

## **Police Accountability**

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**ABSTRACT**

It is extremely important for Law Enforcement agencies to hold their officers accountable for their actions. Policing our own officers within our department is crucial to work collaboratively, transparently, and fairly with the people we serve in our communities. It is imperative that as law enforcement officers, we must be and remain accountable from the very first day on the job. The lack of accountability in law enforcement agencies throughout the world has disintegrated community trust and cultivated resentment (Sivin, Miller, & Roche LLP, 2023). Thus, the need for holding law enforcement officers accountable for their actions. When you hold officers and agencies accountable, laws, policies, and procedures change. It is imperative to hold officers accountable so the community can trust the agency. Through this capstone, we will discuss how recruitment and retention directly affects police accountability. We will address the dangerous law enforcement code of silence and the important mechanisms that are established to hold police officers accountable. We will look at internal affairs investigations and to what extent these cases are adjudicated, along with statistics.

## INTRODUCTION

What is Police Accountability? Police Accountability consists of holding both the individual officer and the agency responsible for productively delivering services of crime control and preserving order, while treating every individual justly and within the scope of the law (Wikipedia, 2020). Police agencies are entrusted to uphold the laws of the land. Police accountability is extremely important to maintain the community trust. Agency transparency is vital to bridge the gap between police agencies and their communities. We must listen to our communities' concerns and communicate with them tactically and professionally so we are aware of how our message is delivered to them. Once organizational trust is broken it is almost impossible to regain. We must dodge every factor that could diminish or tarnish the character of our agencies.

We believe that police accountability and agency transparency begin with the quality of personnel we hire and to what hiring standards agencies adhere to. Another factor that reduces agencies trust with the citizens is the law enforcement "Code of Silence". This code is extremely dangerous and detrimental to the trust and relationships between police agencies and the communities we serve. Law enforcement agencies around the world are continuously implementing many different mechanisms that hold officers and the public accountable for their actions. Mechanisms include devices such as body cameras, dash cameras, and the utilization of social media. These tools utilized by agencies are exponentially important to prove police agencies are operating in the most transparent ways possible to cultivate confidence and trust within our communities. Police agencies can also display transparency and accountability by utilizing an internal affairs unit. This unit should thoroughly investigate internal and external complaints throughout the department without bias. Within the past few years, there have been

several high-profile cases that have accentuated police misconduct. Cases such as Rodney King who was brutally beaten by officers following a traffic stop in Los Angeles in 1991. John Spencer was arrested unlawfully after New York Police Officers planted his finger prints on the scene of a homicide (DiCindio Law LLC, 2022). Many of these cases have been rectified through million-dollar settlements and even prosecution of the law enforcement officers involved. The issue of police accountability is longstanding and goes in and out of national focus.

### **Recruiting and Retention**

Recruiting and retaining qualified candidates within law enforcement agencies has become increasingly difficult in recent years. Several factors contribute to this issue, including changing attitudes towards law enforcement, increased scrutiny of police practices, and the evolving demands of the profession. In a survey, by the Police Executive Research Forum (2021), law enforcement agencies reported an 18% increase in resignations and a 45% increase in retirements compared to the previous year. This trend can be attributed to multiple reasons, such as officers seeking alternative careers, negative perceptions surrounding law enforcement, pandemic fatigue, and pressure from family to change professions. The challenges in recruiting and retaining officers were evident even before the events of the COVID-19 pandemic. Recent protest have also highlighted difficulties in recruiting eligible candidates and limited application numbers.

One of the primary obstacles to police recruiting is the negative perception of law enforcement in some communities. Instances of police misconduct and excessive use of force have eroded public trust, making a career in policing less appealing to potential candidates. To address this, law enforcement agencies must focus on rebuilding trust and improving community

relationships. Transparency, accountability, and engagement with community members are crucial factors in regaining public confidence. Highlighting the positive contributions that officers make to society can also help reshape public perception and attract potential recruits.

Police agencies must adapt their recruitment strategies to align with the values and expectations of the current generation, including millennials and Generation Z. These individuals seek meaningful work that aligns with their personal values and offers opportunities for growth and advancement. Emphasizing the noble aspects of law enforcement, such as community service, public safety, and the potential to make a positive impact on society, can appeal to these potential candidates. Chief Ken Davis (2023) stated in his lecture, drawing inspiration from the private sector's practices, creative masterminding of additional benefits such as childcare support, free gym memberships, and free commutes can also enhance the attractiveness of a law enforcement career.

Competitive salaries and comprehensive benefits packages are essential in attracting qualified candidates to law enforcement careers. In addition to monetary compensation, providing opportunities for career development and specialization can further enhance the appeal of the profession. Opportunities for advancement, ongoing training, and recognition can contribute to increased job satisfaction and retention among officers.

Retention of experienced officers is as critical as recruitment. To keep officers on the job agencies must address burnout, stress, and a lack of support; proper succession planning is important when battling these issues as described by Dr. Wellington Scott (2017). Prioritizing officer wellness through comprehensive wellness programs, access to mental health resources, and ensuring a healthy work-life balance can significantly contribute to retaining talented officers and reducing turnover. Lieutenant Sarah Rhodes (2023) made the statement during her

lecture that employees who feel appreciated and cared for tend to create longevity in the law enforcement profession.

While exit interviews may provide valuable information about why employees leave, they are often misleading. The officer may give a reason for leaving the agency; however, the answers may differ in the future. According to Matt Cobb (Police One, 2020), it is recommended that conducting stay interviews with current professionals in the department can offer insights into what motivates and satisfies them in their careers. Understanding the reasons officers remain in the profession can help refine recruitment and retention strategies, tailoring them to meet the needs and expectations of current officers. Some of the essential questions could be as follows:

1. What motivated you to join this law enforcement agency, and what has kept you here?
2. What do you find most fulfilling or rewarding about your work as a police officer in this agency?
3. What aspects of your job do you find challenging, and how can we provide support to overcome these challenges?
4. How do you feel about the agency's mission and values? Do you believe your work aligns with these principles?
5. How would you describe the work environment within the agency? Is there anything we can improve to create a more positive and supportive atmosphere?

When posing these questions, it is crucial to utilize the gathered information to steer our agency towards progress and embrace organizational change within the defined parameters.

Police recruiting and retention pose significant challenges in the current social climate, but they are not insurmountable. By addressing negative perceptions, adapting recruitment strategies to match the values of the current generation, offering competitive compensation and benefits, and prioritizing officer wellness, law enforcement agencies can overcome these hurdles (Program Material). Proactive investment in strategies that attract and retain capable individuals who are dedicated to upholding the values of public service and maintaining community safety and well-being is essential for the success of law enforcement agencies.

### **Law Enforcement Code of Silence**

The law enforcement Code of Silence refers to the unspoken rules that police officers will not, and do not, report fellow officers for abusing their power or committing crimes while on the job (Jackman, T. 2017). There is a considerable need to observe and regulate this mentality and create programs that help officers see the damage this type of mind frame brings to society. Unfortunately, this mentality is on the administration level, which causes officers not in a supervisory role to feel obligated to also participate in the code of silence. 2,698 officers across 21 states were polled, and over 46% stated they have witnessed colleagues commit a crime but did not report their activity (Jackman, T. 2017). This proves that the code of silence is real and is practiced by law enforcement agencies regularly. There is misconduct in every line of work, and those from all walks of life commit crimes. When police officers break the law, it gets the public's attention faster than the average person, often making national news. According to an article in the Washington Post (Jackman, T., 2016, p.1, para. 3), "Police officers are arrested about 1,100 times a year, or roughly three officers are charged daily. The most common crimes were simple assault, DWI, aggravated assault, and numerous sex crimes. These crimes happen

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without warning and come as a surprise to coworkers. Other forms of misconduct often come with more obvious warning signs, such as quick tempered and aggressiveness.

Unacceptable police behavior could be viewed as incidence such as false arrest, excessive use of force, racial profiling, and illegal searches. Before these actions come to the public's attention, signs of misconduct and wrongdoing are usually out in the open. While assisting another officer, you may observe them coercing a subject into searching a car after the driver has said no several times, and we have all overheard officers talking about unethical actions. Unfortunately, most of us will laugh, walk away, and do nothing to correct the behavior.

Being a law enforcement officer, you see some gruesome things. We try to combat our feelings with humor. Sometimes the humor offends people, and many times, it violates policy. With the code of silence, the offended person chooses not to report it because they fear they may face backlash. As law enforcement officers, we are held to a high standard, and sometimes the little things will offend the public just because we wear a badge. We should always be mindful of our actions because they will always have consequences. No one wants to be perceived as disloyal or not fitting in for speaking up. Law enforcement officers face dangers every day willingly, but they will not hold each other accountable for their actions. Many officers do not realize their coworkers feel uncomfortable when they hear specific comments but will still choose to say nothing due to agencies culture.

Effective law enforcement officers display a variety of versatility skills. We consider our profession as courageous and righteous, but we are rarely bold enough to call one another out. The most important versatility skill officers can display in regard to the code of silence, is style-shifting. It is important when correcting other officers of their wrongdoing, we do it in a manner that is appropriate to better achieve our purpose. Is talking poorly about other officers as serious



as police brutality? No! Is laughing and walking away when coworkers say something racist or controversial as wrong as ignoring corruption? No, but you are facilitating conditions for a hostile work environment. It is extremely important for us as leaders to cultivate an environment where our subordinates want to engage enthusiastically and motivate others to create a professional culture. If you don't say something when the small things happen, you will likely avoid getting involved in the more significant issues.

One study from Berkeley (2020, p.1, para.13), examining responses to offensive comments in the workplace, found that "the most effective type of confrontation was calm but direct." Something such as "Hey, that's not cool." A similar approach could be used for almost any type of harmful behavior, from calling someone out for using harmful language to letting them know you disapprove of them doing something unacceptable or illegal.

Learning different techniques for confronting bias, questionable language, or unethical behavior can make a difference, but only if we are willing to practice using them.

If leaders want to ensure a culture of self-policing and accountability in our agencies, we must train and condition our people to always do the right thing. We must set an example of integrity and honesty in everything we do as a leader. We must hold ourselves and everyone in our space of influence accountable. It is paramount that organizations communicate that speaking up about misconduct is imperative to the long-term success of the organization.

The most potent means for transforming a law enforcement agency's culture is embracing loyalty to the actual principle through leadership, training, and role modeling. Role modeling by the administrative staff must come first, for it sets the foundation and atmosphere of the agency (Trautman, N. 2021). What a Chief or Sheriff does is what informal and formal leaders use to decide whether they will support any attempts to improve the agency's environment. Other

actions described by Neal Trautman (AELA, 2021) that can help create a positive culture include:

- Harshly disciplining any supervisor who promotes a toxic environment.
- Developing an integrity-driven internal culture.
- Rewarding supervisors who strive to eliminate negativity.

Controlling and completely dismissing the code of silence will save careers and lives. To effect change, we must be willing to openly communicate about this code in hopes to destroy its affects that tarnish our agencies. The more officers feel as though their agency cares about them, the less they will experience the sense of victimization. The less officers believe they have been victimized, the more unlikely they will try to rationalize unethical behavior. Departments are currently adapting and adopting different instruments that help build public trust which in turn, holds police officers and agencies accountable to the communities we serve.

### **Mechanisms that Aid in Holding Police Officers Accountable**

Accountability within law enforcement departments has been a prevailing issue for decades. Unfortunately, we see officers commit wrongdoing at the expense of the public. The issues associated with accountability compromises every activity that the police engage in while serving the community. All police agencies should ensure that police officers respect the law while serving the community. They should do it with high levels of dignity and have respect for a person's rights. Despite undergoing training issues, involving use of force nationwide, there are major cases concerning discrimination and abuse of power. The need for police to use body-worn cameras and other electronic monitoring devices, such as dash cameras, has recently

became a requirement in order to increase accountability. As outlined by Nowacki & Willits (2018), due to the growing cases of lethal force reported by citizens concerning police agencies in the United States, the pressure to use body-worn cameras has increased.

### **Role of Body-Worn Cameras**

The adoption of body-worn cameras has been a solution to combat the high cases of police brutality and abuse of power. For instance, some citizens in the United States have reported claims of racial abuse and bias due to their color. Body cameras are used by police departments to reduce risks and improve the security of police officers while in the line of duty. The primary purpose of implementing body cameras is to ensure that the interactions between the police and community is transparent, and training can be utilized if incidents are not handled fairly and properly.

Misuse of power and police abuse has been a concern amongst the citizens in the United States. Some people have accused law enforcement of wrongfully arresting them for resisting arrest. Research conducted by Archbold (2021), indicates that approximately 200,000 complaints were filed against police misconduct in 2020. Body cameras can be used in such scenarios to punish those who violate department use of force policies. Local and state law enforcement agencies, have been required to wear body cameras to ensure transparency and open interaction with community members. With the usage of body cameras, the public is more inclined to assist while having transparency and trusting the local agency. The use of body cameras helps prevent police brutality and helps prevent them from violating a person's rights. With the use of body cameras, they are more conscious and aware of the consequences of their actions. Body cameras have reduced police brutality in the United States and other countries, which has improved accountability. Although police accountability increases with wearing body cameras, some

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studies have shown no effect of the cameras in reducing racial disparity in law implementation. Research conducted (Pyo, 2021) involving 142 police departments in the United States, wearing body cameras did not indicate a change in disparate treatment against white compared to blacks. However, wearing body cameras has indicated that police have become more cautious while interacting with the public.

### **Role of Dash Cameras**

Dash cameras hold police officers accountable when dealing with certain traffic violations such as a person speeding, not using turning signal, and even accidents involving vehicles. Dash cameras provide proof that captures on-road activities and can serve as solid evidence against any violation of the law. If a police officer is captured using excessive force against citizens while in the camera view of their dash camera, the dash camera can capture those events. They can also be used to examine public complaints.

Dash cameras improves credibility when complaints are filed against the police and are a good tool for court proceedings. Due to the false claims which could be reported against the police officers, mainly operations in the traffic departments, dash cameras play a significant role in ensuring that police become aware that any action can be recorded and will always try to avoid being in the wrong. On the other hand, dash cameras can be used to support officers who could be accused falsely with the presentation of the camera footage captured at all points, which can also make the public accountable for their actions. Due to the increased use of technology and surveillance tools, evidence-based law enforcement has been improved, which positively correlates with decreased complaints from the public. However, dash cameras are an effective source of credible evidence (NIJ, 2023). At the same time, police officers operate in public

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places, mainly near the roads, and thus police officers can still be not accountable in private areas such as home arrest, which now calls for using smartphones.

### **Role of Smartphones**

Although dash and body cameras can improve police accountability, smartphones can ensure fairness and the use of law are upheld. In modern society, most people can use smartphones to record police irregularities. With the improvement of technology and its application in society, police are aware that anyone can record them while doing wrong, and such records are used to file complaints against them. In this case, smartphones are practical gadgets to keep police on their toes and make them accountable for their actions.

With over a decade of the use of smartphones in the United States, smartphones have now been a new public surveillance tool in the United States whereby police can be recorded while working in public. As outlined by Deuchar (2020), smartphone cameras effectively ensure police accountability in society with the ability to share the video and go viral. In this case, police become more cautious of what they do and say in public due to the threat of smartphone use by the public. Sharing smartphone recordings is simple and fast, which causes police officers to remain alert while dealing with the members of the public. Smartphones can record police irregularity even in private places, which can be used in court. Due to the availability of smartphones in the new digital era, police accountability has increased, and thus community members benefit from the new surveillance tools.

### **Role of Social Media**

Although there are some arguments against the use of social media based on the effects on people's lives, it has been used as a new platform to improve the accountability of people in society. Due to the increased complaints and public cries about police brutality and racial abuse

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in the United States, social media platforms such as Twitter and Facebook have been used to spread videos and images of police brutality and wrong doing. For instance, during the covid-19 pandemic, social media platforms were used to pass the message of Black Lives Matter following the death of George Floyd in 2020. Initially, such allegations and complaints against the police could not go viral, but now they trend nationwide and worldwide. As outlined by Fallik et al (2020), social media use has affected policing, whereby police officers have been made accountable while engaging in law enforcement. The use of social media has been associated with the increased use of smartphones, whereby videos and images go viral and force action in the court of law against police officers who break the law.

The field of criminal justice and law enforcement ensures that citizens are protected from criminals and threats; therefore, police officers should not be the one breaking the law. With the increased use of smartphones and social media under free will, some cases have been solved through the pressures from social media platforms to the court of law. Thus, anyone that is arrested can be imposed due to irregularity. Social media platforms can be accessed from any place in the United States and other countries, which makes the pressure against police brutality and abuse high which has led to decreased irregularity and abuse of power. Therefore, the public has a new platform to express their pain and cry against poor policing, and they expect strict measures to be taken against wrongdoing.

Increased internet connection has led to a more refined relationship between law enforcement agencies and the public, whereby information can be shared across different social media platforms. In this case, social media has been used as an effective source of intelligence information from the community and thus promoting better policing with the increased awareness of the demand for police accountability. Community members in the United States,

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mainly amongst minority groups, have complained about unfair arrests, shootings, and abuse from police officers (Moore, L, 2023). By introducing social media to share and download recorded audio and videos has increased police responsibility and accountability for their actions.

### **Importance of Accurate Documentation**

Accurate documentation helps improve police accountability. Such information recorded can be used later in a court of law to prove that the officer's actions were fully justified. Police officers should be accountable for their reports, and all information should be accurate. When information from a report is not truthful, and things are left out, the officer should face harsh consequences, and or termination.

As a result of increased public complaints about police irregularities, abuse, and violence, the use of electronic monitoring devices has effectively improved police accountability. From the discussion, body cameras, smartphones, and social media provide credible evidence about unwanted police behaviors in modern society compared to reliable dash cameras in public. On the other hand, social media has been used by activists and the public to promote police accountability through pressures for fair and just treatment. Properly documenting events either criminal or civil are extremely important in relation to accountability. When the proper documentation is presented in trials across the nation, members of the community are able to see firsthand that officers and agencies take pride in uphold the laws to the best of our ability (Newell, B., 2023).

### **Internal Affairs Investigations as it Relates to Policy Accountability**

Police accountability has been in the public forefront for some time now. Questions about whether police agencies are best suited to investigate themselves regarding misconduct have been prominently featured over the past 10 years. There are, in general, two types of

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accountability reviews, external and internal. While some have recently advocated for “citizen” review panels, most law enforcement agencies still subscribe to “in house” investigations for officer misconduct.

While police accountability is not a new topic, recent events have thrown it into the national spotlight. There have been well publicized incidents and claims of preferential treatment of law enforcement officers, all of which have negative connotations as it relates to the law enforcement profession. You could go as far back as 1991 and the Rodney King excessive force case against Los Angeles police officers. The resulting acquittals led to riots. The police shooting and public unrest that occurred in Ferguson, Missouri in 2014. Police accountability is not just present in these extreme cases, we contend that it is more prevalent in the day-to-day operations of any law enforcement agency.

Law enforcement officers are accountable for their actions on the very first day of the job. Officers must accept that accountability is necessary to provide the type of professional service that is demanded of them. They are, rightfully so, held to a higher standard than most. Their enumerated powers demand that they conduct impartial investigations and do so in a most professional manner. There may even be ramifications if they fail to follow a moral standard expected of a public servant. Police accountability must be present for an agency to have the confidence of the public that it serves.

In the law enforcement profession, there are two prevalent means of investigating police misconduct. An external review would be a committee formed of various members of the citizenry to review investigations of an officer’s misconduct. The majority of agencies employ an internal review process. They assign investigators to an Internal Affairs division. The make-up of internal affairs units may vary but usually consists of seasoned investigators whose primary



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focus is to investigate officers accused of policy or procedural violations. The infraction, if sustained, could have consequences that range from verbal warnings, written documentation and if warranted, termination.

How this is handled internally is not as common as one might think. While there are national boards that provide training and certification in this field, some research has revealed that it is not uncommon for investigators to receive little or no training as it relates to internal investigations. In a recent publication, statistics from 2019 showed that almost 20% of respondents advised that their agencies IA Investigators received no formal training at all. In the same survey, agencies documented those investigations of officers listed as “sustained” at a rate of about 1 in 3 (N.I.A.I.A., 2022).

For a majority of agencies, the decision on the type of discipline received does not rest with an IA investigator. The decision is up to executives within the agency. This is where leadership characteristics come to the forefront. Authentic leaders (Program Material, 2023) are needed to maintain the communities’ confidence that corrective actions will be taken. These executives must have integrity. For the sake of community respect of your agency, leaders cannot compromise their values. To maintain police accountability, we must ensure we are cultivating leaders within all divisions that demonstrate emotional intelligence and versatility skills (Program Material, 2023). Internal Affairs Investigators should display specific emotional competencies while investigating their brothers and sisters in blue. Internal Affairs Investigators must effectively display skill-shifting behaviors in regard to the needs of the general public that is demanding more information on internal investigations.

Transparency of internal affairs investigations is also needed to continue the public’s faith in your agency. Public reporting of data collected has a positive effect on the way you are

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viewed by the community that you serve and allows the public to scrutinize your operations. At one time, internal investigations data was not released to the public. Administrators hid behind terminology in existing laws and categorized internal affairs investigations as not being a public record. For example, in the state of Louisiana, the courts ruled in that portions of internal affairs files were public records. The Louisiana Court of Appeals decided that there was no right to privacy regarding the officer's actions while discharging their official duties (*City of Baton Rouge/Parish of East Baton Rouge v. Capital City Press*, 2007) and Internal Affairs files were subject to disclosure.

With the acceptance of new technology, agencies are better equipped to handle the tasks of misconduct investigations. Body cameras provide a “whole picture” view of incidents in question. They help to build community trust. The East Baton Rouge Parish Sheriff's Office, has only utilized body cameras for the past year. It has been the observation of the authors that complaints made on deputies have decreased significantly. In fact, the authors have witnessed instances where a complainant learns that video footage is available from a body camera and immediately withdraws their complaint. An informal survey of local Internal Affairs investigators revealed the same sentiment (Personal Communication, 2023).

From researching topic, it became immediately apparent that there is more work to be done as accountability relates to internal investigations. Although many publications list the percentage of officer misconduct to be around 1%, departments can no longer discount the value of these investigations. Scrutiny of public records will ultimately reveal if proper action was taken with regards to sustained complaints of officer misconduct. If an agency is transparent with their processes of holding officers accountable, public trust can be maintained.

## CONCLUSION

The lack of police accountability creates significant issues. It diminishes the integrity of the officers and the departments along with tarnishes public image. Officers and their agencies should be viewed as reliable from the communities they serve. To maintain an environment of integrity and transparency with the community, departments should be determined and invested in creating leaders who cultivate a culture of self-policing. Without accountability, departments lose the public's trust which in turn the officers and their agencies lose credibility. Agencies across the world should be investing in creating and maintaining credible effective leaders. Leaders who are devoted to cultivating new strategies for community policing to bridge the gap between law enforcement and citizens, all while holding their own officers accountable. Agencies across the world should be invested in leadership theory. Agencies need to understand the importance of promoting leaders that have a strong moral compass. In order to maintain public trust, our leaders should display characteristics and behaviors that influence integrity in their subordinates.

Recruiting and retaining people of integrity is imperative if departments are striving for transparency. It is crucial that agencies focus on recruiting future leaders who approach leadership with a servant's heart and who are transformational. These leadership approaches are extremely important to gain and maintain public trust. A servant leader puts others first and creates strong relationships. A transformational leader is key to create and guide change throughout the department and with the community (Program Material). Breaking the law enforcement code of silence is pivotal in terms of exuding accountability to the communities we serve. Body cameras and dash cameras are mechanisms utilized by police agencies to break the code of silence. Making sure these policies are carried out correctly throughout our departments

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is nonnegotiable. Internal Affairs Units are a necessity in law enforcement agencies and are crucial for creating community trust. We must show the communities we are transparent in every aspect of our duties. Failure to do so will destroy what little trust our departments have with our citizens and will give the media ample ammunition to create their own assumptions. We as police officers must create an environment whereby stepping up for what is right is the new norm.

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