



The Role of First-Line Supervisors in Internal Affairs Operations

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In many law enforcement agencies, fundamental operational tasks are often assigned exclusively to a relatively small number of officers who do not have the resources to accomplish their objectives without help from others throughout the agency. Recruiting, for instance, should be an agency-wide undertaking in which all officers see themselves as playing an important role in recruiting the next generation of officers. A small number of designated recruiters simply cannot succeed in the mission in the absence of agency-wide support.

Community policing is another area in which a small number of chosen officers cannot successfully implement a philosophy that should be demonstrated in every aspect of agency operations, from patrol to investigations. This problem of over-specialization, whereby the vast majority of officers feel little or no responsibility to contribute to fundamental areas of operation, is one that deserves attention from law enforcement leaders across the country.

In analyzing case studies of disastrous outcomes in the realm of internal affairs, this problem of over-specialization, coupled with a lack of ownership by first-line supervisors, is a common theme. The detectives assigned to the Internal Affairs Division or to the Professional Standards Division are too often tasked with identifying potential misconduct, conducting the investigations and making recommendations for possible discipline without the active assistance of first-line supervisors in the field. **The sentiment often seems to be that the job of an FTO or sergeant is *not* to identify problems as early as possible and address them. Rather, it seems to be that once a problem is significant enough, internal affairs will deal with it.**

The obvious problem with this mentality is that it fails to take into account the fact that, by the time misconduct issues are serious enough to generate attention from internal affairs, it may be too late to effectively address the problem and significant damage may already have been done. This

damage is often in the form of harm to members of the public, the officer and the community's trust in the agency.

Ultimately, the questions that are posed to leaders in a law enforcement agency when allegations of police misconduct emerge are: *What did you know? When did you know it? What did you do?* It seems highly unlikely that members of the public are interested in the internal finger-pointing that may take place between the chief's office, Internal Affairs and sergeants in the field in regard to *who dropped the ball*.

Ultimately, internal affairs operations are vital for the agency as a whole and leaders throughout the department. First-line supervisors must be engaged in “inspecting what they expect” and having the difficult conversations as early as possible. Allowing an officer to develop a reputation for discourtesy, poor report writing or other minor performance issues without confronting the problem—all in the name of “that’s not my job”—is a proven recipe for legal liability and public trust disasters.

Police misconduct will always occur to some degree, in some shape or form, because officers are human beings and are not infallible. **The amount of damage done by instances of police misconduct is largely dictated by how proactive or reactive the department's leaders were in recognizing their duty to intervene. That duty begins long before an excessive use of force incident or case of citizen abuse is unfolding on their watch.** Agencies that identify and address problems—even those involving serious misconduct—*before* the local media or social media brings them to light, are able to demonstrate that, in spite of calls to the contrary, the agency is capable and willing to “police themselves”. This is the ultimate mission of internal affairs operations.

Many of these issues were discussed at length in the 2022 report commissioned by the City of Baltimore, *Anatomy of the Gun Trace Task Force: Its Origins, Causes and Consequences*.^[1] The quotes below from that report are quite telling.

“The historical failures of the accountability function are starkly illustrated in the experiences of the former BPD members who were prosecuted. Several of them engaged in misconduct that should have ended their BPD careers, but did not do so because of profound weaknesses in the system for investigating, charging, and adjudicating allegations of misconduct. Instead of suffering the consequences for their actions, these officers learned that there were inadequate institutional constraints and guardrails to prevent them from engaging in misconduct or punishing them if they did.”^[2]

“Some supervisors have cultivated plausible deniability for the actions of their unit members. They have spent too little time directly observing personnel under their command, blaming the volume of paperwork and administrative tasks for absorbing their time. They have been more concerned about the bottom-line numbers than about how those numbers are generated.”^[3]

Similarly, in late 2020, the Minneapolis Police Department and City of Minneapolis publicly acknowledged that their Internal Affairs Division would begin working closely with city attorneys to ensure that internal investigations were conducted thoroughly and lawfully in order to minimize the risk of legitimate discipline being overturned at arbitration. This decision came following years of internal failures to impose discipline in a fair, consistent and timely manner, which led to many cases of police misconduct going unpunished.[4]

Beyond the problems within the Internal Affairs Division in Minneapolis, there were also cases of first-line supervisors giving positive performance evaluations to officers while they were simultaneously being investigated for serious offenses that could result in termination. There were various other examples of supervisors' failure to identify and document conduct issues that contributed to arbitration decisions overturning officer suspensions and terminations. For example, after a rookie officer shot and killed an unarmed woman who had called 911 for help, it was revealed that serious red flags about that officer had been identified and documented by FTOs and sergeants during the first months of the recruit's career. Unfortunately, these warnings were never addressed by the department's leadership.[5]

Internal affairs training should be offered to first-line supervisors in policing, not just those who are designated as “internal affairs” on their business cards. First-line supervisors should have a familiarity with the process of receiving complaints, or proactively directing complaints generated by themselves or other officers. They should be made aware of the investigative standards and the due process considerations that are an integral part of agency discipline that is legally and ethically defensible. **In many cases, the more isolated the Internal Affairs Division's work becomes, the more harmful it is to agency operations.**

Baltimore and Minneapolis are only two prominent examples of a much broader problem: The failure to recognize that, in addition to those designated to work in the Internal Affairs Division, first-line supervisors and field training officers are crucial to a functional internal system of accountability. **In the midst of calls to increase civilian oversight, there is likely no better way to defend an agency's ability to police itself than to ensure that all first-line supervisors are acutely aware of their vital role in the internal affairs functions of their departments.**

About the Author

Matt Dolan is a licensed attorney who specializes in training and advising public safety agencies in matters of legal liability, risk management and ethical leadership. His training focuses on helping agency leaders create ethically and legally sound policies and procedures as a proactive means of minimizing liability and maximizing agency effectiveness.

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Disclaimer: This article is not intended to constitute legal advice on a specific case. The information herein is presented for informational purposes only. Individual legal cases should be referred to proper legal counsel.

References

[1] Steptoe & Johnson, LLC (2022). *Anatomy of the Gun Trace Task Force Scandal: Its Origins, Causes, and Consequences*. Washington, DC: Steptoe & Johnson.

[2] Steptoe & Johnson LLP, *Anatomy of the Gun Trace Task Force*, iv.

[3] Steptoe & Johnson LLP, *Anatomy of the Gun Trace Task Force*, xxv.

[4] Jaconsen, Jeremiah (2020, December 29). Minneapolis Police Disciplinary Changes. *Minneapolis KARE 11 News*: <https://www.kare11.com/article/news/local/minneapolis-police-announce-disciplinary-process-changes/89-7eb47ff3-8125-4c3c-839f-dc0df7bced92>.

[5] Fox 9 News (2018, September 6). Prosecutors: Mohamed Noor's work history shows 'reckless disregard for human life'. *Minneapolis-St. Paul Fox 9 News*: <https://www.fox9.com/news/prosecutors-mohamed-noors-work-history-shows-reckless-disregard-for-human-life>; Jany, Libor (2018, September 6). Filing: Mohamed Noor raised red flags among psychiatrists, training officers; Report shows psychiatrists, officers had their concerns. *Minneapolis Star Tribune*, <https://www.startribune.com/judge-rejects-motion-to-seal-medical-records-in-trial-for-officer-who-killed-justine-ruszczyk-damond/492518991/>.