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**WHAT WILL BE THE STATUS OF  
LAW ENFORCEMENT MANAGEMENT OF EXCESSIVE FORCE,  
IN A SMALL OR MEDIUM SIZE AGENCY  
BY THE YEAR 2001?**

by

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COMMAND COLLEGE CLASS XIV

PEACE OFFICER STANDARDS AND TRAINING

SACRAMENTO, CALIFORNIA

June 1992

**This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.**

**Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.**

**Managing the future means influencing the future--creating it, constraining it, adapting to it. A futures study points the way.**

**The views and conclusions expressed in this Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).**

## **Section I - Introduction**

A Background On Police Use of Force, The Present State,  
Definitions, and Description Of The Study Process

## **Section II - Futures Study**

What Will Be The Status Of Law Enforcement Management Of  
Excessive Force, In A Small Or Medium Size Agency, By The  
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A Model Plan For Managing Excessive Force By California Law  
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Structure For The Implementation Of A Plan To Manage  
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Executive Summary

SECTION ONE - A FUTURES STUDY

The American Civil Liberty Union (ACLU) has asserted: "Police abuse has neither a single cause nor a single cure. It's not just an issue of racism or a lack of training or poor leadership, although all can be extremely important factors. If the focus is on one of these issues to the exclusion of the rest, the impact on the overall problem will be minimal." This research study examines the issue: What will be the status of law enforcement management of excessive force, in a small or medium size agency, by the year 2001? The study further defines the issue by developing three sub-issues: (1) what programs will be utilized to control excessive force; (2) what will be the influence of training on incidents of excessive force, and; (3) how will law enforcement incorporate the legal definition of excessive force into operational practice. A panel of experts identifies trends and events that they believed would impact the issue and sub-issues. Three of the more important trends are forecast: (1) legislation regulating police use of force; (2) training in the use of force, and; (3) tracking and evaluating citizens' complaints of excessive force. Three events, which the panel believes would impact the issue and sub-issue and had a probability of occurring, are: (1) civil unrest in major American city; (2) state/federal review board established, and; (3) monitoring of police mandated. Three scenarios are developed from the forecasts. The normative scenario describes a "feared but possible" situation where civil unrest erupted in several California cities and the use of force by police was challenged.

## SECTION TWO - A STRATEGIC PLAN

A strategic management plan is developed for the Rocklin Police Department, a small California agency, based on the normative scenario. The objective of the plan is to prevent the "feared but possible" scenario from occurring. A WOTS-Up analysis was utilized to identify weaknesses, opportunities, threats, and strengths. Stakeholders such as the POA, Chief of Police, media, and P.O.S.T. are evaluated. Recommended policies are developed and include: training and monitoring considerations. The recommended changes will occur over a three year period.

## SECTION THREE - TRANSITION MANAGEMENT

A plan is developed to implement the strategy and manage the subsequent transition. The critical mass players included: the Chief of Police, the senior supervisor, president of the POA, the training manager, the City Manager, and the chairperson of the local CEO committee. Some negotiation with critical mass players will be necessary to overcome resistance to the change. A transition management team is developed to guide the organization the three phases of change (pre-change, transition, and future state). Implementation technologies include performance feedback, responsibility charting, experimentation, and milestone recognition.

## SECTION FOUR - CONCLUSION AND RECOMMENDATIONS

The issue and sub-issue questions are answered:

**Issue:** The leaders of California's small and medium size agencies can act to manage excessive force by their personnel. First, leadership must acknowledge that such abuses do occur. Second, a comprehensive program, with emphasis towards training and monitoring, can be implemented to reduce actual incident of unnecessary force.

**Sub issue 1:** Programs can be initiated to promote a climate that is intolerant to police abuse. Clear policy must be implemented which mandates levels of force, a force continuum, and reporting incident of force (justified or not). Other programs suggested relate to: complaint tracking, field monitoring, and stress recognition/intervention.

**Sub-issue 2:** Increasing the level of training in the use of force is offered to increase the self-confidence of officers during use of force incidents. Training in alternatives to the use of force and well as human behavior is recommended

to further reduce unnecessary injury to officers and citizens.

Sub-issue 3: A clear definition of what constitutes excessive force should be enacted at the state level. However, it is the responsibility of each individual agency to further define and inform. A community which is communicated with, especially such a controversial issue, will respond better to the represented agency. In short, educate the officer, inform the citizen.

Recommendation: Each individual agency must take the lead on this issue. Programs and systems are proposed to mitigate an emerging issue. Failure to act will prompt a response from outside the agency and a "solution" that may be difficult to implement.

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## INTRODUCTION

"Police work is dangerous. A routine arrest may suddenly turn into a violent confrontation, sometimes triggered by drugs, alcohol, or mental illness. To cope, police officers are given the unique right to use force, even deadly force, against others. **The right to use force carries with it the responsibility not to abuse it.**"<sup>1</sup>

While police brutality cannot be condoned, perhaps it can be explained. Law enforcement is a reflection of society and the community for which it serves. The heightened community awareness of police abuse of force, real or imagined, prompts discussions relating to "war zones and military tactics". Clearly, today's charges of police brutality and mistreatment of citizens deserves examination. Never before has the issue of police brutality assumed the public's urgency it has today. In sum, do the ends justify the means?

Individual rights are no more directly effected than during the decision making process by police as to when to use force. The escalation from verbal commands, through physical control and intermediate weapons, to deadly force, is usually the central issue on any question of police abuse. Unfortunately, officers occasionally make the wrong decision. While episodes of police abuse are not as common as some would like to believe (or lead the public to believe), they certainly receive maximum media recognition.

Headlines such as, "Police brutality tied to growing street violence"<sup>2</sup> and "Was police beating racial?"<sup>3</sup> are indications of the public's strong need for answers. Continued events of police abuse, (and there will be more), compels the public and media to question the authority of

their police. The concerns of the public were championed by a former police commissioner of New York City, Patrick Murphy, when he said: "When the officer starts thinking of himself as the thin blue line who has to bring people to justice because no one else will, that is trouble."<sup>4</sup>

How widespread is the problem of police brutality? It can be argued that a single incident of excessive force creates a problem for law enforcement and the public trust. Few studies have been completed indicated the level of police brutality within the police culture. Such studies are difficult to conduct due to the "cloak of secrecy" which shrouds law enforcement.

The City of Los Angeles created the Independent Commission on the Los Angeles Police Department on April 1, 1991. The Commission was formed in response the well publicized video tape arrest of Rodney King by Los Angeles Police officers on March 3, 1991. The Commission presented concerns which are most certainly not limited to the L.A.P.D. These included: inadequate training, racism, bias, ineffective discipline, and the citizen complaint process. The comprehensive report submitted by the Commission reaffirmed the need for continued study of police brutality.

The violent nature of today's society would indicate an equally violent response from law enforcement during encounters. Urban deterioration, drug abuse, and the availability of more sophisticated weapons lends to increased violent situations, more so than has ever been experienced. It is reasonable to speculate, that the incidents of police abuse will continue to rise in relationship to the factors previously mentioned which contribute to our already violent society. Unchecked, the problem will become catastrophic.

The American Civil Liberty Union also has an opinion on police abuse of force:

*"Police abuse has neither a single cause nor a single cure. It's not just an issue of racism or a lack of training or poor leadership, although all can be extremely important factors. If the focus is on one of these issues to the exclusion of the rest, the impact on the overall problem will be minimal."*<sup>5</sup>

The purpose of this study is to examine events and trends which may impact the future management issue of excessive police force by the year 2001. This examination will be supported by information acquired in a review of literature, coupled with a series of interviews and panel studies. This research study examines the issue:

***What will be the status of law enforcement management of excessive force, in a small or medium size agency, by the year 2001?***

#### DEFINITIONS

For a clear understanding of the research conducted in this study, it is important to identify and operationally define the following key concepts:

Excessive Force - The conscious decision to use that force which is more than reasonable and necessary to affect an arrest or control. Either the force utilized by police is extreme and unjustified, or the force continued despite the suspect being under control or capable of being restrained.

Law Enforcement - Law enforcement is any federal, state, county, municipal, or special district agency which is comprised of officers who possess peace officer status (as defined by the California Penal Code); and which provides police services to a given population. The term police, police department, police agency, and law enforcement agency all mean the same and are interchangeable throughout this study.

Small/Medium Size Agency - For the purposes of this study, small agency refers to any law enforcement agency with a

sworn force of 50 or less. A medium size agency is 51-99 sworn personnel.

#### BACKGROUND

Events following the Napoleonic Wars of 1815 prompted the creation of the first professional, full time police force in England. Riots and disorder made it necessary to organize a force, other than the inefficient army, to quell unrest. In 1829, Parliament passed the Metropolitan Police Act and a modern law enforcement agency was born. Although unauthorized, many "bobbies" carried firearms in the 1850's in addition to the standard issue short baton (or truncheon). To this date, the Metropolitan Police of London still carry a 30-60 centimeter long truncheon and, for the most part, remain unarmed.

The first apparent recording of police brutality was in New York City where police frequently clubbed "respectable" citizens. From this early willingness to use force for problem solving, American police earned notoriety for their aggressiveness.

The Japanese, to the contrary, pride themselves on self control and consider lethal force as "cowardly." Since the Meiji Restoration Period (1872-1889), Japanese law enforcement training has focused on the "physical art of arrest."

Each year in America, approximately 600 citizens are killed and another 1200 are injured by police.<sup>6</sup> Obviously, the legal authority to use force, is an ever-present aspect of policing.

The use of force is a controversial and complex social issue. Officers are asked to police a violent society while remaining "courageously calm in the face of danger."<sup>7</sup> What causes an officer to use excessive force? What is society's perception of police brutality?

The 1992 California Penal Code contains three primary sections relating to the use and abuse of force by peace officers:

149 P.C. - *Assaults by officers, under color of authority; Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable...*

422.6 P.C. - *Injury or threat to person or damage to property because of specified beliefs or characteristics; No person, whether or not acting under color of the law, shall by force or threat of force, willfully injure, intimidate or interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege ... because of the other person's race, color, religion, ancestry, national origin, or sexual orientation.*

835a P.C. - *Reasonable force to effect arrest, Resistance; Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.*

The above is the legislative mandate regarding the use of force. It is reasonable, however, to assume that the public holds a different expectation for the use of force. Additionally, depending upon the region or even neighborhood, some citizens may be more or less tolerate to the police abuse of force. For instance, a community which has experienced a low crime rate usually will hold the police in high regard, yet be intolerant to unauthorized force by law enforcement. Conversely, citizens within a violent neighborhood may view the police with contempt while accepting "street justice" as a necessary by-product for survival.

Police abuse of authority has no single cause nor single cure. However, in search of some solutions, the October 1991 Conference of Major City Chiefs, in conjunction with the Federal Bureau of investigations, suggested the

following reasons why police officers resort to excessive force:

1. They are poorly trained in either how to avoid confrontation or how to prevent confrontation from escalating.
2. They are poorly trained in defensive tactics and have few options available to resolve a force issue between the oral command and use of deadly force.
3. Some officers are psychologically unfit to handle confrontations without having to resort to punishing those who challenge their authority.
4. Peer pressure from fellow officers to be macho, tough, or hard-nosed. Usually, officers rationalize this pressure by arguing that it is either "them" or "us" and that toughness is safer.
5. In some cases, the officer covers his extreme cowardice by over-reacting and thus demonstrating to other officers that he is, in fact, courageous.
6. Various forms of racism, sexism, culture ignorance, and "holier than thou" attitude on the officer's part contributes significantly to the problem, particularly in the early stage of a situation.<sup>8</sup>

Police officers usually meet the public at their worst; during sorrow, violence, or evil. It is therefore understandable why some street officers develop the "them vs us" mentality. Human life is devalued and arrogance follows where officers set conflict victory as a priority over conflict resolution.

The initial scope of the research to follow is to identify and discuss what is likely to influence the management of excessive force in the future. To promote thought and discussion, a future study on the issue and a management strategy will be developed. This study will focus on the management of excessive force by police within a small or medium size agency.

The body of this report will be limited to a summary of the research findings. With few exceptions, research data, graphs, charts, and lists have been placed in the appendix. Readers desiring to view that data may do so by turning to the specific appendix cited in the report or by referring to the listing of appendixes.

#### THE STUDY PROCESS

How does forecasting the future effect the management of our law enforcement systems? By anticipating what may occur, we can effectively plan for the impacts that influence the future. This research project will use a futures study as a vehicle for identifying and evaluating important alternative forecast of the future. A plan can then be developed and implemented in order to achieve a desired future or mitigate a potential negative future.

#### ISSUE AND SUB-ISSUES

***What will be the status of law enforcement management of excessive force, in a small or medium size agency, by the year 2001?***

This issue was selected, not only because it is current and controversial, but because the future implication is great. The criteria used in selecting the issue for this paper was: (1) Does the issue impact California law enforcement; (2) does the issue warrant academic analysis and the formulation of a policy statement? The study was further defined by the use of the following three sub-issues, which were identified by scanning future file material and brainstorming with various law enforcement personnel:



*What programs will be utilized to control excessive force?*

*What will be the influence of training on incidents of excessive force?*

*How will law enforcement incorporate the legal definition of excessive force into operational practice?*

## FUTURES STUDY

### PURPOSE

The intent of the future study is to clarify a vision of what the future might be. This is achieved by systematically defining the future within the context of the issue.

### SCANNING PROCESS

The Environmental scanning process consists of three phases: a literature search, personal interviews, and developing a futures file. This provided the majority of the data discussed in the Introduction. This same data was used to select the sub-issues, which are critical to further defining the issue. A suggested reading list is provided, see Bibliography, (Appendix A).

### NOMINAL GROUP TECHNIQUE (NGT)

A Nominal Group Technique (NGT) panel, consisting of seven persons, was utilized for trend and event forecasting. All representatives possessed some level of expertise and a degree of familiarity with the subject of research. (Refer to Appendix B for the group profile). While the panel was predominantly from the ranks of law enforcement, the members' opinions were challenging. One member represented the position of the media, while another was responsible for investigating and disciplining officers accused of abuse. There were numerous attempts to gain the input of the A.C.L.U.; however, this organization was non-responsive and apparently disinterested in this study.

A standard Nominal Group Technique procedure was followed. During this process, twenty-five trends and twenty-one events were identified. The panel was asked to

rank order the trends and events based on their potential impact upon the issue and sub-issues. The rank order for the trends is attached in Appendix C and the rank order for events is in Appendix D.

#### TREND IDENTIFICATION

The panel assessed the value the top twelve trends would be to long range planning. Each panel member used a Trend Screening Form to record his assessment. (See Appendix E)

From the previously mentioned list of twelve trends, the panel was asked to determine which trends could be used to forecast. To limit the number of trends to a manageable number, the panel members were directed to vote for those trends for which a policy could be developed. The target trends selected were:

1. **Legislation regulating police use of force.** The potential for a series of state and/or federal legislation restricting an officer's discretion as to when and how to use force.
2. **Case law relating to the use and abuse of force.** Court decisions that affect the police officer's, decision making as to use of force within the community.
3. **Availability of quality police recruits.** This trend addresses the level of quality individuals available for recruitment into law enforcement.
4. **Civilian review boards.** The pressure for the creation or elimination of civilian review boards.
5. **Training in the use of force.** This trend involves the level of training, both pre-service and in-service personnel, in the use of force.

### EVENT IDENTIFICATION

The panel was asked to vote on the event identification based on the impact to the issue and sub-issues. Selecting from the rank ordered list of events (Appendix D) the panel members selected five events that could be affected by prior policy. The five events selected were:

1. **Civil unrest in major American city.**  
A civil disturbance in a major city which grabs the attention of the public and media due to the level of violence.
2. **Establishment of a state and/or federal review board.**  
The creation of a government sponsored civilian review board responsible for review of police conduct on a state-wide or national level.
3. **Police Stress Syndrome identified.**  
The classification and acceptance of stress, within law enforcement, as an illness.
4. **Monitoring of police activity mandated.**  
Legislation to require police department monitor police activity, either via direct supervision or technology.
5. **Containment device developed.**  
A technological advancement in the development of a device to control a suspect without infliction of permanent damage.

### TREND FORECASTING

To enhance strategic planning, the number of trends selected for evaluation was arbitrarily limited to five. The panel was requested to forecast the five target trends using the Trend Evaluation Form. The panel estimated the level of each trend five years ago (T-5), at present, five years into the future (T+5) and ten years into the future (T+10). The participants rated the trends as nominal (will be) and as normative (should be) in five and ten years. A value was provided for each estimate. Using a value of 100

for today, the participants independently rated all five trends. Table 1 depicts the median estimates provided by the panel for each trend. The ranges for each estimate (high/low) are included in Appendix E ). Graphs of trend levels are contained in Appendix F.

Trend Forecast Interpretation: The following interpretations are based upon the median data received from the NGT panel during the Trend Forecasting Process:

**T-1 Legislation regulating police use of force.**

Any intense focus on law enforcement practices will lead to intervention by legislature. Lawmakers respond well to publicity and media attention. Public concern, even if by the minority or special interest groups, will prompt political representatives to respond. The response, most often, is to create new laws. The panel felt there was half as much legislation regulating police use of force five years ago. Significant increases were forecast over the next five and ten years. Legislation "should" remain at the current level, according to the panel; however, it "will be" 75% greater by the beginning of 2001.

**T-2 Case law relating to the use and abuse of force.**

Unlike the legislature, which by design represents the people, the courts represent the law. Therefore, in the purest expectation, the courts are not subject to emotions of the community. In reality, however, judges are often elected officials, or at least appointed by politicians. The panel estimated that there was almost as much case law regulating the use of force (95%) five years ago.

TREND STATEMENT		LEVEL OF THE TREND (today = 100)			
		5 Years Ago	Today	5 Years Frdm Now	10 Years From Now
LEGISLATION REGULATING POLICE USE OF FORCE	1	50	100	150* 100**	175* 100**
CASE LAW RELATING TO USE/ABUSE OF FORCE	2	95	100	150 100	100 200
AVAILABILITY OF QUALITY POLICE RECRUITS	3	50	100	150 200	200 200
CIVILIAN REVIEW BOARDS	4	50	100	150 200	200 200
TRAINING IN THE USE OF FORCE	5	75	100	125 100	150 200

TREND EVALUATION FORM

TABLE 1

\* will be  
\*\* should be

This is contrary to the previous evaluation of legislation five years ago, which was half of today's, according to the respondents. The panel felt the courts have kept the laws current through their rulings. The panel believed case law regulating the use of force by police will increase by 50% over the next five years; however, case law rulings "will" return to the current level within ten years. The respondents, by consensus, felt case law in this area "should" remain consistent for five years and then increase by 100% within ten years. The panel felt case law should be the regulator legal control over officers and not legislation.

**T-3 Availability of quality police recruits.**

The demand being placed on the police is extraordinary with no relief in sight. Such demands require an increased applicant pool. In question, is the quality of these recruits. The panel projected the availability of recruits "will" and "should" increase, even double, by the end of the century. Members of the panels suggested this positive forecast is due, in part, to an increase in population within California; and thus, a greater applicant pool.

**T-4 Civilian Review Boards**

While civilian review boards exist in several large California cities, the panel suggested a trend towards a "centralized" review body within the State or nation. Panel members felt there was an increasing trend towards some type of review of police practice by civilians. It was forecasted that more cities (50%) will incorporate civilian review within the next five years. Both the normative and nominal prediction for ten years from now indicated a 100%

increase in the level of civilian review. The panel felt that such a strong indicator would result in either a state civilian review board or a federal review board, with the former being most likely.

#### T-5 Training in the use of force.

Training in the use of force, more than any other discipline, is the most critical and controversial. Officers are called upon to make precise, quick decision that will often effect the lives of both the citizen and the officer. The panel felt the level of training has increased in the past five years, 25%. The respondents predicted training "will" increase throughout this decade; yet, not as much as it should. Overall, the panel felt training in the use of force "should" continue at the current pace, increasing substantially (double) by 2001. Respondents considered training as critical to controlling unnecessary force and forecast the need for improvement, although over ten years.

#### EVENT FORECASTING

The NGT panel was also directed to provide forecast estimates for five targeted events. Members were to individually estimate the number of years until the probability would first exceed zero as well as probability estimates for five and ten years into the future. Finally, the group was asked to estimate the positive and negative impact of the event on the issue. Table 2 depict the results, using the NGT panel medians of events forecasted. Graphs of the event data are contained in Appendix G.



Event Forecast Interpretation:**E-1 Police action prompts riot in American city.**

Use of force is often questioned by the public and media; however, there is no more exposed arena than during civil unrest. Heightened tension, anxiety, and frustration lend to violent disturbance, most often in the inter-city. The panel believed a major civil disturbance would not occur in the next two years, but, would probability occur in five years (60% probability). The respondents were more certain such an event would occur within ten years (90% probability). How police control this event will be analyzed by officials and special interest groups around the land. A positive portrayal of the police may delay calls to limited police authority.

**E-2 A civilian review board is established for review of police conduct throughout California.**

Centralizing the authority to review police conduct for all peace officer in California to a single, state board would make law enforcement more accountable to the public. As a result, the community will perceive a direct control over the police, greater than is now available. Realistically, however, a central board could become politically based and influenced; thus, challenging its effectiveness. The NGT panel estimated this event would not exceed zero before four years. At five years, there is a 50% probability of occurrence and would probably occur within ten years.

EVENT STATEMENT	YEARS UNTIL PROBABILITY FIRST EXCEEDS ZERO	PROBABILITY		IMPACT ON THE ISSUE AREA IF THE EVENT OCCURRED	
		Five Years From Now (0-100)	Ten Years From Now (0-100)	Positive (0-10)	Negative (0-10)
POLICE ACTION PROMPTS RIOT IN MAJOR AMERICAN CITY	2	60	90	1	9
ESTABLISHMENT OF STATE/FEDERAL REVIEW BOARD	4	50	100	2	8
POLICE STRESS SYNDROME IDENTIFIED	4	50	85	7	3
MONITORING OF POLICE CONDUCT MANDATED	4	50	65	5	5
CONTAINMENT DEVICE DEVELOPED	4	85	90	8	2

**TABLE 2**  
**EVENT EVALUATION FORM**

**E-3 Police Stress Syndrome identified.**

Stress and stress induced disabilities has, of late, been a concern of law enforcement leadership in America. Identification and classification of police stress as a condition exclusive to law enforcement creates numerous possibilities. At the least, it would establish an explanation for the behavior of police officers, constantly confronted with stressful situations. Behavior modification could be initiated without the stigma that the officer is "weak". Programs would be possible and more easily accepted as the treatment would be as intervention for a disease. The panel felt that Police Stress Syndrome would be identified, probably within ten years (85% probability). It would probably not be discovered in the next four years, however.

**E-4 Monitoring of police conduct mandated.**

As with the question of civilian review boards, the public wishes law enforcement to be held accountable, at least more so than in the past. The community wants to be assured their police are not acting outside their (the police) authority. Legislation mandating monitoring systems for law enforcement is progressing in this direction. The panel viewed this event, equally, as a positive and negative impact on the issue. The members felt monitoring police conduct is necessary and effective; however, the systems to accomplish this should be left to the discretion of local government. The panel conceded, however, since the movement towards such systems has been slow and inconsistent at a local level, state mandating may be necessary. The NGT panel forecast that such mandates probably would not occur within four years. At five years, the event had an equal chance of occurring as not occurring (50%). Within ten years, there was a greater possibility of this event occurring, than not occurring.

### E-5 Containment device developed.

Public pressure and the availability of new technologies make it timely for the development of a containment device. Such a device would allow the officer to control a resistive subject with minimal physical harm; thus, replacing the use of impact weapons and firearms in violent situations. The panelists felt that such a device could be developed within ten years, but not within the next four years. Additionally, the respondents considered implementation of such a device would have a far more positive impact on the issue, than negative (8 to 2).

### CROSS IMPACT ANALYSIS

Upon developing the final five target trends and five target events, the researcher and two associates performed a cross impact analysis. A Cross Impact Matrix (Table 3) was developed to study the impact of the target events on each other and the target trends. The median estimate ten years down-line was used. The results show which events are actors (greatest impact upon the other events and trends) and which events and trends were reactors (most impacted by the events). The results are helpful in selecting trends and events to develop scenarios of the future. Based on the data displayed in Table 3, it is possible to rank order the actor and reactor events as well as reactor trends. There are five events and three trends that tend to be strong reactors and actors. The following is a brief explanation of the cross impact analysis:

CROSS IMPACT EVALUATION MATRIX

TABLE 3

IMPACTING EVENT	IMPACTED EVENT					IMPACTED TRENDS				
	1	2	3	4	5	1	2	3	4	5
RIOTS	X	+10/7		+75/1		+90/2	+75/4		+50/1	
REVIEW BOARDS	-50/1	X		+90/2					+30/4	
STRESS SYNDROME			X							-30/8
MONITORING	-95/1			X		-70/5	-80/6			
CONTAINMENT DEVICE					X	-50/4	-70/7			
						X				
IMPACT SCALES	(2)	(1)	(0)	(2)	(0)	(3)	(3)	(0)	(2)	(1)

<p><u>Events on events:</u>                  Percentage change (+ or -) or ...                  0 = No change                  1 = Certain or virtually certain                  2 = Much more likely                  3 = Somewhat more likely                  4 = Somewhat less likely                  5 = Much less likely                  6 = Impossible or virtually so</p>	<p><u>Events on trends:</u>                  Percentage change (+ or -)</p> <p><u>Policies on events:</u>                  Same as event-to-event scale</p>
---	---

- TREND LEGEND
- T-1 Legislation on Use of Force
  - T-2 Case law Use of Force
  - T-3 Quality recruits
  - T-4 Civilian review boards
  - T-5 Training in Use of Force

**E1 Police action prompts riot in major American city:**

This was identified as an actor event as it increases the possibility of two events and three trends occurring. Should a major civil disturbance take place, the violent confrontations between police and citizens will be highlighted. Much attention will be directed at those situations, even if minimal, where police are accused of using unauthorized force. The potential for the abuse of force is increased during unrest due to the potential for violence, stress caused by fear, and an more untrained personnel being called to assist. An initial tendency would be to label this event as negative, however, such an occurrence could speed change and prompt calls for action by the community.

**E2 Establishment of a state civilian review board for all California law enforcement:**

The occurrence of this event increased the probability of two events and two trends. Civilian review, especially state-wide, would address the problem after the fact. Change would not be generated from within law enforcement, thus limiting a buy-in by field officers. Police monitoring (Event 4) would be enhanced as a byproduct of civilian review.

**E4 Monitoring of police conduct mandated:**

As an actor event, this occurrence would impact one event and two trends. If this event were to occur prior to event one (riot), the likelihood of event one occurring would be minimized. The panel felt that strong monitoring of police could impact police conduct in the field, prevent misconduct by police as being a catalyst for a riot.

## SCENARIOS

Scenarios are non-fictional writings, based on previous studies of trends and events, of what could be. The purpose of scenario writing is to facilitate the identification and evaluation of relevant policies.

The following scenarios are set in the community of Rocklin, a city of 50,000+ located 18 miles northeast of the state capitol, Sacramento. A more complete description of Rocklin is provided in Section Two, Strategic Planning.

### Exploratory Scenario:

#### *"Technological Advancement Proves Valuable to Police"*

In 1998, a prototype "low lethality" containment device was tested by police in the Rampart Division of the Los Angeles Police Department. The device, termed the Control Maintenance Device (CMD), proved capable of temporarily disabling a combatant by delivering a fast acting drug to the system. The drug proved effective in 85% of the situations used.

While the containment device was first used in 1998, it had been in development for five years. The technology was lauded as an alternative to deadly force, however, the potential for subduing resistive suspects without permanent injury was quickly realized.

The Rocklin Police Department became the first small or medium size agency to study the uses of the device in summer of 1999. The original high cost of the CMB made it cost prohibitive for most cities under 100,000 population; however, L.A.P.D. and the California Highway Patrol ordered 500 units, bringing the production cost down. Further refinements of the device, especially deployment of the drug at suspects, is expected.

The Sacramento Bee, in a rare show of support for law enforcement, commended the Rocklin Police Department for this innovative approach to controlling violent offenders. The newspaper called upon the California Legislature to require all police agencies to make the CMB available in the field and to eventually require all officers to carry the device.

This winter, the California Legislature called on the Attorney General's Office of Technological Advancement to study the feasibility of state-wide deployment of the device. The report is expected to be completed by the spring of 2002.

Normative Scenario:

*"Civil Unrest Rocks California Cities-Police Conduct Questioned"*

In the summer of 1993, a black California resident was killed by two Bayview Police officers after he resisted the officers attempts to arrest him for domestic violence. A joint investigation conducted by the A.C.L.U. and the N.A.A.C.P. concluded that the suspect was killed by three blows to the head. The Bayview Police Officers' Association disputed the claim and suggested the deceased died from a drug overdose.

Tensions in Bayview, a city of 300,000, were high in light of an acquittal of three Bayview officers for manslaughter in the spring of 1993. In the early case, the officers were accused of "choking" a suspect on PCP until he died.

Two days after the District Attorney announced she would not try the two Bayview police officers for the latest incident, riots erupted in the east part of the city. Four civilians and one police officer died and several hundred



residents were injured in the ten days of rioting. Damage to the city was estimated at \$4.3 million dollars. Settlements of civil actions cost the city of Bayview \$32. million dollars.

Rioting wasn't limited to the large, urban areas of the state. Although not racially motivated, civil unrest caused \$2.5 million dollars of damage within the city of Rocklin. The disturbance broke out when police attempted to arrest an intoxicated person at an outdoor concert.

The California Legislature in 1994 called for a \$4.2 million dollar study to be conducted by the Rodney King Foundation to determine causes and remedies for the recent rioting. The foundation concluded that the rioting was a result of widening gap between the police and the community. It was suggested that the police developed a "siege mentality" and began to consider themselves and occupying army. The King Foundation was particularly alarmed that this division developed in a city the size of Rocklin, with a relatively low crime rate. The report recommended a state Police Conduct Review Board be established for the investigation of police misconduct, particularly excessive force. Additionally, the foundation strongly suggested the proposed board be awarded subpoena power and the authority to revoke a peace officers license with cause.

The California Police Benevolent League, the largest representative of police officers in California, issued a statement strongly opposing a state-wide review board, fearing such a move would be politically motivated and guided. The CPBL vowed to resist this concept.

A bill sent onto the Governor in 1998 authorizing the funding of a California Police Conduct Board was vetoed. The Governor, who was heavily supported by the CPBL, stated,

"This is a local government issue and not the responsibility of the state."

141 citizens and 12 police officers had been killed in civil disturbances throughout the state in 2000. The worst rioting occurred at the State Capitol.

### Hypothetical Scenario

#### *Big Brother's Watching"*

To quell the onslaught of criticism of law enforcement, the California Legislature passed a bill requiring certain monitoring standards of police. The bill was signed into law in late 1995.

The law required police agencies to video monitor officers in the field. An alternative was for the agency to provide a 1:4 sergeant to patrol officer ratio. The timeline mandated was as follows: 20% compliance, 1996; 50%, 1998; 80%, 2001; 100% compliance by 2002. For example; an agency with 100 field personnel would need 50 of its officers on video monitoring or 1:4 supervision.

By 1998, few agencies could comply with the mandate. It was determined that funding sources enumerated by the Legislature were not sufficient. New funding was earmarked and the program began to show progress by 2000.

One agency, the Rocklin Police Department, fulfilled the mandate by 1999. Rocklin was able to accomplish this, primarily, due to the small number of field officers. Nonetheless, the program has proven successful. By 1997, the second year of the mandate, sustained complaints of misconduct declined by 30%. As an apparent peripheral benefit of the program, all complaints against police personnel, not just field officers, declined by 22%. Additionally, conviction rates on cases initiated by patrol

increased by 28%. It was for this reason, according to Chief Janis Moschetti, that Rocklin accelerated its compliance.

In June of 1997, Dr. William Easton of CSU-Rocklin, announced the discovery of characteristics, exclusive to police officers, which accelerates a physical reaction to stress. The doctor termed this condition Accelerated Police Stress Syndrome (APSS). If accepted by the medical community, APSS will be classified as a disease, thus enhancing funds for research and treatment programs. The president of the Police League expressed enthusiasm for the classification of police stress as a disease. She suggested more officers would more readily seek treatment for this condition, including preventive programs. "The stigma has been removed," she said, "maybe the public can better understand why police work is such a challenging profession."

## Strategic Plan

### PURPOSE

This portion of the study is to develop a strategic management plan which will aid in the adoption of policy considerations. Strategic planning is "a structured approach, sometimes rational and other times not, of bringing anticipations of an unknown future environment to bear on today's decisions."<sup>9</sup>

The strategic management plan will be based on the normative scenario from Section II, "Civil Unrest Rocks California Cities-Police Conduct Questioned." The objective of the strategic management plan will be to prevent this "Feared but Possible" scenario from occurring.

### ENVIRONMENTAL SCAN

Since small and medium size agencies are the object of this study, an actual police department within California which meets this standard will be the subject of this strategic management plan.

The Rocklin Police Department is comprised of 28 sworn officers and 17 civilian employees serving a population of 23,252<sup>10</sup>. 93% of the residents are white and the median income of the community members is the highest for all cities within the five surrounding counties. The city of Rocklin is the fastest growing city in the Sacramento area and fifth in population percentage growth within California.<sup>11</sup>

The city is located along the Interstate 80 corridor, 12 miles northeast of Sacramento, the State Capital. Rocklin has long been considered a "bedroom" community of Sacramento, but recently, has attracted several major retail and light industrial business. The financial outlook for the city is positive, bolstered by the planned development of a major retail shopping mall in 1996.

The police department is headed by a chief of police who reports to a city manager. The citizens of Rocklin are represented by a five member elected body. The department is structured into three divisions: administration, operations, and services.

The citizens of Rocklin have expressed satisfaction with their department during past surveys, giving the department a 97% to 3% satisfaction to dissatisfaction rating. The crime rate in the city is generally considered very low, but on the rise.

As with most departments in California, Rocklin has been the object of public and media criticism for some of its activity. The most popular challenges have been vehicle pursuits, contentions of citizen harassment, and use of force.

Since the incorporation of the city in 1893, there have been four known deadly force incidents, one resulting in death.<sup>12</sup> Since 1981, Rocklin Police have fired their weapons in two, justified deadly force encounters.

Officers within the police department are considered well trained in the use of defensive tactics. Six weaponless defense instructors are available for in-service training, which is normally provided 30-40 hours per year.

There has not been a successful civil judgement against the Rocklin Police Department in the past ten years.

However, situations requiring officers to use force to subdue suspects has been on the rise, relative to the increased incidents of arrest.

#### MISSION STATEMENT

In the broadest sense, the mission of the Rocklin Police Department is: *to provide the highest level of police service to the public. This commitment includes: to protect life and property, the prevention of crime, the identification and apprehension of criminals, the preservation of peace and to provide other police services in response to the needs of the public.*

More in relationship to the issue and sub-issues, the following "micro" mission statement is proposed:

*The leadership of the Rocklin Police Department shall be responsible for controlling their personnel in the application of force, assuring only that force which is reasonable and necessary is utilized to effect control.*

#### SITUATIONAL ANALYSIS

The current situation must be evaluated to insure the success of the strategic plan. Two assessment processes were used: WOTS-UP Analysis and the Strategic Assumption Surfacing Technique (SAST). Three law enforcement managers assisted in the WOTS-UP Analysis and the SAST. This assessment follows:

##### WOTS-UP Analysis:

Within the WOTS-UP Analysis there are two separate assessments. The first is an examination of the "opportunity and threats" in the external environment. The second assessment is a review of the "strengths and weaknesses" of the Rocklin Police Department. An

"opportunity" is a situation which is favorable to the proposal; while, a "threat" is a situation which is unfavorable. A "strength" is a resource or capability that the RPD can use to help attain its objective. A "weakness" is a limitation or defect in the organization that may hamper the achievement of the objective.

*Opportunities* - There are numerous favorable situations which can be utilized to avoid the Normative Scenario (Feared But Possible). The Rocklin Police Department is respected and held in high regard by the community. The department has a history of community involvement and participative policing. Technology has been advancing towards a non-lethal control device. Until this is developed, other technological advances will make the task of policing easier, and therefore, less stressful. Increased attention on the use of force by police is not necessarily a threat. Such focus could lead to increases in training resources and research funding. Additionally, a department which is able to avoid negative attention, especially that which can be promoted through the media, will be viewed in a more favorable light. Finally, and not to be ignored, is the desire of the officers themselves to create and accept change.

*Threats* - The greatest identified threats are the politicians eager to control law enforcement, under the pretense of exposing corrupt, brutal cops. Politicians have the power to mandate change via the law-making process. Legislation, if not cautiously produced, may further "handcuff" the police. Even if the legislation has potential, it will probably be rejected by line personnel. Law enforcement leadership also suffers as change is mandated and administrators have little control over the content. Legislation that would likely be challenged is: civilian review boards, police monitoring, reporting

standards for citizens' complaints. Lack of resources, particularly for training, is viewed as a threat. The RPD fears, as does the entire law enforcement community, a reduction in POST training reimbursement. Such reductions would seriously curtail peace officer training, especially small and medium size agency such as Rocklin.

*Strengths* - The Rocklin Police Department has made a major commitment to training its personnel. Six officers (21%) are weaponless defense instructors and there are three impact weapons instructors on staff. Rocklin has provided state of the art equipment for its personnel has been a priority over the last eight years, which has contributed to a higher level of morale. The employees of the department have developed a strong respect for the citizens and the community they serve. A "small town" attitude has helped to promote such a commitment. Because of the size, effective leaders of small and medium size agencies are better able to control direction and change. The relationship between management and labor is amiable with communication between the two effective. The Rocklin Police Department has been able to attract quality employees over the past ten years. This can be attributed to comparable compensation to surrounding agencies, opportunity for advancement due to growth, a respect for the agency, and the quality of life available. The level of crime is far less than the nearby urban areas and generally below the surrounding jurisdictions. A lesser opportunity for contact with the criminal element decreases the chances of use of force situations. Other organizational *strengths* are:

- o All Rocklin Police officers must be certified through a basic academy prior to assignment.
- o P.O.S.T. is committed to continued training.
- o The Rocklin Police Department is void of graft and corruption.



- Small and medium size departments are usually more responsive to community concerns.
- Funding public safety is a priority within the city of Rocklin.
- California law enforcement has proven to be progressive and innovative.

*Weaknesses* - While size of the agency has been touted as a strength, it must also be considered a weaknesses. Resources and manpower may not always be available to effectively meet the demands of an increasingly violent society. A "them vs us" mentality is prevalent in many police officers. While this condition may be minimal, it nonetheless exists in the RPD. Additionally, shared danger bonds officers into a tightly knit group. This bonding has a tendency to create a "code of silence" within that group. Such a "code" restricts the ability of management to identify and correct problems. A clear definition of what constitutes excessive force does not exist for California law enforcement in general, and specifically the Rocklin Police Department. Without such a definition, interpretation of excessive force is left to the individual officer. Other organizational *weaknessess* are:

- POST mandated training in the use of force is minimal, leaving individual agencies responsible for supplemental training.
- P.O.S.T. does not require in-service training in the use of force.
- The nature of the profession and the environment in which police officers function, promotes extraordinary stress upon the employee.
- Bureaucracies, especially law enforcement organization, are often resistant to change.

### STRATEGIC ASSUMPTION SURFACING TECHNIQUE (SAST)

The final phase of the situational analysis is the Strategic Assumption Surfacing Technique (SAST). The SAST objective is to identify those individuals or groups that may be impacted by the issue questions. These individuals and groups are called stakeholders as they have a "stake" in the success or failure of this plan. Stakeholders are further broken down into three sub-groups: (1) those that are impacted by the policy; (2) those that care about what is done and; (3) those that impact what is done.

#### Stakeholder Analysis:

Through the SAST, assumptions are made as to the different stakeholders positions on the issues. A snaildarter is an individual or group that hinders the direction in which an organization wished to pursue. This can be accomplished through action or inactivity. Stakeholders and snaildarters can be internal or external to the organization.

The importance and certainty of each assumption can be graphically displayed using a Strategic Assumption Map, as shown in Appendix H.

#### **Stakeholders**

1. *Rocklin Police Officers' Association* - Rocklin police officers are very concerned about this issue and are interested in assuming the mission. The following assumptions are assigned:
  - a. Supports a uniform and objective definition of what constitutes excessive force.
  - b. Supports increased training of personnel in the use of force, especially at the pre-service and academy level.

- c. Rejects the concept of civilian review. Would strongly oppose the creation of a State civilian review board.
  - d. Concerned about personal safety and how limiting discretion and authority may impact officers' safety.
  - e. Opposed to legislation that would require officers to report excessive force by other officers. Concerned this would promote a climate of distrust.
2. *Chief of Police* - The chief of police for the Rocklin Police Department is very concerned about managing police abuse within his agency. It is likely this stakeholder will believe as follows:
- a. Concerned about the welfare of the community.
  - b. Concerned about officer safety.
  - c. Concerned about civil litigation.
  - d. Opposed to creating a civilian review board, especially at the State level. Concerned such a board would undermine his authority and prevent local control.
  - e. Very concerned about image and the effect publicity about misuse of force will have on the organization.
  - f. Mixed views about mandatory reporting of excessive force. Accepts the need to promote unsolicited reporting of such incidents; however, concerned about the effect upon departmental moral.
  - g. Supports any training that is reimbursed and certified by P.O.S.T.
  - h. Welcomes an objective description of excessive force.

3. *Media* - The television and print media are interested in incidents of excessive force, not necessarily the attainment of the mission. The media will probably advocate the following:
  - a. Civilian review and public access to hearings and records, including personnel files.
  - b. The mandatory reporting of excessive force by officers, which could help to reduce the previously mentioned "code of silence."
  
4. *Training providers* - The providers of training for law enforcement include training centers, police academies and private consultants. They would likely believe as follows:
  - a. Very supportive of increased training, especially P.O.S.T. mandated courses.
  
5. *American Civil Liberties Union and similar organizations* - These groups, whether well funded or not, have a special interest in the authority empowered by law enforcement. The following assumption are offered:
  - a. Extremely concerned about police abuse of power and would therefore support anything which would restrict such authority, including: civilian review boards and legislation requiring police to report excessive force.
  - b. Indifferent to increased training, however, would oppose training in the use of pain compliance techniques.
  
6. *P.O.S.T.* - This regulatory organization takes great interest in issues involving law enforcement. P.O.S.T. is generally reluctant to interfere in the mission of an agency. P.O.S.T. would likely:

- a. Support Rocklin's efforts to manage excessive force, especially training based programs.
  - b. Could assist management in the evaluation of management programs and suggest alternatives and improvements.
7. *City Attorney* - The Rocklin City Attorney is responsible for all claims and threatened litigation against the City. She would:
- a. Support any efforts by the Police Department which could reduce lawsuits and claims.
8. *Rocklin City Council* - Genuinely concerned for the welfare of the community, including police officers. Individual positions may vary depending upon political support available. Influenced by this support the Council may:
- a. Call loudly for sanctions against officers who use excessive force, regardless of the circumstances. Support any policy that restricts police authority and discretion.
  - b. Conservative politicians would like to see the police with more authority. They may see police abuse as a "necessary evil" of policing a violent society.
9. *Citizens (snaildarter)* - Some groups and organizations within the different communities of Rocklin perceive the use of force, or even abuse of force, as necessary and effective. The position of this "snaildarter" group is likely to be:
- a. Oppose any reduction in the authority and discretion of police. Oppose training that is non-traditional, such as alternatives to the use of force.

### MODIFIED POLICY DELPHI

A modified policy delphi was use to identify potential strategies. A group of eight individuals, including law enforcement managers, supervisors, officers and training experts, was given the previous prepared mission statement. The group was asked to generate a list of strategy alternatives to mitigate or prevent the negative future described in the normative scenario (Feared but Possible), "Civil Unrest Rocks California Cities-Police Conduct Questioned." A complete list of the alternatives can be found in Annex I. Four experts, using the rating process shown in Annex J, narrowed the list to five alternative strategies which are covered in the following discussion.

#### **Alternative Strategies**

1. **Increase the level of training in the use of force tactics for in-service personnel.**

##### PROS:

- Training is mandated through this policy and not subject to subjective and arbitrary reduction.
- Officers would receive uniform training.
- Proficiency in the use of weaponless defense tactics would be increased.
- Fewer officers and citizens would be injured.
- Officers would be less prone to excessive force caused by uncertainty and lack of confidence in tactics.
- Increased training would result in more effective application of techniques.
- Better tactics results in less injuries to citizens, and thus, less litigation.
- Would educate officers in the constitutional limits to force.

##### CONS:

- The cost of mandatory training could be cost prohibitive.
- The physical demands of increased defensive tactics instruction could increase employee injuries and workers compensation claims.

- New employees, especially lateral transfers, would have to be brought into compliance which is timely and expensive.
2. Provide training in alternatives to force and defusing techniques.

## PROS:

- Less of a need to use force to control a situation, which would reduce injury to officers and citizens.
- Would improve communication skills of officers during violent and non-violent situations.
- Recognition for RPD.
- May reduce civil litigation.
- The value of life would be emphasized.
- Officers would have a valid alternative to force.

## CONS:

- Officers may rely too much on defusing techniques and fail to control a situation when force is required.
- Some officers may resist this training.
- Time consuming and costly.

3. Complaints of excessive force, whether sustained or not, will be tracked and evaluated. Results would be made available to the public.

## PROS:

- Officers with chronic complaints can be identified for training, counselling, or discipline.
- May build trust of the RPD by the community.
- Would provide an "early warning system" for problem employees.
- Delivers a message of intolerance for unauthorized use of force.
- Would identify officers who are not a problem and those who use restraint.
- Would identify chronic citizen complainers.
- May increase credibility of investigative process.

## CONS:

- Officers could feel betrayed by management.
- Assertive officers may be wrongfully targeted due to the higher number of confrontation situations they encounter.

- Could result in slowdown by officers who don't want to be subjected to a record.
- May cause a reluctance to use force, even when justified.
- Injury to officers may increase.

4. **A more definitive "Use Of Force" policy with emphasis on a clear definition of authorized force.**

PROS:

- Could reduce incidents of excessive force.
- May result in fewer lawsuits.
- Would limit misunderstandings.
- Emphasis on the use of force continuum would be promoted, creating a link between training and policy.

CONS:

- Tactics justified in other jurisdictions may be restricted, causing discord among officers.
- A higher standard is also subject to challenge or expectation in court.

5. **Establish a citizens review committee to review complaints of unauthorized force and make policy suggestions.**

PROS:

- Would increase community trust in the RPD.
- Would increase community input.
- Would provide an independent review of controversial issues.
- Could defuse challenges of protectionism by the police.
- Would create a broader environment for soliciting suggestions and guidance.

CONS:

- Lack of understanding by the board could result in unreasonable findings.
- Would create resentment by street officers which could effect morale.
- Would set a precedent in Placer County which could result in similar boards in other agencies.
- Could become political, and therefore, ineffective.



### Recommended Strategy

The recommended strategy is directed towards the issue question, "What will be the status of law enforcement management of excessive force, in a small or medium size agency, by the year 2001?" The focus of the strategy is on the normative scenario, "Civil Unrest Rocks California Cities-Police Conduct Questioned." Several of the policies recommended by the modified delphi group are viable for addressing the issue and the "Feared But Possible" scenario. Rather than rely on one policy, however, several of the policies will be merged into one strategy. The recommended strategy will include the following policies:

1. **Increase the level of training in the use of force tactics to in-service personnel:** Police officers are called upon to actively confront violent situations, each being unique and dangerous. The violence that was limited to the inter-city has found its way to small cities throughout California. Training officers how to control these confrontational situations, is no longer limited to the large departments. Training will breed confidence. Personnel confident in their ability to control themselves, will better control violent confrontations. Unauthorized force can be managed by a comprehensive training program.
2. **Provide training in force alternatives and defusing techniques:** Critical to an officers judgment is his/her ability to assess danger. This training would assure officers are provided with skills for threat assessment and response. The technique of defusing and the psychology of arrest are not intended to replace the use of force, but rather to offer an alternative. Training in only the use of force or defusing techniques, would leave the officer critically short. Use of force training (Policy 1) and the alternative to

force would be offered as a comprehensive training package.

3. A more definitive "Use Of Force" policy with emphasis on a clear definition of authorized force: The legal definition of excessive force is vague and open to multiple interpretations. This concern was further defined by the sub-issue: *How will law enforcement incorporate the legal definition of excessive force into operation practice.* A definitive policy on the use of force, with emphasis on the escalation of force, would serve as a guide for officers previously unsure about justified force. The policy would be more restrictive than the vague penal code definition. Officers can be held more accountable for their actions through a departmental policy. Such a policy also sends a clear message of intolerance for excessive force.

#### STRATEGY IMPLEMENTATION

Section Three will present a Transition Management Plan for implementing the strategy. First, however, it is necessary to identify action steps and estimate projected timelines. The action steps are general with more specific definitions left to transition management team.

The chief of police has overall responsibility for planning and implementing the plan. The transition management team will develop specific objective and goals.

Funding for the recommended training is available within the City budget. It is necessary to shift resources from other training programs to accommodate the strategy; however, no critical fiscal impact is expected.

Phase 1: Evaluating the Need for Change

Time line- Zero to six months. This phase includes:

- Assessing a need for change
- Establishing a committee to develop training programs
- Identifying resources available within the department
- Evaluating current training programs available
- Studying past complaints of excessive force within the department
- Identifying resources available outside the agency
- Assessing if the current organizational culture promotes the use of unauthorized force
- Receiving administrative approval of plan

### Phase 2: Program Development

Time line- One month to nine months, includes:

- Selecting a program coordinator
- Developing the Transition Management Team
- A Structure plan
- Identifying training concepts to be employed
- The development of a budget
- Communicating the process to employees
- Setting target dates for implementation

### Phase 3: Implementation

Time line- One year to three years, includes:

- In-service training, which will be phased in:
  - Use of force tactics (3 parts)
  - Alternatives to use of force (2 parts)
  - Use of Force Policy review (quarterly)
- Developing an evaluation plan
- Determining the training providers
- Reviewing complaints of excessive force quarterly

## TRANSITION MANAGEMENT

### PURPOSE

It is necessary to organize a plan to implement this strategy and to manage the subsequent transition. The components of this plan will include the identification of the "Critical Mass", the management structure to be utilized during the transition, and the technologies/methods which will be employed to assist in the transition.

### COMMITMENT PLANNING

The Critical Mass, by definition, are those individuals which are key players and can seriously affect the outcome of the transition. Should these players support the proposed change, then success is likely. However, if they are opposed to the change, the change is likely to fail. The following is a listing of the Critical Mass Players for this transition management plan:

- o Chief of Police
- o President of Police Association
- o Department Training Manager
- o City Manager
- o Chairperson for PLEA

A chart has been prepared to characterize the commitment of these Critical Mass Players. Table 3 illustrates an estimated level of commitment each player currently maintains, as indicated by the letter "X". The letter "O" indicates the projected level of commitment that each player must have, at a minimum, for the transition plan to be successful. The arrow represents the movement, if any, in the level of Commitment required of each Critical Mass Player.

**TABLE 4**  
**COMMITMENT CHART**

CRITICAL MASS PLAYERS	BLOCK CHANGE	LET CHANGE HAPPEN	HELP CHANGE HAPPEN	MAKE CHANGE HAPPEN
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CHIEF OF POLICE			X →	O
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TRAINING MANAGER			XO	
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POA PRESIDENT	X →			O
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PLEA CHAIR			X →	O
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CITY MANAGER		O ←		X
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The following is a discussion of the commitment level estimates shown in Table 3 which includes the reasoning for any required movement:

Chief of Police - Given the current climate for change, the Chief of Police will recognize the importance of this plan. His support is critical to success and his participation is required at a greater level than all other players. He must move from a HELP CHANGE HAPPEN to MAKE CHANGE HAPPEN. The Chief has displayed vision and is responsive to the needs of the community. This shift to MAKE CHANGE HAPPEN can best be

accomplished by showing the Chief the advantages vs disadvantages.

Department Training Manager - The departmental training manager will certainly have an interest in any changes that affect the discretionary use of training hours and funds. Employees within the organization will look to the training manager for a reaction to the training. If it is supported, others should follow. The training manager will HELP CHANGE HAPPEN and should remain so throughout the transition.

Police Association President - The Rocklin Police Officers' Association is the organized labor representative for all employees of the police department at and below the rank of sergeant. The RPOA will oppose this change, at least initially. This organization will be very concerned with the intended purpose of the training strategy. Line personnel will be concerned that the proposed training will effect their ability to protect themselves in the field. To promote this training strategy line personnel, specifically the patrol officers, will have to be brought into the plan via their labor representative. Since the Association President is elected by a popular vote of the membership, arguably he is the most influential representative. A minimum commitment of LET IT HAPPEN is needed, yet the Association President will probably BLOCK CHANGE. To transfer the President's commitment from BLOCK CHANGE to LET IT HAPPEN, it is best to focus on the positive. The Chief of Police will have to cause this adjustment to happen. This can best be accomplished, through the Chief of Police, by providing the Association President with accurate information and by allowing him to participate in the transition process. The RPOA President will recognize the need for change, given the public's concern, and would therefore embrace this strategy rather than a more confining one.

Chairperson, Placer Law Enforcement Association (PLEA) The Placer Law Enforcement Association (PLEA) is comprised of the Chief of Police for each Placer County city, the Placer County Sheriff, the District Attorney and the area commanders for State Parks and the CHP. This organization is very influential within the county and will be targeted to assist in the implementation of the strategy. The key player will be the chairperson of PLEA, who represents the position of the membership. He will be called upon to assist in this strategy. The initial position of the Chairperson would LET CHANGE HAPPEN; however, he would have to move to HELP IT HAPPEN. Since the Chief of Police of Rocklin is a peer to members of PLEA, he is in the best position to in solicit this change. The Chief of Rocklin will have to rely on his facilitation and communication skills. Only factual data, however, will influence the members of PLEA. To achieve support, the political benefits of this plan would have to be stressed. Police executives have come under fire for failing to act on the issue of excessive force. This strategy would allow these leaders to act.

City Manager - The Chief Executive Officer for any organization, predictably, has strong influence for change. This influence is great in a smaller jurisdiction, merely because the position is stronger due to size. The City Manager for the City of Rocklin will want to MAKE CHANGE HAPPEN, especially given the political sensitivity towards unauthorized force. This position will cause resentment among the rank and file. With the City Manager aggressively promoting the strategy Police Association members, specifically the RPOA President, will resist. The position of the City Manager will be viewed as an affront to the authority of the street officer. Critical to the success of this transition is the necessity to "soften" the City

Mangers involvement. Political influence, through the City Council, can bring the City Manager to the LET IT HAPPEN position. He will be guided by the wishes of the Council, who should embrace this strategy. More important, by bringing the City Manger from MAKE IT HAPPEN to LET IT HAPPEN, opportunity to move the RPOA President from BLOCK CHANGE to LET CHANGE HAPPEN will be enhanced.

#### THE TRANSITION MANAGEMENT STRUCTURE

Organizational change will not occur "overnight." Change occurs in three phases: pre change state, transition state and, post-change state (future state). Even the most stable and progressive organization can not facilitate change within their own organizations with existing structures. The management structure proposed for change within the Rocklin Police Department must be uniquely suited to the task. It should be temporary and focus specifically on the transition process. To assure continuing input from different levels, cultures, and functions within the organization, a "Diagonal Slice" structure will be implemented. The diagonal slice mode seeks representative sample rather than formal representation.

The technique "responsibility charting" was initiated to assess alternative behaviors of each actor. The behavior that is required to implement important change is clarified through responsibility charting. The Responsibility Chart for this transition plan is found in Appendix K. The role of each key actor follows:

The proposed strategy involves a controversial issue and the potential for significant modification as to the manner officers will handle use of force encounters. The **chief of police**, especially because this is a small agency, will act as the project manager. He must display good



interpersonal skills and respect the stakeholders, both internal and external, involved. The chief of police will be responsible for developing a mission statement and selecting the transition management team. Within this mission statement, a departmental directive defining reasonable force. Other key actors, who will be needed as support for these two actions are: the training manager, POA president, departmental management team.

While the **city manager** will not be critical in the development of a mission statement, he/she hold veto power and must be included in validating the statement.

The **training manager's** primary responsibility is to develop training programs recommended in the policy statement. He/she also holds a support role in developing the mission statement, implementation plan, transition team selection, and program introduction. While P.O.S.T. will not be directly involved in the transition, it will be the responsibility of the training manager to solicit guidance from this outside organization.

The **departmental management team**, which includes division commanders and program managers, will be responsible for developing an implementation plan. This team will also be responsible for evaluating the progress of the plan. The management team must be consulted and/or support all other decisions or actions involving this plan.

Finally, the **Police Association's** role is critical to the success of the policy. Therefore, their support will be needed in the development of an implementation plan, development of training programs, the selection of the transition team, and (most importantly) the introduction of the plan to the personnel within the department.

In addition to responsibility charting, there are other technologies and methods for aiding transition. These are described below.

#### OTHER IMPLEMENTATION TECHNOLOGIES/METHODS

To aid the transition management plan there are several methods and/or technologies that can be applied. These should be identified prior to initiating the training strategy as they can help defuse the expected normal resistance to change. Additionally, these methods/technologies can aid in reducing the level of anxiety and uncertainty which usually accompany change. The technologies and/or methods which have been identified for use by the project manager include:

Performance Feedback: The members of the transition management team must be informed as to their progress and achievement. This will allow individual players to make the necessary adjustments and therefore improve. Performance feedback will also provide information, critical to the transition, that can be disseminated to those who may be the most resistant to change.

Experiments: A control group can be selected with whom the strategy can be tested. Should the reaction be unacceptable, new strategies can be experimented. Additionally, if the strategy is effective, but not sufficient, modifications can be made and follow-up experiments initiated.

Milestone Recognition: The transition plan will employ designated milestones denoting progress toward the goal. It will begin with the chief introducing the plan to all departmental employees and followed up with a press

conference. Significant events will be formally announced and celebrated. This will assist in moving from the past to the future. This will also serve as a tool or "feedback mechanism" to build momentum for change and to mitigate anxiety caused by poor communication. Desired behavior will be publicly recognized and rewarded.

## CONCLUSIONS AND RECOMMENDATIONS

A young black man from south central Los Angeles was asked by a news commentator how the violence in his neighbor could be quelled. The man replied, "I don't know, I'm sorry - I just don't know." Answers to this social problem don't come so easily. Causes of the violence are numerous and complex. Solutions are challenged and debated. This study sought answers to a more defined issue: *What will be the status of law enforcement management of excessive force, in a small or medium size agency, by the year 2001?*

The responsibility for managing the excessive use of force by police is exclusively that of the CEO for individual agencies. While rational for unauthorized use of force may be social based, the control of this deviant behavior remains the obligation of each agency and therefore the departmental CEO. The problem cannot be explained away so simply by stating: *We live in a violent society.*

Young recruits are drilled throughout their academy and field training to recall legal codes, case law, criminal law, procedure, and rules of evidence. Each new officer is judged on his/her ability to cite the appropriate law and to apply it justly. Neglected, however, is the effect of the law on society.

*"We do not teach, and then constantly reinforce, a love of the law. Should we then be surprised when some officers take the law into their own hands or do not respect departmental polices?"<sup>13</sup>*

More must be done to assure that the American police officer respects and ultimately loves the law. He/she will face numerous dilemmas which will test a love for the law.

Much will occur that will discourage the lesser officer; however, constant reinforcement will build on the officers character and a proper value will prevail.

More disconcerting, and certainly related to the above, is the evolution from a love of life by the officer to a mere tolerance of life. Faced with the daily portrayal of hate and destruction within the community, the officer soon views human life as less than precious and even expendable. It can be suggested that such behavior and values are a product of the environment - necessary in order to adapt to the ills of society. All of this lends to a loss of love for fragile human life. This disregard for human life can therefor be attributed to police abuse and deviance.

How can this loss of love for the law and life be avoided? Is it a general condition of law enforcement that cannot be treated; or rather, are there answers?

To further define the previously stated issue, the following sub-issues were developed:

*What programs will be utilized to control excessive force?*

*What will be the influence of training on incidents of excessive force?*

*How will law enforcement incorporate the legal definition of excessive force into operational practice?*

#### ANSWERS

PROGRAMS: Programs can be initiated to promote a climate that is intolerant to police abuse. The posture and tone is set by the leadership of the agency. Clear policy must be implemented to mandate levels of force, a force continuum, and reporting incidents of force. Appropriate

discipline must accompany any violation of the policy. Officers will come to expect challenges of their decisions to use force and be prepared to justify appropriate force. Conversely, leaders must display clear support for officers who are justified in their use of force. As an extension of this support, officers who display extraordinary restraint should be duly commended. The intent of this practice is to develop, for the future, an organizational culture which reflects the sincere desire of law enforcement to limit unauthorized use of force.

Other programs which were identified through this study and are worthy of consideration:

Complaint tracking - a system for recording and tracking allegations of excessive force. Those officers displaying a pattern of sustain abuse can be targeted for intervention. Intervention may include: counselling, training, and/or discipline. To assure credibility for the tracking, the system would not be agency based, instead it should be managed by the State Department of Justice.

Monitoring - monitoring officers' behavior and demeanor in the field is an effective means of identifying those officers with tenancies towards abuse. Monitoring at the supervisory level would involve training first line supervisors in how to recognize these tenancies and how to intervene. The program could involve mandates for supervisor to subordinate ratios.

Stress recognition and intervention - the majority of excessive force incidents have occurred during situations of extreme stress. Those officers who traditional react with control above been found to be effective managers of personal stress. A training based program to recognize stressed employees and how to intervene, is proposed. Three levels of monitoring is suggested: supervisory, peer, and

self recognition. While this is not a unique program, it is one that has not been adequately expanded upon. Mandates may be in order.

TRAINING: Training programs in the use of force can impact actual level of excessive force. It is generally accepted that officers who lack confidence in their ability to control another individual physically, are more likely to over react or under react to a threat. Both responses can result in unnecessary injury to citizens and officers. Personnel competent in arrest and control tactics tend to utilize approved techniques rather than improvised tactics. Training personnel in how to de-escalate violent situations will reduce the incidents when force is used and therefore impact the level of excessive force. Furthermore, as science further develops an understanding of the deviant mind, new psychological intervention techniques can be developed and incorporated in force avoidance training.

Throughout the process of this study, respondents unilaterally concurred that training was the single most important factor available for reducing incident of excessive force. Some experts contacted for this study considered use of force training as the most critical aspect of such training programs. Others suggested that training in the use of defusing and force avoidance techniques as most important. It appears, future training programs addressing the use of force, would best serve law enforcement by emphasizing both training disciplines.

DEFINITION: The penal code definitions of excessive force and reasonable force are vague and subject to various interpretations. Case law has further defined appropriate levels of force; however, even the courts rulings are too broad. Individual agencies, therefore, have been left to seek the "working definition" of reasonable force. The position of independent agencies is usually communicated

through policy and/or training. Unfortunately, this process could conceivably create 600 different interpretations.

It became evident, throughout this study, that there exists no definitive guidelines for appropriate use of force. Agencies have been left to anticipate what direction the judicial branch proceed or what new law will be enacted by the politically motivated legislature. A direct result of this unclear message is the resultant interpretation of the law by individual officers. It is certainly appropriate to afford officers discretion; yet, if left unchecked and without direction, some officers may abuse this authority.

A final consideration on this subject is the community and how they perceive excessive force. A community surrounded by violence may be more tolerant to excessive force. They may consider police abuse as a necessary by-product of controlling a violent society whereas, "the end justifies the means."

Guidance on this matter is a state-wide issue. A clear legal definition as to what constitutes reasonable force (and therefore excessive force) needs to be enacted by the California legislature. Unfortunately, this may only occur after the "feared but possible" scenario is played out.

#### NEED FOR FURTHER RESEARCH

Several subjects which would warrant further study, became evident during this study. These subjects could well be undertaken by future Command College students as their project study.

One issue which surfaced was the unsubstantiated claim that women on patrol are less likely to use force and therefore are rarely charged with excessive force. If true,



will this trend continue, even as the ranks of women assigned to violent environments grows? What is responsible for this phenomenon? Will women on patrol therefore become the majority rather than the current minority due to their abilities as peace-makers?

A second issue is the future of monitoring system for police. What will be the technological advances? What type of management system will be implemented in the future to better monitor officers in the field?

Internal affairs investigations may well be contracted out by most law enforcement agencies in the future. This may enhance the credibility of an agency's inquiry; or, it may undermine the authority of the chief executive officer of the agency. Is there a trend toward this alternative; and if so, what will be the impact on incidents of excessive force?

Finally, what effect does psychological testing have on reducing unauthorized force? Will a reliable pre-employment test be developed to screen out officers who may have a propensity towards excessive force? A study could be initiated on the future of psychological intervention for field officers who have shown a pattern of violence.

*To guarantee democracy's future in the dangerous decades to come, all the agencies that form a part of the American justice system need to rethink their assumptions about tomorrow and to pool their findings. They must know that they can never get it "right" but also realize that the very act of asking the right question, or shaking people out of their mental lethargy, is essential to survival.<sup>14</sup>*

## APPENDIX A

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## APPENDIX B

### Nominal Group Participants

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Office of the Sheriff  
Sacramento County Sheriff's Department

Neal Allbee  
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Operations Division  
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David Ritter  
Lieutenant  
Employee Relations  
California Highway Patrol

Daniel Baizer  
Lieutenant  
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David Johnstone  
Sergeant  
Weaponless Defense Instructor  
Rocklin Police Department

Ramon Coronado  
Reporter  
The Sacramento Bee

## APPENDIX C

### Rank Ordered List of Trends

1. Legislation regulating police use of force.
2. Case law relating to the use and abuse of force.
3. Availability of quality police recruits.
4. Civilian review boards.
5. Training in the use of force.
6. Personal stress on law enforcement personnel.
7. Role of the media.
8. Deterioration of image of police.
9. Technological alternatives to the use of force.
10. Number of citizens' complaints.
11. Availability of video cameras
12. Population and demographic changes.
13. Attitudes towards self materialism and worth.
14. Officers' reluctance to use force.
15. Change in social values
16. Attitudes towards authority.
17. Attitudes towards violence.
18. Level of available resources.
19. Level of societal violence.
20. Massive arrests of police as violators.
21. Legislation effecting police discretion.
22. Concern for liability.
23. Criminals using exotic weapons.
24. Level of injuries to police officers.
25. Opportunist litigants and unions.

## APPENDIX D

### Rank Ordered List of Events

1. Police action prompts riot in major American city.
2. Establishment of state and/or federal review board.
3. Police Stress Syndrome identified.
4. Monitoring of police activity mandated.
5. New containment device developed.
6. Entire agency charged criminally.
7. P.O.S.T. mandated training.
8. Legislation prohibiting misdemeanor incarceration.
9. Major summer riot.
10. Use of baton outlawed.
11. Major terrorist act against police.
12. Police chief fired over force issue.
13. Legislation allows armed citizens.
14. Carotid restraint hold outlawed.
15. Large police department privatize.
16. Legislation for "real" jail time for gun violations.
17. Resisting police law becomes felony.
18. Canines as weapon outlawed.
19. Earlier retirement of police officers legislated.
20. Sabbaticals mandated for police.
21. Assignment rotation mandated.

TREND STATEMENT (Abbreviated)		LEVEL OF THE TREND ** (Today = 100)			
		5 Years Ago	Today	* Five years from now	* Ten years from now
6.	Legislation regulating police use of force.	50-100	100	100-150 25-200	100-200 25-200
10	Case law relating to use/abuse of force.	20-100	100	100-200 25-200	50-200 25-200
25	Availability of quality police recruits.	50-150	100	100-200 120-200	80-200 130-300
4	Civilian review boards.	20-95	100	100-200 25-200	100-300 25-200
19	Training in the use of force.	50-100	100	100-150 100-300	100-200 100-300
23	Personal stress on law enforcement personnel.	25-95	100	100-150 25-150	200-300 25-150
			100		
			100		
			100		
			100		

Trend Screening

APPENDIX E

N=7

\*\* Panel Medians

\* Five years from now

"will be"

"should be"

\* Ten years from now

"will be"

"should be"



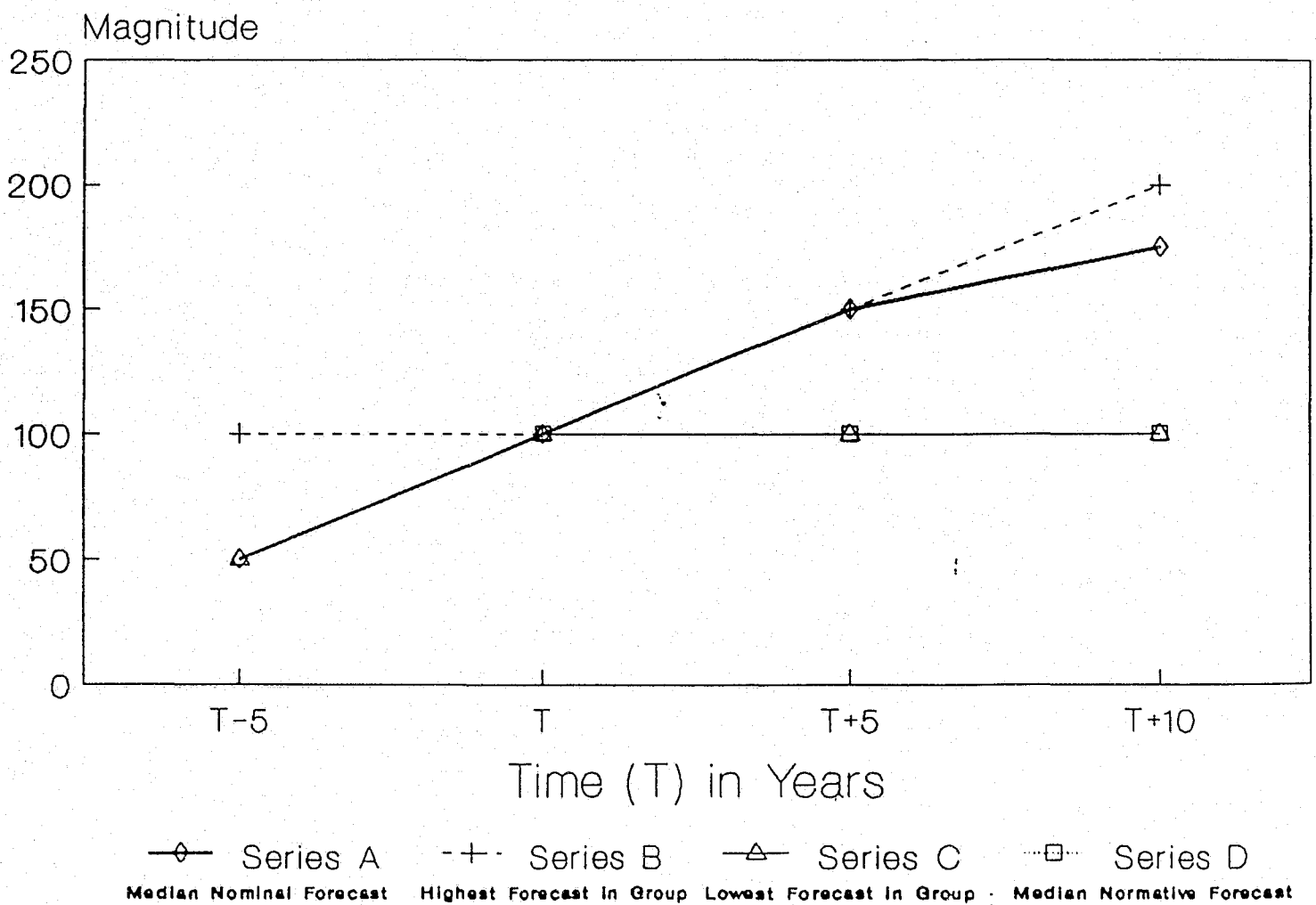
# APPENDIX F

## Trend Forecast Graphs

## GRAPH 1

# TREND 1 FORECAST

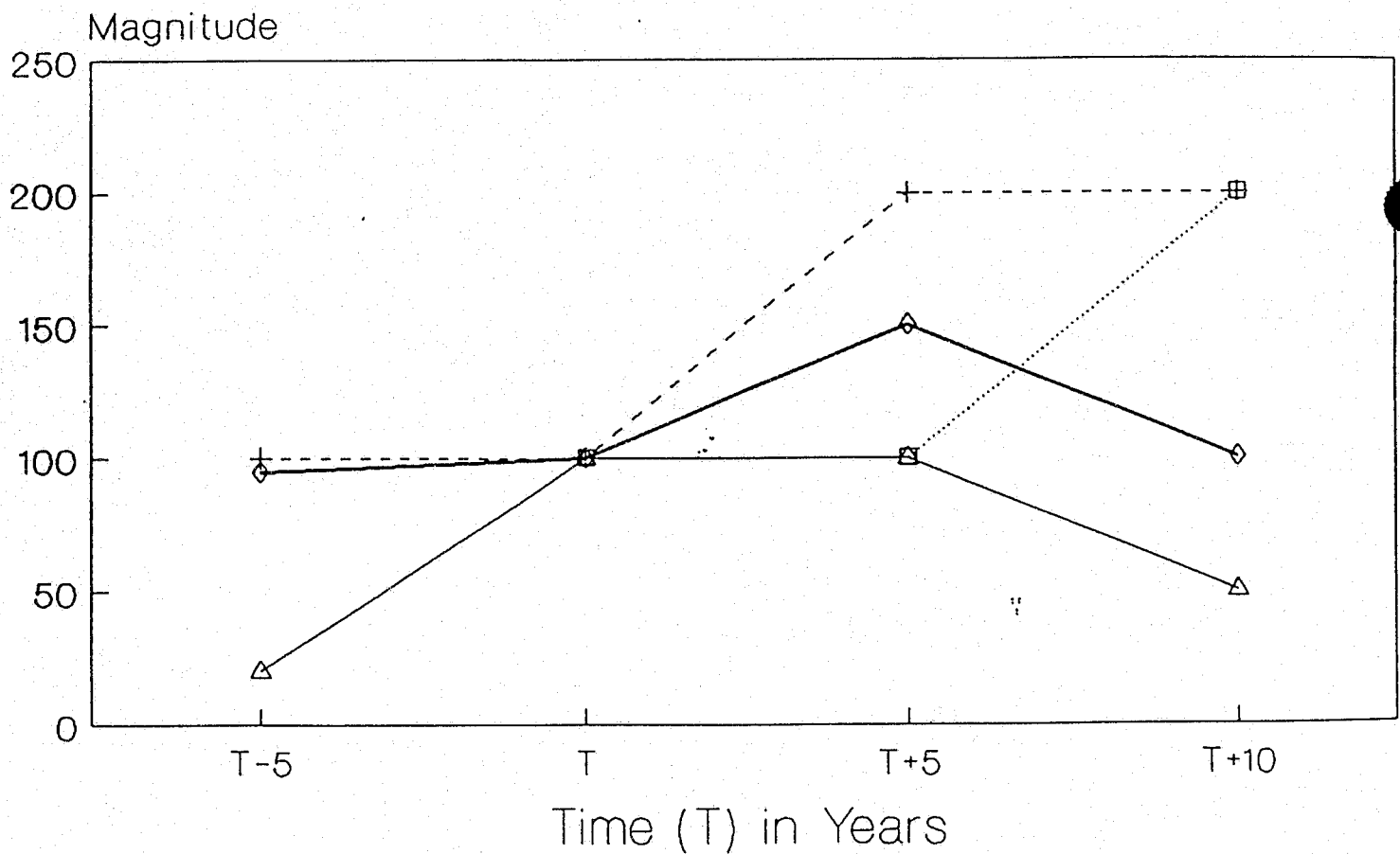
## Legislation - Police Use of Force



## GRAPH 2

# TREND 2 FORECAST

## Case Law - Use/Abuse of Force

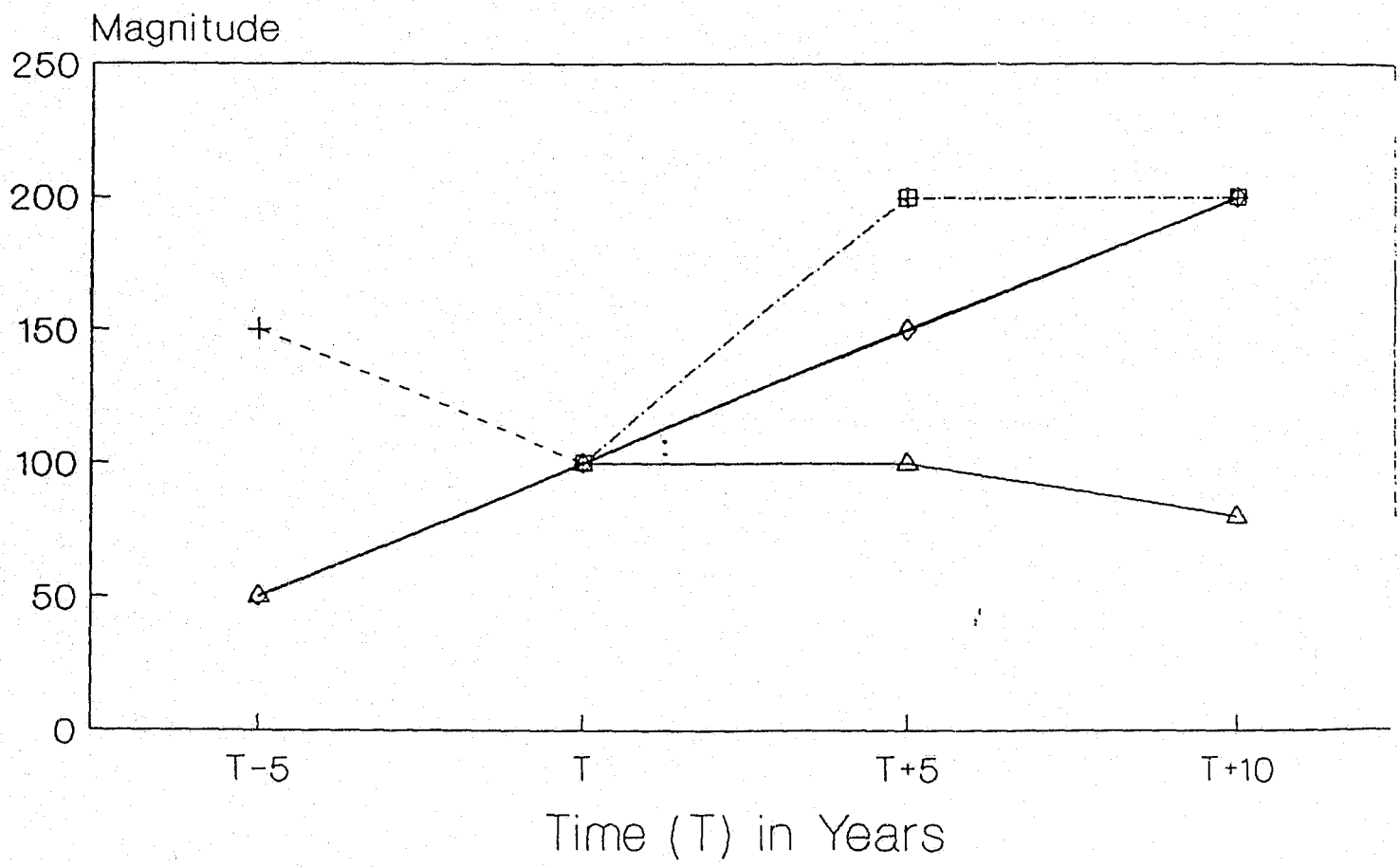


—◇— Series A    -+- Series B    —△— Series C    □ Series D  
 Median Nominal Forecast    Highest Forecast In Group    Lowest Forecast In Group    Median Normative Forecast

GRAPH 3

# TREND 3 FORECAST

## Availability of Quality Recruits

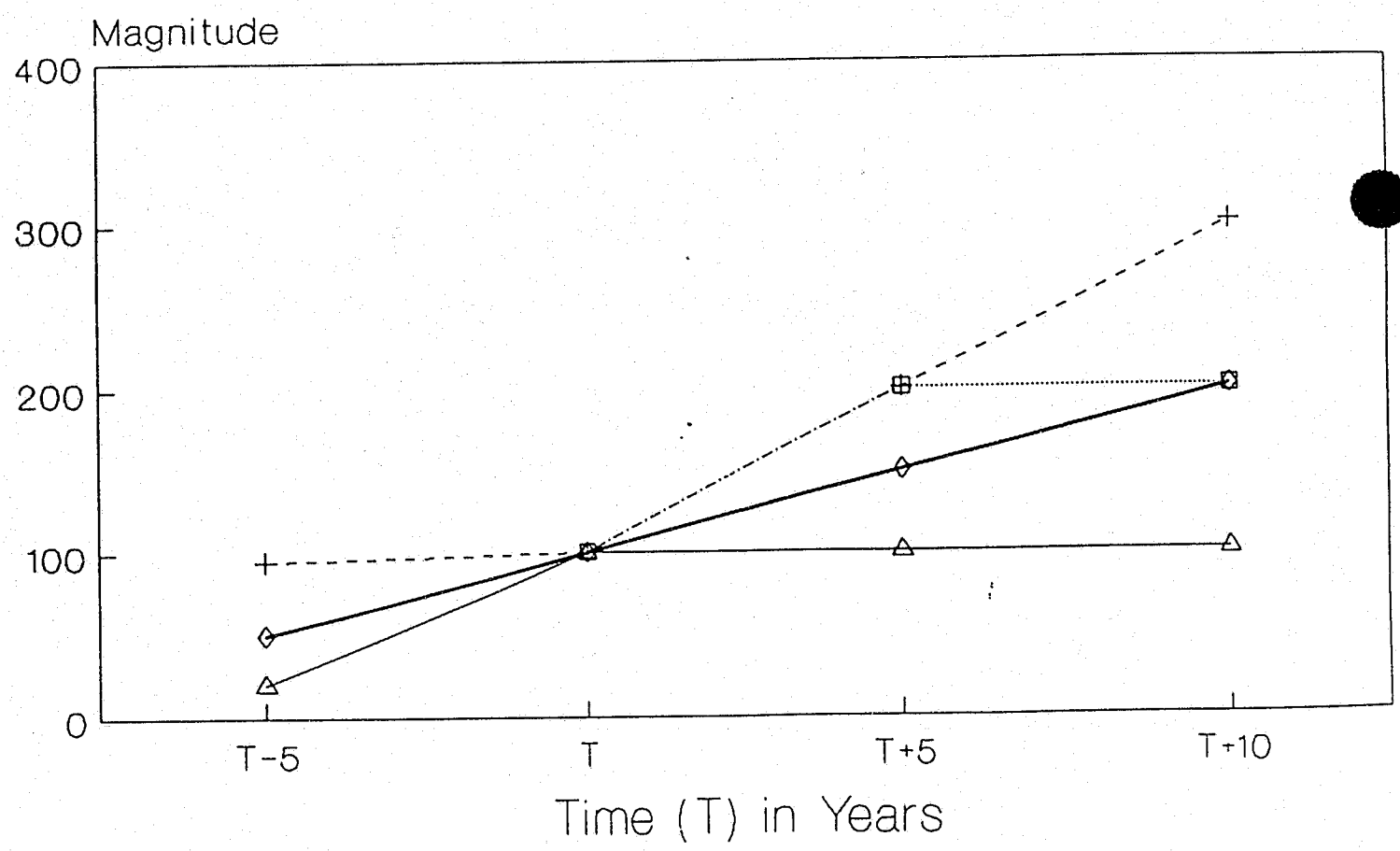


—◇— Series A    -+- Series B    —△— Series C    □ Series D  
Median Nominal Forecast    Highest Forecast In Group    Lowest Forecast In Group    Median Normative Forecast

GRAPH 4

# TREND 4 FORECAST

## Civilian Review Boards

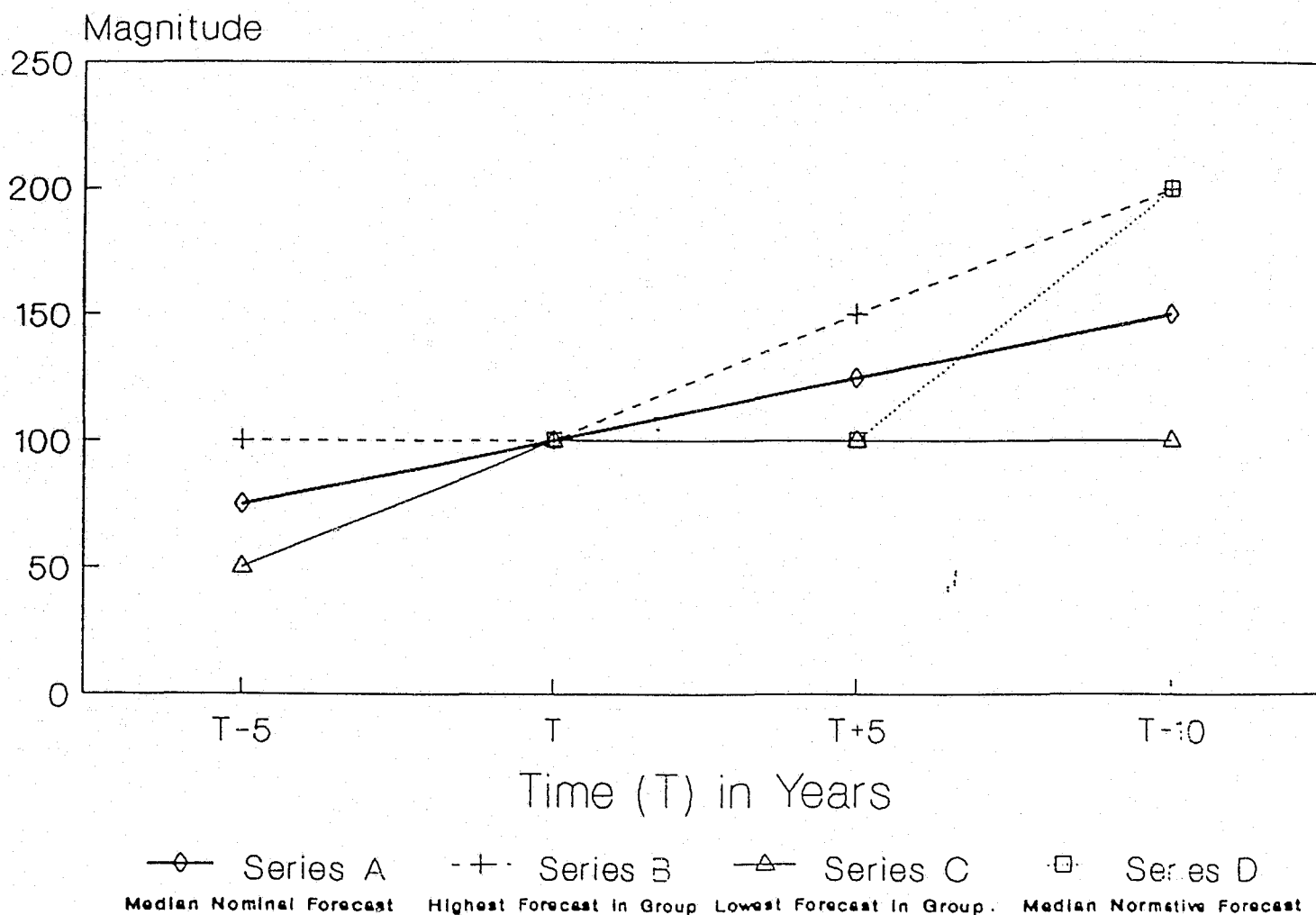


—◇— Series A    -+- Series B    —△— Series C    -□- Series D  
Median Nominal Forecast    Highest Forecast In Group    Lowest Forecast In Group    Median Normative Forecast

GRAPH 5

# TREND 5 FORECAST

## Training In Use of Force



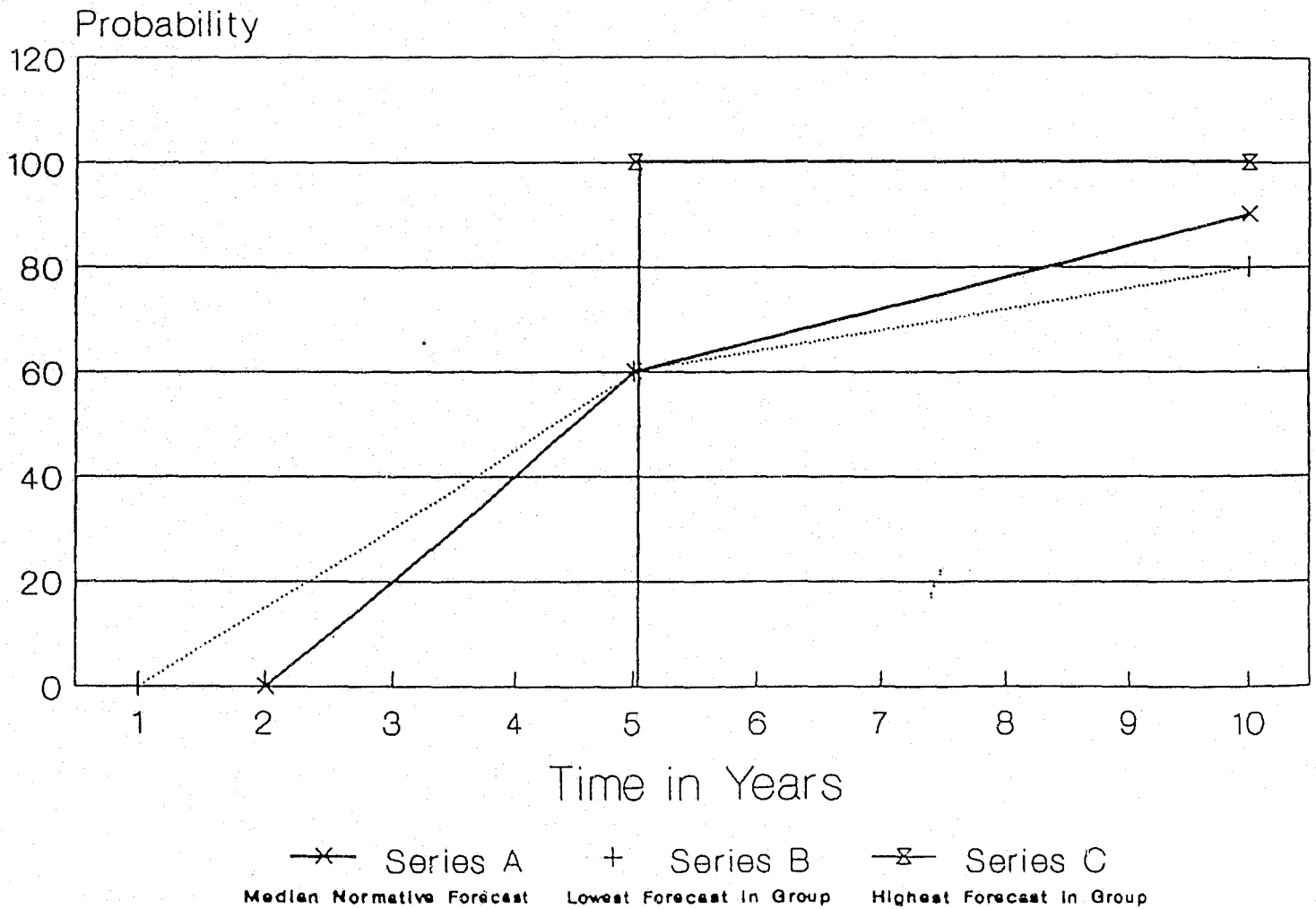
# APPENDIX G

## Event Forecast Graphs

GRAPH 1

# EVENT 1 FORECAST

## Police Action = Riot

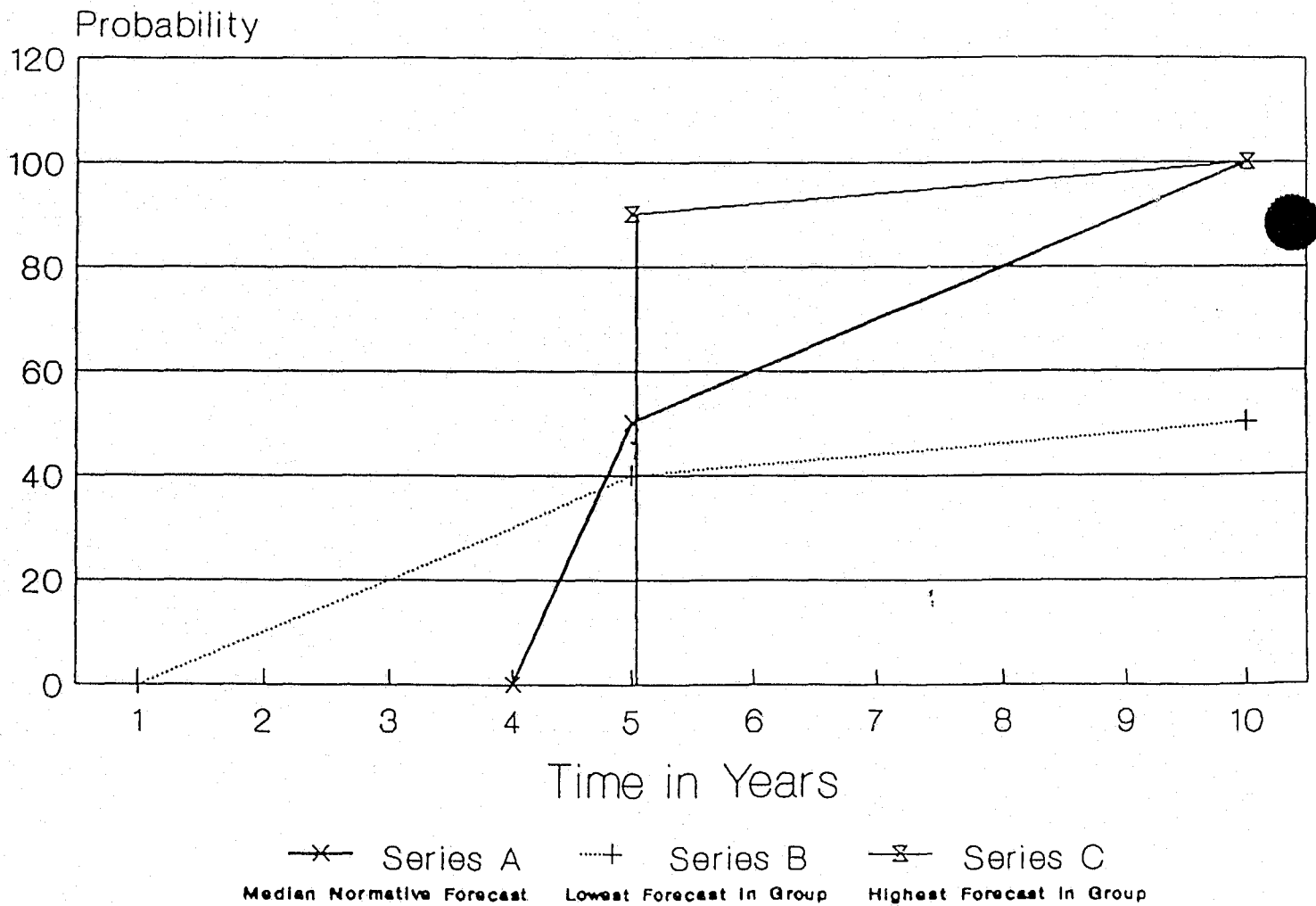




GRAPH 2

# EVENT 2 FORECAST

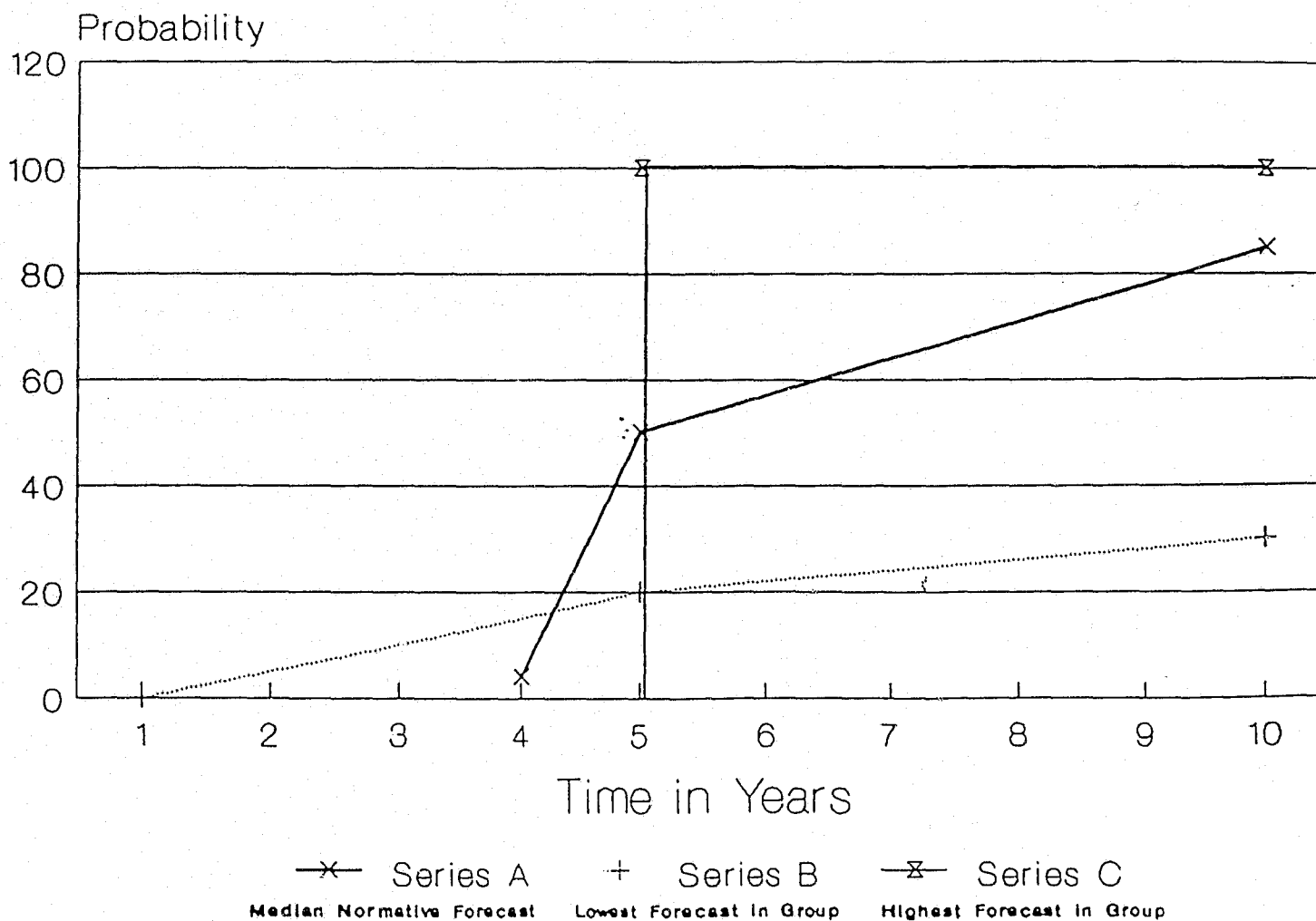
## State/Federal Review Board



GRAPH 3

# EVENT 3 FORECAST

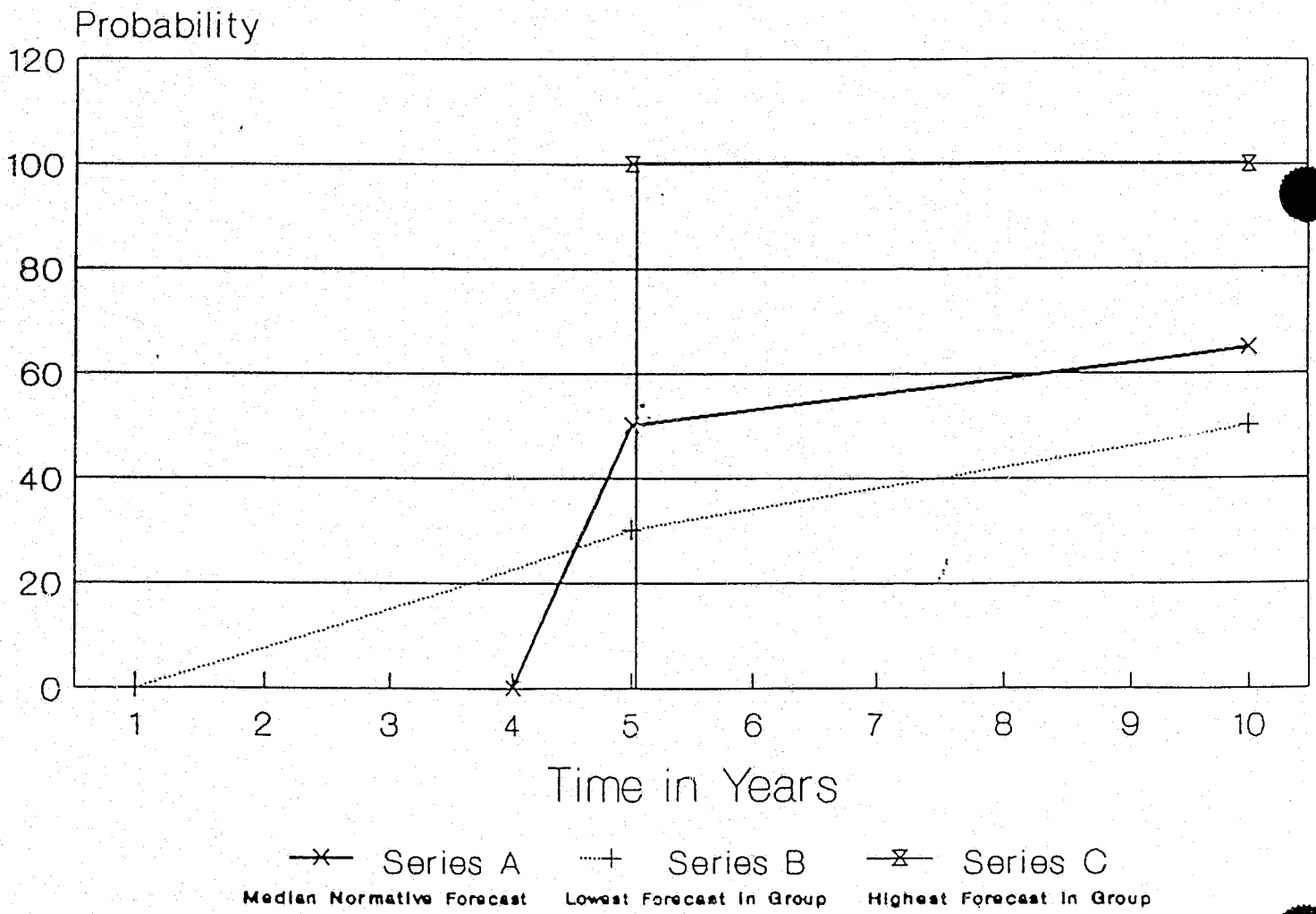
## Police Stress Syndrome



GRAPH 4

# EVENT 4 FORECAST

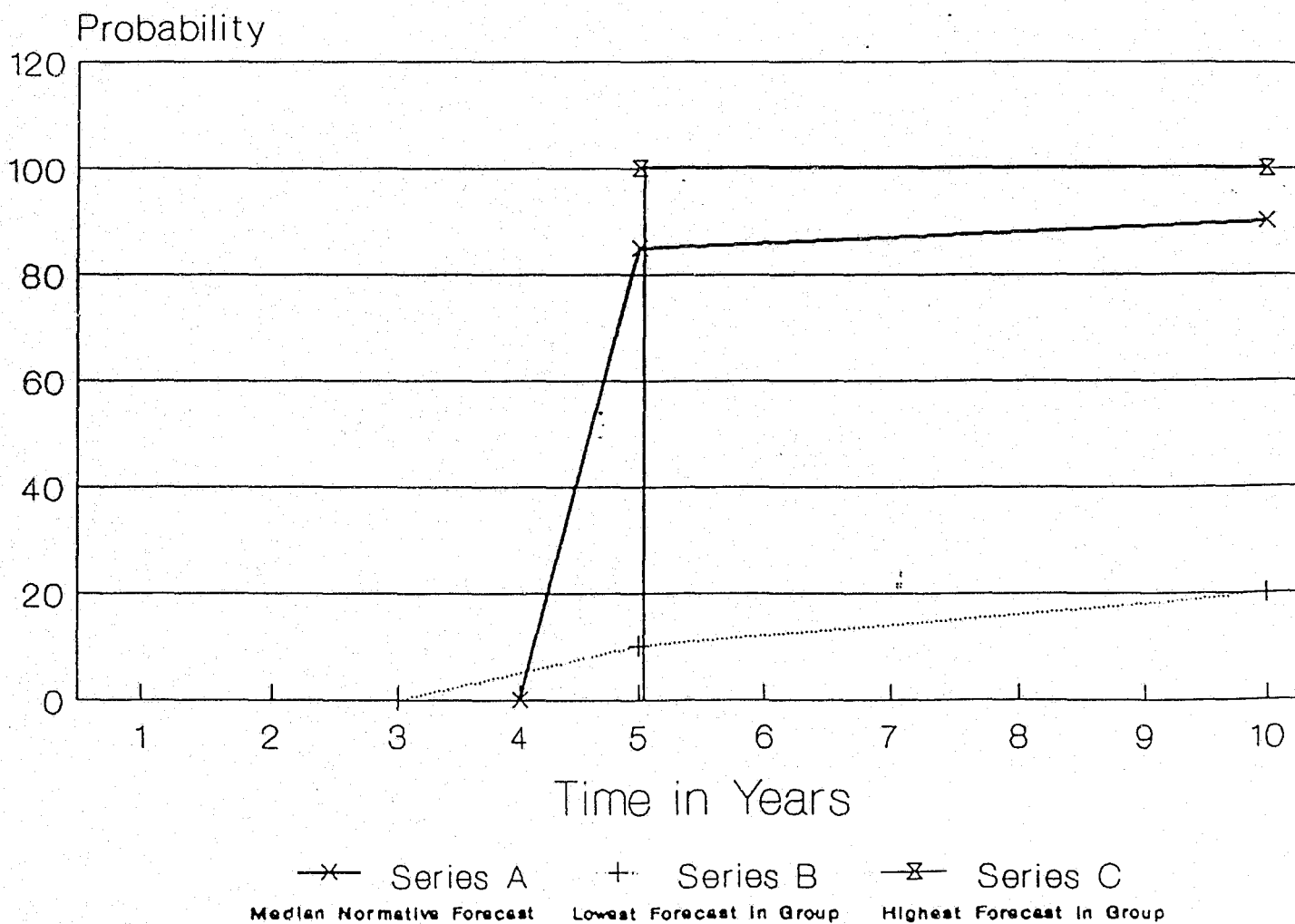
## Monitoring of Police



GRAPH 5

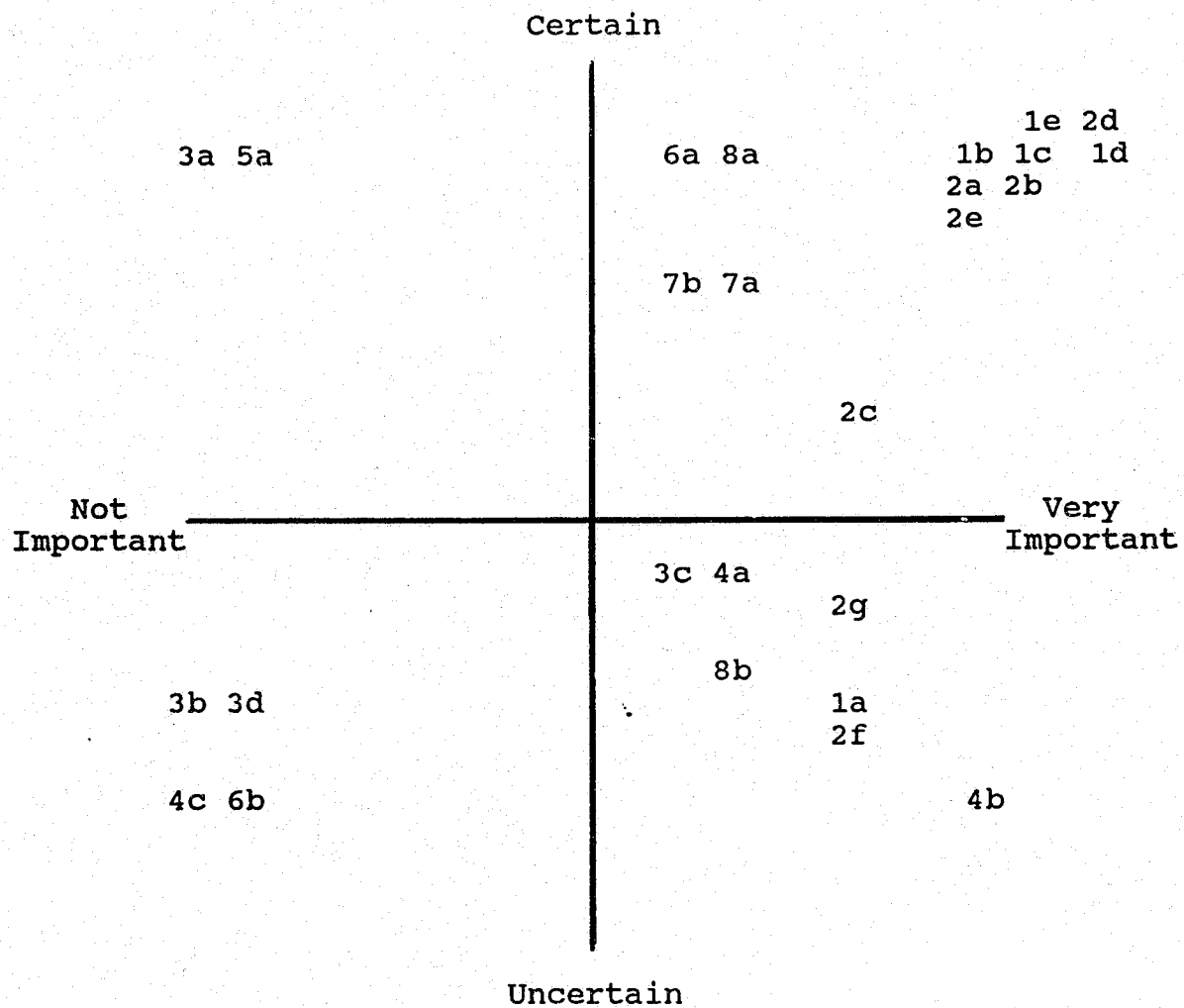
# EVENT 5 FORECAST

## Containment Device



# APPENDIX H

## Assumption Map



\*(See pages 33-36 for assumptions)

## APPENDIX I

### Alternative Strategies

1. The California Commission on Peace Officer Standards and Training increases the level of training in the use of force for all Basic Courses. This training includes alternatives to the use of force with emphasis on verbal communication skills development.
2. The State of California Legislature establishes a civilian review board responsible for the evaluation of excessive force complaints for all agencies described under 830.1, 830.3 and 830.32-830.35 P.C.
3. The Legislature passes a series of bills, which are signed into law by the Governor, mandating peace officers to report incidents of alleged excessive force by other peace officers. Failure to report or act would constitute a crime.
4. P.O.S.T. receives a mandate to require all peace officers receive 24 hours of training in the use of force and alternatives to force, annually.
5. A new law is passed requiring psychological evaluations of peace officers every five years.
6. The State of California budgets to fund peace officer sabbaticals for each seven years of service.
7. Video monitoring of planned police operations is mandated by law.
8. Standards for the selection, retention and promotion of law enforcement personnel is substantially improved.
9. The law enforcement community strongly supports research and development of an effective, less than lethal control device.
10. The Office of the Attorney General launches a campaign to educate the public and media about police tactics and what is excessive.

## APPENDIX J

### Alternative Strategy Rating Scale

#### FEASIBILITY

#### VALUE

DF Definitely Feasible	(3)
PF Possibly Feasible	(2)
PI Possibly Infeasible	(1)
DI Definitely Infeasible	(0)

#### DESIRABILITY

VD Very Desirable	(3)
D Desirable	(2)
U Undesirable	(1)
VU Very Undesirable	(0)

## APPENDIX K

Responsibility (RASI) Chart

ACTORS DECISION OR ACTS	Chief of Police	Training Manager	POA Pres	Mgmt Team	City Mngr
MISSION STATEMENT	R	S	I	I	A
DEVELOP PLAN	S	S	S	R	I
SELECT TRANSITION TEAM	R	S	S	S	I
PROGRAM INTRO	R	S	S	S	S
TRAINING PROGRAMS	S	R	S	S	I
BUDGET	R	I	I	I	A
PROGRESS REPORT	A	I	I	R	I
EVALUATE PROGRAM	R	I	I	S	A

## Legend

R= RESPONSIBILITY for action (not necessarily authority)  
A= APPROVAL (must approve, power veto)  
S= SUPPORT (commit resources toward)  
I= INFORM (to be consulted)



## ENDNOTES

- 1 Independent Commission on the Los Angeles Police Department, Report of the Independent Commission on the Los Angeles Police Department. Los Angeles, California. City of Los Angeles (1991): pp iii.
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