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The Anatomy of a Crisis: Law Enforcement Leaders' Perspective on Police Enforcement

Law enforcement refers to agencies and employees responsible for ensuring laws are followed, maintaining public order, and promoting public safety within their jurisdictions. The Bureau of Justice Statistics (2021) explains that investigation, detention of suspects, and apprehension are the primary law enforcement duties.

Americans have a negative sentiment toward law enforcement in the United States (U.S.) due to problems such as racial profiling and the widespread belief that the criminal justice system does not hold all citizens equally accountable (Ekins, 2016; Stenning, 2021). According to the CATO Criminal Justice Survey (Ekins, 2016), African-Americans tend to know someone abused by the police two times more than white Americans. The CATO survey further noted that high-income white American men are 1.5 times less likely to be stopped by police than African American men. Such inequitable treatment of underrepresented groups is partially to blame for American society's current scrutiny of the police. Moreover, the widespread sharing of video clips on social and news media from events such as protests organized against the use of police brutality may be exacerbating mistrust of police (Eichstaedt et al., 2021). As a result, attempts are being made to restrict certain policing practices and increase accountability in law enforcement by using legal measures like the George Floyd Justice in Policing Act (2021).

A crisis of lack of trust in U.S. police developed and intensified as controversial deputy-involved police shootings and incidents arose and came under public scrutiny. For example, in the 2014 case of Ferguson, an officer named Darren Wilson killed unarmed 18-year-old Michael Brown by gunshot (Department of Justice, 2015). Global protests against violence following the 2020 murder of George Floyd reignited law enforcement scrutiny (George Floyd Justice in Policing Act, 2021). The leaders of law enforcement continue to face complex problems and

circumstances. For example, the law enforcement field is under scrutiny by the communities they serve, which can positively correlate to increased crime (Capellan et al., 2019). Police leaders should be prepared and willing to work with the community they serve to gain their trust and respect. Policing is already a challenging and dangerous job and needs the support of society to accomplish it effectively (Schweikert, 2020).

This paper examines these issues with the proposed research question: What anticipated crises and challenges do law enforcement leaders face amidst the current crisis of negative sentiment towards law enforcement in the post-Ferguson period? Although other countries may be experiencing similar challenges, this study focuses specifically on police in the United States during the post-Ferguson era. It is important to note that law enforcement leaders were interviewed in 2020 in the midst of and following civil unrest in the U.S. surrounding violence and race relations. Therefore, "current" refers to this time frame in 2020 to distinguish the negative sentiment towards law enforcement from the underlying crisis described by law enforcement leaders. Given that law enforcement activity in the public sector is argued to be manipulated by events in Ferguson (Torres & Reling, 2020), post-Ferguson has brought many challenges to the law enforcement field. For example, a call to "defund the police" means reallocating funds away from the police departments and using the funds for other public safety strategies (Capellan et al., 2019; Vermeer et al., 2020).

Additionally, increased police officer resignations and retirements (PERF, 2021), the significant impacts of the current crisis, past crises, and ongoing challenges that law enforcement leaders face likely influenced their perspectives. Thus, this paper adds to the literature examining the attitudes that law enforcement leaders have in the face of the current crisis.

In describing "what makes a crisis a crisis," Ury and Smoke (1985) listed four "prominent" elements of a crisis:

First, *high stakes* are involved. Second, *little time* is available for making crucial decisions, and there is a felt urgency to act. Moreover, critical information is often lacking, leading to *high uncertainty* about both what is happening and how to respond.

Finally, there is often a sense of *narrowing options* for coping with the crisis. (p. 94) Although their conceptual framework for understanding a crisis is drawn from international examples, Ury and Smoke argue that it may be useful for practitioners in other fields (1985). Bayley (2018) agrees with this definition of a crisis and adds the essential element that there is no clear path forward in a crisis. Using this framework to describe how the problems in the police force align with the elements of a crisis defined above can serve to gain a better understanding of police leaders' perspectives on enforcement issues. First, according to police leaders, high stakes are involved in the crisis of law enforcement. Interviews with chiefs and sheriffs illustrated an expectation of severe losses, such as the ability of agencies to carry out their fundamental law enforcement duties. Second, factors—such as the nature of enforcement work, the high visibility of police activity as members of the public film and post recordings on social media platforms, and various protests surrounding civil rights violations—contribute to the urgency of this dilemma. Third, high uncertainty is involved in this policing predicament due to circumstances such as the viral spread of misinformation or the lack of a single, complete source for police force data. Fourth, due to phenomena such as the exodus of experienced senior officers in law enforcement and problems with recruitment and retention, there is a sense of narrowing options for coping with the crisis.

Background of the Current Crisis

The law enforcement field may have previously been associated with career longevity (Wilson et al., 2010). A participant from a study by the Police Executive Research Forum (PERF) explains that in the past, he had applicants who expressed interest in staying in the city as a career officer; but now, many applicants cite their intention to move away from the city as soon as possible because of politics (2021). Although the participant did not explicitly mention what he meant by "politics," he shared this comment to describe candidates' need for long-term commitments (PERF, 2021). The PERF survey also shows that the retention rate has diminished, and retirements increased by 45% from 2019 to 2020. Understanding police retention is essential because of direct and indirect costs and time to the agency (Wareham et al., 2013). When law enforcement leaders lose experienced senior officers, a decrease in social networks and an increase in the use of inexperienced personnel could follow (Hom & Griffeth, 1995). These issues will directly impact the ability of law enforcement to succeed in the future because chiefs and sheriffs rely on peer-to-peer mentoring and need experienced leaders to guide future chiefs and sheriffs. Police agencies' problems with recruiting and retaining qualified officers have been attributed to factors such as officers' perceptions of inequity, a mismatch in motivation and rewards, including low salary, dissatisfaction with work-life balance, inadequate opportunities for professional growth, and not experiencing meaningfulness of work (Bowman et al., 2006).

Additionally, Orrick (2008) discussed that developing a career as a law enforcement officer is challenging because of the amount of ongoing training. According to The Federal Law Enforcement Training Centers (FLETC), officers must complete a minimum of 64 days of basic training called the Uniformed Police Training Program (UPTP) (n.d.). The FLETC further specifies that the UPTP is devoted to learning specific knowledge and skills, including

behavioral science, counterterrorism, cyber, driver, enforcement operations, firearms, investigation, leadership, legal, and physical techniques.

In 2021, news media like National Public Radio (NPR) covered the legal doctrine of qualified immunity (Sullivan, 2021). The doctrine was established in a 1967 U.S. Supreme Court case which introduced the justification for qualified immunity for police officers from being sued for civil rights violations (*Pierson v. Ray*, 1967). The doctrine serves two vital interests: (a) to hold public officials accountable if they exercise their power irresponsibly and (b) to shield officials from harassment, distraction, and liability when they reasonably perform their duties (Novak, 2020).

Proponents of the doctrine have argued that the modern application is crucial because it allows law enforcement officers the flexibility they need when making a judgment call in an escalating situation (*Scheuer v. Rhodes*, 1974). In contrast, it was argued in *Harlow v. Fitzgerald* (1982) that the doctrine no longer achieves its goal of protecting public officials from the dangers and distractions of litigation or preventing the official from adequately performing their duties or from entering public service. For example, the *Harlow v. Fitzgerald* case explains that qualified immunity for public officials serves a dual purpose (1982). It helps protect officials who must vigorously exercise official authority on behalf of the public. Although, it also serves as a damages remedy to protect citizens' rights (*Harlow & Fitzgerald*, 1982). Since the court held its opinion in 1982, the Supreme Court has continued to refine and expand protection for government officials (*Pearson v. Callahan*, 2009). The fine-tuning and development of qualified immunity have caused the doctrine to face criticism, as exemplified by *Qualified Immunity: A Legal, Practical, and Moral Failure* (Schweikert, 2020). Schweikert argues that Qualified Immunity is a disastrous doctrine that is detrimental to citizens and officers because it inhibits

the trust that is necessary between officers and the community (2020). Furthermore, in their dissenting opinion in *Kisela v. Hughes* (2018), justices Sotomayor and Ginsburg stated that qualified immunity had been treated as an absolute shield for police personnel. The examples of differing opinions on Qualified Immunity demonstrate the clashing views over how to proceed with this doctrine and its application in American law.

Methodology

A grounded qualitative theory and a phenomenological approach were utilized to conduct the research. A grounded qualitative theory aids researchers in developing a theoretical account of general features while grounding the account in empirical observations (Glaser & Strauss, 2017). Phenomenology seeks to make meaning of human experiences that cannot be seen by ordinary observation (Sanders, 1982). This approach was carried out following the steps outlined by Creswell, including collecting data via interviews, then transcription, coding, theming, and data analysis (2014). Police chiefs and sheriffs were interviewed as participants in the study to get a day-to-day perspective of the organization as a whole. Police chiefs and sheriffs are both leaders of law enforcement government agencies; however, each is distinct from the other. Often, the city's mayor appoints police chiefs, and their jurisdiction is within a city (National Sheriffs' Association, n.d.). In contrast, voters elect sheriffs, and their jurisdiction covers a broader area, such as a county (Dees, 2017). Police chiefs and sheriffs have a different perspective from the other ranks because they accommodate and cooperate with state, federal, and local agencies (Li & Brown, 2019).

The researchers used a social networking service called LinkedIn to message participants directly. Over 400 United States police chiefs and sheriffs were contacted to join this study.

Thirty-seven replied with interest in participating. Of the 37 respondents interested in

participating, 16 signed consent forms and joined the study, meeting the minimum size for sampling outlined by Creswell (2014). Participants located in different geographical regions throughout the United States were interviewed in this study to gain a general perspective of the crisis in law enforcement across the United States.

The study was conducted during the global COVID-19 pandemic. Therefore, the interviews were held via Zoom due to distancing mandates, and all participants were on camera throughout the interview process. The participants were asked the following interview questions:

- 1. How would you describe your leadership style? (give examples of your leadership actions)
- 2. What are your strengths in leadership?
- 3. What strategies do you use to incorporate your strengths in your leadership role?
- 4. What are your challenges (non-strengths) in leadership?
- 5. What strategies do you use to overcome them in your leadership role?

The participants were also asked follow-up questions if they mentioned something interesting or unique in their responses. For example, when participants were asked about their challenges, they were also asked if they could elaborate on the points they discussed. To maintain the confidentiality of the interviewees, the names used in this paper are pseudonyms and are not the actual names of the participants.

Data Analysis

During the interview process, participants shared experiences of their anticipated crises and challenges amidst the current situation. Using Creswell's approach to phenomenology, the interviews were then transcribed, coded, and then analyzed for themes. The themes that arose from the data included *exodus*, *lack of mentorship*, *defunding the police*, *and political climate*.

Common themes emerged, indicating that law enforcement leaders throughout the United States face recurring crises and challenges.

Exodus

For example, the theme of *exodus* is prevalent, as exemplified by the 31% of participants who spoke about this issue. Some participants described the current political climate against law enforcement officers as a reason for some senior officers leaving the force. Participant "Erikson" explained that police officers fear being sued in civil court because "it's really stressful when you are at the end of your career and where you should be able to enjoy the rest of your life and the money you have been able to stockpile from pension and stocks could all be gone because of that."

Lack of Mentorship

Data from the interviews show that an increased retirement rate creates a *lack of mentorship* for younger recruits who are not being promoted because they lack the necessary experience to lead and the requirements to pass basic training. Participant "Tomlinson" explained that after leaving a chief position, the position was filled by an inexperienced lieutenant who had only briefly worked in the chief's office. Such instances pose challenges to retention, job satisfaction, and productive workplace cultures. Edmundson (1999) found that police departments that offer mentorship programs and pair recruits with experienced officers result in successful basic training completion, improved morale, and police officer retention.

Defunding the Police

Another recurring theme was *defunding the police*. The participants described various instances of this new crisis that has brought challenges to their respective departments. For example, one participant detailed how defunding the police will create unforeseen problems.

Participant "Shane" said, "it happened in Seattle; we have the CHAZ and the CHOP zone where they decided there were no more police. Three people were killed in the span of three weeks, and now the parents of the victims are suing the city for allowing lawlessness." Shane was referring to the Capitol Hill Autonomous Zone (CHAZ) and Capitol Hill Organized Protest (CHOP) (Rufo & Anderson, 2020). Participant "Williams" mentioned that defunding the police will result in "a change of level of service because we will not have the manpower." To illustrate, "Williams" explained that offers may not respond to a car accident that does not result in serious bodily injury or death because the police "need to maintain the availability to respond to the family violence, to the in-progress calls, to protect people."

Political Climate

Participants also mentioned challenges around recruitment because of the changing political climate. For instance, one participant expressed that recruits joined with the understanding that they may lose their lives, which they were prepared to do so in the past. However, participant "Smith" added that now the risk has changed, explaining that officers "could go to prison for no fault of [their] own," and giving detailed accounts demonstrating the perceived threat of prison has increased among police officers. Additionally, perceptions about the policing profession impact officers and is another challenge around recruitment. For example, participant "Harold" explained that the family's support for their work as police officers diminished after certain policing events became prominent on the news. The negative perceptions surrounding police officers may deter recruits.

Findings

This research indicates that law enforcement leaders face a police force fallout crisis in the context of the 2020 uprising against police-affiliated violence in the U.S. (Simonson, 2021).

In this study, the police force fallout crisis is defined as law enforcement agencies' difficulties in obtaining and maintaining qualified and skilled officers, which may render agencies ineffective in achieving their fundamental purposes of promoting public safety and enforcing the law. Two findings from that study support the terminology of the police force fallout crisis: (a) the prevalence of dwindling numbers of police force agencies across the nation and (b) the police force fallout crisis is connected to the fallout from the current crisis of negative sentiment towards law enforcement in the U.S. This finding is consistent with the literature that was found in these areas.

Retention & Recruitment Challenge

For example, the PERF study (2021) and Wilson et al. (2010) demonstrate a problem with police officer recruitment and retention. One hundred eighty officers left the police department in Seattle in 2020, and as of June 11, 2021, when the article was written, 66 more officers left (PERF, 2021). The exodus of senior, experienced police officers causes a lack of mentorship for recruits (Bowman et al., 2006). A lack of seasoned officers as role models can cause a deficiency in essential knowledge and experience-sharing among the recruits and training cadets, which is consistent with the literature that discusses the loss of mentorship due to the expedited departure of senior officers (Hom & Griffeth, 1995). Lack of mentorship due to declining retention can lead to hasty promotions of unprepared, inadequately experienced officers, as exemplified by the interview data. Participants "Erikson," "Tomlinson," and "Shane" attributed the sudden departures to the volatile political climate, the negative public perception surrounding policing, and the fear of facing civil lawsuits. In addition to challenges with retention and exodus, law enforcement leaders also face recruitment problems. For example,

participants expressed that recruitment numbers are low because of funding, negative police perspectives from the public and because some candidates do not meet the passing requirements.

Defunding Challenge

A finding from this study supports that police recruitment and retention are negatively impacted by public dissonance and threats to defund the police. The public outcry to defund the police puts chiefs and sheriffs in a position where they need to direct more resources than they usually would to hire and recruit. The interviewees explained that they often need to fundraise for extra money to train their employees. Otherwise, there may not be a budget for training because the existing funds need to be allocated to hire officers.

Scholars have different perspectives on allocating funds and who should be considered in relocating funds away from police departments. For example, one article called for giving funds to communities in need (Scott, 2021), while a separate article argued that funds be redirected to sources that support a specific group of people (Martin, 2021). Simonson (2021) explores the redistribution of funds through the lens of power by examining the broader implications of shifting power away from the police and into historically vulnerable communities. Although there is a clear call for change in policing, there is still no consensus on how the change should be executed (Oyedele & Perrone, 2021).

In a study conducted by Capellan et al. (2019) to determine possible correlations to crime increase in New York City, the researchers found that although de-policing did not increase crime, public scrutiny was positively correlated to a rise in crime. Participants in this study likewise explained another consequence of defunding the police: a smaller police force means the community may experience longer response times due to prioritizing some calls over others. For example, a police officer expected to respond to a car accident may be diverted to another

higher-priority incident instead, such as a robbery or an assault and battery. This example is consistent with Vermeer et al. (2020), who argue that police officers may be open to "defunding" if there are lower expectations and fewer problems to solve, something that has not happened yet. Lastly, the literature suggests that even if an attempt is made to defund and reform the police department, a viable and sustainable alternative has not yet been developed (O'Rourke et al., 2021).

Future Studies

Opportunities for future studies include dividing and expanding the research by geographical location, the precinct's size, and the local community's crime rate to uncover more distinctive findings relevant to the nuances of various police departments. This research provides an overview of challenges facing the police force; however, conducting interviews with participants other than chiefs and sheriffs may create a more balanced, multifaceted perspective on these issues.

Additionally, future studies could compare and contrast the findings from this research by interviewing local community leaders impacted by the work of the police force. The present study interviewed leaders whose positions gave them unique insight into the affairs of the police force; however, additional perspectives from outside the police force, such as community members or other members of civil service, would support and strengthen the findings from an integrated perspective.

Organizations such as the National Sheriffs Association (n.d.) and local state associations like the California Police Chiefs Associate (2020) support law enforcement leadership through various resources and training opportunities for deputies, sheriffs, and police officers. Supporting these organizations is one way to assist chiefs and sheriffs such as those interviewed for this

study in order for them to have continued access to resources and training as they navigate through challenging times.

Conclusion

Law enforcement leaders must perform various necessary tasks and duties for a police agency to function correctly and successfully. A critical factor for a law enforcement agency to be successful is its ability to retain police officers and properly train recruits to become leaders. However, with the shortage of police recruits and the increasing rate of police departure, this study finds that law enforcement leaders are amidst a police force fallout crisis. The exodus among experienced police officers has been increasing over the years, despite unprecedented factors that could have also contributed to it (PERF, 2021). One specific aspect that this study indicates is that recruitment rates are dwindling because of the negative public perception. Moreover, it reveals the consequences of defunding smaller police departments, such as agencies in rural areas. This paper provides additional research that can aid with the vital task of increasing police retention and recruitment numbers.

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