

Failure to train, supervise and discipline LEOs: The Third Circuit Court of Appeals speaks

Case demonstrates what happens when police supervisors display indifference to their responsibility to train, supervise and discipline subordinate officers

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On July 1, 2008, Camden, New Jersey, police officers Kevin Parry and Jason Stetser kicked down several doors at a residence in Camden, looking for drugs.

Alanda Forrest, a visitor to the home, was standing near an upstairs bedroom door when an officer kicked it in. Forrest was hit in the face by the door and knocked unconscious. When he regained consciousness, Officer Parry was on top of him and repeatedly punched him in the face.

Forrest was handcuffed and dragged downstairs by Parry and Stetser. Another occupant of the home later testified that she saw an officer hit Forrest in the head with a flashlight and hit him so many times that he urinated all over himself; his face was swollen and full of blood.

With respect to failure to train, the court focused on a failure of the Camden Police Department to train its supervisory officers. (Photo/United States Court of Appeals for the Third Circuit))

Forrest was taken to a hospital and asked by a nurse about the cause of his injuries. He told her he tripped and fell, as the arresting officers had threatened him with additional charges if he told the truth.

After the incident, Officer Parry wrote a report in which he claimed he saw Forrest engaged in a hand-to-hand drug transaction on the porch of the residence and that Forrest initiated the fight that ensued during the arrest attempt. Parry later told a grand jury that Forrest was in possession of 49 bags of illicit drugs. Forrest plead guilty and was sentenced to over four years in state prison.

Forrest served only 18 months and was released because Officer Parry later admitted he fabricated the police report pertaining to the arrest of Forrest by stating that he saw a hand-to-hand drug transaction involving Forrest. After Forrest's arrest, Parry, Stetser, their former supervisor Sergeant Morris and two other officers became the targets of a civil rights investigation that resulted in guilty pleas from all for conspiracy to violate civil rights.

During the investigation, Parry and Stetser admitted filing false police reports, planting drugs and lying under oath. Over 200 criminal cases were dismissed, vacated or otherwise adversely affected by their nefarious conduct.

Shortly after his arrest, Forrest filed an internal affairs complaint with the Camden Police Department (CPD), alleging he was badly beaten by officer Parry and his partner. After the complaint received no action, he followed up with a letter in which he reiterated his complaint. While still incarcerated, Forrest sued Parry, Stetser, the City of Camden and the Camden Department of Public Safety pursuant to the federal civil rights statute, i.e. 42 U.S.C. § 1983. [1]

With respect to the suit against the City and its Public Safety Department, the Federal District Court divided Forrest's allegations into three categories:

- The first was designated “failure to supervise through the Internal Affairs process”;
- The second involved a general failure to supervise category;
- The third involved failure to train allegations.

Evidence of Failure to Supervise, Discipline and Train

Forrest offered several subcategories of evidence to support all three categories of his complaint:

- The New Jersey Attorney General (NJAG) conducted a review of Camden’s police operations five different times prior to Forrest’s arrest, most recently in 2006. During two of those occasions, the NJAG ordered the Camden County Prosecutor to oversee the Camden Police Department (CPD).
- One NJAG report warned that Camden’s failure to “proactively [manage] police misconduct would place it ‘in the position of failing to adequately protect the civil rights of its citizens and sets the stage for significant civil liability.’”
- In 2002, the NJAG found that the CPD had a backlog of over 350 officer misconduct internal affairs complaints that had not been investigated. The NJAG recommended this backlog be immediately addressed and warned that the City and the CPD could be found “deliberately indifferent to the conduct of its police officers and the civil rights of its citizens.”
- The CPD failed to heed the warning of the NJAG and maintained an extensive, recurring misconduct complaint backlog in the years leading up to Forrest’s arrest. The backlog reached a high of 487 uninvestigated complaints in 2004 and 461 in 2005. Some progress was made because the number of uninvestigated complaints dropped to 175 in 2007.
- The CPD sustained only about 1% of the complaints of serious misconduct between 2004 and 2008 (7 of 622). These included excessive force, improper search and improper arrest.
- The misconduct investigations that the CPD did conduct were seriously deficient. For example, a CPD internal affairs (IA) investigation involving Officers Parry and Stetser conducted a year before the Forrest incident involved allegations of “planted drugs.” [2] The IA investigator interviewed no witnesses and based his “unfounded” conclusion solely on the incident reports of Parry and Stetser.
- Several former CPD high officials, including the Chief and Deputy Chief, testified that in the years leading up to and including the year of Forrest’s arrest there were several deficiencies in CPD management protocols, including how the CPD tracked officer locations during their shifts; [3] no officer performance evaluations in spite of a 2006 NJAG recommendation that they be implemented; and a sergeant to officer supervision ratio that was two to three times too high. [4]
- Officers Parry and Stetser were aware of CPD supervision deficiencies. Parry testified that “nobody seemed to care.” He explained “the more sergeants had to do ... the more paperwork that had to be completed for our squad, the less they were on the street and there was no supervision for them.”
- Officer Stetser testified that his lieutenant most likely knew he was filing false reports and accepted them anyway.
- Officer Stetser engaged in questionable conduct in front of his supervisors on two occasions without reprimand. First, he put drugs in his lieutenant’s bag in front of the entire squad as a prank. The lieutenant discovered this and did nothing. Secondly, a sergeant conducted an integrity test on Stetser in which he gave him 45 bags of drugs to turn in but only 30 were filed. Nothing was done.

As previously mentioned, the Federal District Court judge divided Forrest’s lawsuit into three categories: Failure to supervise through the IA process; a general failure to supervise; and failure to train.

The judge dismissed the general failure to supervise and failure to train allegations in response to a motion for summary judgement filed by the City. In doing so, the judge refused to permit the evidence pertaining to the IA failure to supervise category to be considered in support of the general failure to supervise and failure to train

categories of Forrest's complaint. [5] The Third Circuit Court of Appeals reversed the lower court ruling regarding the dismissal of two categories of the lawsuit.

The [Third Circuit](#) ruled that the lower court erred in refusing to consider parts of the evidence put forth by Forrest for the second and third categories of his lawsuit. The court ruled that, "We conclude that aspects of all three theories should survive when the evidence ... is considered in its entirety." On the dismissal of the general failure to supervise category, the court stated, "The evidence presented by Forrest may convince a reasonable jury that Camden's failure to supervise and discipline its officers amounted to deliberate indifference to the rights of individuals with whom those officers would come into contact." The court observed that, "The record would support a finding that Camden's policymakers knew that their officers would require supervision, that there was a history of officer supervision being mishandled, and that, in the absence of such supervision, constitutional violations were likely to result."

With respect to failure to train, the court focused on a failure of the CPD to train its supervisory officers. The court observed that Camden policymakers knew or should have known that its supervisory officers would be confronted with officer misconduct and that a failure to discipline would lead to the unconstitutional behavior reflected here, i.e., a deprivation of constitutional rights. The court observed further that the evidence presented by Forrest raised significant questions "as to whether Camden's supervisor-level officers were adequately trained on how to discipline and combat officer misconduct when it was brought to their attention, including the kinds of misconduct-false arrest and excessive force-that led to Forrest's injuries."

This case represents another glaring example of what can happen to a police department when its supervisory officials display indifference to their management responsibility to properly train, supervise and discipline subordinate officers.

In this case, a group of officers, including a sergeant, knew that the CPD internal affairs division and its supervisory staff were in no position to monitor their rogue actions and they acted accordingly. It took an independent civil rights investigation to uncover and stop this deplorable conduct.

A proper, efficient and effective disciplinary system would have stopped this situation long before it reached the depths that it did. Moreover, the failure of the CPD to hold its officers accountable through periodic performance evaluations sent street officers the distinctly wrong message of institutional indifference.

Proper training of sergeants and an appropriate ratio of sergeants to line officers would also likely have been a significant factor in bringing about a different outcome. It should also be noted that high officials of the CPD ignored several warnings from the NJAG that predictably came true. This case will likely be settled before trial with a huge payout from the City of Camden.

1. [Forrest v. Parry](#), (No. 16-4351) (3d Cir. 2019).
2. Between 2004 and 2008, seven complaints were lodged against Stetser, including the planting of drugs complaint plus one for excessive force, one for improper arrest and one for harassment and improper detention. Parry was the subject of three complaints, one involving planting drugs. The other two were not listed in the opinion.
3. The CPD relied solely on officer prepared logs to determine where an officer was on a given shift.
4. This ratio was supposed to be 5-7 officers per sergeant but instead was 12-15 per sergeant.

5. In order to simplify this case for the readers, I have chosen to eliminate certain portions of the case history and the court's opinion from the discussion. One of the matters eliminated from discussion was a jury verdict in favor of the City on the first category of the suit involving failure to supervise in the IA process. The jury verdict was vacated by the Third Circuit along with its reversal of the lower court's dismissal of the second and third categories of Forrest's lawsuit.

About the author: John Michael Callahan served in law enforcement for 44 years. His career began as a special agent with NCIS. He became an FBI agent and served in the FBI for 30 years, retiring in the position of supervisory special agent/chief division counsel. He taught criminal law/procedure at the FBI Academy. After the FBI, he served as a Massachusetts Deputy Inspector General and is currently a deputy sheriff for Plymouth County, Massachusetts. He is the author of two published books on deadly force and an upcoming book on [supervisory and municipal liability in law enforcement](#).

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