



The Collective Wisdom Of Many!

By Gene King, Law Enforcement Action Forum Coordinator



During a gathering of several LEAF Executive Committee Members, I was asked what I have encountered over my many years of participation in law enforcement that would be helpful to others entering or currently involved in the profession. The question turned into an interesting discussion in which everyone present shared their experiences and the wisdom they have gained, which was remarkably similar to my own. I would like to use this LEAF Newsletter to share those thoughts.

The group expressed that no matter what your position in a department, there are truths that should drive your life. One is that the only thing you truly own is your name and your reputation. The implications of that statement are quite dramatic and the burden is very heavy, especially as one rises in rank. Another is that change is inevitable and you have to embrace it, evaluate its value and implement it in the most effective way.

Most importantly, you must always try and do the right thing and if an opportunity is illegal, unethical or immoral, don't do it and don't participate in it. If the activity is illegal you have to intercede and stop it then report the incident to the proper authority. You are also responsible to report unethical or immoral behavior by a peer that impacts the reputation and integrity of a department.

What follows is the wisdom, experience and foibles of command officers who collectively have been on the job for many, many years and have the associated scars that come with holding those positions.

You Wanted That Job

It was interesting to listen to the conversation about being on the job and getting promoted. It dawned on me that nobody actually talked about wanting and seeking promotions, they spoke of "getting" promoted. It has been my personal experience that every opportunity or promotion I got was because I sought it and so did everyone else. So, going from the conclusion that people in law enforcement are there because they want to be, it also stands to reason that people rise in rank because they seek the positions in one form or another. The conclusion that I draw about progressing in rank is that if you wanted the position you must embrace the responsibility associated with that position.

As a law enforcement officer you take an oath of office swearing to uphold the constitution of the Country, the State and the law. By accepting the job you also must embrace the Law Enforcement Code of Ethics, which sets the standard for an officer's behavior and how they must treat others. These do not change, no matter what your position or rank. This critical factor in the law enforcement profession may get lost as officers move through their career. This is where officer's forget their reputation can be damaged by cutting corners, taking advantage of their position, not following procedures or rules, getting angry and taking inappropriate action or making a contempt of cop arrest, using excessive force, doing illegal searches or seizures, being untruthful, omitting details in reports or not taking responsibility for mistakes or errors that they make. Officers must realize that the truth may hurt but the consequences of being untruthful will hurt much worse. (See LEAF Newsletter, December, 2010, *The Liar's List*)

Policies Are Guidelines, Rules Are Absolute

Everyone in the LEAF discussion agreed that officers need to know the black and white but also have to be given discretion to do the job when faced with the different shades of gray. The group also agreed that policy stands as guidance for officers to follow when performing tasks, especially those that are of higher risk or are regulated by law or court rule. They also concurred that officers must be allowed to think outside the box to find solutions that fit the fluid scenarios they regularly face. Consensus was that as long as the officer can clearly articulate what they observed that caused them to take the action they did, it is up to command to determine if that action was reasonable, even if it did not follow the policy.

The group was absolute that failing to follow a rule left little or no discretion for administering discipline. I was struck by several comments about how moving up in rank and responsibility actually increased the risk of damage to their reputation. The person holding rank was more vulnerable should they fail to take action on or participate in: harassing or discriminatory behavior, untruthfulness, wrong doing, backsliding, inferior work products or inappropriate behavior by subordinates. (See LEAF Newsletter, June, 2006, *Tips for Successful Employee Discipline and Discharge*)

First Line Supervisors Can Be The Weak Link

Everyone in the discussion recognized that first line supervisors are extremely important. They are the people who observe the activity of their subordinates and have firsthand knowledge of how the subordinates behave and how reliable they are. This level is the first check-valve in stopping risky or bad behavior; safeguarding the integrity of the organization. It is also the first level to ensure subordinates are properly reporting: their activity, incidents, collection of evidence and the handling of subjects who are encountered or arrested. Supervisors must know they have to be the team leader. They cannot be the owner of employee mistakes or bad behavior because the supervisor failed to take appropriate action. They must understand that Michigan courts have ruled in *Chambers v Trettco, Inc.*, 463 Mich 297; 614 NW2d 910 (2000) that a supervisor's knowledge assigns knowledge to the employer.

To that end, a primary responsibility of a supervisor is ensuring subordinates are meeting management's expectations in the application of the department's rules and policies while engaged in their job duties. To be effective, top levels of command must ensure those taking first line supervisor jobs know specifically what their job is, the expectation for their performance and that they are going to be held accountable for those responsibilities. Top command must regularly audit the supervisor's activity to ensure they are meeting defined expectations and take the action needed to remedy inadequacies.

As The Department Executive,
Of Your Head



The Point Of The Organizational Pyramid Is Actually Balanced On Top

When the group started talking about being a Chief, Public Safety Director or Sheriff it was interesting to hear what they thought were the central issues for their success. Obviously, being the top executive of an organization changes the impact and responsibilities that previous positions held. One thinks of themselves as at the top of the organization pyramid but, in actuality, the weight of the organization is balanced on its point squarely on the top of the executive's head. The upside down pyramid is the symbolic impact of what is said, actions taken and behavior exhibited both personally and professionally, for that is what defines who the executive is and what they stand for.

The executive sets the culture of the organization and defines what is acceptable and conversely, also inappropriate behavior. They set expectations for subordinates in the performance of their jobs and also for their behavior on and off the job. The top executive represents the entity's top management and elected officials and as such must meet their expectations and priorities in doing the department's business. The responsibilities of being the top executive of a law enforcement agency is a difficult task that requires a variety of skills, vision and commitment. Probably one of the most telling statements made when talking about how an executive's words, actions and criticisms can impact their career negatively was, "Remember who pays the bills!"

One of the themes of the discussion was the need for top executives to be honest, fair and consistent in their actions. Though always important, most felt it was especially relevant when dealing with labor and discipline issues. They expressed the importance of respecting labor agreements and following the agreed upon processes. They also said the executive must fully understand the U.S. Supreme Court *Garrity* ruling, as well as the Michigan statute for Disclosures by Law Enforcement Officers, MCL 15.391, et seq. The LEAF members were very clear that a police executive must know the requirements for investigating complaints against employees. All acknowledged these are challenging times but felt it was important, as with the community that employs them, officers need to know their actions will be investigated fully, the information obtained will be evaluated fairly and they will be treated justly.

It was agreed by all that mistakes are going to be made. The key is, once the mistake is identified, take action to make it right. This will help teach the organization to make the needed adjustments to avoid making the same mistakes in the future. The group generally agreed that the phrase, "Well, I guess that didn't work out so well! Anybody got a better idea?", or something similar, should be expressed when needed. (In the support of transparency, I am sure one can imagine the group may have expressed alternative expletives in the phrase but we must meet the decorum rules of the publisher!)

Part Of The Team

A law enforcement executive has to acknowledge that they are part of a management team. The priorities of a department originate from the top level of management, which could be a manager/administrator/superintendent or elected officials. The dilemma often faced by executives today is the lack of resources they feel are needed to maintain the appropriate level of service in their jurisdiction. In reality, the top level management of a municipal entity determines the level of service they are willing to fund and it is up to the executive to use that money to meet those expectations, regardless of whether they agree it is enough.

When I was learning this lesson, at a point when my head was about to explode because I didn't agree with my employer's decision, I was struck by a statement made by an experienced, sage and battle scarred

management expert who was right on point. He said “If the boss makes a decision, it is your decision!” Now that was galling, but true. There are times in every level of any organization that a decision is made that you flat-out do not agree with, but is not illegal, unethical or immoral, so it must be done. That is the role of an executive, mid-level manager or supervisor, to support the organization and its goals. If doing so is too difficult, it is time to do something else, somewhere else. This is not to say that before the decision is made, all kinds of cajoling, arguing or foot stomping can’t be done to try and impact the decision, it just means once the decision is made, it must be supported and implemented. It is a very tough principle of management.

Surviving The Executive Role

It was interesting that the discussion turned to the survival of a law enforcement executive in today’s evolving redefinition of law enforcement’s role in society and what expectations a community has for their police department. In addition to the issues already discussed, several members expressed that they learned as patrol officers, to best survive, one had to always be cautious, alert for the unexpected and situationally aware to be as safe as you can be.

I was struck at how that lesson has merit no matter what your role in law enforcement. As an executive, the group felt that being cautious meant they had to constantly scan their professional environment for cues and resources that could be investigated to keep themselves and their employees on the cutting edge of industry standard and prepared. In reaching those goals, attention had to be paid to not waste time or money chasing ideas that do not have merit or value. All agreed the need for having up to date policy and rules in place was paramount but training employees to department policy and rules, management’s expectation in their application and adding accountability for meeting those expectations was just as important. (See LEAF Newsletter, September, 2007, *Officers Just Don’t Get It: They Are Trained In More Places Than The Classroom!*)

The group expressed that being alert for the unexpected involved keeping their finger on the pulse of the community, top management and the people that worked for them. They felt that it was key to keep involved with people, groups and employees. Most importantly they felt regularly communicating with all levels of the organization was beneficial. Specifically, regular conversations with mid-level managers and supervisors was valuable to help keep them engaged and provides an opportunity to identify both good things they notice or problems they are encountering or concerned may be developing. Knowing the good and bad is essential to keeping ahead of problems as they develop. (See LEAF Newsletter, October, 2003, *If You’re Going To Be a Leader, The Devil’s In the Details* and December, 2009, *Don’t Wait Until The Gear Fails When Regular Maintenance Can Prevent It!*)

It was interesting to hear the group discuss the successes of regularly sharing the executive’s philosophy and expectations with mid-level managers and supervisors as a way to focus their responsibilities and priorities. The group felt that seeking input and listening, even if you don’t like or agree with what you hear, is how to best understand what the culture and pulse of the operation actually is. If something is not right, this is the time to ferret out the problem and fix it. If incidents of the normalization of deviance are discovered, immediate action should be taken. (See LEAF Newsletter, July, 2015, *The Normalization of Deviance and Officer Created Jeopardy; Two Terms To Remember When Auditing Department Activity*)

The group also felt it was key to engage the employees and seek their input on operational issues. Since it is an executive’s responsibility for succession planning by identifying and developing new leaders to replace those who leave, this is a good way to find those who show interest and provide them with an avenue of growth and experience to meet the organization’s future needs. An example of why this is needed, I often hear a newly promoted executive exclaim, “Nobody told me about that or that it was going to happen!” Get your people prepared for their next level of responsibility.

The discussion continued on to more topics and issues involving leadership and being the executive of a law enforcement department. The LEAF Executive Committee is comprised of Chiefs, Directors and Sheriffs from all size departments. It was interesting that department size really wasn't a relevant factor when identifying the areas of discussion or problems confronted. The most telling comment was made by a small department Chief who said he once complained to a Councilman that there just wasn't enough time to get everything done. The Councilman looked at him, smiled, shook his head and said, "Then don't, but, when choosing what you are going to do, make sure to pick the things that you know are the most important first."

For The Good Of The Cause

It is with great anticipation, and some trepidation, that I announce that, beginning March 30, 2018, I am leaving my work with the Michigan Municipal League's Risk Management Services to wander on to the next stage of my life. I have spent twenty- four years working with the MML Loss Control Team, mostly coordinating the Law Enforcement Action Forum (LEAF).

I want to thank the LEAF Executive Committee members, past and present, for contributing their time, wisdom and expertise in support of improving the resources, professionalism and responsiveness of Michigan's law enforcement community. Particularly, I want to thank the Michigan Municipal League Risk Management Services for supporting such a great program.

Because of the MML's continued support, the LEAF Executive Committee member's willingness to help and share, and the skill, tutelage and occasional scolding of LEAF's Legal Advisor, Audrey Forbush, I was able to provide reliable resources, support and helpful feedback to the MML's Insurance members. I am confident LEAF's new Coordinator, Matt Heins, Retired Chief of Police and Fire, City of Jackson, will enjoy the continued sharing of the collective wisdom that I found so valuable.

Most importantly, I want to thank the various MML Insurance members and their executives who allowed me to help them with resolving the various bumps, grinds or pure dilemmas inherent with operating a municipal entity and its departments.

The Michigan Municipal League Risk Services Team is dedicated to serving you well and I will miss helping.

Thank-You for the privilege!

Are you a MML Insurance Program Member?

Go to the League's online Law Enforcement Risk Control Manual, [now compatible with any browser](#), to establish a new account using the streamlined login process. Go either to <http://www.mml-leaf.org/> or <http://www.mml.org>, under the Insurance tab/LEAF. Click the green Member Login box. At the Login screen click "Don't Have an Account". To add to the ease of use, the manual now contains a complete keyword search function.

LEAF continues to develop policies and resource documents designed to help Law Enforcement Executives manage their risk exposure. Do not hesitate to contact the Michigan Municipal League's, Loss Control Services at 800-482-2726, for your risk reduction needs and suggestions.

While compliance to the loss prevention techniques suggested herein may reduce the likelihood of a claim, it will not eliminate all exposure to such claims. Further, as always, our readers are encouraged to consult with their attorneys for specific legal advice.

LAW ENFORCEMENT ACTION FORUM (LEAF) is a group of Michigan law enforcement executives convened for the purpose of assisting loss control with the development of law enforcement model policy and procedure language for the Manual of Law Enforcement Risk Reduction. Members of the LEAF Committee include chiefs, sheriffs, and public safety directors from agencies of all sizes from around the State.

The LEAF Committee meets several times yearly to exchange information and ideas relating to law enforcement issues and, specifically, to address risk reduction efforts that affect losses from employee accidents and incidents resulting from officers' participation in high-risk police activities.

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