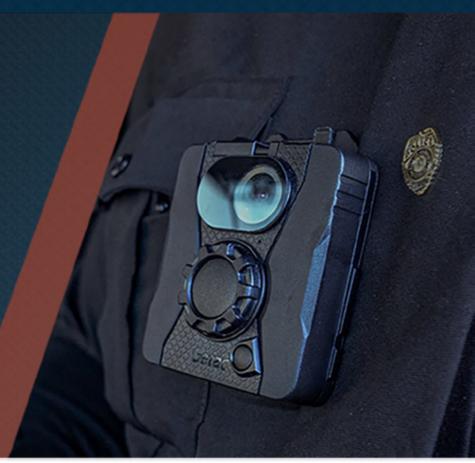




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FROM THE EDITOR

The death of George Floyd on May 25, 2020, put a spotlight on how police departments track problematic officer behavior such as excessive or inappropriate use of force and then intervene with training, discipline, or firing of officers.

Detecting negative behavior – the near misses and minor problems – before there is a serious incident increases retention, saves time and money, and reduces risk and liability for an agency.

In this digital edition, we look at how agencies can weave the duty to intercede and report misconduct throughout their policies and training to create a top-down culture that can change possible histories of misconduct into legacies of agency integrity.

We interview Dr. Ervin Staub, whose research became the genesis for Georgetown Law's Project ABLE (Active Bystandership for Law Enforcement) peer intervention program, and detail how the Denver Police Department is dedicating the resources and support necessary to bring ABLE training statewide.

We also provide a template for agencies to develop duty to intervene training and discuss how to develop a police candidate selection process that identifies those individuals most likely to become successful officers.

Integrity and accountability are the foundation of effective policing and I hope you will use the content to ensure those tenets are embraced by every officer in your agency.

Stay safe,

Nancy Perry Editor-in-Chief, Police1.com

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EVERY OFFICER MUST PREVENT OR STOP ANY MISCONDUCT BY ANOTHER OFFICER AND REPORT OFFICER MISCONDUCT WHEN THEY BECOME AWARE OF IT

By Kerry Gallegos

Some words cause me concern when I hear or read them. I start worrying when my 16-year-old says, "Before you look at the car, let me explain what happened." The words "Good morning, Mr. Gallegos. This is Agent so-and-so from the Internal Revenue Service" cause me great concern. Among the most concerning words I hear connected with law enforcement are, "The officer/deputy had a history of ..." and the sentence ends with some bad behavior, like excessive force, illegal searches or arrests, violence or anger issues, sexual misconduct, or dishonesty.

I'm not referring to mistakes made by officers where they learned a lesson and didn't repeat the behavior. The stories that worry and puzzle me are when an officer's misconduct has been substantiated several times for similar acts, and yet they are still officers.

When I learn about these stories, these questions come to mind:

- How did they stay on the job so long?
- Why didn't other officers or the agency administration intercede to prevent the pattern of misconduct?
- How many other wrongs did the officer commit that went unreported by fellow officers or other victims?

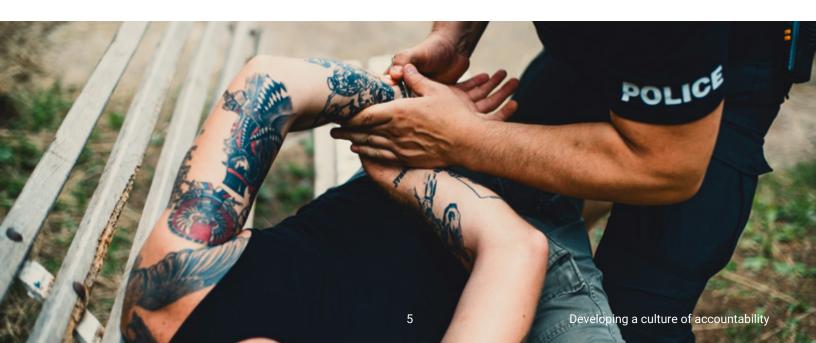
Integrity and accountability are characteristics of any occupation that calls itself a profession. And law enforcement should be the profession that others look to for examples of those traits. A mentor once told me that if we in law enforcement didn't police our profession, someone from outside would intervene and police us. So why are some officers and administrators not policing law enforcement as they should? And how does the duty to intercede help maintain or restore public trust in the integrity of our chosen profession?

What is "duty to intercede"?

Recent police reform discussions have focused attention on an officer's duty to intercede in instances of excessive force, but the concept is not a new one.

While many use the phrase to refer only to an active intervention in another officer's use of excessive force, a broader interpretation of the duty to intercede is much more useful when evaluating behavior and charting a path forward; it is an obligation for every officer to prevent or stop any misconduct by another officer and to report officer misconduct when they become aware of it.

In some jurisdictions, statutes and case law mandate the duty to intercede and report wrongdoing. But the obligation to intervene in and report misconduct is the ethical foundation of every law enforcement officer's requirement to



police themselves and the profession. Consider the Code of Ethics adopted by the International Association of Chiefs of Police in 1957:

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

Why do some officers not intercede in misconduct?

So, if officers have an ethical, and maybe even legal, duty to intercede and report misconduct, why is it that some aren't? And why are there still officers in the profession who "have a history of ..."?

An officer's perception of agency culture, friendships and even fear of retaliation, can cause them to have second thoughts about interceding in or reporting misconduct. This can be true for administrators too.

Although an officer may know interceding and reporting is the right or required thing to do, some have concerns about being labeled a "snitch" if they report misconduct. Or they may rationalize that it is not their place to say another officer is wrong in their conduct.

Managers and administrators sometimes don't address misconduct because they don't want to be the bad guys. Or maybe they feel like they won't receive support from higher up if they do.

Well-written policies reduce misconduct by boosting intercession and reporting

Agency leadership can reduce some of these challenges by developing and communicating policies that create a culture of self-policing and accountability, and by appropriately addressing bad behavior through training, discipline, or termination.

Since laws differ across jurisdictions, agency policy managers must work with their legal counsel to develop policies that comply with federal, state and local laws and case law.

Following are some areas where policy manual guidance on the duty to intercede and report misconduct may be appropriate:

THE DUTY TO INTERCEDE IS
A BEDROCK REQUIREMENT
FOR AGENCIES COMMITTED
TO PROFESSIONALISM,
SERVICE AND
ACCOUNTABILITY
THROUGH THE POLICING
OF THEIR OWN RANKS.

Use of force

Agency policy should include requirements for any officer present and observing another law enforcement officer using unreasonable force to intercede to prevent the use of such force when in a position to do so. Policy should also require any officer who observes another officer use potentially unreasonable force to promptly report their observations through appropriate channels.

Since officers engage in interactions that can rapidly become chaotic, and perspective is crucial, agencies may want to implement policy language advising observing officers to consider the totality of the circumstances and the possibility that officers using what appears to be unreasonable force may have additional information regarding the threat posed by the subject.

Finally, policies should mandate that any use of force by a member be documented promptly, thoroughly and accurately in an appropriate report. Officers should be required to articulate the perceived factors and why

they believed the use of force was reasonable under the circumstances.

Performance reviews

Agencies should have policy content that requires a periodic review of each officer's performance to look for indicators of conduct that may require intervention to correct. Performance reviews can serve as an early warning system of officer misconduct and possible training needs.

Potential early indicators of misconduct may include but are not limited to the frequency and number of:

- Use of force incidents.
- Involvement in and conduct during vehicle pursuits.
- Personnel complaints.
- Claims and civil suits related to the officer's actions or alleged actions.
- K-9 bite incidents.

- Personnel investigations.
- · Case rejections by prosecutors.
- Intentional or unintentional firearm discharges (regardless of injury).
- Vehicle collisions.
- Missed court appearances.
- Documented performance counseling.

Policies should require supervisors to monitor officer performance and take appropriate actions, such as counseling, additional training, or discipline, when discovering potential misconduct trends.

Conduct and reporting

Officers must conduct themselves appropriately and not exceed lawful peace officer powers by unreasonable, unlawful, or excessive conduct. To this end, organizational policy manuals should include language that specifically requires officers to conduct themselves, whether



on- or off-duty, according to the law and agency policies, and consistent with the agency's values and mission. Agency policy should also make misconduct grounds for discipline or termination if warranted.

Policy should also communicate an officer's duty to promptly report activities on their part, or the part of any other agency member, that resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under organizational policy.

Agencies should also require officers to promptly report any arrests, convictions and court orders, regardless of the status of the matter, that could impact their ability to perform law enforcement duties or prevent them from possessing a firearm.

Personnel complaints

The organization's policy should communicate that all complaints regarding the conduct of its members will be taken seriously and addressed per policy and applicable laws and rules. Policy should also mandate that a member immediately notify a supervisor if they become aware of alleged misconduct by any other member of the organization.

Supervisors must also be required to initiate and document complaints based upon observed or alleged misconduct. Any retaliation against any member who reports misconduct must be prohibited.

All complaints should be recorded in a tracking log that is regularly reviewed to determine patterns of misconduct by specific members or other issues that need to be addressed.

Records maintenance

Policies should require that records related to officer misconduct be maintained according to established records retention laws and rules. Policy should also allow for the retention of any prior sustained disciplinary records beyond required periods if they relate to patterns of misconduct.

Conclusion

The duty to intercede and report misconduct is more significant than one officer stepping in to prevent another officer from using too much force. It is a bedrock requirement for agencies committed to professionalism, service and accountability through the policing of their own ranks.

Such agencies weave the duty to intercede and report misconduct throughout their policies and training to create a top-down culture that can change possible histories of misconduct into legacies of agency integrity and high public trust in the policing profession. 1

About the author

Kerry Gallegos serves as a content developer at Lexipol. He is a retired chief investigator of the Utah Attorney General's Office and has over 20 years of law enforcement experience. He is a Certified Public Manager and has a master's degree in accounting, a bachelor's degree in business management and is a graduate of the International Association of Chiefs of Police Leadership in Police Organizations (West Point Leadership) program.



LAW ENFORCEMENT LEADERS RESPOND

OUR VALUES MUST ALIGN WITH WHAT OUR COMMUNITY VALUES

By Booker Hodges

conomist Thomas Sowell, who I believe is one of the smartest people on the planet said, "When you want to help people you tell them the truth. When you want to help yourself, you tell them what they want to hear." I use this quote because I am going to tell you the truth and not what you may want to hear.

I would argue as a profession that we have been very good at ensuring a culture of selfpolicing and accountability within our agencies. We already have well-established accountability frameworks in place, we just need to change the values we enforce.

Having overseen internal affairs during my career I can say most of the self-reporting has been for violations of organizational norms such as being disrespectful to co-workers, not handling calls correctly and targeting officers who simply didn't fit in for whatever reason, whereas behaviors such as disrespecting citizens are not often reported. To ensure a culture in which a broad spectrum of self-policing and accountability is ensured I suggest the following:

- Alignment of neighborhood values and organizational culture: Whatever your neighborhood defines as "respect" is the core value of your community and should become a cultural and organizational norm of the police department. Cultural norms are self-policed within all organizations, not just law enforcement, and if the core values become the cultural norm, self-policing and accountability will naturally take place.
- Leadership must reflect neighborhood values and always demonstrate those values: I say all the time that those of us in leadership have someone who is an

imitation of us. You are fooling yourself if you think you don't because you had one of those in charge when you were coming up through the ranks. The good part about this is you get to control the imitation people have of you. If the leader imitates neighborhood values in public and behind closed doors, they become cultural norms and self-policing naturally occurs. If you think this is not true just look at the companies that are consistently rated as the top places to work by their employees. They typically have one thing in common and that's a leader who exemplifies organizational values in public and behind closed doors.

Provide clarity of cultural values:

This may be the most important of the three suggestions. To have a culture of accountability, it must be clear to everyone where the lines on the field are. When this clarity is not in place, confusion exists, which in my opinion is how we got where we are in the first place. Those in law enforcement are rule followers but, when the rules are not clear and don't apply to everyone, it's difficult to achieve a culture that self-polices in a manner the public expects.

We already have the framework in place to selfpolice and promote accountability. We need to make sure our values are in alignment with our neighbors so our culture of self-policing and accountability is reflective of what both our neighbors and we should expect from the noblest profession on the face of the earth.

Booker Hodges currently serves as assistant commissioner of law enforcement for the Minnesota Department of Public Safety. He is the only active police officer in the history of the NAACP to serve as a branch president.

LAW ENFORCEMENT LEADERS RESPOND

FIRST-LINE SUPERVISORS PLAY A CRITICAL PART IN SHAPING CULTURE

By Deputy Chief Nick Borges

very police agency in the nation has policies that dictate acceptable and unacceptable practices. Many policies are mirrored by state and federal law, yet we still know some departments have officers who will not intervene or hold other officers accountable when they observe misconduct.

When I was a new officer, I was taught to hold "the thin blue line." It was abundantly clear; the thin blue line was the first line of defense for the police to keep the public safe. The thin blue line represented a small number of people carrying a massive responsibility. These days, too many refer to the thin blue line as a code of silence held among officers to not tell on each other.

The first step police leaders can take to ensure a culture of self-policing and accountability is to understand the dynamics that have existed in the law enforcement profession since its inception. We know every department has an informal hierarchy. Officers with more time on the job, especially those with strong "type A" personalities, can have more influence over less tenured officers than those who hold formal rank. The informal leader will be exposed to other officers far more than anyone else in the department.

It is not that all senior officers are problematic. Most of them are great informal leaders genuinely teaching and mentoring those who join the ranks behind them. However, one negative informal leader will almost always have more influence on staff than 10 positive ones. This is a major factor that contributes to officers engaging in acts of misconduct shaped by culture that can go unchecked for decades.

As leaders, we must understand that our first-line supervisors are the most critical

component in shaping our culture. The negative senior officer only exists because a line-level supervisor has condoned the behavior – in most cases by ignoring it. To ensure our first-line supervisors are shaping the desired culture, we must demonstrate accountability at the top – starting from the chief of police and downward. The police chief must hold command staff accountable for their conduct. If that occurs, command staff will hold the line-level supervisors to account and so on. Accountability does not always equal discipline. Sometimes it means having the courage to tell someone they are off track and need to get back on board.

OUR FIRST-LINE
SUPERVISORS ARE
THE MOST CRITICAL
COMPONENT IN SHAPING
OUR CULTURE.

If equitable accountability does not begin at the top, it only breaks down from there. The only way to shape a culture where our officers take pride in self-policing and holding colleagues accountable is to show them how. The days of "do what I say and not as I do" are a recipe for failure. Why would police officers intervene when they see those above them turning a blind eye? Sometimes conversations with others can be uncomfortable. What is more uncomfortable is the shame of your agency and colleagues in national headlines and knowing you could have avoided it.

Nick Borges is a deputy chief with the Seaside Police Department in Monterey County, California.

LAW ENFORCEMENT LEADERS RESPOND

CULTURE IS CREATED THROUGH EXAMPLE

By Chief Christopher Mannino

eaders must ensure a culture of self-policing and accountability does not have a finish line that once crossed signifies achievement, but is a continual feedback loop of reflection, policy implementation, training and culture-reinforcing.

While the chief of police is ultimately responsible for ensuring that this process is ongoing, to be successful it means that the head of the organization must first be willing to have any principles that are applied to the organization apply to themselves as well. The head of the organization must be willing to abide by the highest ideals of the Police Officer's Code of Conduct and be accountable not just to their boss, whether it be a mayor or city manager or board, but also to the personnel of the organization they lead. Culture is created through example.

Reflection comes in a variety of forms but can be formalized through directed activities that encourage this process. In our organization, a yearly command staff leadership workshop is a time we use to reflect on self-policing and accountability principles through intentional activities and projects, and opportunities can also be found in staff meetings and through myriad one-on-one conversations among supervisors. One of the purposes of this directed reflection is to hold ourselves accountable as an organization. Where can we do better? How do we get there?

Policy implementation does not end with releasing the policy to the impacted personnel. It should also be incorporated into the reflection process: Is this policy achieving what it is intended to achieve? Policy loses value if it ends with distribution, but to be effective should be incorporated into training and reinforced with retraining.

"Duty to intervene" is an important component of self-policing that is a frequent topic in public discourse. All officers should be aware of their duty to intervene if they observe another officer engage in excessive force or other misconduct, but do we provide training on how to intervene? Do we acknowledge the social challenges that can exist in all professions in addressing the potential misconduct of a colleague? Do we train an officer how to step in if someone of greater rank is engaged in improper conduct?

We recently went through the process to join the Active Bystandership for Law Enforcement (ABLE) Project through Georgetown University. This free train-the-trainer project trains selected officers to instruct agency personnel on curriculum designed to prevent misconduct, avoid police mistakes, and promote officer health and wellness. While we are in the early stages of joining this project, the goal is to provide training on a concept that officers know well by written policy but which we, as a profession, have historically provided little formal guidance.

When we have made intentional choices to embrace self-policing and accountability, have policy in place to enforce it, train on that policy, and then promote those principles through our values and reflect them in the actions of our leaders, we've begun the journey of creating a healthy culture of accountability. When we make it a continual process, we're on our way.

Christopher Mannino serves as chief of police of the Park Forest Police Department in suburban Chicago. He has served in a variety of law enforcement roles throughout his career, including assignments in the patrol division, investigations division, administration division, special operations, as the field training coordinator and as a team leader with a regional Mobile Field Force.





STARTING WITH THE RIGHT CANDIDATES IS KEY TO CREATING OFFICERS WHO EMBRACE A CULTURE OF ACCOUNTABILITY

By Lieutenant Brian O'Donnell

The wave of emotion following the deaths of Breonna Taylor and George Floyd, among others,

resulted in department policy changes, legislation and training mandates that are impacting law enforcement in significant ways. Police agencies must navigate the new parameters in a way that satisfies the community and ensures officers can consistently produce the outcomes expected from them. Doing this in a meaningful fashion requires a commitment to hiring the proper people and providing the proper training.

Identifying police officer tasks

The first step to understanding the qualities and characteristics a police officer requires to meet

performance expectations is to define the role they are tasked to fill. A defined role allows a given community, or society more broadly, to hire and develop officers suited to performing the tasks inherent in that role.

Officers are often taught that they must be "in charge" of a situation and that resolving conflict or calls for service is incumbent on their ability to control a scene. While this can be true, officers are routinely put in a position where people view them as leaders because of the officers' positional authority and perceived expertise.

Some officers view themselves much the same way and begin to act in a manner consistent with historical beliefs: their position of leadership is derived from their authority, where they must perform and they must win, and that there is a hierarchical relationship that places the officer above the citizen. [1] These beliefs can result in conflict, creating an environment of mistrust between law enforcement and the community they serve. Both the warrior and guardian approach to policing serves to magnify an already unequal power dynamic and create an emotional separation between officer and citizen.

Officers as civic leaders

Positioning officers as civic leaders re-focuses the police-citizen paradigm by explicitly embracing a leadership model where officers view themselves as members of the community – not apart from the community. Officer behaviors are focused on community problem solving and community members are viewed as integral components of that focus – as important and necessary for helping ensure the public good as the officers themselves. Notably, this requires compassion and empathy on the part of the officer.

The role of civic leader demands the officer to be both diplomat and warrior, a creative problem solver who is comfortable with violence or the threat of violence, who simultaneously works with and cares about the community – these are not mutually exclusive traits or beliefs. It must be understood, however, that the police should not answer every community call or be involved in

every community member's problem. If an issue does not rise to a level where force may be the answer, then the community must work to solve these issues themselves – although the officer can direct citizens to more appropriate resources.

The civic leader model minimizes the unequal power dynamic, creating the circumstances by which using positional authority as a coercive measure becomes less common and increases the community's confidence in officer interactions.

POSITIONING OFFICERS
AS CIVIC LEADERS
RE-FOCUSES THE
POLICE-CITIZEN
PARADIGM BY
EXPLICITLY EMBRACING
A LEADERSHIP MODEL
WHERE OFFICERS
VIEW THEMSELVES AS
MEMBERS OF
THE COMMUNITY.

Reviewing the selection process

Not everyone can be a surgeon. Mechanisms ensure only those doctors who meet certain criteria and are sufficiently qualified become or maintain their status as surgeons.

In the same way, not everyone can, or should, be a police officer. There are currently mechanisms in place that purport to control the quality of officer who is placed in the community, but they are often insufficient for finding the best candidates and undermined by valuing quantity over quality.



It is easy to dismiss the comparison between the abilities of a surgeon and police officer but look more carefully. Most people never need a surgeon, some have frequent need. Most people never need the police, some have frequent need. The performance by the surgeon or officer can have outstanding results or mild to deadly consequences. Either way, when one or the other is needed, people always want the best – the brightest, most compassionate and most skilled for the job.

The decision to hire someone is based on the belief that they possess the ability to successfully perform the job. It is a predictive process that is certainly not infallible. Police hiring is largely based on four factors:

- Meeting initial qualifications;
- Successful completion of an assessment (mental aptitude and physical fitness);
- Successfully interviewing (usually a panel of department personnel);
- Passing a background check.

The minimum criteria must be reviewed. Raising the minimum age to enter policing to 25 years of age would allow for the applicant's brain to be more fully developed, potentially mediating impulsive behaviors that can cause negative policing outcomes. [2] It would also allow for the candidate to have some real-world experience outside of high school or college settings, providing heightened insights into the dynamics of commonly observed calls. More life experience translates into a better understanding of events and an officer's ability to "make complex decisions based on uncertain or confusing information." [3] This would be of great value to officers, especially newer officers.

Successful completion of a physical fitness test, mental aptitude test, and the completion of a background check and psychological profile provide some useful initial information. They do not provide sufficient insight into many of the most important attributes of outstanding police officers: creativity, resilience, compassion, the ability to assess situational demands and decision making. [4] More importantly, they do not identify how a person responds to stressful events —



LAW ENFORCEMENT'S SELECTION AND ASSESSMENT PROCESS SHOULD EVALUATE AN INDIVIDUAL'S TEMPERAMENT AND APTITUDE BEFORE THEY ATTEND A POLICE ACADEMY.

which drives all the other attributes. Combined with the reality that face-to-face interviews tend to be a poor predictor of future performance, an additional mechanism for finding those most suited to policing must be implemented. [5]

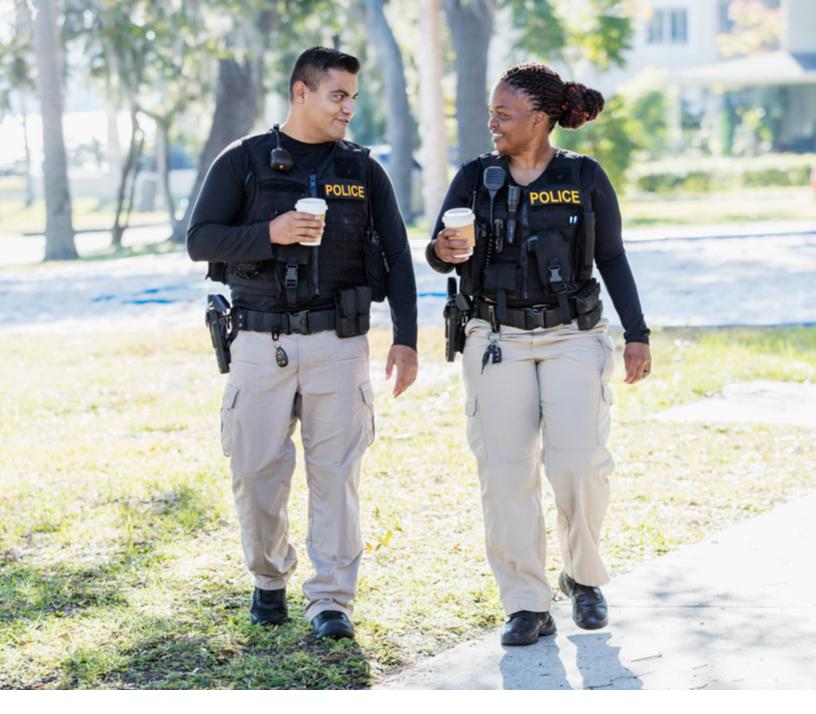
Evaluate temperament and aptitude

Law enforcement's selection and assessment process should evaluate an individual's temperament and aptitude before they attend a police academy. This process would be unlike a typical military-style boot camp approach or a high-stress police academy, which are designed – in part – to inoculate a person against interpersonal, internal and environmental stressors while simultaneously imparting knowledge, skills and abilities.

The selection and assessment program would be deliberately limited in scope, its purpose not skill development. Rather, it would be designed to analyze how a participant responds emotionally, cognitively and behaviorally within a stressful, deliberately ambiguous environment. This is particularly important because "By the time we're adults, most anger, resentment, anxiety, and reactions to stress are conditioned responses."

[6] Identifying under what circumstances these responses are produced would be invaluable for selecting potential officers.

As important is how receptive a participant is to instruction and their learning capacity would be evaluated. Participants would be required to complete group and individual problem-solving tasks that would reveal individual traits, cognitive



function and communication skills under a variety of constraints devised to induce stress.

If a person becomes irritable and short-tempered when they are tired or hungry, it would be good to know before a hiring decision is made and that irritability manifests itself as inappropriate police conduct. For example, most people know someone who is difficult to be around, who lashes out and shows diminished emotional control when they do not get enough sleep, miss a few meals, or are quick to anger when they feel slighted. These people tend to make rash decisions and engage in hostile interactions that might have dire consequences in a policing

context. Even if an individual can refrain from exhibiting these behaviors in a public setting, they can manifest as behavioral problems within a department, which can become toxic over time. Both are to be avoided.

This type of selection program would benefit from a preselection tool that would measure an applicant's psychological hardiness, such as the Dispositional Resilience Scale-15. [7] The test offers insights into a candidate's ability to not only complete a demanding course, [8] but high measures of psychological hardiness appear "to be an important individual characteristic associated with stress tolerance

and successful performance in highly demanding occupations." [9]

Those who demonstrate the appropriate levels of desired qualities – intellect, discipline, sound decision-making, patience, compassion (measured as concern for others), resilience and teachability will be chosen to go to an academy or continue at an academy if the selection program is post-hire. A person can be taught strategies for navigating and resolving stressful events, it is harder to change the impact of a person's temperament or preconditioned responses to stressors or change a person's approach to decision-making processes. Adding a selection and assessment component to the current practices would ensure the best chance of finding officers who possess the proper qualities and temperaments to be successful.

If meaningful reform is truly wanted, then improving the quality of officers is paramount and a robust initial selection and assessment program that identifies candidates most likely to produce successful officers is necessary. Departments and communities would be better for it. 1)

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About the author

Brian N. O'Donnell is a lieutenant with the City of Charlottesville (Virginia) Police Department. He served as an infantry officer in the United States Marine Corps and has served as a police officer with the Charlottesville police department for over 24 years. He has a B.A. in economics from Northwestern University and an M.S. in Criminal Justice from Liberty University. Lt. O'Donnell is a 2016 graduate of the University of Virginia's National Criminal Justice Command College, earned the Advanced Specialist designation by the Force Science Institute in 2018, and became an IADLEST National Certified Instructor in 2020. Lt. O'Donnell is currently assigned to the Patrol Division as the 2nd Shift Commander.





Q&A

DEVELOPING ACTIVE BYSTANDERSHIP IN LAW ENFORCEMENT

WITH DR. ERVIN STAUB

By Jim Dudley, Policing Matters Podcast

Dr. Ervin Staub studied the roots of violence between groups after living through the horrors of Nazism and then communism in Hungary. He received a Ph.D. at Stanford, and taught at Harvard, before moving to the University of Massachusetts, Amherst. His best-known book is "The Roots of Evil: The Origins of Genocide and Other Group Violence," in which he explores the psychological, cultural and societal roots of group aggression. He is past President of the International Society for Political Psychology, and of the Society for the Study of Peace, Conflict and Violence.

After the Rodney King incident in 1991, Dr. Staub was invited to create a peer intervention training program for the LAPD with the goal of lowering the number and degree of uses of force. Then in 2014, he and other consultants assisted the New Orleans Police Department's in developing EPIC (Ethical Policing is Courageous) training, designed to educate, empower and support patrol officers to play a meaningful role in "policing" each other.

Georgetown Law's Project ABLE (Active Bystandership for Law Enforcement) peer

intervention program builds upon EPIC and Dr. Staub's research to prepare officers to successfully intervene to prevent harm and to create a law enforcement culture that supports peer intervention. There are currently 169 ABLE-certified agencies representing 38 U.S. states and three Canadian provinces. ABLE agencies have 111,800 officers, serving 65.8 million community members.

Part of Dr. Staub's training involves conducting live role-playing scenarios of an incident that gets so out of control that it requires one officer to physically intervene to stop the actions of another officer. I recently spoke with Dr. Staub about how law enforcement can develop a culture that supports active bystandership. This is an excerpt from our discussion. Click here to listen to the complete interview.

Jim Dudley: What was the basis of the training that you've created for police?

Dr. Ervin Staub: I have done a lot of research on what leads people to be active bystanders when somebody else is in need or remains passive. Some of this research is used in ABLE trainings.

Our behavior is influenced by our experiences growing up in our families and how we are socialized, as well as our experiences with teachers and peers. Through this, people develop a feeling of responsibility for other's welfare. Many studies have found that to be the most important influence that leads people to help others. But it's not only who we are. It's also our circumstances. Our circumstances can focus responsibility on us or away from us.

One of the things we talk about in the training is inhibitors of active bystandership. So, when we are in a situation when something happens and there are several people around, even if you have the inclination to help, we may feel that other people can help. This is what we call the diffusion of responsibility where each person looks around and sees the other people looking concerned and thinks "there is no reason for me to do anything." However, a single person saying something, like "this is bad," or "what's happening here" indicates concern and can activate other people to act. So even if we ourselves don't act, what we say can be very important in influencing whether people will act or not.

Jim Dudley: How do we develop active bystandership within law enforcement?

Dr. Ervin Staub: For active bystandership to work with police, there must be cultural change because traditional police culture advocates supporting your fellow officer no matter what that officer does. So, if that fellow officer is attacking someone, the general culture says that you don't stop and ask yourself how legitimate the action is, but you join and "support" your fellow officer.

However, real support means stopping that officer from doing unnecessary harm, because you are not just stopping a civilian from being harmed. You are also making it less likely that a police officer loses his or her job. It makes it less likely that a police officer will get criminally prosecuted. It also makes life at a police department better because there certainly are some officers who are when some people

engage in unnecessary harm other officers feel uncomfortable and don't like it.

Jim Dudley: What is involved with the active bystandership training?

Dr. Ervin Staub: We train officers to start with a very mild intervention and escalate only if necessary and only as much as necessary. There was one incident in which a police officer got all heated up at the time of a demonstration about Confederate statues and he seemed to be about to charge demonstrators. A fellow officer just put his arm around his shoulder and calmed him down, so he did not do it.

The issue of escalation is important. We know that one of the officers involved in the George Floyd incident was a rookie and Derek Chauvin was his training officer. This officer tried to do something and asked Chauvin if it was a good idea to be on the neck of George Floyd for so long, but Chauvin brushed it away. If that police officer had the benefit of our training, he most likely would have escalated. He might have done something that we are also advocating, which is that you turn to other officers and invite them in as allies. Then the whole dynamic of the situation changes. But this officer was a rookie. He was not trained. So, after his initial attempt to intervene, he stopped.

Jim Dudley: What are you trying to impress most upon police officers?

Dr. Ervin Staub: We can get so absorbed in the task we have at hand, that we forget about other people. We are overwhelmed by the goal we have in our minds. So, we can train people to better deal with feelings of stress in the moment. One way we do that is to talk to them about the physiology of breathing and how to breathe in a way that can relax them. This training also includes active bystandership in relation to other officers. If you see another officer stressed, upset or distressed, we train them to help engage and support that officer.

Jim Dudley: When we talk about how an officer reacts to an authority figure telling them to do something, can we train away that tendency to defer to a senior officer?

Dr. Ervin Staub: The first thing we do is train the top-level officers in the department. In New Orleans, the police chief wore this little pin that everybody got after the end of the training. He said, "I am wearing this to tell my officers that if I do something inappropriate, they can intervene on me."

The other important thing is role play. When somebody has difficulty engaging in certain kinds of behavior, they also have difficulty in role play, but in role play, you can engage, you can repeat, and you can learn. I think that that's very important and very beneficial.

Jim Dudley: What's the touchstone for an officer to recognize risky behavior within themselves or others?

Dr. Ervin Staub: Two things come to mind. The more officers role play risky situations and learn to make good judgments, the better. The other is collaboration. When there is more than one officer on scene, each officer must look and make judgments about the situation. Pooling judgment is extremely valuable and important. We are all fallible, aren't we, and we can all make mistakes, but if other people express their perception of the situation, and what is the appropriate response, maybe those mistakes can be avoided. **1**)

About the Author

Jim Dudley is the host of Policing Matters, a weekly law enforcement podcast that covers the latest news and critical issues impacting law enforcement. Listen on Apple Podcasts, SoundCloud, or the podcast player of your choice.





STRENGTHENING A CULTURE OF BYSTANDERSHIP

IN COLORADO

UNIFYING WHAT LOYALTY MEANS IN POLICING TODAY AND UNDERSTANDING **HOW POLICE OFFICERS EXPERIENCE THE SAME INHIBITORS TO INTERVENING AS EVERYONE ELSE**

By Elisa DiTrolio

The first Colorado law enforcement agency to become an ABLE agency, the Denver Police Department (DPD), is paying it forward by dedicating the resources and support necessary to bring this transformative program statewide.

EPIC program prompts discussions

Less than one year ago, a fact sheet circulated around the department about the New Orleans PD EPIC Program, prompting discussions on whether this could be beneficial for the department.



ABLE REQUIRES A
CULTURE SHIFT, A NEW
WAY OF THINKING
AND ACTING ON
LOYALTY THAT MUST
BE EMBRACED FROM
THE BOTTOM-UP AND
THE TOP-DOWN.

DPD had some progressive milestones already under its belt – officer wellness and peer support, a use of force policy revised in collaboration with community members, and a longstanding anti-retaliation and duty to intervene policy – so,

was it necessary to add another training on top of an already mounting schedule in the wake of the George Floyd protests and recent legislative changes? Would it just become an afterthought a year from now?

But EPIC, which at that time was in the process of being expanded by Georgetown University Law Center into the ABLE Program, immediately seemed different. In the height of the pandemic, virtual open houses and conferences were offered to provide more information about the program in lieu of in-person gatherings. Dr. Ervin Staub talked about years of research on why some people intervene and others do not; a police officer spoke about his father, a former police officer himself, who succumbed to alcohol abuse; and the New Orleans Police Department (where EPIC originated) spoke in detail about how their department had been transformed through meaningful active bystandership training and practice.



It clicked. The moral and legal obligation to intervene is driven into the minds of officers beginning in the academy and throughout their careers. Most police departments have a duty to intervene policy and now any police officer in Colorado who witnesses misconduct by another officer now has a legal duty to intervene. But there was no avenue to learn and practice the skills and tactics of intervention. We haven't been teaching officers how to intervene. Furthermore, we have been overlooking the fact that police officers experience the very same inhibitors to intervention as everyone else.

While policing is in many ways the definition of active bystandership – officers run toward danger while most of us would likely run away – officers experience powerful inhibitors to intervening to prevent mistakes, misconduct and promote wellness when it comes to their peers. Adding in the dynamics of a hierarchical organization, one might argue that inhibitors for police officers are

even more pervasive. This is where holistic peer intervention training can make a difference.

ABLE requires a culture shift

Before signing up to join the growing cadre of ABLE agencies (there are more than 150 across the United States so far, including Dallas, Boston, Cleveland, Washington, Seattle, Orlando, the New York, and, of course, Denver), police departments should understand that this is not just a training. ABLE requires a culture shift, a new way of thinking and acting on loyalty that must be embraced from the bottom-up and the top-down. New Orleans PD's peer intervention philosophy did not stop at their training academy. They incorporated and promoted EPIC in the day-to-day management of their department, and they have been successful as a result.

This is strongly echoed in conversations with ABLE leadership. The program standards

required for membership into the program exist to ensure ABLE is implemented meaningfully and with fidelity. Referred to as the "price of admission," it is a small price to pay (the program itself is free) to become skilled in preventing harm to community members, saving the lives and careers of police officers, and improving police-community relationships.

ABLE implementation

Following several months of planning to include establishing an advisory group, selecting ABLE instructors, launching a communications campaign and training command staff, the Denver Police Department is now in the middle of ABLE implementation.

With any adoption effort, buy-in will not be achieved easily or steadily, but we have been encouraged by the number of our officers that so quickly gravitate to this new way of thinking about preventing harm. This reaction by members of the department fuels our efforts to act deliberately to integrate ABLE into the Department's current culture. We recognize that without such deliberate steps, our implementation of ABLE will not be as successful as it could be.

Creating a network of bystandership

AS DPD continues to move forward with integrating ABLE throughout the department, it is also focusing on building a network of bystandership across Colorado. DPD will host a convening of local, state, and federal law enforcement agencies to discuss collaborating on expanding the Active Bystandership for Law Enforcement (ABLE) statewide.

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At every angle – internally, from the bottom up and the top down, and externally, from the outside in – the very nature of policing is at a pivotal point. While DPD is not naïve to think that ABLE will solve every problem facing law enforcement, we are confident it will play a critical role in meeting the needs of our community members AND our officers. We also believe that ABLE will give our community members and officers further confidence that the DPD's embrace of active bystandership is serious. We are confident that through ABLE and the other efforts underway within the DPD, active bystandership will become a routine part of everyday policing. 1

About the author

Elisa DiTrolio is the ABLE program manager for the Denver Police Department. Read more about the department's implementation of the ABLE Program here.

LAW ENFORCEMENT LEADERS RESPOND

PERSPECTIVES CHANGE WHEN YOU ARE ON THE TABLE

By Sgt. G Michael Vogler

Like most of you, I'm a control freak. If I'm in control, I know the job will be done right, and failure isn't an option. I believed that being open to suggestions, especially from someone junior at best, is a sign of indecisiveness. At worse, it can put our mission at risk. We have a chain of command for a reason. Venturing outside the chain jeopardizes our time-tested process. Fate can be cruel and give us exactly what will push our buttons and teach us the lessons we need to learn.

Despite my beliefs that I'm still one of the young guns, my middle-aged body is telling me otherwise. When I developed a pinched nerve in my neck, I tried to work it out independently. When that didn't work, I gave physical therapy a try. After a year, even that didn't help. Reluctantly, I made an appointment with a neurologist to see what was next.

Even after 25 years as an officer, I have never been as scared as when the doctor described inserting a needle between my vertebra and injecting a steroid right next to my spinal cord. The list of possible complications, including puncturing the spinal cord, just about had me running for cover. Of course, he said not to worry since a live X-ray would guide him while he is poking around inside my spine.

This is happening at the same time I'm being introduced to the Active Bystander for Law Enforcement (ABLE) program. As I heard about the program, I thought about how ABLE would have been beneficial training for how to better intervene on "that guy." I didn't give the program any thought about intervening on myself or the officers who are squared away. That's why I was surprised when I heard my neurosurgeon giving his supporting staff permission to ABLE him.

In the procedure room was the surgeon, a couple of nurses, X-ray tech and an X-ray tech student. In my amateur estimation of the medical hierarchy, neurosurgeons are near the top. I'm picturing Dr. Strange before the superpowers. I wouldn't expect someone prone to making mistakes choosing that as a specialty.

I was listening to the surgeon go through the checklist, which seemed normal enough. He was verifying everyone on the team understood what procedure they were doing on me. What came next was the ABLE surprise. The neurosurgeon clearly and openly gave permission to everyone, including the X-ray tech student, to stop the procedure if they saw a problem or believed he was making an error. It wasn't just the words he said. The tone made it clear, he was serious. This quick minute of conversation wasn't just part of the script. He made it clear that he was not above making a mistake. He was human. He established that my safety was more important than anyone's position and ego.

Back at work, I reflected on the experience and compared it to ABLE in practice. Like the medical profession, policing is about people, both citizens and officers. Does the culture in your agency value people over rank and egos? What about your detail? What about you?

I commit that I will gratefully accept intervention from any officer who sees me making a mistake, engaging in misconduct, or needing wellness assistance. My ego will recover, but my career, home and family may be gone forever without a fellow officer who truly has my back. 1)

About the author

G Michael Vogler is a sergeant in the Denver Police Department's Training Division.



OFFICERS MUST BE TRAINED IN HOW TO VERBALLY DE-ESCALATE AND PHYSICALLY INTERVENE WHEN ANOTHER OFFICER LOSES EMOTIONAL CONTROL

By Captain Rod Davis Sr.

Do officers have a responsibility to intervene when a fellow officer loses emotional control or uses excessive force? The answer is obvious: Officers have an ethical, moral and in many cases, policy-driven reason to do so. But why is it that many officers do not intervene or attempt to de-escalate? Here are some reasons:

- Peer pressure
- Fear
- Prejudice/bias
- Apathy
- Not recognizing they are empowered to act

- Lack of training/understanding
- Agency culture

What if Derek Chauvin's fellow officers had intervened to make sure that once George Floyd was restrained, that he was immediately moved to his side or an upright position? Sadly, there are too many examples of officers not intervening when other officers lose their cool or use excessive force. Appropriate and timely intervention can save a fellow officer and their department from personal and professional embarrassment, loss of community trust, and civil and criminal prosecution.

In these situations, officers are either part of the problem or part of the solution. Officers must

be authorized and trained on how to verbally de-escalate and physically intervene regardless of rank or seniority. Such intervention requires fortitude and both professional and personal courage. A "duty to intervene" training day can help develop these intervention skills.

Duty to intervene training scenarios

Each training scenario requires role players, an evaluator and a safety officer.

Before the training, your agency must develop a department-wide verbal intervention signal. At the sheriff's office I retired from the intervention signal was "your shoes are untied." That would be the signal to move from the contact position to a position of cover or to move away from the core event. Whatever the signal, your department must develop one.

Scenario 1: First Amendment auditor

A backup officer (trainee) is sent to a local post office to back up an officer (role player) who had been dispatched for a suspicious person call.

Upon their arrival, they observe the contact officer talking with a man in the parking lot, who has his cellphone in hand filming the interaction. The man had been lawfully filming post office activities from a public sidewalk.

The first officer is arguing with the man, demanding his ID and that the man stop filming him. The man is refusing and loudly protests the violation of his First Amendment rights. The contact officer then moves in close to the man and attempts to forcefully remove the cellphone from his hand.

In this case, both the backup officer and the first responding officer are aware of the designated verbal intervention signal.

Expected outcomes

- Request for non-emergency backup.
- Backup officer's announcement of their presence.

IDENTIFYING STORM WARNINGS

While it is important to be aware of warning signs in other officers, it is equally important to be self-aware. Identifying ahead of time the signs that can indicate an officer is being triggered is critical.

These "storm warnings" can include:

- Loss of emotional or physical control
- Flushed face
- A negative change in tone or demeanor
- Uncontrollable yelling or screaming
- Using profanity
- Overly militaristic behavior
- Impatience
- Competitiveness
- Argumentative
- Spitting while talking
- Moving in too close
- Rigid body language
- Making bogus, unrealistic threats
- Stammering, stuttering or not making sense
- Being physically abusive or aggressive
- Zoned out
- Being overly calm and cool, out of context for the situation

- Use of the verbal intervention signal.
- Soft physical contact to the officers' elbow, shoulder, or duty belt to provide safe separation.
- Appropriate use of distance to separate the officer from the core event.
- Request or notification of supervision.

Scenario 2: Traffic stop

The backup officer (trainee) arrives to find the officer (role player) who initiated a traffic stop in a loud verbal confrontation with the driver of the stopped car, along the roadside. The first officer had moved in close and is verbally abusive to the driver, who loudly complains to the backup officer about the officer's behavior.

As the backup officer approaches the scene, the first officer accesses their baton (foam training baton) and starts to strike the driver on their arms and legs. The driver then drops to the ground into a fetal position loudly yelling for help, as the officer continues to strike them with the baton.

In this case, the backup officer and the officer who conducted the traffic stop are aware of the prearranged intervention signal.

Expected outcomes

- Immediate request for backup.
- Backup officer's loud announcement of their presence.
- Use of the verbal intervention signal.
- Physical contact or restraint to provide safe separation.
- Maintain control of the officer's baton.
- Appropriate use of distance to separate the officer away from the core event.
- Provide aide to the driver.
- Request for medical assistance.
- Request or notification of supervision.

We used this same scenario when I served on a use of force training committee for the Virginia Department of Criminal Justice Services. We were training use of force instructors from all over the state at the time. It went very well.

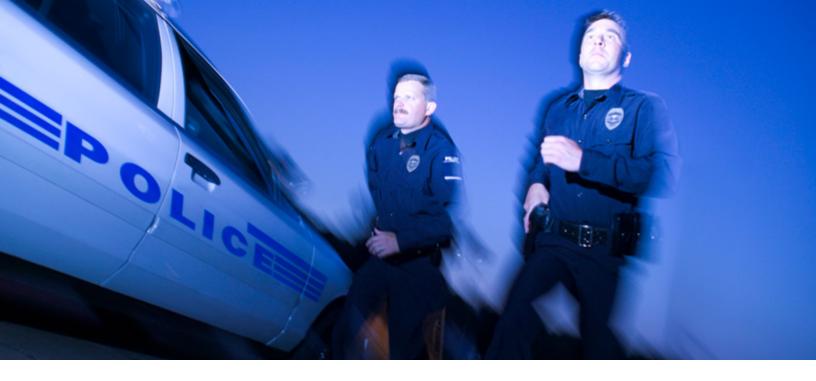
How to intervene

Once storm-like behaviors are recognized it is critical to act as quickly as is safely possible.

- Call for backup. Depending on the situation, it could be exceedingly difficult to manage your fellow officer and the core event.
- Move in slow, from an angle. If possible, identify yourself and softly touch the officer's shoulder, telling them that you have got it. Ask them to take a step back. Verbally reassure them that everything is OK. If they are in a high emotional state, it is best to get them as far away as possible from the core event. Distance can be your friend. The further the officer is moved away from the core event, the quicker de-escalation can occur.

If touching the shoulder does not have the desired effect, here are two alternative approaches:

- Move in slow, identify yourself. Softly contact the officer's elbow to escort them away from the core event.
- Move in slow, identify yourself. Grab the back of the officer's duty belt and gently pull them back and away while maintaining physical contact.
- Be prepared for physical resistance. If the officer is physically violent, restraint techniques may be required to get things under control. Be aware that they may respond in anger or be assaultive.



After the event. Once the officer
has calmed down, encourage selfaccountability and recommend the officer
self-reports to their immediate supervisor.
It is always best if the supervisor hears
about the incident from the officer
involved first.

Intervention in action

There are some good examples of officers intervening.

During the riots in Ferguson, Missouri, fellow officers intervened when an officer unnecessarily pointed a rifle at media and protestors. One officer grabbed his belt from the back, while the other gently took control of one of his elbows to walk him to safety.

In April 2021, a Southern California officer physically intervened when a fellow officer punched a handcuffed woman.

There are also cases where intervening officers were assaulted during interventions of excessive force. In 2006 a Buffalo, New York officer was punched and injured by a fellow officer as she intervened to stop the officer from choking a handcuffed suspect. She was also fired and later reinstated.

Most officers agree with the premise of intervention. A 2017 Pew Research study found that while most officers say their use of force policies and procedures are appropriate and helpful, 84% said that fellow officers should be required to intervene when they believe another officer is about to use unnecessary force.

Training should take place to provide officers both the verbal and physical skills they will need to intervene. Doing so will encourage and develop a culture of peer accountability; enhance public perception and trust; prevent embarrassment; and reduce civil and criminal liability. If we genuinely care about each other, our profession and our communities, then we will truly strive to be each other's keepers. 1

About the author

Captain Rod Davis Sr., retired from the Stafford County (Virginia) Sheriff's Office after more than 40 years in law enforcement. He has over 30 years of experience as a law enforcement/corrections defensive tactics instructor in Virginia and previously served on two curriculum review committees for the Virginia Department of Criminal Justice Services, developing training requirements for use of force and control tactics for Virginia's law enforcement and jail officers. He is a co-founder of Special Combat, Defensive Tactics USA, located in Mechanicsville, Virginia.

HOW BODY-WORN CAMERAS, IN-CAR CAMERAS AND **VIDEO MANAGEMENT SOFTWARE CAN IMPROVE POLICE TRAINING** AND ACCOUNTABILITY



AN ALL-IN-ONE APPROACH TO POLICE VIDEO



By James Careless

The ability of body-worn cameras (BWCs) to capture police interactions for all to see is motivating many jurisdictions to make their usage mandatory. BWC footage can be extremely helpful in training officers, and the appeal of this technology to the public and law enforcement agencies alike is understandable.

This said, BWCs and their footage alone is not as effective if you do not have an evidence management platform to help you collect and categorize the footage for training material. The usefulness is further enhanced when these tools are connected to an in-car video system that integrates fully.

The power of BWCs

Because they record interactions from a police officer's point of view, BWCs provide unmatched documentation of police-public interactions. The best BWCs, such as Getac Video Solutions' new BC-03, offer features such as full HD (1080p) wide-angle video coverage even in low-light conditions, with extra power provided by an extended battery along with the ability to livestream this video via 4G LTE cellular networks. The BC-03 is also tough enough for police work, having been built to MIL-STD 810G standards for ruggedness and durability.

The real-life video captured by BWCs like the BC-03 is extremely useful for training new officers and helping those on the job make even better decisions. This is because BWC video documents

not just what happened during incidents, but how the action unfolded from start to finish.

For trainers, BWC video allows them to show police cadets what happens on the street, both in terms of situations they may encounter in the line of duty and the dilemmas they may face in managing them professionally. Meanwhile, equipping cadets with BWCs allows trainers to accurately assess their responses in role-playing situations. This gives trainers the ability to spot unhelpful behaviors early on and maximizes the opportunity to correct them during the training process.

BWC footage can also be constructively useful in supporting after-action reviews by officers already on duty. Being able to see what transpired allows police commanders to correct inappropriate behaviors and reinforce effective ones. This footage can be shared with other authorities and the public (as appropriate) to provide credibility and transparency to the police's version of events. Nothing tells the truth like verified, unadulterated video.

BWCs are not enough

As useful as BWCs are for capturing police-public interactions, there are a range of interactions that they could miss. This is because a lot of action occurs inside police vehicles where BWCs are typically not used, as well as outside these vehicles before officers can activate these units.

This is why vehicle-mounted cameras are an essential complement to BWCs for accountability, evidentiary, and training purposes, to record what happens both within the vehicle and outside the vehicle. To support these needs, Getac Video Solutions makes a number of law enforcement in-car cameras. They include the ZeroDark HD Fixed Focus wide-angle camera (also available in a Dual Lens version) and the ZeroDark HD Infrared Backseat Camera.

The feeds from these ZeroDark HD cameras can be conveniently and safely stored using a trunkmounted Getac Video Solutions' VR-X20 DVR (digital video recorder). The VR-X20 comes with dual solid state drives that range in size and can

upload the video files to the cloud via WiFi and 4G LTE. These files can also be viewed within the vehicle using a Getac Video Solutions 5-inch touchscreen HD display. (The VR-X20 comes with its own backup battery to ensure operations even if the vehicle's own power supply is dead.)

Video management adds comprehensive access and control

BWC video files need to be easy to access and cross-reference to provide maximum usefulness as accountability, evidentiary and training tools. A comprehensive video management platform such as Getac Enterprise provides this ease of access and use.

With Getac Enterprise, officers can use their in-car touchscreen display (or other computer input devices in the field and at the station) to accurately annotate, store, retrieve, and share video files across their department. They can use the same platform to file reports and other forms of digital evidence, all while adhering to the rules of proper evidence storage and documentation. (This video explains the Evidence Data Management platform in more detail.)

An all-in-one approach to police video makes sense

BWCs are rapidly becoming a fact of police life, just like portable radios and in-car computers before them. But all BWCs are not made equal, and even high-quality BWCs that are only sold as stand-alone units have their limitations.

When it comes to purchasing body-worn cameras, law enforcement agencies should consider all-in-one police video solutions such as those offered by Getac Video Solutions to gain accountability, flexibility, and usability for their officers, departments and the communities they serve. 1)

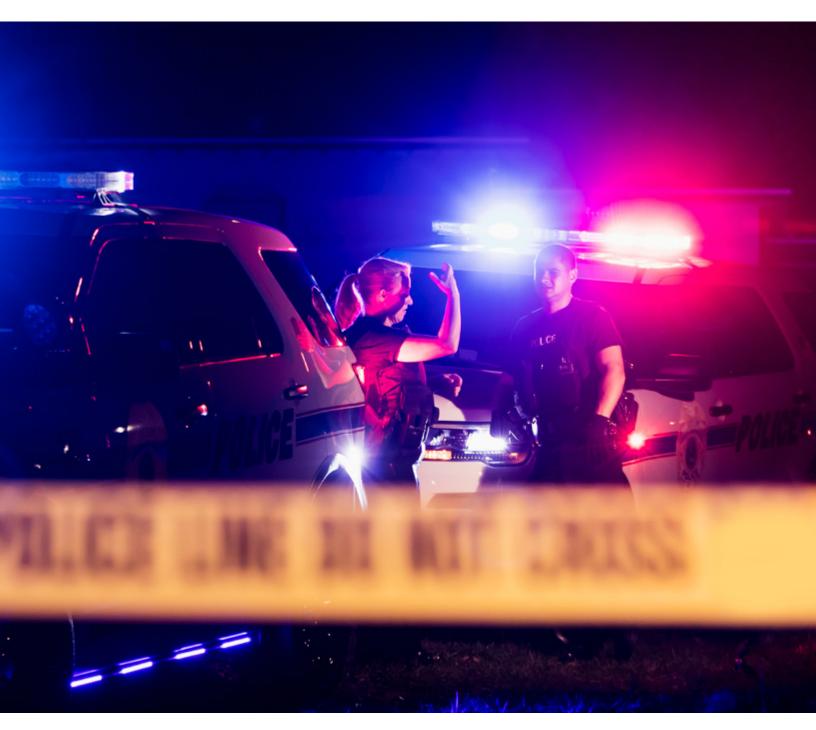
About the author

James Careless is an award-winning freelance writer who covers the public safety sector. His articles have been published in fire, EMS and law enforcement publications across North America.

About the sponsor



Whether it's a routine patrol, responding to an emergency, or writing a report, Getac Video Solutions help law enforcement serve, protect, stay situationally aware, connected, and safe on every shift. Getac Video Solutions offers robust software and rugged hardware solutions to help law enforcement acquire and manage video and other digital evidence. Getac provides cutting-edge body-worn cameras, in-car video, interview rooms, fully rugged laptops and tablets.



MORE ON POLICE1



Watch: Excessive force: Officers must intercede and report

Gordon Graham explains the importance of interceding when you see another officer using force that you know is unreasonable



Register: Duty to intercede webinar

Chief (Ret.) Mike Ranalli and Laura Scarry explore duty to intercede from a cultural, conceptual and legal perspective



Read: 'I've got your 6': The value of officer intervention training

Active bystander intervention can be the catalyst to a new era of trust toward law enforcement



NOPD's innovative and career-saving EPIC peer intervention program

EPIC gives officers the tools to prevent problems before they occur

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