develops open source data projects to increase transparency of the Baltimore city and county police departments.<sup>5</sup> It maintains a website that lists the names and complaints of personnel on the department.<sup>6</sup> There are even national organizations that provide similar open source information on officers whose names appear on these Brady/Giglio lists.<sup>7</sup>

Even in states that have strict statutes barring the release of this information pursuant to a public information requests, the information may be obtainable via court order. Defense and plaintiff attorneys can file motions in court to access those records if the officer is testifying in court. Years ago, this tactic by opposing counsel was seldomly used. However, because of the number of officer misconduct cases where the officer's disciplinary background is exposed, attorneys requesting these records have become commonplace. Again, creating issues for department administrators who previously had little concern with this information being exposed. Once exposed, the department is forced to address questions from the public as to why a particular officer is still employed, especially for those situations where the officer is working in an enforcement capacity.

### Conclusion

Police commanders and administrators must ensure that internal investigations are conducted fairly

and objectively. The investigative finding should be based strictly on the evidence and not the popularity, or the disdain, of either the officer or the complainant. They must insist that their Internal Affairs unit is staffed with competent investigators who aren't afraid to ask the right questions, or make the proper findings. The investigation, the investigative findings, and the discipline should all be based upon the "what" is being investigated, and not the "who" is being investigated.

Those officers who have been found to have committed Brady/Giglio violations should be summarily separated from the department. If, however, they cannot be removed because of statute of limitations, collective bargaining agreement, or the department is collaterally estopped, department leadership should take the necessary steps to remove the officer from any enforcement capacity. If department leadership has the ability to remove an officer's police powers, they should strongly consider taking those actions. Otherwise the liability that may fall upon the governmental entity and/or individual administrators may be immense.

These types of actions from police department commanders and administrators is needed and expected, to preserve both the trust and confidence in law enforcement. PSJ

<sup>5</sup><https://openjusticebaltimore.org/>

<sup>6</sup><https://bpdwatch.com/about>

<sup>7</sup><https://giglio-bradylist.com/>

# Police Technology and the Right to Privacy

James E. Brown, Esq.

## Introduction

Technology has continued to evolve at light speed. Technology touches all aspects of life, including policing. At a time when police budgets are tight and recruitment for police departments is challenging, technology can be used to make policing more efficient.

Technology can be used in a multitude of ways to enhance police work. It can be used as a force multiplier to allow investigations to be conducted more quickly and more accurately. It can be used to monitor events and demonstrations. It can be used to augment traffic collision investigations. However, technology can also be misused to invade privacy rights of citizens.

The Fourth Amendment governs searches and seizures.<sup>1</sup> The law, as always, trails behind technology. This leaves cities and police departments to navigate the use of technology while respecting the Fourth Amendment rights of individuals. This paper will explore these issues to assist cities and police departments in balancing these competing interests.

## Pole Cameras

Pole cameras can be typically mounted for long term use or can be a mobile, such as a pole camera on a trailer for more temporary uses.<sup>2</sup> Both cameras can have the same functionality to provide opportunities for law enforcement to monitor activity at a particular location.

Pole cameras can be used to conduct remote surveillance anywhere in a city. They can be used in high crime areas or to help monitor a special event like a street fair, concert or carnival. With sufficient planning and intelligence, they can be placed to monitor marches or demonstrations. As with many types of technology, they act as a force multiplier, allowing law enforcement to observe a large area with a single officer.

Information gathered in real time is transmitted to officers on-scene. This helps in the deployment of officers, finding suspects and/or victims and allowing a more efficient use of resources. Ideally, the use of pole cameras enhances public safety.

The use of pole cameras is not without controversy.<sup>3</sup> While there is no right of privacy while one is in public, courts have held that certain uses of pole cameras can have significant Fourth Amendment impacts.

In *United States v. Tuggle*, (2021) 4 F. 4<sup>th</sup> 505, the Seventh Circuit considered the government's use of a pole camera. The court set the scene by stating that:

[W]e are steadily approaching a future with a constellation of ubiquitous public and private cameras accessible to the government

that catalog the movements and activities of all Americans. Foreseeable expansion in technological capabilities and the pervasive use of everwatching surveillance will reduce Americans' anonymity, transforming what once seemed like science fiction into fact. Constitutionally and statutorily mandated protections stand as critical bulwarks in preserving individual privacy vis-à-vis the government in this surveillance society.

*Id.* at 509

Here, Tuggle had been previously prosecuted for conspiracy to distribute large amounts of methamphetamine. To further their investigation, the government installed three pole cameras near Tuggle's residence in order to monitor the activity at his house. The government did not obtain a warrant to place or monitor the cameras.

The three cameras were installed over a period of 13 months, from August, 2014 through September of 2015. The cameras were removed in March, 2016. The cameras recorded 24 hours a day the entire time they were installed. The cameras did not have infrared or audio capabilities. The government could pan, tilt and zoom the cameras and observe activity in real time.

The use of the cameras was successful. They captured over 100 alleged instances of deliveries of methamphetamine to Tuggle's home. Officers believed Tuggle's conspiracy distributed over twenty kilograms of pure methamphetamine.

<sup>1</sup>Constitution of the United States, Fourth Amendment. <https://constitution.congress.gov/constitution/amendment-4/#:~:text=The%20right%20of%20the%20people,and%20the%20persons%20or%20things>

<sup>2</sup>Casparro, Rob and Marullo, Ross, "Wireless Surveillance Camera Systems", Department of Homeland Security, August, 2021. [https://www.dhs.gov/sites/default/files/saver\\_wireless\\_surveillance\\_camera\\_systems\\_msr\\_25aug2021-508.pdf](https://www.dhs.gov/sites/default/files/saver_wireless_surveillance_camera_systems_msr_25aug2021-508.pdf)

<sup>3</sup>Estrada, Sheila, "Is video surveillance Constitutional? Court opinions vary." The Legal Examiner, February 5, 2021. <https://www.legalexaminer.com/home-family/is-video-surveillance-constitutional-court-opinions-vary/>



Based on this information, officers obtained search warrants for several locations and Tuggle was indicted on multiple counts arising from his alleged conduct. Tuggle filed a motion to suppress the evidence asserting that the video obtained from the pole cameras was a warrantless search. The trial court denied his motion and an appeal followed.

The Court analyzed whether the government infringed on Tuggle's expectation of privacy. The court started with the two-part Katz test. (See Katz v. United States, (1967) 389 U.S. 347) Specifically, "[H]as the individual manifested a subjective expectation of privacy in the object of the challenged search? Second, is society willing to recognize that expectation as reasonable?" Tuggle bore the burden of establishing that he had a reasonable expectation of privacy in what was searched.

The Court held that the Fourth Amendment did not preclude officers from the isolated use of pole cameras on public property without a warrant. Tuggle did not erect a fence or try to shield his yard or driveway from public view. The Court stated that the expectation of privacy does not extend to what a person knowingly exposes to the public, even in his own home or office.

The Court then analyzed the more challenging question of the prolonged use of the cameras. The Court held that this use of the pole cameras did not violate the Fourth Amendment. Despite this holding, the Court had significant concerns. The Court said:

[W]e conclude by sounding a note of caution regarding the current trajectory of Fourth Amendment jurisprudence. As technological capabilities advance, our confidence that the Fourth Amendment (as currently understood by the courts) will adequately protect individual privacy from government intrusion diminishes. Once a technology is widespread, the Constitution may no longer serve as a backstop preventing the government from using that technology to access massive troves of previously inaccessible private information because doing so will no longer breach society's newly minted expectations. With the advent of digital, cloud-based, and smart capabilities, these new technologies will seldom contravene the traditional limitations imposed by the Fourth Amendment on physical invasions. Id. at 527.

While the use of pole cameras remains popular among law enforcement, it is clear from this opinion that courts may begin to question the use of these cameras, including the data collected from their use, when applying the Fourth Amendment in the future.

## Drones

There are as many types of drones as one can imagine. From large drones that can deliver supplies to "micro drones" that can enter a home through an open door or window, the variety is vast. These varied types of drones can assist law enforcement in a multitude of ways.

Drones provide a distinct advantage over pole cameras in that their location can be flexible. Drones can provide real time visual data in a critical incident, can be used to plan a dynamic entry for SWAT, can fly inside a structure to determine the status and location of suspects and victims, can monitor demonstrations or protests, can assist in traffic accident reconstruction or merely provide surveillance.<sup>4</sup> The use of drones is limited only by the imagination.

The use of drones, given their dynamic nature, can create additional Fourth Amendment concerns. They have the capability to observe places that may be protected from public view, potentially invading a legitimate expectation of privacy.

In an en banc hearing, the Fourth District addressed some of these issues in Leaders of a Beautiful Struggle, et. al. v. Baltimore Police Department, et. al. (2021) 2 F. 4<sup>th</sup> 330 where the Court analyzed an aerial surveillance program instituted by the Baltimore Police Department (BPD). In August 2016, the public learned that BPD was going to use planes equipped with high-tech cameras to surveil Baltimore. BPD contracted with a third party vendor, Persistent Surveillance Systems (PSS) to conduct the surveillance. Based on public opposition to the program, it was discontinued.

Three years later, after a series of townhall style meetings, the program was revived, and the City of Baltimore executed a new contract with PSS on April 1, 2020. Planes flew at least 40 hours per week and were able to capture roughly 32 square miles per image per second. The planes transmit their photographs to PSS "ground stations" where contractors use the data to "track individuals and vehicles from a crime scene and extract information to assist BPD in the investigation of Target Crimes". Target Crimes are serious crimes including homicide, armed robber and carjacking. The data are not designed to provide real-time analysis.

Community groups filed suit seeking injunctive relief, challenging the program and alleging a violations of the Fourth Amendment. By the time the matter was brought to court, the program had ended under the terms of the agreement. BPD therefore argued that the action was moot since the program had terminated.

The Court of Appeal determined the matter was not moot because BPD retained and continued to

<sup>4</sup>Community Oriented Policing Services (COPS), U.S. Department of Justice and Police Executive Research Forum (PERF), "Drones, A report on the Use of Drones by Public Safety Agencies – and a Wake-Up Call about the Threat of Malicious Drone Attacks", 2020. <https://cops.usdoj.gov/RIC/Publications/cops-w0894-pub.pdf>

use PSS data even though the planes were no longer flying overhead.

Turning to the Fourth Amendment merits of the case, the Court held that plaintiffs are likely to succeed and reversed the trial court's dismissal of the case. The court, in citing *Carpenter v. United States*, (2018), 138 S. Ct. 2206, stated that:

Because the data is retained for 45 days—at least—it is a “detailed, encyclopedic,” record of where everyone came and went within the city during daylight hours over the prior month-and-a-half. See *id.* Law enforcement can “travel back in time” to observe a target’s movements, forwards and backwards. See *id.* at 2218. Without technology, police can attempt to tail suspects, but AIR data is more like “attach[ing] an ankle monitor” to every person in the city. See *id.* “Whoever the suspect turns out to be,” they have “effectively been tailed” for the prior six weeks. See *id.* (“[P]olice need not even know in advance whether they want to follow a particular individual, or when.”). Thus, the “retrospective quality of the data” enables police to “retrace a person’s whereabouts,” granting access to otherwise “unknowable” information. See *id.*

The Court further held that the surveillance was not “short-term” and transcended “mere augmentation of ordinary police capabilities.” “Capturing everyone’s movements outside during daytime for 45 days goes beyond that ordinary capability.” *Id.* at 345. Finally, the Court stated that while not opposed to policing innovation and the use of technology to advance public safety, “the role of the warrant requirement remains unchanged as new search capabilities arise.” *Id.* at 347.

This case can be applied to the use of drones. While the Supreme Court has upheld the use of flyovers without a warrant (see *California v. Ciraolo*, (1986), 476 U.S. 207), the use of drones in a prolonged way that develops a library of data allowing “officers to walk back in time” may be problematic under the Fourth Amendment. Future use of drones by law enforcement

will need to analyze their intended application while keeping these competing concepts in mind.

### Automatic License Plate Readers (ALPRs)

ALPRs can be mounted on vehicles or can be stationary.<sup>5</sup> The government will frequently install ALPRs on police units or other vehicles. Stationary ALPRs can be used at airports, convention centers or other locations where traffic is funneled through specific locations.

The data obtained through ALPRs may then be compared to license plates of stolen vehicles or vehicles belonging to criminal suspects.<sup>6</sup> That information is then used to further criminal investigations. ALPRs can also obtain vast amounts of data on where and when vehicles are located in certain locations. That data can be kept for a period of time allowing the government to create a database of the locations of vehicles and by extension, their owners. This data then could be misused.

While the Fourth Amendment does not apply to the gathering of the data, the use and retention of the data will continue to be an area where the legislature will continue to regulate.

### Facial Recognition

Facial Recognition can be placed anywhere a camera can be placed. These cameras can be used to substitute for some security checks and in place of keys or key cards. They can also be used to identify and track a particular target, particularly where there is a network of cameras covering a wide area.<sup>7</sup> Some cameras can determine emotions of targets.<sup>8</sup>

Facial Recognition is an emerging technology that has reliability issues. Specifically, there are issues with accuracy when attempting to identify people of color.<sup>9</sup>

As seen with the cases above, the use of this type of data, particularly when stored and collected, can create Fourth Amendment issues. Many states are struggling with regulating how the technology should be used.

<sup>5</sup>Maass, Dave, “The Four Flavors of Automated License Plate Reader Technology”, Electronic Frontier Foundation, April 6, 2017. <https://www.eff.org/deeplinks/2017/04/four-flavors-automated-license-plate-reader-technology>

<sup>6</sup>Diaz, Angel and Levinson-Waldman, Rachel, “Automatic License Plate Readers: Legal Status and Policy Recommendations for Law Enforcement Use”, Electronic Frontier Foundation, September 10, 2020. <https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>

<sup>7</sup>Barr, Aaron, “Facial recognition technology’s serious security problem”, Security Magazine, December 27, 2021. <https://www.securitymagazine.com/articles/96795-facial-recognition-technologys-serious-security-problem>

<sup>8</sup>Vemou, Konstantina, Horvath, Anna, Zerdick, Thomas, “Facial Emotion Recognition”, TechDispatch, Issue 1, 2021. [https://edps.europa.eu/system/files/2021-05/21-05-26\\_techdispatch-facial-emotion-recognition\\_ref\\_en.pdf](https://edps.europa.eu/system/files/2021-05/21-05-26_techdispatch-facial-emotion-recognition_ref_en.pdf)

<sup>9</sup>Najibi, Alex, “Racial Discrimination in Face Recognition Technology”, Harvard University, Blog, Science Policy, Special Edition: Science Policy and Social Justice, October 24, 2020. <https://sitn.hms.harvard.edu/flash/2020/racial-discrimination-in-face-recognition-technology/>

## ShadowDragon

ShadowDragon is a proprietary and new software tool<sup>10</sup>. Little is known about its capabilities beyond information provided by the vendor.

ShadowDragon pulls data from social media accounts, data apps, the dark web and shopping sites like Amazon to identify a person of interest.<sup>11</sup> It searches 120 different online platforms, which the company says allows it to speed up profiling work from “months to minutes”.<sup>12</sup> ShadowDragon also claims that its software can predict “unrest and potential violence”.<sup>13</sup>

It has been purchased by the U.S. Immigration and Customs Enforcement agency, the State of Michigan and the Massachusetts State Police.<sup>14</sup>

Concerns regarding the use of this technology include the possible chilling effect on social media speech when there is monitoring by the government. Further, ShadowDragon can use the collected data to determine who a target may correspond with on social media.<sup>15</sup> This could create a scenario where innocent people could become involved as potential suspects in a criminal investigation.

## Conclusion

As technology continues to evolve, courts will continue to struggle to apply the Fourth Amendment to the current technologies used by the government. The courts have expressed concern that advancing technology could erode Fourth Amendment protections as we know them.

The use of this information to further public safety is critical to police agencies in light of current decreased staffing levels and tightening budgets. The Fourth Amendment will continue to play a role in the use of this technology. The best way to protect this information and allow its use in a criminal prosecution is to obtain a warrant. When the warrantless use of technology is conducted by law enforcement, there will always be a risk whether courts will allow its introduction into evidence. This tension between the law and police technology will continue to evolve as courts catch up to the various technological advances adopted by law enforcement. **PSJ**

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<sup>10</sup><https://shadowdragon.io/>

<sup>11</sup>Kwet, Michael, “Shadowdragon: Inside the Social Media Surveillance Software that can Watch Your Every Move”, The Intercept, September 21, 2021. <https://theintercept.com/2021/09/21/surveillance-social-media-police-microsoft-shadowdragon-kaseware/>

<sup>12</sup>Id.

<sup>13</sup>Id.

<sup>14</sup>Id.

<sup>15</sup>Lut, Abu, “Social Media Surveillance and Targeting Muslims: ShadowDragon”, The Muslim Skeptic, November 15, 2021. <https://muslimskeptic.com/2021/11/15/social-media-surveillance-and-targeting-muslims-shadowdragon/>

# Scholarship: Essential Asset for Public Safety Leaders

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## ABSTRACT

This article explains how Public Safety leadership is intrinsically connected to scholarship due to their complex nature and similarity and how to apply scholarship to enhance leadership and organizational performance. The required skills of each element are demonstrated as fused and integral parts of the leadership-scholarship nexus. The complexity and wide variety of critical issues facing public safety today demand that leaders use a systems-based approach for developing a breadth and depth of understanding about these issues before engaging in remedial discussions. One's leadership skills and scholarship abilities transform and classify contemporary leaders into scholar-practitioners who are expected to identify and solve problems, and more importantly, to teach others related competencies to facilitate their understanding of scholarship and develop their professionalism to become future leaders.

**Keywords:** Leadership, Systems Thinking, Problem Solving, Decision-Making, Scholarship, Public Safety, Leaders.

Scholarship is not just the work of academicians as it is also a bridge for successful leadership. Diverse sources confirm scholarship as a generic asset to those in leadership positions in all professions, including public safety. Scholarship, ongoing learning at a high level, is indispensable for leader effectiveness even in operationally active fields like policing. Comprehending and responding correctly and legally to a range of incidents from minor to critical, human-made, or natural, requires the combined qualities of scholarship and leadership among leaders in every public safety agency or department.

For this article, public safety is considered a single profession encompassing all police, corrections, fire, and emergency medical service agencies and departments at federal, state, and local levels, so terms will be used interchangeably. Public Safety is considered the most important, complex, and operationally on-task 24/7 profession protecting and serving the nation and its varied communities. Additionally, it is a component of national security that includes detecting and countering threats, terrorist attacks and crimes originating abroad. Such breadth of responsibilities demands that public safety professionals, from newly trained to experienced, acquire a wide range of intellectual and practical knowledge. Given the types of situations, range of missions and challenges facing public safety professionals, of paramount importance is leadership, to the nation, to each community and to the profession itself. Hopefully, this article will help enhance the qualities of public safety leaders by explaining how scholarship can be applied as an essential integrated asset of their leadership.

That scholarship and leadership are inseparable should become clear after readers are introduced to scholarship's functions and shown how leaders can

apply them to upgrade themselves, their officers, and the operational readiness of their departments to be better prepared to accomplish their missions--no easy task!

## On Leadership, Briefly

Scholarship and leadership are integral in their practices and similar in their complexities, but not clearly defined together. Rost (1991) analyzed 587 works on leadership between 1900 and 1990 and found 221 definitions for it. It is doubtful, however, that scholarship was a key part in these or subsequent definitions. Los Angeles Police Department Lieutenant Raymond E. Foster (ret.) defined leadership as, "The art of influencing human behavior toward organizational goals" (Foster, 2010). Similarly, Northouse (1997) defined it as, "a process whereby an individual influences a group of individuals to achieve a common goal" (p. 3). The French Foreign Legion defined it as the "Mystique." This single-word definition surfaces the complex and difficult nature of defining leadership in its numerous contexts to fit as a single definition for all situations. Equally, Abraham Zeleznik (1989) described it as, "that illusive, indefinable, yet recognizable quality" (p. 4). British author Anthony Jay said, "The only real training for leadership is leadership." Jay's statement indicated leadership's mystique highlights the difficulty in teaching it.

Leadership's connection to scholarship is typically alluded to, i.e., necessity for reading, critical thinking, continuing education etc. For scholarship to strengthen a leader's capability Althea Olson and Mike Wasilewski offered an example. They stated in their article, *12 Traits of Effective Police Leaders*, "To be an effective leader takes . . . a strong work ethic on personal development" (Olson & Wasilewski, 2019). Their example mirrors the US Marine Corps' leadership principle



“Know yourself and seek self-improvement” (USMC, n.d.). Public safety professionals will find their self-discipline ties scholarship to leadership and is at the core of successful personal development.

### The Scholarship-Leadership Connection

In establishing the link between scholarship and leadership, over 1,000 years ago Gregory Nazianzen, circa 362 AD, described, not defined, leadership when he said, “For the guiding of man, the most variable and manifold of creatures, seems to me in very deed to be the art of arts and science of sciences” (Nazianzen, 1894). Foster (2010) mentioned the art of leadership, while Nazianzen indicated guiding or leading as being the art of arts and science of sciences. These views imply the interconnected and inseparable nature of leadership and scholarship.

Nazianzen’s description of guidance or leadership reflected scholarship by highlighting its human complexities, his idea that man is “variable and manifold” in character. Like leadership, scholarship is a human endeavor subject to a range of competencies, thought processes, behaviors, and procedures. Also relevant was Nazianzen’s observation that leadership is highly complex, the art of arts and the science of sciences, along with the mystique that surfaces the unknown qualities of successful leaders in varied situations. This relevance is also true of scholarship because it too is a human endeavor, demanding, action oriented, knowledge based, and not “by the numbers” or “cut and dry” in actual practice or method. As such, scholarship and leadership are fused together.

### The Operational Side of Scholarship

In his book, *Scholarship Reconsidered: Priorities of the Professoriate*, Dr. Ernest Boyer identified four functions of scholarship that provide professionals with the operational components of scholarship leaders can use to enhance their leadership abilities (Boyer, 1990). Although Boyer intended them for scholars, they are adaptable for use by all professionals. Department leaders should consider them essential qualities for use on the job to improve overall effectiveness.

Boyer (1990) gave leaders the understanding they need to devise ways to utilize scholarship’s functions as part of their leadership responsibilities. Consider them as interconnected, not as separate elements. Together they depict the roles of an academic scholar-leader as well as those of a public safety leader-scholar. They are:

- The scholarship of discovery or research.
- The scholarship of integration or synthesis.
- The scholarship of application or doing.
- The scholarship of teaching or instructing.

### The Scholarship of Discovery

To Boyer (1990), the scholarship of discovery meant research, the commitment to knowledge for its own sake, wherever it may lead, i.e., the truth. Discovery occurs via a rigorous process, the scientific method for example, or even trial and error. He wrote of the researcher’s probing or inquisitive mind being a vital asset to the academy and the world. He alluded to change when he wrote that intellectual excitement fueled by the quest for new knowledge in our complicated, vulnerable world is absolutely crucial. If change is occurring in your agency or community research is required to determine cause and effect and appropriate response, the work of the police leader-scholar.

The late management guru and scholar, Dr. Peter Drucker, defined intellectual integrity as being objective, seeing things as they are and not as we want them to be (Lenzer & Johnson, 1997). The essence of discovery means telling it like it is, regardless of political implications and personal career risk. From an unknown author, “It is not the risk to a critic, it is the risk to an organization or a society if there are no critics.” The search for truth, no matter where it may lead, is a fundamental tenet of higher education. Likewise, an investigator’s objective is to determine truth.

Research that leads to discovery stems from teamwork. It is rare that a researcher knows all aspects of a research subject. Selecting the most appropriate analytical methodology—qualitative, quantitative, or mixed method—often requires added expertise. The researcher, subject-matter experts, professional colleagues, research-methods experts, and the ever-wonderful and under-utilized research librarians are excellent team assets. Research abilities should become part of an officer’s competencies so that when applied objectively and enhanced by teamwork, results can lead to useful discoveries, like solved cases, improved tactics, and better community relations.

Benjamin Franklin allegedly said, “We are all born ignorant, but one must work hard to remain stupid.” Years later historian Will Durant said, “Education is a progressive discovery of our own ignorance.” The implied goal for public safety leaders is to erase ignorance by gaining knowledge and operational techniques to prevent ignorance from becoming stupidity due to mental lethargy. The scholarship of discovery is an operational imperative for leader quality!

### The Scholarship of Integration

In the scholarship of integration Boyer (1990) gave meaning to isolated facts, put them into perspective, connected them across disciplines, and illuminated data in revealing ways. This function is interpreting and fitting your own and others’ research into the context of larger intellectual patterns. It is interdisciplinary, interpretative, and integrative in scope. Sharing knowledge with other professionals to foster mutual learning is key

to achieving this. In short, this function comprises the investigative and synthesizing aspects of scholarship.

In describing integration, Boyer (1990) alluded to the importance of systems thinking, also appropriate in research. Per Berrien (1977), a system is a “set of components interacting with each other and a boundary which possesses the property of filtering both the kind and rate of flow of inputs and outputs in and from the system” (p. 15). Von Bertalanffy (1968), considered the chief exponent of systems thinking, argued that a system cannot be understood by investigating or examining its parts in isolation. Systems thinking means identifying and evaluating the sub-systems (e.g., personnel, training, recruitment, Internal Affairs) or parts that make up a whole entity and knowing how each operates separately and interactively as a complete system.

Public safety agencies are systems as are, criminal organizations, gangs, and terrorist cells. Beyond breaking down a system it is important to evaluate how its internal forces (e.g., leadership, personnel, training, and resources) and external forces (e.g., legal, political, and economic) affect an entire system, its parts, and its decision-making processes. Lloyd Dobens and Clare Crawford-Mason described this concept clearly as, “It is not a question of how well each process works, the question is how well they all work together” (Dobens & Crawford-Mason, 1994). (In 1980 co-author Steeves asked a German pathologist, his life’s work, what is known about the human body. He said, “We know very little. We know more about a single organ’s function, but less than 40 percent. But the key is the interconnections, we know less than 20 percent.” I was struck by the importance he placed on systems thinking.)

Drucker (1966) viewed integration as using differing thoughts in decision making. He said an effective decision is always a judgment based on diverging views, not on consensus. General Lucius Clay, USA, when commander of the American military government in Germany, described General of the Army George C. Marshall’s integrative approach this way: “It was evident that he enjoyed developing any divergencies in viewpoint ... so that they would be weighed in reaching his decisions” (Cray, 1990). Alfred Sloan, former head of General Motors, also used integration in his decision making. At a senior executive meeting, he said,

Gentlemen, I take it we are all in complete agreement on the decision here. ... Then ... I propose we postpone further discussion of this matter until our next meeting, to give ourselves time to develop disagreement and perhaps gain some understanding of what the decision is all about. (Drucker, 1966, p. 472)

Integration requires leaders to have an attitude conducive to listening to opposing ideas willingly, thinking objectively about them when aired and asking for them if none is voiced. Asking for input reflects a positive leader-subordinate relationship and shows a leader’s

recognition that brainpower and ideas may exist at all levels. Ask them and be surprised.

Pulling together complex data and information from diverse sources, including those that foster disagreement, to create a comprehensive whole everyone can understand is the leader’s challenge, perhaps the obligation, however difficult. Yukl (1998) noted, “the effectiveness of a leader is explained in terms of influence on the way followers view themselves and interpret events. Effective leaders influence followers to have more optimism, self-confidence, and commitment to the objectives or mission of the organization” (p. 10).

With time, integration allows for more information, insight, and critical thought in planning and decision making, a clear advantage. With limited time it is more difficult but use it to the extent possible. When an incident allows only seconds to act or react, training and experience will be the key factors in a leader’s ability to quickly assess, decide, and implement a course of action.

### The Scholarship of Application

Boyer (1990) referred to the scholarship of application as service, service designed to apply knowledge gained to significant problems in ways that are helpful to individuals and institutions. For unit leaders, application is intended to benefit the public safety profession, agencies, officers, and communities.

Service activities in this case blend one’s field of knowledge as it relates to or flows from a leader’s professional expertise. This is serious, demanding, and rigorous work that requires accountability normally associated with research. Broadly viewed, application is new knowledge gained from practice as well as knowledge gained from discovery through research. In this dynamic process knowledge arises from the practice and evaluation of an activity, a tactical drill for example as well as from theories tested and evaluated in practice.

For department leaders, application means knowledge transferred from activities associated with a leader’s professional competencies. The objective is to use this knowledge to improve individual and organizational preparedness. Leaders may identify situations that require more research for further examination and critique. Results from this process may show training methods, active shooter drills, or other emergency responses require modifications. An effective leader will recognize if shortcomings exist and take appropriate steps to determine the causes and fix them.

Action analysis is designed to improve a cyclic activity. This ongoing process is: learn to do, do to learn, practice what is learned, evaluate intended objectives(s) through critical analysis, and determine what improvements need to be made, if any, before doing it again. Document everything. Maintain records for easy access in an archive or computer file for later referral and use in instructional design, planning and decision making.

Such documentation is important to eliminate reliance on memory, so susceptible to loss. This process seems well suited to a leader's responsibilities for individual and unit training and operations.

Application also relates directly to a leader's mission. Drucker (1966) described this as objectively addressing the demands of the organization using intellectual integrity. His words remind us that the goal of a leader-scholar is to uncover the truth no matter where it may lead and to use systems thinking.

### The Scholarship of Teaching

Boyer (1990) said teaching involved academics sharing the results of their scholarship with others. This concept is akin to that of leaders imparting knowledge and techniques to those in their charge as well as colleagues throughout the public safety community. Teaching is emphasized as a critical responsibility and essential quality for all police leaders.

Instructing stems from and merges the scholarship functions of discovery, integration, and application. It enables this blend to become operational in the interactive dynamics of the teaching-learning process. Teaching combines the art of arts and the science of sciences and is similar to leaders training their agency's individuals and teams.

Boyer (1990) said Aristotle described teaching as the highest form of understanding. Boyer emphasized that the information presented can be well regarded only if professors are well read and intellectually engaged. The same is true for leader-instructors. He said people lack awareness of the hard work and serious study that undergirds good teaching and indicated some believe that if you cannot do anything else, you can teach. Experience teaching to dispel this view!

To Boyer (1990), great teachers created a common ground of intellectual commitment and stimulated active, rather than passive, learning. Importantly, leader-scholars, like scholar-leaders, should also encourage learners to be critical thinkers with an ongoing thirst for learning.

Police Lieutenant Kirk McLean stated in his article, *10 Essential Attributes of Effective Leaders*, "A commander should also consider instructing leadership training sessions within their agencies to better prepare the troops to take on leadership roles and to increase morale and efficiency" (McLean, 2019). The functions of scholarship should be included in leadership training to prepare current and future leaders for the challenges ahead. Retired United States Marine Corps Brigadier General Thomas Draude said, "Education prepares one for the unknown, training prepares one for the known." In each, instructing is the one leader characteristic needed to achieve intended learning outcomes.

Former United States Army combat historian General S. L. A. Marshall believed that one's depth of

thought comes from intensive additional study throughout one's career. He suggested that military officers consult with scholars and leaders in other fields to determine the books that most invigorated their thinking (Marshall, 1966). His intent was to identify as well as read these works. Marshall would have agreed with President Harry S. Truman, who said, "Not all readers are leaders, but all leaders are readers." To be successful at teaching a leader must engage in all aspects of learning to include reading books from various academic disciplines and professions.

Of note, Marshall (1966) also said the best way for an officer to grow is to study harder than students, to learn beyond the subject matter being taught and to think deeply. Marshall's guidance bridged leadership with scholarship and remains valid today.

An instructor must know the subject thoroughly. This takes time, significant study, and considerable thought. Knowing the subject matter is one thing. Knowing how to use various instructional techniques that best contribute to attaining learning outcomes is another. Ideally, instructors should be able to create a teaching-learning environment that generates enthusiasm among students for learning regardless of content. The saying, "There are no dull subjects, only dull instructors" provides a message and a challenge for public safety instructors. Be innovative and realistic in the development of learning objectives, learn a variety of instructional techniques to achieve results, and be constructively critical and objective in evaluating them. The importance of the scholarship of teaching cannot be overemphasized!

### Suggestions to Consider

A lot of attention in courses is focused on problem-solving. Over 50 years ago Dr. J. Sterling Livingston had a different perspective worth considering. He said, "The shortcomings of instruction in problem solving, while important, are not as significant as the failure to teach problem finding" (Livingston, 1971). Livingston added, "A manager's problem-finding ability is exceeded in importance only by his opportunity-finding ability." Livingston cited Drucker who indicated that all we get by solving problems is a return to normality. Drucker implied that nothing is gained. He added another of Drucker's salient points, "Results in business . . . are obtained by exploiting opportunities, not by solving problems" (Livingston, 1971). Interpret business in the context of your agency's mission.

Public safety leaders might think of a process that begins by creating opportunities, an idea for improving community relations for instance. Next, develop problem prevention approaches using appropriate monitoring, data gathering and analysis to eliminate the source of a problem before it occurs. Lastly, as quickly as possible solve problems as they surface. Such a mindset can be conveyed during instruction and evaluated in

practice. Identifying opportunities, preventing problems, and solving problems in this priority order could improve situations faster, reduce costs and avoid accidents to life and limb and fix glitches promptly. In part this mindset would mean a shift from the proverbial “We’ll investigate this accident and never let it happen again” to “We discovered the cause and prevented the accident from occurring.”

Another thought to consider deals with disciplining and teaching discipline. Leaders should consider General S. L. A. Marshall’s definition. He stated, “Coming from the Latin, ‘to discipline’ means ‘to teach.’ Insofar as the military establishment of the United States is concerned, nothing need be added to that definition” (Marshall, 1966). This definition of discipline highlights its solid leader connection to teaching as a function of scholarship. It also implies that not all teaching is formal. Effective command staff leaders can initiate informal training on the spot, maybe just a face-to-face in the hallway with one officer or short talk with a group before going on patrol because they know what training needs reinforcing and are prepared to teach informally and briefly at opportune times, during breaks, for instance, to individuals or units. This capability is embedded in the leader’s professionalism and maximizes the use of available, and often very limited, time.

Boyer (1990) wrote that good teachers, as scholars, are also learners and that teaching at its best transforms and extends knowledge. Through readings, discussions, comments, and questions from students, teachers will be pushed in creative new directions. The gift for good teaching will make a better police leader and in turn, result in a better prepared department.

### Concluding Thoughts

The COVID-19 pandemic highlights Boyer’s (1990) pathway for professionals to comprehend and use scholarship in ways that can enhance their leadership abilities. His four functions: discovery, integration, application, and teaching point out that knowledge is acquired through research, synthesis, practice, and instruction. Each function is tied inseparably to the others, as scholarship is to leadership. Leadership and scholarship being forever fused are dependent on one another for effective results. Boyer’s ideas of scholarship are reinforced by other academics as well as business, public safety, and military professionals. Together these views of scholarship mesh well with the multiple tasks public safety leaders face 24/7. The competencies of scholarship when forged and used with those of leadership should help to achieve, organizationally and operationally, every facet of a public safety agency’s responsibilities and stated objectives.

In preparing for challenges ahead, known, and unknown, a leader’s use of scholarship will contribute to successful outcomes. On each professional, from newly trained academy graduate to experienced command

staff, rests the formidable responsibilities associated with always acting properly and doing the right things when confronted with an array of situations from minor to critical incidents. This condition requires leaders to expand their own and their subordinates’ knowledge and capabilities beyond their current positions to become better prepared to assume greater responsibilities should the need arise.

Being a professional public safety leader also requires the demanding work of a scholar; there are no shortcuts! The critical importance of all aspects of public safety calls for the highest form of leadership at all levels. Leaders should develop the attitude that scholarship and leadership are interconnected, intellectually and operationally. Once internalized and applied this essential mix should result in better prepared individuals, teams, and agencies at lower cost, human and other, to the advantage of the nation and communities being served. McLean also said, “No matter where one is in life, learning to better oneself, his or her staff, and the department should never end” (McLean, 2019). Leadership is scholarship! [PSJ](#)

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# Police Leadership Styles and Officer Job Satisfaction

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## ABSTRACT

This pilot study examined police chief leadership styles and explored which type resulted in the highest level of police officer job satisfaction. Nine departments in the North Metro Atlanta area were included. The Multi-Leadership Questionnaire (MLQ 5X) was used to determine if police chiefs engaged in transformational leadership, transactional leadership or passive/avoidant leadership. The results were then correlated to sworn officer's responses to job satisfaction and organizational commitment. The study revealed a positive association between transformational leadership styles and officer's job satisfaction and organizational commitment.

**Key Words:** Law Enforcement Evaluation, Transformational Leadership, Job Satisfaction in Law Enforcement, Law Enforcement Surveys.

## Introduction

A key component in any organization is leadership, the ability to inspire and direct personnel to achieve organizational objectives. Private corporations, small businesses, government agencies and non-profit organizations all have people in place that are entrusted with managing the day to day operations of these organizations. Whether a stated mission is in place, or just an unofficial set of goals geared toward being successful in the operation of an organization, there is no greater impact on the level of success than that of the leadership in place. A leader's skills and abilities are key to ensuring success when implementing change (Gilley, Gillery & McMillain, 2009). Effective leaders are strategic, innovative and influence subordinates in a manner that can help ensure organizational success. Successful leaders understand the importance of strong communication and the need to build trust among employees (Garcia-Morales, Llorens-Montes & Verdú-Jover, 2008).

The type of leadership in place impacts how satisfied an employee is on the job, as well as their overall psychological well-being. If employees reach a point of strongly considering quitting their job, it often relates to issues with the organization's leadership (Olaniyan & Hystad, 2016). Because of the relationship between leadership and job satisfaction, leadership also has an impact on job performance. If an employee's level of job satisfaction is not sufficient, then they are less apt to be committed to the organization for which they work. When this lack of commitment is in place, the level of employee productivity is likely to decrease (Choi Sang, Lim Zhi, & Tan Wee, 2016).

In the profession of law enforcement, a lack of employee job satisfaction and motivation can create detrimental results. When police officers fail to meet the expectations that exist for that position, not only can this create dangerous implications for the citizens they serve, it can also create a higher level of risk for themselves and their co-workers. Policing is an inherently dangerous profession, and this should create a

sense of urgency for managers to consistently work toward establishing a culture that enhances the level of job satisfaction and commitment among police officers (Demirkol & Nalla, 2018). One of the unique aspects of law enforcement is the variety of dangers officers face each day when on the job. The threat of being killed, assaulted, coming in contact with communicable diseases and being involved in car accidents creates a high level of stress for officers. The concerns related to officer burnout must be taken into consideration when emphasizing the importance of officer job satisfaction (Mayhew, 2001).

All levels of management in a police organization are vital to the mission of law enforcement. However, no role is more important from a management perspective than the position of police chief. Effective police chiefs understand their position includes developing and sharing the vision of the entire organization they manage. They also must be able to create a practical understanding of how that mission is to be exhibited in the day to day operations of the police department, as well as constantly working with other managers and supervisors throughout the organization to ensure they can also lead their teams in effectively carrying out the department's mission. Furthermore, police chiefs that engage in effective leadership establish strategic plans and understand the importance of mentoring and empowering their subordinates (Andreescu & Vito, 2010). Leadership plays a critical role in ensuring officers meet the mission of the organization, which correlates with obtaining and maintaining organizational high performance. Effective leaders inspire high levels of both individual and organizational performance, which ultimately ensures the mission is met (Warren, 2019).

With the correlation between job satisfaction and employee performance, and the impact a police chief has on the level of job satisfaction of his or her employees, it is imperative that police chiefs strive to implement leadership philosophies that are most likely to positively impact the level of job satisfaction of the police



officer. Additionally, city administrators and government leaders should strive to hire police chiefs that implement the type of leadership philosophies that will ensure police departments foster a culture that is conducive to a high level of employee satisfaction (Andreescu & Vito, 2010). Local governments often hire police chiefs from the outside instead of promoting from within. The reasoning behind this approach is chiefs from outside the organization can bring in new and innovative ideas. This hiring approach can also alleviate the concerns related to hiring internal candidates that have connections with subordinate officers and are engaged in community or political organizations in the community. These are all factors that can impact police culture (Johnson, 2005).

Several leadership mechanisms can be utilized to influence officer behavior. The formal authority found through a police department's command model can impact officer action and behavior through the enforcement of compliance. The transactional leadership approach can also influence the work of police officers. This exchange model mirrors the principal-agent economic model where an exchange takes place between police supervision and police officers. Officers perform their duties with an expectation of receiving rewards when the communicated expectations are met. When this style of leadership is practiced, supervisors have the ability to influence officer behavior based on the rewards they are able to offer subordinates (Engel & Worden, 2003).

Another leadership approach that police leaders can also employ directly involves influencing officer's attitudes, values and beliefs. This style can be especially beneficial because the beliefs, value systems and views of the work of police officers will impact their behavior more effectively than implementing an authoritative approach or exchange model. This style of leadership is known as transformational leadership. Transformational leaders create buy-in with subordinates through developing a culture that encourages creative problem solving and influencing officers to work toward the greater good of the organization (Engel & Worden, 2003). Ultimately, transformational leaders base their leadership approach on idealized influence where the leader becomes a role model for subordinates. These leaders also utilize inspirational motivation, intellectual stimulation and individualized consideration when striving to influence subordinates.

Police chiefs that practice the leadership approach of passive/avoidant often embrace the belief that striving to understand and motivate people is useless due to the unpredictability of human beings (Fiaz, Qin, Ikram, & Saqib, 2017). With this approach, there is not a focus on performance or people. Instead, these passive/avoidant leaders strive to avoid the spotlight and instead depend on a set of dependable employees to make certain the mission of the organization is met successfully. There is no desire for this type of leader to be a change agent, but instead, he or she would prefer

to work within the established confines of the organization. Strategic planning is non-existent, and goals are only put into place when necessary. These leaders are typically non-confrontational and would prefer not to make major decisions. There is typically no effort at employee development because there is an assumption in place that people can take care of themselves and will do what is necessary to complete job-related tasks. Not surprisingly, research has shown that this type of leadership does not usually result in positive employee performance or job satisfaction (Fiaz, et al., 2017).

Organizational culture, the collective values, attitudes, expectations and behaviors of an organization's members, is also greatly impacted by the chief of police, no matter what size department, or the location of the department. Effective police chiefs are able to implement processes that are built upon communication between management and officers and are fully aware of the importance of their role as it relates to department morale. Departments where officers feel they have a stake in the direction of the department results in a higher level of job satisfaction and engagement (O'Leary, Resnick-Luetke, & Monk-Turner, 2011). This is a result of an effective, two-way communication model that has been fostered by the chief. A free flow of ideas geared toward making the department better is only possible if the police chief creates communicative processes that allow for the flow of such ideas.

Research has shown that leaders that engage in a transformational leadership style are successful in motivating subordinates to look beyond their own personal goals and work toward the greater goals of the organization. Transformational police chiefs can create a mission, vision and values that provide guidance and inspiration for officers. They have the ability to capture the mind and hearts of those officers working under their leadership, and that is a key to developing the culture of a police department. Police officers tend to connect strongly with transformational leaders (Murphy, 2008). It is advantageous to educate police leaders on the benefits related to implementing transformational leadership, which includes an increased level of job satisfaction and officers exerting extra effort in their work (Morreale, 2003).

The police chief may also lead his or her department in an ongoing engagement between the department and the community being served. Chiefs must ensure that part of the vision being shared and grasped by officers includes the importance of community partnerships, transparency and problem-solving orientation. In the current national environment of fractured relationships between law enforcement and the community, effective police chiefs must be able to lead their departments in a manner where there is an appreciation by officers of these community-related expectations (O'Leary, et al., 2011).

It is incumbent upon the department's leadership to influence officers to engage in community policing in all facets of their job, no matter what role they may play in the organization. Department leadership, starting with the police chief, is responsible for creating a department's mission, vision and values, and to continuously work to find effective ways to emphasize and emulate that mission and those values. An organization's culture reflects its leadership style. A police chief that engages in transformational leadership will be more apt to provide an influential type of leadership that can create a culture that emphasizes community policing (Masood, Dani, Bruns, & Blackhouse, 2006).

A police chief's ability to enhance job satisfaction and motivate officers is especially important when creating a culture that embraces the philosophy of community policing. There is currently a national perception that a great strain exists between the police and the communities they serve. Although this perception is at times based in reality, there are also many departments that enjoy strong relationships with the citizens and businesses in their community. Whether there is a strain on citizen relations, or if departments are engaging in community-oriented policing, there is an expectation that all police departments work diligently to build trust with those they serve through ongoing community engagement. This work must start at the top of the organization (Masood, et al., 2006). The chief of police is responsible for creating a vision for community policing and implementing a strategic plan that will ensure that vision comes to fruition. Ultimately, community engagement is a philosophy, and the police chief must work to guarantee that philosophy is ingratiated into the culture

Police chiefs must lead their departments with the assumption that some of the citizens they serve lack an adequate level of trust of law enforcement. Research indicates the African American community has a high level of distrust toward law enforcement (Huggins, 2012). Minorities often feel they are targeted by law enforcement especially when it comes to police stops of African American drivers. Because of this distrust, lawful stops are often suspected of being a result of drivers being targeted because of their race.

Conversely, approximately 60% of white and Hispanic officers perceive their relations with the African American community are excellent or good, while only 32% of black police officers share the same opinion (Morin, Parker, Stepler & Mercer, 2017). This is an indicator that officers may lack an accurate perspective of the level of trust between officers and minorities, and it is important that chiefs constantly work on creating an environment where officers understand the importance of intentionally working toward building the trust of those they serve. Other studies have shown that individuals in America that identify themselves with any minority group, not just African American, have negative perceptions of police compared to whites. This includes Hispanics, who are often shown to look upon law enforcement negatively

(Peck, 2015). Research has indicated that negative perceptions about police by Hispanics often correlate with a misunderstanding of American police operations and services (Roles, Moak & Bensel, 2016).

Another key consideration for police chiefs is creating an environment that will help improve the likelihood of quality officers being retained. Research indicates that leadership style has an impact on officer job satisfaction, which correlates with the retention of police officers (O'Leary, et al., 2011). Officers that have a higher level of job satisfaction are more likely to stay at their current department. Police chiefs must always work toward not only hiring quality police officers but retaining them as well (Wilson, Dalton, Scheer & Grammich, 2010). Officers working with transformational chiefs are more inclined to have a higher level of job satisfaction, meaning they are more likely to develop an allegiance to their department and its leadership. These factors emphasize the importance of police chiefs engaging in a transformational approach to leadership (Deluga & Souza, 1991).

There are numerous definitions and descriptions related to the meaning of leadership. Many definitions focus on moving people toward specific goals and objectives. Other definitions focus more on the ability of a person to take a group of people and formulate one team that is striving to achieve the same objectives. The ability to influence people is another key component of numerous definitions of leadership (Summerfield, 2014). Most definitions include one of the following three common characteristics. The first is working to create common goals that is agreed upon by followers. The second characteristic centers on a leader's ability to influence others, not by dictatorship, but through charismatic personality traits and the ability to work well with others. The final common characteristic involves leadership that creates a better or more improved state.

When examining the role leadership plays related to the job satisfaction and organizational commitment of employees, it is important to understand the differences between leadership and management. Although these concepts are typically linked, they are also inherently separate (Pidgeon, 2017). The primary role of a manager is to act as an administrator. Tasks, deadlines, systems and controls are all managerial functions that typically work off of a short-term perspective. In an organization, managers have subordinates that report to them, not followers (Reynolds & Warfield, 2010).

Kouzes and Posner (2007) provide four leadership characteristics based on their research at Santa Clara University. Honesty is the first characteristic listed. Leaders are people that are truthful and ethical. As mentioned before, they are also vision-oriented, always looking ahead. They are never satisfied with the status quo and are imaginative. The third characteristic centers around their ability to inspire others. Being passionate and enthusiastic resonates and inspires



those that follow them. Finally, leaders must be competent. Having relevant experience and expertise helps ensure they will lead with sound judgment (Kouzes & Posner, 2007)

Robbins (2003) defined job satisfaction as “an individual’s general attitude toward his or her job” (p. 72). Kieres’ definition described job satisfaction focused on the emotional response of an employee as it relates to one’s overall appraisal of his or her work situation (Kieres, 2012). Employee job satisfaction is extremely important when it comes to organizations operating successfully. Leaders should always be aware and concerned about the level of job satisfaction being experienced by their employees. There are numerous variables that influence how satisfied an employee is throughout their career and this creates a great deal of fluidity when measuring job satisfaction. The key reason for organizational leaders needing to be cognizant of how satisfied their employees are is because of how well job satisfaction predicts productivity. There is no greater indicator of how well an employee will produce than their satisfaction on the job. Satisfaction is also linked to other areas of concern like employee turnover and absenteeism. Leaders who are truly concerned about the well-being of their employees understand the correlation between job satisfaction and their employees’ mental and physical health as well as their level of satisfaction in life (MacDonald, Kelly & Christen, 2019).

There are several job-related components that have been found to be associated with job satisfaction. Employee rank, rewards for excellence in performance, and development opportunities can all have a positive impact on employee satisfaction. Extensive training, strict organizational policies/procedures and unrealistic job demands can negatively impact the level of employee job satisfaction (Traut, Larsen & Feimer, 2000). A lack of job security can also impact employee satisfaction. If employees are concerned about the security of their position, this can create a thought process where they feel the need to produce more, work harder or extend themselves greatly. This can lead to a greater amount of stress on the job, as well as focusing less on safety and their well-being, which in turn can create a lower level of satisfaction (Olaniyan, & Hystad, 2016).

It is often assumed that employee length of service correlates with the level of employee job satisfaction. Often, upper management and supervisors will focus more on newer employees, assuming that more veteran employees are satisfied in their jobs. Research done on a medium-sized fire department indicated that because of this approach, newer employees do have a higher level of job satisfaction than longer-term employees. Leaders must ensure that tenured employees enjoy a certain level of job satisfaction as well, even if what leads to that satisfaction is different than what brings satisfaction for new employees (Traut, et al., 2000).

Every aspect of an organization rises and falls on leadership (Maxwell, 1999). Employee satisfaction also rises and falls on leadership. The connection between leadership and job satisfaction is especially significant for two reasons. First, job satisfaction is a strong indicator of an employee’s level of mental health and psychological well-being. This is important because people’s overall state of happiness or unhappiness typically correlates with how happy or unhappy they are on the job. This adds to the responsibility of leaders needing to help create a work environment that is conducive to helping employees maintain a certain level of job satisfaction, as it directly affects their personal lives significantly.

Several factors impact the level of a police officer’s level of job satisfaction, including organizational characteristics that management has the ability to influence. Organizational support of employees has a tremendous impact on an officer’s level of job satisfaction. This includes the perception by employees that department management is invested and interested in their professional and personal welfare. Management has to be especially mindful of the inherent lack of trust line level officers have toward police management, which impacts their level of job satisfaction (Johnson, 2012). A study by the Pew Research Center found only three in ten police officers are supportive of the leadership of upper management in their departments (Morin, et al., 2017).

There are other factors that can make it difficult for police officers to enjoy a higher level of job satisfaction that are related to the negative environment they often work in. The profession of law enforcement involves police officers having to deal with the worst of society and can create a cynical and negative outlook while engaging in their duties. Internal and external politics along with organizational bureaucracy can add to the negative work environment. Law enforcement managers must focus on officer job satisfaction because it is such an important factor in job performance and officer retention (Johnson, 2012).

Organizational effectiveness strongly relates to employee organizational commitment. Regardless of how well structured, organized or designed an organization may be, the most crucial component of organizational success is employee commitment. According to Avolio, Zhu, Koh and Bhatia (2004), organization commitment can be defined as; “the relative strength of an individual’s identification with and involvement in a particular organization” (p.952). Organizational commitment includes three major components. First, there must be a strong belief in the goals and mission of the organization. Secondly, employees must be willing to exhibit a strong work ethic. Finally, employees must have a desire to continue to be a part of their organization. Research indicates organizations are more likely to retain employees that exhibit these commitment components (Angle & Perry, 1981).

Employee commitment is especially important to the level of success an organization experiences when dealing with change. It is inevitable that changes, both good and bad, will take place in organizations. Managers often experience pressure to implement changes due to innovative ideas, technology and product/service improvements as well as internal and external pressures. The level of employee commitment is tested during these periods of transition and change (Iverson, 1996). An employee's connection to the organization and level of commitment contributes to the employee's interpretation of changes being implemented. Employees are more likely to accept change and be involved in change, when there is a high level of overall commitment to the organization (Parish, Cadwallader & Busch, 2008).

It has been found that individual police officer characteristics influence the level of organizational commitment. Sex, age, length of service and level of education can all impact the level of dedication an employee demonstrates in their job. However, the culture of an organization has an even stronger impact on organizational commitment than individual characteristics (Shim, Jo, & Hoover, 2015). A key component related to the level of employee commitment is the leadership of the organization (Avolio, Zhu, Koh & Bhatia, 2004). There have been numerous studies conducted on how leadership style can impact the amount of extra effort an employee is willing to exert. Knowing which style increases organizational commitment is important for leaders to understand and implement (Shrestha & Mishra, 2011).

There is research evidence that transformational leadership can correlate with a higher level of organizational commitment. One of the key components of transformational leadership is the level of influence leaders have with their followers. When these leaders successfully create an organizational culture where employees sense a high level of value on their role as it relates to the organization's goals, vision and mission, a higher level of personal commitment and extra effort is more likely to be realized. Transformational leaders also influence followers by involving them in the decision-making process, encouraging them to engage in critical thinking and in implementing creative ideas. This involvement creates a level of buy-in among employees, which builds the level of commitment to the organization. The original theory of transformational leadership encompasses the idea that organizational commitment is built through employee empowerment. Followers typically identify with empowering leaders, and this creates a stronger allegiance to the leader, which results in a higher level of organizational commitment (Avolio, Zhu, Koh & Bhatia, 2004). Research conducted by Sarver and Miller (2014) demonstrated that police chiefs engaging in a transformational leadership approach illicit a higher level of organizational commitment compared to chiefs that engaged in transactional or passive/avoidant leadership.

## Methodology

The purpose of this pilot study is to examine the leadership styles of police chiefs and compare their perceptions with their sworn officers. A standardized instrument, the Multi-Factor Leadership Questionnaire, (MLQ 5x), was chosen for its validity and reliability. This is a 360 survey instrument meaning it has applicability to both supervisors and staff (Muenjong and Armstrong, 2008).

There were four key research objectives in this project. The first was to determine the leadership style the police chiefs perceive they used, transformational, transactional, or passive/avoidant. This includes a self-assessment by the chiefs. The survey instrument included 45 items that were based on nine leadership factors and three leadership outcomes. The instrument consisted of five scales to measure the characteristics of transformational leadership, two scales for transactional, and two for passive/avoidant.

The second was to find out which of the three leadership styles exist from the viewpoint of sworn officers. This is a comparison of the chief's perceptions to the sworn officers. The same scales were used for the sworn officers.

The third is to determine which leadership style is associated with higher levels of job satisfaction. Obviously this is a key variable in terms of personnel management. The survey includes a two item scale to measure job satisfaction.

The fourth is to examine the association between leadership style and organizational commitment. This include key indicators such as the officer's willingness to engage in extra effort for the agency. The survey includes a three item scale designed to measure organizational commitment.

Originally the researchers had planned to survey all police chiefs in Georgia, however, given the logistics of such an undertaking they decided to focus on a specific area, in which one of them had personal experience. Therefore, the study population included 24 departments in a metro area surrounding a large southern city. Invitations to participate in the study were sent to 24 police chiefs in the region and nine responded, resulting in a 38% response rate. Surveys were made available to all sworn officers in the participating departments via emailed invitations which included an electronic link to the instrument.

## Data Analysis and Findings

A total of 286 officers, and nine chiefs, responded to the survey. Table 1 shows the participation rates of sworn officers varied across the nine departments from 92%-27% for an overall response rate of 44%.

In terms of gender 87% were male and 13% female. Across race and/or ethnicity the major classifications were 80% White, 9% Black, and 4% Latino.

Officers were also asked about their years of experience at their respective departments, 1-5 years = 35%, 6-10 years = 25%, 11-15 years = 22% and 16 years and over = 18%.

There were no differences between male and female officers on the three key variables of Transformational Chief, Job Satisfaction and Extra Effort. The only notable difference regarding Race/Ethnicity was that Latino officers scored lower on Extra Effort. That is only 30% of the Latino officers rated their Extra Effort in the 3.0-4.0 range. Officers across age groups and years of service tended to rank Extra Effort lower than Job Satisfaction. Officers with 16-20 years of service tended to give higher scores to their chief's as transformational (81% fell into the category of 3.0-4.0) and also reported higher scores on Job Satisfaction (78% within the category of 3.0-4.0).

All nine of the chiefs reported their strongest leadership dimension as transformational, on a 0-4.0 scale the range of responses went from 3.9 to 3.2. In contrast, the officers rated the chiefs in a range of 3.4 to 3.0. One interesting finding regards Department A with the highest officer response rate 92%. Here the officers were more likely to view this chief's leadership style as Passive/Avoidant and reported lower levels of both Job Satisfaction and Extra Effort. Another interesting contrast was found in Department B, the chief's transformational self-evaluation was 3.8 however, they received a 1.9 from their officers.

Overall, five police chiefs were identified by officers as transformational, two were transactional, and two were passive/avoidant. The data suggest more police chiefs engaged in transformational leadership dimensions, the higher the level of officer job satisfaction. In contrast, the more police chiefs engaged in passive/avoidant dimensions, the greater the decrease in organizational commitment.

**Table 1**  
Department Population and Participation Rate

Department	# of Officers	#Participating Officers (n)	Participation Rate
A	13	12	92%
B	35	17	49%
C	65	21	32%
D	142	57	40%
E	147	40	27%
F	76	41	54%
G	75	40	53%
H	56	29	52%
I	48	29	60%
<b>Totals</b>	<b>657</b>	<b>286</b>	<b>44%</b>

n=286

**Conclusion**

As in any research project the findings must be interpreted in light of the studies limitations. For one the researchers were somewhat surprised by the low response rate, 38%, from the departments, especially given that one is a police chief from an agency in the study area. There was also a great deal of variability among the departments in terms of the officer's response rates, as noted earlier, these ranged from 92%-27%. While it would have strengthened the study to conduct in person interviews in order to ask follow up questions regarding leadership style, job satisfaction and organizational commitment, the survey method was chosen to save time and increase efficiency. A reliance on only one type of methodology is another limitation. The scope of the project is limited in terms of geography, this is not a nation or even state wide study, it covers one area outside a major southern city. Thus this project should be seen as a pilot study, however, it is one that produces some interesting findings regarding the differences and similarities between police chiefs and their officers on perceptions of leadership. It also demonstrates the potential for future research in the area of transformational leadership within the law enforcement community.

In this study, all nine police chiefs rated themselves as strong, transformational leaders. However, four of the nine fell short of being identified as transformation leaders by their officers. The data reveal a disconnect in the chief's view of officer job satisfaction and organizational commitment and the actual levels of these two variables reported by officers. Obviously, the researchers would like to further explore this topic with more departments.

Another aspect the researchers would like to explore in a future project is the relationship between leadership styles and the recruitment and retention of

officers. If transformational leadership results in higher levels of job satisfaction and organizational commitment, would it result in stronger recruitment and retention levels?

If transformational leadership is an administrative goal, perhaps more state and local leadership academies and other law enforcement training institutions can encourage police chiefs to implement 360 type surveys to uncover discrepancies between executives and sworn personnel regarding leadership attributes. Engaging in this type of self-assessment will give chiefs an opportunity to objectively assess their leadership styles. Then if they so choose, can strengthen their leadership abilities by enrolling in appropriate continuing education courses offered through either state or other training organizations. There are also implications for city managers, mayors, or county commissions, who might be in charge of evaluating their police chiefs. Such entities might be very interested in such an assessment project involving their police departments. [PSJ](#)

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# Liquid Impedance of Spit Restraint Devices: Policy, Training, and Tactical Implications

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## Abstract

Given the global prevalence of COVID-19, its mutants, other viruses, and infectious diseases posing occupational health hazards to law enforcement officers and other first responders, there is increased importance in and frequency of applying Spit Restraint Devices (SRD) to others. Commonly called spit masks or spit hoods, they are generally applied over a person's head, eyes, nose, and/or mouth areas to prevent or minimize encountering bodily fluids being ejected or naturally emitting from the mouth and nose. The increased threat and/or frequency of human biting is another reason for applying these devices. This seminal study assessed the liquid impedance of saliva and blood surrogates of four popular spit restraint devices following their application. The restraint devices assessed in this study were purchased or donated by manufacturers (unrestricted) and excluded respirators and face masks. Sixty separate tests using bottled water as a saliva surrogate were conducted on three of the four devices. Limited testing was done using coconut oil as a blood surrogate. Descriptive study data show surrogates' penetration was stopped by only one device. Other study descriptive data and findings significantly impact law enforcement agency policy, training, and officer tactical considerations and are discussed with recommendations.

## Author Note

We have no known conflict of interest to disclose. All three authors have been law enforcement officers, are expert witnesses, and/or are consultants in use-of-force cases and/or investigations. CE serves as a U.S. District Court-appointed Monitor on Police Consent Decrees. JGPJ owns a training firm that offers Spit Restraint Device training. ADB is a qualified Spit Restraint Device Instructor-Trainer and teaches Spit Restraint Device programs.

**Keywords:** police, public safety, spit, spit mask, bite, COVID, arrest, saliva, blood, airborne, infections

Law enforcement is a dangerous occupation, ranking in the top 20 professions with fatalities (Strote, Warner, Scales, & Hickman, 2021). In 2021, 482 law enforcement officers (LEOs) died in the line of duty, with the majority, 323 (67.01%), dying from COVID-19 ([www.odmp.org/search/year/2021](http://www.odmp.org/search/year/2021)). In addition to COVID-19 and its multiple variants, LEOs also perceive the threats of contracting life-threatening diseases after contacting bodily fluids of infected individuals through coughing, sneezing, talking, biting, or bleeding (Gaunkar, Nagarsekar, Carvalho, & Jodallil (2020). Spitting at or on a LEO and/or other first responder is often considered a serious crime, and can, depending upon the jurisdiction, be considered an assault or a battery (Coomber, Moyle, & Pavlidis, 2018). In one instance an individual was reportedly charged criminally by federal prosecutors with "biological weapons hoax" (Hanna, 2020).

Alkhatib (2020) reported Singapore police charged a male with a Covid-19 offense, harassment,

and using criminal force on a public servant after he spat at a police officer. A Singapore female was jailed for two weeks after slapping and spitting on police officers (ASIAONE, 2016). Kovach (2008) reported a man who spit in the mouth and eye of a Dallas, TX police officer and then told him he was positive for H.I.V. He was subsequently found guilty of using his saliva as a deadly weapon and sentenced to 35 years in prison. Subjects appear to be weaponizing saliva against LEOs and first responders.

LEOs in the United States learn from their bloodborne pathogens training that the Occupational Safety and Health Administration (OSHA) requires them to take universal precautions treating all human blood and bodily fluids as if known to be infectious for bloodborne pathogens (Occupational Safety and Health Administration (OSHA) bloodborne pathogens standard 29 CFR 1910.1030). This includes saliva. Per the OSHA standard, "*Bloodborne Pathogens* means pathogenic

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microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV)” (29 CFR 1910.1030(b)). Aside from using Personal Protective Equipment (PPE) such as gloves and eyewear, the application of a Spit Restraint Device (SRD) constitutes a universal precaution, which must be treated as a biohazard after removal, requiring proper storage or disposal.

After reviewing 742 published abstracts that resulted in their reading 32 articles and 13 case reports about the transmission of HIV through spitting, Cresswell, Ellis, Hartley, Sabin, Orkin, and Churchill (2018) found “there is no risk of transmitting HIV through spitting and concluded the risk of contracting HIV “through biting is negligible” (p. 532). Coomber, et al. (2018) noted “current research evidence shows that saliva, and thus spittle, although capable of *containing* viruses and other pathogens, is not considered a bodily fluid through which diseases such as HIV, hepatitis A, B, and C are transmitted” (p. 499). Kennedy, Payne-James, Payne-James, & Green (2019) found only two reported Hepatitis B virus cases from biting, none through spitting, and one plausible case of transmission of [Hepatitis C Virus] through spitting” (p. 153). Regardless of the statistical findings, many LEOs perceive there is a link between encountering saliva, blood, or other bodily fluids and contracting a disease.

### Frequency of Spitting and Biting LEOs

Spitting is the ejection of saliva from the human mouth. Saliva is a biologic fluid with a composition of approximately 99 percent water, and one percent protein and salts (Govindaraj, Daniel, Vasudevan, & Kumaran, 2019). Spitting at, on, or the biting of LEOs may be a serious crime depending on laws. The frequency of spitting or biting of LEOs in the United States is largely unknown because few U.S. law enforcement agencies track these incidents. Strote, et al. (2021), citing data compiled by Police Strategies, LLC from 9326 self-reporting officer incident reports, identified 338 (3.6%) instances where officers were spat upon by others. In contrast, other countries (e.g., United Kingdom) do track spitting and biting incidents targeting LEOs.

Hutcheon (2021) reported Scotland police data show a 15 percent increase in spitting at LEOs from January through September 2021. A British Metropolitan Police Federation 2018 survey found 2,331 of its reporting members (N=5269) had been spat upon during the previous two years, with another 562 reportedly being bitten by subjects while working (Press Association, 2021). Robsam, Ihechi, and Olufemi (2018) reported using human bites as a weapon is a growing concern in Nigeria.

### LEO Reasons for Applying SRDs

Descriptive data from a 2021 survey of LEOs (N=523) conducted by the Institute for the Prevention of In-Custody Deaths, Inc., (IPICD) and the Americans for Effective Law Enforcement, Inc., (AELE) identified five primary reasons respondents applied a spit mask to a subject: Cover the mouth of the subject (n=257); Subject threatened to spit on LEOs or first responders (n=209); Prevent spit from traveling through the air (n=130); Subject’s behavior (n = 107) and, prevent a subject from biting (n = 39). LEOs and other first responders are concerned about encountering bodily fluids and getting infected with COVID-19, hepatitis, or similar disease. Govindaraj, Daniel, Vasudevan, and Kumaran (2019) noted that stressful events, such as being arrested, can show salivation changes. Many LEOs are aware of a Ukraine female LEO who died on July 31, 2016 after a suspect with tuberculosis spat on her during a confrontation (Coomber, et al., 2018).

The SARS-CoV-2, also known as COVID-19, along with its mutations, have been found in saliva and can be transmitted through virus-containing droplets (Sapkota, Soland, Galtung, Sand, Giannecchini, K W To, Mendes-Correa, Giglio, Haseus, & Braz-Silva, 2020; Gaunkar, Nagarsekar, Carvalho, Jodalli, & Mascarenhas, 2020; Dbouk & Drikakis, 2020). Public spitting generates salivary droplets that are potential threats to individuals because of airborne transmission risks (Gaunkar, et al., 2020). Morawska and Milton (2020) reported, “. . . viruses are released during exhalation, talking, and coughing in microdroplets small enough to remain aloft in air and pose a risk of exposure at distances beyond 1-3m from an infected individual” (p. 2311).

Misinformation about how COVID-19 and other diseases may be contracted appears to have been accepted by a majority of LEOs and first responders. Many believe the application of a spit restraint device will stop the transmission of the COVID-19 virus and/or other similar viruses. A 2019-2020 study of paramedics (N=100) aged 18 and older, which included male and female, found “100% of the respondents perceived coughing, sneezing, and spitting are the source of transmission” of airborne infections (Jami, Kazi, Zulfiqar, Memon, Tunio, Bhutto, & Khan, 2020). These perceptions and daily media coverage of COVID-19 appear to be associated with more criminal justice agencies and LEOs adopting and using SRDs.

### SRD Definition

A SRD is a commercially manufactured, single use, protective, generally synthetic small-woven mesh device that is physically placed over a person’s head and facial area intended to prevent or reduce the transmission of oral, nasal, and/or facial bodily fluids (e.g., saliva;blood) minimizing the spread of infectious disease that may be caused by human spitting, biting, or

physical contact. Respirators, COVID-19 face masks, and/or prisoner hoods are not included in the definition.

**SRD Designs and Models**

Three of the four [SRDs](#) evaluated shared common characteristics: single use; commercially manufactured; dome-style design, closed at the top; use of synthetic woven mesh, *tulle*, as a primary barrier to slow and/or prevent fluid from passing through the mesh; mesh openings, measured in microns, permit breathing; intended for temporary application. *Tulle* is a special type of netting comprised of individual fine fibers often used to make wedding veils (Online Fabric Store, 2021). The fourth device was a one piece, molded, face mask made of opaque polyurethane that partially wrapped around the facial area. The device is secured to the head by elastic straps, with small holes at the nose and the mouth areas.

**Purpose**

The purposes of the study were to identify:

- Whether a substance of saliva viscosity will penetrate the spit masks under investigation;
- Whether a substance of blood viscosity will penetrate the spit masks under investigation;
- The distance, in inches, these substances are projected through the spit masks under investigation; and
- Improving law enforcement managerial and tactical operations regarding spit masks based upon study findings.

**Products Tested, Methods, and Results**

Four SRDs were evaluated: Med-Tech Resource (MTR); RIPP™ Restraints International, Inc. *Protection Mask*, Safariland, LLC *TranZport Hood*, and Stearns Wear, Inc. *Spit Sock*. Safariland, Inc. and Stearns Wear, Inc. unconditionally donated 30 of their respective SRD products for testing at no cost. Other tested SRDs were purchased by the IPICD from law enforcement retail vendors.

The test setting was in the backyard of a private residence in Las Vegas, Nevada. At the testing commencement, conducted outdoors on July 14, 2021, the ambient temperature was 87° F, which increased

during the day reaching 107° F. The wind was approximately 12 miles per hour, with a reported humidity of 38 percent. CurtNova videotaped the testing of each SRD (<https://www.curtnova.com/>).

A “stand line” was affixed on a concrete deck with masking tape where each researcher stood for each impedance test. Measurements from the front edge of the “stand line” were taken with a metal tape measure immediately following each “spit” to the farthest water or coconut oil droplets, which was immediately recorded into an Excel spreadsheet (Microsoft, Redmond, WA). Bottled water and coconut oil were used as saliva or blood surrogates during the testing process. A total of 60 individual bottled water tests were conducted on the MTR, the Stearns Spit Sock, and the Safariland devices by the two IPICD researchers (30 separate tests per researcher). Small sample size limited testing and evaluation of the RIPP *Protection Mask*.

Water was used as a saliva surrogate because it has a similar *viscosity* of saliva: 1-5 at 70° F (Viscosity Chart, n.d.; Klabunde, 2021). Similarly, coconut oil was used as a blood surrogate because of its similar viscosity (Klabunde, 2021), which increases “about 2 percent for each degree centigrade decrease in temperature” (Nader, Skinner, Romana, Fort, Lemonne, Guillot, Gauthier, Antoine-Jonville, Renous, Hardy-Dessoruces, Stauffer, Joly, Bertrand, & Connes, 2019, p. 1). *Viscosity* is, “a measure of resistance of fluid to flow (usually through a specific orifice” (Viscosity Chart, n.d., p. 337).

For surrogate quantity control, each researcher had and used a small plastic scoop (3 grams). The scoops were filled to their rims with a surrogate and then poured into the mouths of each researcher, respectively, prior to the SRD application. Individual researchers then “spit” the surrogate from the mouth. Another researcher and an assistant measured the farthest distance the surrogate was projected through the “mask” and recorded it. Table 1 shows, in inches, the maximum and mean travel distance of water (saliva surrogate) after spitting it into the respective Spit Restraint Devices.

The coconut oil surrogate for blood coated the mouths of the researchers thereby limiting their ability to perform an equal number of individual tests. Table 2 shows the frequency of the tests and the maximum distance traveled by the blood surrogate.

**Table 1**  
Maximum and Mean Travel Distances of Saliva Surrogate

Spit Restraint Device	# Tests	Maximum Travel Distance	Mean Distance
MTR Spit Hood	60	150 in. (3 m 81 cm)	117.07 in. (2 m 97.36 cm)
RIPP Protection Mask	02	33 in. (83.82 cm)	28.5 in. (72.39 cm)
Stearns Wear Spit Sock Hood	60	142 in. (3 m 60.68 cm)	110.9 in. (2 m 81.69 cm)
Safariland TranZport Hood	60	No penetration	No penetration

**Table 2**  
Test Frequency and Maximum Distance of Blood Surrogate

Spit Restraint Device	# Tests	Maximum Travel Distance
MTR Spit Hood	05	121 in. (3 m 7.34 cm)
RIPP Protection Mask	02	28 in. (71.12 cm)
Stearns Wear Spit Sock Hood	05	115 in. (2 m 92.1 cm)
Safariland TranZport Hood	03	No penetration

**Discussion**

Descriptive data coupled with visual recordings confirmed only the Safariland TranZport Hood SRD contained the saliva and the blood surrogates when they were spit into the device. The medical grade fabric applied to the bottom portion of the TranZport Hood was distinct from the other SRDs assessed and stopped the surrogates’ penetration. Two other SRDs that used woven mesh allowed both surrogates to penetrate, but travel distances varied. The woven mesh is critical for airflow into and out of the device and does not restrict ventilation. The RIPP *Protection Mask* (n = 2) permitted surrogates to escape through the hole near the mouth area of the device, but still allowed for ventilation.

Kroll, Brave, Hail, Kroll, and Williams (2021) conducted a pneumatic impedance study of certain spit masks that used woven mesh and found air flow was basically unrestricted. Their findings fail to support often-made claims that a woven mesh SRD may cause or contribute to a person’s death (Kroll, 2021).

**Perceptions of SRD Application**

Many people, SRD manufacturers, and law enforcement agency documents often use “hood” as a synonym for a SRD, however this is misleading unless, for example, a prisoner did have a “Prisoner Capture Hood” applied that completely restricts the prisoner’s vision and can be secured with a cord and lock (<https://www.handcuffwarehouse.com/prisoner-capture-hood/>). Applying a SRD to an individual often generates negative publicity about *hooding*, particularly if a SRD is associated with an arrest-related or in-custody death. “Spit masks” are not hoods, even if the manufacturer has attached the word “hood” to the product name. *Hooding* has a long and varied history dating back to the Anglo-Saxon period where the word derived from *hod* (medieval Britain). During medieval times, hoods were very popular, and today are associated with academic regalia and various garments. *Hooding* can also produce negative images often resulting in angry reactions.

*Hoods* were often placed over the heads of prisoners prior to execution or were associated with organizational costumes such as the Ku Klux Klan (KKK). During the early 1800s, the Eastern Penitentiary, located in Philadelphia, Pennsylvania, *hoods* were required for prisoners to wear when they moved about the building

because they were not to speak with other inmates (Hanser, 2021). Moe recently, *hoods* were placed over hostages prior to being killed by their captors.

In contrast, *masks* have a long history that are associated with respiratory protection dating back to Pliny the Elder (23-79 A.D.) who used, “loose animal bladder skins to filter dust from being inhaled while crushing cinnabar” (National Institute for Occupational Safety and Health, 2019). Centuries later, Leonardo da Vinci recommended the placement of wet cloths over the nose and mouth for protection from inhaling harmful agents (National Institute for Occupational Safety and Health, 2019).

**Restrictions on Using SRDs and Hoods**

Even though SRDs are not *hoods*, a few organizations have enacted prohibitions and/or limitations about their use. The American Bar Association (ABA) Standard 23-5.9 that focuses on use of restraint mechanisms and techniques advised correctional authorities not to use “. . . spit masks as a form of punishment or retaliation” (see “Use of Restraint Mechanisms and Techniques”).

The United Nations considers the placing of a *hood* on individuals as cruel and harsh punishment and therefore a violation of human rights (<https://www.un.org/en/global-issues/human-rights>. Per Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)).

The *Texas Administrative Code* (2014) directs, “Regardless of their commercial availability, the following types of devices shall not be used to implement a restraint . . . spit hoods, or anything that obstructs an individual’s airway, including a device that places anything in, on, or over the individual’s mouth or nose . . .” (Title 25, Part 1, Chapter 415, Subchapter F, Rule §415.256, Mechanical Restraint Devices).

Amnesty International United Kingdom published guidelines for LEOs who use a SRD in its “Module 12 Spit Hood” lesson. While permitted when a person spits or bites at a LEO, a “Use of Force” form must be completed by the LEO following it use.

## Policy Implications and Recommendations

Descriptive data from the 2021IPICD-AELE survey found 449 (N = 523) law enforcement agencies authorized the use of “spit masks;” however, respondents indicated 186 of these agencies *did not* have a written policy guiding LEOs in the use of “spit masks.” Data also show that 156 respondents (N = 523) never received “spit mask” training. Of those respondents who did receive training, 265 were not evaluated on their competency to apply a “spit mask.” Considering the application of a “spit mask” as a use of force, 337 of the respondents (N=523) *did not* perceive it as a use of force. This may help explain why “spit mask” reporting occurs with little frequency because agency management and/or officers do not consider a spit mask application to be a reportable use of force.

In the United States, LEOs applying a SRD to another person is a use of force and is governed by Constitutional standards of care, and any applicable, more restrictive state statutory regulatory standards, including agency policy (Brave, 2021; *Graham v. Connor*, 1989; *Kingsley v. Hendrickson*, 2015; *Iko v. Shreve, et al.*, 2008). Each use of force must be justified (*Derole v. Rutherford*, 2001). The application of a SRD may be one part of the LEOs strategy to *de-escalate* the situation and used to protect the officer, the subject of force, and others.

Several SRD policies were reviewed following an online search, and most did not mention that a SRD application was a use of force and that a use of force report had to be submitted. Failure to have a written SRD policy may result in litigation following an arrest-related or in-custody death where a SRD was associated. Because SRD application is a use of force, we recommend<sup>1</sup>:

1. Law enforcement administrators develop and implement a written SRD policy;
2. The SRD written policy identifies the agency-approved SRDs;
3. The SRD written policy includes procedures for inspecting SRDs;
4. The SRD written policy describes when and under what conditions an SRD can be used, including when it is not recommended; and,
5. The SRD written policy requires LEOs submit a written use of force report when SRD are used other than for training or demonstration purposes.

## Training Implications and Recommendations

Law enforcement training is considered Career and Technical Education and must include a quantitative rubric for objectively determining a LEOs competency in applying a SRD (Gordon, 2008; Gronlund & Waugh,

2009). When SRDs are authorized by a municipality for its LEOs to use, this may add another *core task* for the LEOs to perform. Failing to train LEOs in their *core tasks* may expose the municipality to civil litigation where the failure to train may have caused a Constitutional violation of the person’s rights (*Canton v. Harris*, 1989). There may be additional claims for negligent training, negligent entrustment, negligent direction, and negligent supervision.

Training LEOs is part of risk management for municipalities, law enforcement administrators, and for LEOs. We recommend<sup>2</sup>:

1. Trainers successfully complete a recognized SRD instructor program, including quantitative competency-based testing to insure their qualification and competency;
2. Trainers develop written SRD lesson plans (not topical outlines) prior to training LEOs;
3. Trainers develop written, quantitative SRD competency-based assessment rubrics for use in their SRD training;
4. LEOs, regardless of rank and assignment, be trained in SRDs and then competency-based assessed to determine their competency;
5. LEOs receive regular ongoing training about SRDs, which includes a review of agency SRD policy, how to inspect, apply, and appropriately dispose of SRDs, and reporting their use; and,
6. LEOs be required to be annually evaluated on their SRD competency.

## Tactical Implications and Recommendations

Descriptive data show surrogates’ [penetration](#) of the masks happened in all but one SRD. However, all the SRDs assessed had mesh or other openings that could permit aerosolized droplets to escape containing such viruses such as COVID-19. Various infections are known to be caused “by a range of micro-organisms including bacteria, viruses . . . [and] the route of transmission is dependent on the particular pathogen” which includes transmission by contact (indirect or direct), aerosolized droplets, bloodborne, and droplets (Bunyan, Ritchie, Jenkins, & Coia, 2013, p. 165). The SARS-CoV-2, also known as COVID-19, has been found in saliva and can be transmitted through virus-containing droplets (Sapota, et al., 2020; Gaunkar, et al., 2020), which means most SRDs may not stop the spread of COVID-19 virus-containing droplets. Morawska and Milton (2020) reported, “. . .viruses are released during exhalation, talking, and coughing in microdroplets small enough to remain aloft in air and pose a risk of exposure at distances beyond 1-3m from an infected individual” (p. 2311).

<sup>1</sup>These are not exhaustive recommendations.

<sup>2</sup>These are not exhaustive recommendations.

Many LEOs and other first responders are concerned about being infected and/or contracting a potentially deadly virus while engaging individuals. Tactically, we recommend LEOs stay behind or to the side of the individual during ARD application to avoid encountering mist from spitting, direct exposure to saliva, blood, or other bodily fluid, and/or aerosolized droplets. This includes maintaining distance from the SRD mesh and/or mesh openings to avoid encountering bodily fluids and wearing Personal Protective Equipment (PPE) such as gloves and eye wear. Even though a SRD may not prevent exposure to aerosolized droplets or prevent penetration, application of the device may psychologically impact the person to not spit, bite, or to stop spitting and biting.

### We recommend LEOs<sup>3</sup>:

1. Visually assess the subject prior to SRD application.
2. Inspect the SRD prior to application to make sure it is clean and not torn;
3. Avoid application to any person who is bleeding profusely from the facial area or is vomiting.
4. Recall when a SRD application may not work as intended (e.g., the subject has a large head, is wearing a large wig, a hat, or large glasses).
5. Continuously monitor the subject (visually and auditorily) for signs of distress (e.g., abnormal breathing, choking, aspiration, overheating, verbal complaints, psychological) to identify possible medical and/or psychological concerns;
6. Decontaminate the masked subject's facial area, if sprayed with an aerosol spray (e.g., pepper spray), when safe and practical based upon the totality of the circumstances to avoid claims of punishment;
7. Watch the subject for sudden changes in behavior;
8. Remove and store the SRD per policy and training; and
9. Document SRD use on the subject.

*Post-application* tactics require constant monitoring of the individual (visually and auditorily) for signs of distress (e.g., abnormal breathing, choking, aspiration, overheating, verbal complaints, psychological) so tactical adjustments can be made, and to identify possible medical and/or psychological concerns so appropriate medical and/or psychological assistance can be summoned. Documentation explaining how the SRD was used as part of the LEOs *de-escalation strategy* is necessary in addition to the subject's behaviors that induced the need for SRD application. Any deviation from SRD policy and/or training must also be explained.

### Conclusion

Many LEOs mistakenly perceive that SRDs are prophylactic devices that will keep them safe from a subject who is spitting or biting at them or others. All the SRDs evaluated had mesh or other openings that permitted aerosolized droplets to penetrate them, however, when applied properly, the *TranZport Hood* was the only SRD that stopped liquid penetration. The *RIPP Protection Mask* appeared to be the only one that would minimize an individual from biting another's fingers or hand compared to the other SRDs that may allow an individual to bite fingers or a hand that are pushed against the mouth after collapsing the fabric or mesh of the SRD. While psychologically its application may cause the subject to not spit, to stop spitting, to not bite, or to stop biting, these reactions to the SRD are not guaranteed. IPICD-AELE descriptive survey data confirm one or more of these reasons for SRD application.

Survey data support the need for agency SRD written policy, for SRD training, and for SRD competency-based testing. The descriptive data show the immediate need, in most responses, to train and educate LEOs that SRD applications are a use of force, that the force must be documented, that saliva and other bodily fluids can penetrate most SRDs, and that LEO tactics may need to be altered based upon the findings of this seminal study.

Study purposes were achieved. An unplanned study retrospective artifact supports the Kroll, et al. (2021) pneumatic impedance findings: the researchers were able to appropriately ventilate while wearing the SRDs under evaluation. Both studies challenge various SRD-associated arrest-related and in-custody death hypotheses promulgated by others and add to the scientific literature.

Further research is needed to identify and understand the role of coughing through SRDs and subsequent infections. Because the surrogates penetrated the woven mesh, further study is needed on the probability of human infection from encountering bodily fluid residuals that may have dried or hardened on the woven mesh. Based on the woven mesh diameter, future studies on visual acuity of the SRD wearer and potential obstacles for locomotion will be helpful to LEOs and first responder. Further study on the psychological impact of SRD application on any behavioral change in the subject is helpful.

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<sup>3</sup>These are not exhaustive recommendations.

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4. Please include the following: Title Page, Abstract, Main Body, and References. Please keep tables and charts to no more than 5. Tables and charts must be numbered and labeled with a title and referenced in the narrative of the text (i.e., as shown in Table 1). Indicate in the manuscript where links to video, slides, etc. go so readers may view such media.
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The Americans for Effective Law Enforcement, Inc. is a resource center and legal educational provider dedicated to offering interested parties objective, timely, accurate, legal, scientific, and evidence-based information and operational guidance for the enhancement of the criminal justice community and to reduce potential criminal and civil liability of criminal justice professionals and their employers.

## **The Americans for Effective Law Enforcement, Inc.**

Incorporated in 1966 as a not-for-profit organization, in its initial charter the Americans for Effective Law Enforcement, Inc. (AELE) is dedicated to establishing an “organized voice” for the law-abiding citizen regarding the United States’ crime problem, and to lend support to professional law enforcement. Growing and transitioning with changes in society and the demands of the law enforcement community, the AELE is focused upon providing education seminars to law enforcement professionals, the attorneys who represent municipalities and their employees, public agency union representatives, and other interested parties. The AELE is proud to offer the highest caliber of legal- scientific-, and evidence-based programs, including its Certified Litigation Specialist designation.