



The Best Way to Jam Cops Up— Negligent Supervision

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Many supervisors believe that it is their job to look out for their officers and to protect their people to the best of their ability. This is a noble goal for leaders in an occupation that often invites unfair, after-the-fact criticism of officers who may have made a mistake when faced with a split-second decision under tremendous stress. However, **there is always a danger that, despite their good intentions, police supervisors may forget that the people that cops need to be protected from the most, from an administrative standpoint, is themselves.** More than the chief or the sheriff or the command staff or the Internal Affairs Division or the media, it is the individual officer, and the risk that bad habits will advance *from minor league stupid to major league dangerous*, that poses the greatest risk to an officer's career. Therefore, **the best protection that supervisors can offer those that they lead is to address officer performance issues in a way that provides much needed, though often unpleasant, “wake-up calls” as early as possible.**

The Case of the Negligent Sergeant

Several years ago, a sergeant who was attending one of my training sessions approached me during a break to ask a pointed question about a different training that I would be conducting at a later

date at that same training location. “I saw that you have a training called *Confronting the Toxic Officer*. Did I read that right?” I confirmed that he had read correctly, and I mentioned that it was a training I conducted frequently.

“OK, because you don’t need to take a class on what to do with a shit bird officer.”

“That’s bad news for me,” I said, “since I’m the one doing the training.”

“No,” he said, “I’m serious. That’s stupid. You know what you do with a shit bird cop?” There was a long pause. “Not a damn thing. You just give him more rope to hang himself with. Let him do his thing and sooner or later he’ll step in it so bad that he’ll get himself fired. With all the cameras everywhere now? That’s it. No class needed.” And the sergeant smiled proudly and went back to his seat.

I am very glad that I met that sergeant and that he said what he did. Not because he was right or because he made a good point. Rather, because he served as a depressing but necessary reminder that sergeants like him exist in the law enforcement profession, and as an example of the laziness and disinterest in supervision that leads to liability. The fact that an individual, who has sworn an oath to protect and serve, and has taken on the additional responsibilities of supervision and leadership, would smugly brag that he does none of these things, is a sad but important illustration of foreseeable liability.

This negligent sergeant had stumbled upon an important fact—the best way to jam up an officer is usually to do nothing at all and to sit back and watch performance get worse because, after all, you tend to get more of what you tolerate. And then, after years of mistakes, policy violations, and leaving people worse than the officer found them, the officer may well do something so egregious that the department is forced to take career-ending administrative action.

What the negligent sergeant left out, however, was the fact that along the way, the “shit bird” officer will become a liability and that the damage done by the officer may well be very costly—in the court of law, the court of public opinion, or both. The very same type of negligence that leads to a high-profile incident of misconduct and the associated legal liability often serves as a prime example of ethical leadership failure.

The negligent sergeant *also* failed to grasp the likelihood that his own negligent supervision would likely lead to depositions and court testimony during which he would be forced to answer for his supervisory failures as part of a lawsuit.

The negligent sergeant was bragging about exposing his agency to legal liability and failing his officer. That officer may have been savable. The damage done to the department and the public by the officer's actions may have been preventable. The performance issues that led to the officer being labeled a "shit bird" may have been correctable if the officer had the benefit of an engaged supervisor willing to give much needed "wake up calls" in the form of performance coaching and counseling. But the negligent sergeant's failure leaves us only with unanswerable questions about whether the officer's career was always doomed or was, in fact, salvageable.

There are, on the other hand, countless sergeants and lieutenants and other supervisors who step up and do the hard work of giving their people unpleasant "wake up calls" that they need as a way of saving careers and protecting their agencies. They are, first and foremost, meeting their ethical obligations to the communities that they are sworn to protect and serve. But it is striking to also consider how many legal liability issues would be avoided if there was a back-to-basics focus on ethical leadership and simply doing the right thing, despite **the inevitable reality that the right thing often requires much more work from supervisors.**

Jamming Up Versus Waking Up

There has long been a deeply held belief among law enforcement officers, including supervisors, that "jamming up" cops is a measure of last resort and something that should never be engaged in with any sense of joy. The definition for "jamming up" varies, but it often includes any administrative steps that result in termination, suspension, or demotion.

The reasoning behind a deep-seated reluctance to "jam up" cops is straightforward and reasonable: cops, as mentioned earlier, have an extremely difficult job and, in light of this reality, there is no benefit to "piling on" and unfairly suspending, demoting, or firing an officer who may have made a mistake when faced with a split-second decision under tremendous stress. That is to say that

there is no benefit to an officer, a department, or the community that they serve when a good cop receives unduly harsh punishment for making a human error.

There is room for reasonable disagreement on whether an uncomfortable conversation, formal write up, or even a suspension will serve as a “wake up call” or a “jam up.” But, when done the right way for the right reasons, the choice to either improve career prospects or move closer to further career damage is ultimately the officer’s to make, and the supervisor has laid out a clear path to career survival through the use of often unpleasant “wake up calls” over time.

On the other hand, when a supervisor refuses to engage in the work of corrective feedback, coaching, and counseling, the officer’s likelihood of career survival has been substantially diminished. And the first time that the officer will hear uncomfortable news may be at a termination hearing.

The most efficient, effective, easiest, and least time-consuming way to truly “jam up” a cop is not by coaching, counseling, correcting, and progressively disciplining in good faith. Rather, it is by failing to supervise. By negligent supervision. By waiting for your people to call *you* and insisting that “no news is good news.”

The best way to “jam up” a cop in the face of today’s police scrutiny is by doing nothing at all.

About the Author

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

A member of a law enforcement family dating back three generations, he serves as both Director and Public Safety Instructor with Dolan Consulting Group.

In December of 2024, he published his first book, [*Police Liability: A Guide for Law Enforcement Leaders of All Ranks*](#).

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