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ACQUISITIONS

WHAT WILL BE THE STATUS OF THE MANAGEMENT OF PEACE OFFICER MISCONDUCT, IN MEDIUM SIZE LAW ENFORCEMENT AGENCIES, BY THE YEAR 2002?

by

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SACRAMENTO, CALIFORNIA
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What will be the status of the management of peace officer misconduct, in medium size law enforcement agencies, by the year 2002?

Abstract

The future of managing peace officer misconduct is examined. The study includes a futures study of the management of peace officer misconduct in medium size law enforcement agencies by the year 2002; a strategic plan for the City of Roseville Police Department; a transition management plan, and, conclusions and recommendations. Trends used to forecast the future include: legislation affecting police internal affairs investigations, quality of police officer applicants, level of crime and violence, influence of civilian review boards, and citizen complaints against the police. High probability events that would impact the issue include: civilian review boards mandated, establishment of a State Office of Police Review, and a police administrator indicted for allowing department misconduct. Policy recommendations include: on-going training program for professional ethics and integrity, establishment of police commission to review police practices, and utilization of grand jury to review officer misconduct and department investigations. The strategic plan included generic concepts and implementation systems. The transition plan presents a structure and technologies to manage the subsequent transition. Included in the text and appendixes are graphs, charts, tables, and a bibliography.

MANAGING POLICE OFFICER MISCONDUCT BY THE YEAR 2002

AN INDEPENDENT STUDY PROJECT

by

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SACRAMENTO, CALIFORNIA
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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 possisble 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 the Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training (POST).

INTRODUCTION

Because of incidents such as "Rodney King" and the recent death of the Detroit motorist at the hands of the police, peace officer misconduct has again been resurrected as a contemporary social concern. As these issues are brought to the forefront, community, political, and governmental forces place increasing pressure on law enforcement for reform.

The police are no strangers to innovation born of scandal. Since the turn of the century, law enforcement agencies have been repeatedly shaken up and forced to reorganize. Generally, these changes have stemmed from popular outrage over police misconduct.[1] "The videotaped use of force by Los Angeles police officers in the now-infamous Rodney king case brought intense scrutiny to police agencies everywhere."[2]

Many dedicated law enforcement officers have worked diligently to explore the reasons police go beyond the bounds of their own professional guidelines. Generally, the conclusion reached is that responsibility lies with the individual peace officer for ensuring that laws are enforced appropriately; but they know, too, that others in the chain of command, including and especially the department head, set the tone and provide the leadership for ensuring that officers adhere to proper procedures.[3] The challenge facing police supervisors, managers, and administrators is to realize the crucial nature of their roles in positively influencing the future of their agencies and in helping develop strategies to deal with the ramifications of police misconduct.[4]

Certainly, significant efforts have been made by many law enforcement agencies to strive for professionalism. This requires the development of officers who are not only competent to enforce

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the law, but also skilled to accommodate the needs of the community, respect various public concerns, and work with other agencies and groups to ensure that their law enforcement activities do not come at the expense of the public trust.

The response of law enforcement to peace officer misconduct will be a significant and imperative concern as future efforts are undertaken to improve police performance. It is obvious that the social and political overtones of police misconduct are far reaching. The examination of this subject is of crucial importance not only within the criminal justice context, but throughout society.

The ability of law enforcement to appropriately respond to officer misconduct is affected by influences outside police agencies. Certainly legislative and court mandates play an important part in dealing with aberrant police behavior. At times, such mandates limit the authority and control the police have to "police" themselves. While police administrators are concerned that outside control hamper their effectiveness, some segments of society call for even greater independent authority over the police. What some term law enforcement's inability or unwillingness to demand appropriate police conduct has been the impetus for police accountability through more independent control.

There is significant current debate over the independent review of police actions. Perhaps no issue in policing evokes more heated debate.

A recent survey completed by John Jay College of Criminal Justice indicated a majority of respondents believe there should be civilian involvement in the review of allegations of police misconduct.[5] This stance is vigorously opposed by most law enforcement concerns, especially police labor groups. This issue has moved to the forefront of many an urban political agenda and

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has driven wedges between political officials and police rank and file.

Under the auspices of the California Commission on Peace Officer Standards and Training, the author has completed an independent study project examining the future implications of the issue of managing peace officer misconduct. The focus of the project was to develop strategy and form an implementation plan that would enable future law enforcement efforts to reduce the incidence and seriousness of officer misconduct, and to more effectively respond when incidents of improper officer behavior occur.

The purpose of the study was to examine trends and events which may impact the issue of the management of peace officer misconduct over the next ten years. The study was undertaken with specific emphasis placed on a medium size agency (50-99 sworn personnel).

The purpose of this paper is to present the highlights of the study, the processes used in its completion, and its results and ramifications.

THE ISSUE

The issue explored in the independent study project was:

What Will Be the Status of the Management of Peace Office Misconduct, in Medium Size Law Enforcement Agencies, By the Year 2002?

The issue was selected, not only because it is contemporary and controversial, but also because its future implications are significant. The criteria used in the selection of this issue were: (1) does the issue impact California; (2) does the issue

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warrant academic analysis and the formulation of a policy statement. Clearly, the issue fit the stated criteria. The study was further defined and refined through the formulation and examination of three sub-issues.

The identified sub-issues were:
- What processes will be utilized by law enforcement to manage peace officer misconduct?

- What will be the influence of training on the management of officer misconduct?

- What control efforts external to law enforcement will be used to manage peace officer misconduct?

For the purposes of the study, misconduct was defined as police corruption, police violence, and violations of policies, procedures, and codes of conduct. Minor infractions of administrative regulations were not considered.

THE PROCESS

The examination and refinement of the issue began with an extensive literature review, personal interviews, and brainstorming sessions with other law enforcement professionals. The intent of the "environmental scanning" was the development of a futuristic direction for the study. This was necessary for the completion of the first of three major phases of the project: the Futures Study.

The future is simply everything that might happen, including everything that will happen. The intent of the futures study is to clarify the vision of what the future might be. By anticipating what may occur, we can more effectively plan for the impacts that influence the future. Simply stated, the futures study sets in motion a proactive response to the significant future implications

of the issue. This is accomplished by systematically defining the future within the context of the issue.

In order to examine future implications of the issue and sub-issues, a panel of seven people was convened. The group consisted of police administrators, representative from law enforcement labor organizations, both state and local, and a community college criminal justice educator. The panel members were specifically selected because of their individual backgrounds and expertise in areas relating to officer misconduct. An attempt was made to include individuals who would be expected to have opposing viewpoints on the subject.

The panel was asked to identify and evaluate trends and events that were related to the issues being studied. The panel was given the following definitions for their discussion.

TREND: A consistent pattern of events over a period of time which might affect an issue. Trends are non-directional.

EXAMPLE: The number of citizen complaints made against police officers.

EVENT: Single occurrences, verifiable in retrospect, which might impact trends or the issue.

EXAMPLE: The Peace Officers Procedural Bill of Rights is abolished by the legislature.

The panel identified a list of twenty-three trends and, after discussions and vote, narrowed the list to the five trends which were felt would have the greatest potential impact on the issues. The intent of this prioritization was to select the trends which would be most useful for long-range law enforcement planning. Although the panel had fairly diverse representation, there was not any major dissention in prioritizing the trends.

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The following list of trends was produced by the panel.

TREND #1 - Legislation affecting police internal affairs investigations.

TREND #2 - The quality of police officer applicants.

TREND #3 - The influence of civilian review boards.

TREND #4 - The level of citizen complaints made against police officers.

TREND #5 - The level of crime and violence in the community.

Trends #2 and #5 engendered the most discussion within the group. On their face, neither is most obvious in the examination of police misconduct. However, their evaluation by the panel was interesting.

The panel felt that the quality of police recruits has deteriorated in the past five years and that this decline would continue over the next ten. They saw a strong correlation between the quality of personnel entering and staying in law enforcement and the amount and type of inappropriate behavior displayed by officers.

The panel thought the level of crime and violence within the community could play an important role on the perceptions of police misconduct by the public. As crime and violence continue to increase over the next ten years, as the panel forecasted, society, or at least parts of it, may be more willing to overlook aberrant behavior by the police. As the community becomes more intolerant of the continued threat of crime, the police may be given more latitude in their efforts to deal with criminal activity.

The discussion on the potential impact of legislation affecting internal affairs investigations was diverse. Some panel members anticipated a significant mitigation of procedural protections given officers by the California Government code. This opinion was based on the influence of notorious incidents of police misconduct, such as "Rodney King".

Other panel members felt that the Peace Officers' Bill of Rights would be strengthened, giving officers added protections during internal investigations. The panel felt that certain technological advances, such as the ability to monitor police activity and polygraph improvements may affect legal constraints on internal investigations.

The groups also identified and evaluated twenty-six events critical to the issues. The panel selected five events which, if they occurred, would have the most critical impact on officer misconduct. The five events selected were:

EVENT #1   -   Legislation mandates the use of
                 civilian review boards.
EVENT #2   -   The Office of Police Review in the
                 California Attorney General's Office
                 is established.
EVENT #3   -   Contract employment replaces the
                 civil service system for peace
                 officers.
EVENT #4   -   The California Peace Officer Bill of
                 Rights is amended to allow the use
                 of polygraphs.
EVENT #5   -   A police administrator is indicted
                 for an on-going pattern of
                 misconduct by officers in his
                 agency.

The political inclinations of the panel members were more in evidence during the evaluation of the five events. Those representing labor organizations stressed the negative impacts of the events, since most of them are counter to the efforts of their groups. Police administrators were more likely to see the potential for a positive impact if these events were to occur. The panel felt as a whole that the likelihood of mandated civilian review boards, use of polygraph and the indictment of a police official by ten years in the future was quite high. The potential impact of these events and their probability of occurrence was used by the author later in the project to develop a plan to affect the future implications of officer misconduct.

There was a great deal of discussion over the viability of utilizing a contract employment system for peace officers in place of the civil service system, which is in place in most organizations currently. Although many police chiefs work under contract, the practice is almost non-existent for other police personnel. The cities of Hercules, Moraga, and Paradise explored various forms of contract employment for officers. However, the contracts were generally used as a basis for the provision of salary and benefits, and not for the establishment of performance standards on which continued employment or discipline would be based.

The panel felt the occurrence of this event could have a positive impact on the issues, but at what cost. Concerns over political interference in officer employment and discipline were raised. To utilize this process as proposed, significant changes in the current law may be necessary. These changes would be bitterly opposed by labor groups.

It was felt the recruitment and retention of qualified personnel would be hampered by this event occurring. There was concern over the possibility of reverting to employment practices

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which brought about the development of the civil service system in the first place.

Some of the law enforcement administrators viewed this alternative as tantamount to "throwing in the towel", admitting "defeat". There was the implication that management was no longer able to exert proper control and authority over officers under the existing system. Therefore, there was a need to make it "easier" to discipline.

The panel generally acknowledged that the occurrence of a contract employment system could have a significant impact on the issues relating to officer misconduct. Officers could more easily be held accountable for their conduct, and thus may temper their behavior. On the downside however, they could become complacent in their law enforcement activities, seeking to "not make waves" and avoid potential conflicts, even in law enforcement situations when it should occur.

Although it was felt that this event could positively affect the issue of misconduct, the panel members were reluctant to strongly advocate its implementation because of the possible adverse repercussions that would accompany.

After using the entire panel to identify, evaluate, and discuss the trends and events relating to the future issue of misconduct, the author brought in three consultants, law enforcement professionals, to examine the potential impacts of each event on the other events and on the trends. Initially, this sounds confusing, but the group was asked to determine which events would have the greatest significance on the other events and trends, and which events and trends would be affected most by the occurrence of each event.

If was felt that each identified event was a fairly important "actor" and had a significant potential to affect the future world as it relates to the study of police misconduct. All the events and most of the trends were viewed as having the potential to react significantly to the occurrence of the events. The exceptions were Trend #2, the quality of police applicants, which would be only minimally impacted by the events, and Trend #5, the level of crime and violence, which the panel didn't feel would react at all to the occurrence of the events.

The author used the findings of this analysis to create three scenarios which, in a story-like fashion, described alternative futures. Scenario writing provides useful backgrounds for future planning.

The stories created described one possible future if the forecasted events did not occur, another for a "desired" future based on the events that would positively impact the issue area, and a third where the future is determined by the events having a negative impact on the issues. Although fictional representations, their value lies in their usefulness in the development of policy relating to the issue area. These stories are used in planning for the future so that policy determinations can be made which will encourage the positive impacts of the events and eliminate or mitigate the negative ones.

Policy Development

Based to a large extent on the results of the Futures Study, the next phase of the project was the formulation and implementation of decisions about an organizations future direction. This process is called Strategic Planning.

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The strategic planning process is vital because it enables the organization under study to adapt to an ever-changing environment. The strategic plan recognizes that the organization is shaped and influenced by outside forces at least as much as by internal ones. In much law enforcement planning, it seems that outside elements that affect or are affected by the organization are not properly considered. Such neglect can have an adverse influence on the development, implementation, and overall success of a plan.

In developing a strategic plan it is necessary to include an analysis of the organization under study. For the purpose of this project, the Roseville Police Department was used as a reference for discussion and analysis.

In the development of a strategic plan, several objectives were put forth. These policy alternatives came from an initial, somewhat cursory examination of the issue area. They were the result of the extensive literature review, discussions with law enforcement professionals and representatives of the community at large, and even conjecture on the part of the author. They were developed as a starting point for consideration of future policy alternatives.

The objectives considered in this initial evaluation of a strategic plan included:

Developing policy requiring officers to take affirmative action to stop and report incidents of misconduct by other officers.

Seeking legislative support to establish criminal enhancements for illegal acts committed by officers in the performance of their duties.

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Developing training programs that define and reinforce the need for professional and ethical conduct by police officers.

Developing joint police/public associations meant to address areas of police/community tensions and cooperatively seek to mitigate crime and violence in the community.

Actively investigating all allegations of officer misconduct.

As previously stated, the development of a strategic plan requires an in depth analysis of the organization. The examination takes the form of an audit, exploring the agencies weaknesses, opportunities, threats and strengths. The analysis is necessary to determine whether the organization is able to deal with its environment. It is designed to aid in finding the best match between the environmental trends and the capabilities of the organization. The strengths and weaknesses of the agency are assessed with respect to its ability to respond to the opportunities and threats.

Included in the examination of the organization must be an identification and analysis of stakeholders. Stakeholders are individuals, groups, or organizations who: (1) are impacted by what the organization does in relation to the issue; (2) are able to impact the organization in relation to the issue; (3) are concerned about the issue and/or the organization.

After the organizational and stakeholder evaluations were completed a group of eight individuals, all knowledgeable in the issue area, was brought together to identify possible strategies. A diverse group was used to ensure that a variety of alternative

strategies, designed to address the issue of officer misconduct, were identified and explored.

After generating a list of strategy alternatives that would help the police department attain its mission, a rating process was used to narrow the list to four alternatives for further discussion.

> Alternative 1. The California legislature directs POST to develop mandatory licensing standards for peace officers.

> Alternative 2. POST increases the level of training on professional ethics and integrity for both basic courses and in-service training programs.

> Alternative 3. The State legislature requires all local police jurisdictions to establish civilian review panels charged with examining allegations of police misconduct.

> Alternative 4. The county grand jury is utilized to review alleged police misconduct and the methods used to investigate the allegations.

Using the alternative strategies developed and the results of the futures study a recommended strategy was defined. The strategy contained key elements of the related policies and sought to merge them in such a was as to address the primary reasoning behind the various alternatives.

The recommended strategy, directed toward the issue of managing police officer misconduct in a medium size law enforcement agency by the year 2002, includes the following policies.

1. Develop a commission made up of police department and community representatives. The purpose of the commission will be to seek community input in establishing a process for review of allegation of misconduct in the department.

This policy was designed as a compromise between those calling for independent review of the police and those opposed to such actions. This policy allows for a concerted effort between the police and the community to develop a system of evaluation that is most acceptable to the stakeholder.

Throughout the study, a recurring concern with this issue was the development of a relationship with the community that engenders confidence and trust in the department. This policy seeks that end.

2. Utilize the grand jury to periodically review alleged police misconduct and the department's efforts to investigate such allegations.

The grand jury review of the department allows for additional independent evaluation of the department. However, the intent behind this policy is to add credence to other department efforts to accomplish thorough, complete, and fair reviews of police conduct.

During the futures study there was considerable interest in the potential impact of establishing an office of police review in the Attorney General's Office. During policy development, it was felt the grand jury system may be able to accomplish many of the same hoped for objectives, but with a more localized influence.

This policy is meant to further develop public confidence in the department and eliminate or reduce the "cloak of secrecy" that many feel prevails in law enforcement.

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3. Develop an on-going program of professional ethics and
   integrity training for the department.

Throughout the study, the need for ethics and professional integrity accompanied almost all references to police misconduct. To successfully and positively impact the issue, the policy must include methods to foster professional, ethical police conduct.

The training proposed would build on that which is currently in place in basic academies so that the topics would be continually reinforced with officers.

One of the policy alternatives sought to establish licensing standards for the police and for these standards to be enforced by POST. On a more local level, this policy calls for the department to define specific standards of conduct for officers and clearly prescribe departmental response to misconduct. The policy contains a clear message of intolerance to improper police conduct.

The final phase of the project involved the development of a strategy that would enable the department to implement the proposed policies. This phase is called transition management and consists of the movement of the organization from its present state to the desired future state.

In order to accomplish and manage this change, it is necessary to determine the major tasks and activities that need to be completed, and determine the structures and management mechanisms necessary to accomplish the tasks. Restated, the transition to the future requires the development and implementation of a plan to get the organization where you want it, as smoothly as possible.

This study project utilized a project manager and a transition management team comprised of representatives from the various concerns involved in the change, including the chief of police,

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project manager, city manager, district attorney, police officers and department training manager. This team forms a structure that is charged with not only implementing the strategy, but also reducing the stressful conditions of the transition period. Planning meetings would be held to develop as many issues and concerns as possible. These meetings would allow discussion and mutual education on the duties and responsibilities of the various concerns and can be used to help manage conflicts that occur among those elements critical to the plan.

The management team allows access for the project manager to all affected groups and concerned parties. This group is essential to the success of the program by allowing the implementation process to proceed more rapidly and helping ensure "buy in" from critical elements.

CONCLUSIONS

This independent study project examined the issue of managing police misconduct. The issue is one that is a significant law enforcement concern today and is anticipated to remain so into the future.

Misconduct by the police involves numerous behaviors, from petty to the most serious. Misconduct can have seemingly little affect on an organization, or lasting, significant repercussions on a department, its members, and the community it serves.

During the study, several alternative policy strategies were developed as means of responding to officer misconduct. A recommended strategy involved key elements of the various alternative policies. The recommended policies included:

The development of a joint police/community commission to determine how best to review allegations of police misconduct.

The utilization of the county grand jury to review police conduct and the methods used to investigate such allegations.

Development of an on-going departmental training program focusing on professional, ethical conduct.

Development of clear department guidelines defining proper standards of conduct.

Establishment of precise departmental response to misconduct by officers.

Closely monitor officers' behavior to determine inappropriate conduct and track patterns of misconduct. Utilize intervention techniques when problems are detected.

Identify officers whose conduct may be affected by stressors of the job and provide stress intervention.

In addressing the issue of managing officer misconduct, the project became focused on methods which could be used to reduce the occurrence of inappropriate behavior, and departmental responses to incidents of misconduct. It was determined that the way inappropriate behavior was handled would also have a significant affect on future episodes of misconduct. Therefore, the alternatives developed were both proactive and reactive.

While completing the independent study project, the author has noted the potential advantages of some level of community

involvement in the handling of police misconduct. The amount of involvement could and should vary depending on the needs and desires of the community, its relationship with the policing agency, and its satisfaction with law enforcement services. It could result in a completely civilianized, independent police review panel, an expressed public approval for the police handling misconduct issues without any outside intervention, or a process somewhere between these seemingly opposing measures.

However, it is important that strategies which fit the agency and the community be developed and implemented prior to less acceptable measure being forced on jurisdictions by legislative or court mandates. That is precisely the risk that is run when notorious incidents evoke strong public outcry.

The strategy developed in this project calls for a liaison between the police and the community in issues of law enforcement misconduct. Arguably, a mix of civilians and police is a dynamic combination of all interests in considering aspects of police misconduct. Certainly, not all concerns will immediately embrace such a process. However, it does offer an opportunity for addressing the issue, giving consideration and involvement to those feeling the greatest effects. Mixing police and civilians is not necessarily oil and water, but perhaps ore appropriately oil and vinegar.[6] It is very likely neither side will believe results if they are not obtained through some type of effective partnership.

Law enforcement must immediately respond to the problem of peace officer misconduct. Lack of action will result in a loss of confidence by the public and the degradation of the police image.

The responsibility for managing misconduct must be a primary objective of the agency and its chief. The actions of a few discredit the good work of the vast majority. Therefore, misconduct cannot be neglected or trivialized.

Recommendations for Future Research

Finally, several related emerging issues were identified during the course of this study. These issues warrant further future consideration and include the following areas.

- How will technological advances affect the ability to more closely monitor police conduct?

- How will the changing demographics of cities affect the community's perception of police misconduct?

- What affect will the level of violence in the community have on inappropriate police behavior?

- What impact will new technologies in alternative methods of force have on allegations of excessive force by the police?

- What will be the affect of new technologies on conducting internal affairs investigations?

- What would be the impacts of replacing civil service type employment with contract employment for peace officers?

- What affects could the privatization of law enforcement services have on the management of officer misconduct?

_ How will the extensive use of external controls on the police affect the ability of law enforcement to recruit and keep personnel?

ENDNOTES

1. Robert J. Barry and Clyde L. Cronkhite, "Agency Management in the Post-King Era," <u>Law Enforcement News</u>, (October 15, 1992): 8.

2. Richard L. Worsnop, "Police Brutality," <u>C.Q. Research</u>, 17 (September 6, 1991): 635.

3. American Civil Liberties Union, "On the Line: Police Brutality and its Remedies," <u>A Public Policy Report</u> (April 1991): 15.

4. Barry, ibid.

5. Peter C. Dodenhoff, "Public Solidly Favors Mixed Police/Civilian Review Boards," <u>Law Enforcement News</u>, 367 (October 31, 1992): 1.

6. ibid.

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INTRODUCTION

An overview of the current social concerns over peace officer misconduct. A background of the issue of police misconduct, definitions and a review of the study process.

SECTION ONE - FUTURES STUDY

What will be the status of the management of peace officer misconduct, in medium size law enforcement agencies, by the year 2002?

SECTION TWO - STRATEGIC PLAN

A model strategic plan is developed which proposes a strategy that allows law enforcement to positively impact the future regarding police misconduct. Roseville Police Department is used to demonstrate the implementation of the plan.

SECTION THREE - TRANSITION MANAGEMENT

This section explains how the organization will get "from here to there." Key individuals are identified and their responsibilities and level of commitment determined. Various implementation techniques are explained.

SECTION FOUR - CONCLUSIONS AND RECOMMENDATIONS

A summary of the proposed actions and the answers to the issue question. Areas for future research are suggested.

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INTRODUCTION

The response of law enforcement to peace officer misconduct will be a significant and imperative concern as future efforts are undertaken to improve police performance. It is obvious that the social and political overtones of police misconduct are far reaching. The examination of this subject is of crucial importance not only within the criminal justice context, but throughout society.

The police are no strangers to innovation born of scandal. Since the turn of the century, law enforcement agencies have been repeatedly shaken up and forced to reorganize. Generally, these changes have stemmed from popular outrage over police misconduct, chiefly in the form of corruption or abuse of power.[1]

While most police-reform movements are locally based, both state and federal governments have sought to improve police performance. The ability of law enforcement to appropriately respond to officer misconduct is thus affected by influences outside police agencies. Certainly legislative and court mandates play an important part in dealing with aberrant police behavior. Efforts to limit the opportunity for police abuse of power, to deal strongly with officers who act inappropriately, and agencies which condone such behavior, strike at the very basis of individual rights in our society.

However, how will the rights of individuals to be protected from abusive and obtrusive police conduct be weighed against the rights of society to be free from the threats of crime and violence? The rights of individuals in the community, police officers, and society in general are all affected in this discussion.

It is certain, though unfortunate, that police officers will misuse and abuse the authority and power given them. Of primary importance are initiatives designed to limit these incidents of misconduct and appropriately respond to offenders when violations occur.

Regularly, top news stories on television, radio, and newspapers focus on incidents of alleged police misconduct. It would be difficult to explore this topic without reference to the Rodney King episode. Across the state and across the country, vivid accounts of this event were displayed. The specter of some police officers beating Rodney King while others just stood by cast a shadow over the entire policing community.[2] This incident is but one of many that has resulted in police misconduct becoming a pre-eminent policing issue of the day, and undoubtedly, of the future.

Continued events of police corruption and abuse of power compel the public and media to question the authority of law enforcement. However, determining the breadth and scope of officer misconduct is difficult. The International Association of Chiefs of Police asked U.S. Attorney General Richard Thornburgh for information of any patterns or practices identified during his six year review of police misconduct. Few studies have been completed on the actual level of misconduct within the police culture. Such studies are difficult because of the secrecy that often exists within law enforcement. This information is necessary so that educational and training networks can be utilized, and additional processes formulated to "respond in a meaningful manner and prevent future occurrences of police misconduct."[3]

The purpose of this study is to examine trends and events which may impact the issue of the management of peace officer misconduct over the next ten years. The examination will be supported by information acquired through a thorough literature review and expert panel analysis of the topic.

This study explores the issue:

What will be the status of the management of peace officer misconduct, in medium size law enforcement agencies, by the year 2002?

DEFINITIONS

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

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 terms police, police department, police agency, and law enforcement agency are synonymous throughout this study.

Medium Size Agency - For the purpose of this study, a medium size agency refers to a law enforcement agency comprised of from 51 to 99 sworn officers.

Misconduct - As discussed in this study, misconduct is defined as police corruption, police violence, and violations of policies, procedures, and codes of conduct. Minor infractions of administrative regulations were not included as an element of this study.

BACKGROUND

The Rodney King beating stands as a landmark in the recent history of law enforcement, comparable to the Scottsboro case in

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1931 and the Serpico case in 1967. Rightly called "sickening" by President Bush, and condemned by all segments of society, the King incident provides an opportunity for evaluation and reform of police procedures.[4]

Public concerns over police misconduct and demands for review and reform of police activities have occurred throughout the nation's history. In the 1800's, newly formed police departments were embroiled in corruption and clashed with the public. In the 1960's, civil rights and anti-Viet Nam War protests resulted in what some have termed "police riots". Most currently, police beatings in Los Angeles and Detroit have spurred public outcry. Although the focus of this study is not specifically police violence or brutality, these type incidents often initiate or further the societal concern over improper law enforcement behavior. They are the impetus to demands for accountability by the community.

As police misconduct issues come into the limelight, community, political, and governmental forces place increasing pressure on law enforcement for reform. Court and legislative mandates often seek to limit police authority and control police conduct. The implications from the public, the courts, and legislature is that law enforcement has been unable or unwilling to appropriately control the conduct of its officers. This lack of control has resulted in some police behaviors that are actually a threat to the safety and security of the community, or at least a portion of it.

In the aftermath of the Rodney King incident, no less than six pieces of legislation were introduced in the California State Senate and Assembly. The aim of these bills was to mandate more appropriate responses to officer misconduct.

In February 1992, Proposition F was introduced in the City of Los Angeles to amend the city's charter. The charter amendment broadened the circumstances and penalties of discipline within the police department and added an element of civilian review to the discipline process.

In July, 1992, the Placer County District Attorney proposed a criminal misconduct protocol that required all law enforcement agencies in the county to submit to the District Attorney's Office, all allegations of misconduct by officers which "include elements of criminal activity". This proposed protocol was the result of a case in which there was no criminal prosecution of an officer who stole narcotics evidence. The handling of the case by law enforcement and lack of prosecution raised significant public concern. The District Attorney said, "In times of heightened public scrutiny, law enforcement administrators must assure the public that episodes of alleged police misconduct will be effectively investigated and, when appropriate, prosecuted."[5]

As a result of what they term "police abuses", the Police Misconduct Lawyers Referral Service has called for the use of independent civilian review boards to investigate complaints and make recommendations for disciplinary action on police officers, an independent prosecutor to the take responsibility for the prosecution of police officers, and a "de-militarization" of the police service with increased focus on a "community-oriented approach" for law enforcement.[6]

Although this group clearly expresses a radical viewpoint in its perception and portrayal of police misconduct, nevertheless it does represent a continued societal concern over improper police conduct and law enforcement's inappropriate responses.

There is an obvious concern in law enforcement over increased demands for various types of independent control or review of

police activities. This study will point out continued trends toward that end. The challenge to law enforcement becomes satisfying the demands of the community and maintaining necessary control and authority. Police agencies will have to employ several types of measures to reduce occurrences of misconduct and prevent public controversies and crises when incidents occur.[7]

There is significant current debate over the independent review of police actions. Perhaps no issue in policing evokes more heated debate.

A recent survey completed by John Jay College of Criminal Justice indicated a majority of respondents believe alleged police misconduct should be reviewed by a civilian panel, or at least a joint civilian/police process.[8] This stance is vigorously opposed by most law enforcement concerns, especially police labor groups. This issue has moved to the forefront of many an urban political agenda and has driven wedges between political officials and police rank and file.

The responsibility of management is to understand and appreciate the forces that affect and motivate the individuals working within the organization.[9] It is also incumbent on agency administrators to develop meaningful associations with the communities they serve.[10] "Though chiefs may rationalize that secrecy protects the public, in reality its function is to protect the chiefs and their department from scrutiny, while depriving the public of the opportunity to protect itself".[11] Police agencies cannot allow the "cloak of secrecy" to act to diminish public trust.

THE REPORT

The scope of this research is to identify and discuss the likely influences on the management of peace officer misconduct in

the future. In order to encourage discussion, a future study and management strategy on the issue will be developed. The focus of the study will be the management of peace officer misconduct by a medium size law enforcement agency.

The body of the report will include a summary of the research findings. Research data, graphs, charts, and lists have been placed in the appendix.

THE PROCESS

How does forecasting the future affect the management of law enforcement agencies and activities? By anticipating what may occur, we can more effectively plan for the impacts that influence the future.

Through the use of futures research, this project will identify trends and events and evaluate their impact on the issue. A plan will then be prepared and implemented to deal with the issue. It is hoped the plan developed will lead to the desired future or mitigate the potential adverse affects of a negative future.

ISSUE AND SUB-ISSUES

What Will be the Status of the Management of Peace Officer Misconduct, in Medium Size Law Enforcement Agencies, By the Year 2002?

This issue was selected, not only because it is contemporary, but also because its future implications are significant. The criteria used in the selection of this issue were: (1) does the issue impact California; (2) does the issue warrant academic analysis and the formulation of a policy statement? The study was further defined through the formulation of three sub-issues which

were identified by scanning future file material and conducting interviews with various law enforcement practitioners.

The identified sub-issues are:

What processes will be utilized by law enforcement to manage peace officer misconduct?

What will be the influence of training on the management of misconduct?

What control efforts external to law enforcement will be used to manage peace officer misconduct?

SECTION ONE

A FUTURES STUDY

The future is simply everything that might happen, including everything that will happen. The intent of the futures study is to clarify the vision of what the future might be. This is achieved by systematically defining the future within the context of the issue.

Scanning

An environmental scanning process consists of a literature review, personal interviews, and the development of a futures file. Scanning provided a majority of the data included in the Introduction to this paper. Current literature relating to the issue, and its development for this paper, is referenced in the Introduction. The same data was also used in the selection of the sub-issues, critical to the defining and refining of the issue. A suggested reading list compiled from the literature review and futures file is provided in the Bibliography.

Futures Wheel
(Appendix A)

A Futures Wheel was constructed to study the impacts and relationships of the related issues, trends and events as they are projected into the future. The Futures Wheel provides a perspective on the impact of the specific issues under consideration.

The Futures Wheel is completed by placing the central issue under consideration at the hub. The sub-issues are listed and connected to the main issue as spokes coming off the hub. Other ideas are identified and placed along the spokes as they are

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related and connected to each other and the various issues. The Futures Wheel is invaluable in formulating ideas relating to the main issue and recognizing connections among them.

Nominal Group Technique
(Appendix B)

A group of seven professionals was invited to participate in a Nominal Group Technique (NGT) panel to identify and evaluate trends and events related to the issue and sub-issues. The panel was comprised of various representatives from law enforcement, a college educator, a police labor group legislative advocate, and a police officer representative who deals in disciplinary matters. All panel members had knowledge of and interest in the issues under consideration.

Because of the law enforcement influence, the researcher recognized that the panel may be perceived as having a biased slant to the data development and interpretation. However, the panel included equal representation of the concerns of both law enforcement management and labor organizations, and a community representative with particular knowledge and interest in the issue under consideration. The researcher felt that the panel thoroughly evaluated the aspects of the issue and the data produced was valid.

Trend Identification and Selection
(Appendix C & D)

Using the nominal group technique process, the panel initially identified twenty-three trends. After a discussion and vote, the list was narrowed to the five trends wit' the greatest potential impact on the issue and sub-issues. Five trends were selected because in the panel discussion there was a clear separation between the fifth and sixth ranked trends. The panel was then

asked to rank these five remaining trends based on the planning value of their long range forecast.

The trends were defined as characterizing the future, either objectively or subjectively. They consist of a pattern of events which are related to an issue and, on which, might have an affect.

The NGT process resulted in the following list of prioritized trends most likely to have the most impact on the issue for future long-range law enforcement planning.

Trend #1 - Legislation affecting police internal affairs investigations.

Trend #2 - The quality of police officer applicants.

Trend #3 - The influence of civilian review boards.

Trend #4 - The level of citizen complaints made against police officers.

Trend #5 - The level of crime and violence in the community.

Trend Evaluation
(Appendix E)

Following the selection of the five most significant trends, each panel member was asked to evaluate the nominal level of each trend five years ago, where it would likely be five years downline, and finally, where it would likely be ten years downline. The panel was instructed to use the base level of 100 as representing the level of the trend today. The nominal level is defined as what the anticipated or most likely projection "will be" if no unusual, intervening action is taken. The nominal forecast allows for "unsurprising" interventions.

The group was also asked to evaluate the normative level of each trend in five years and ten years downline. The normative level describes the estimated projection possible in a responsible

world, what the world "should be"; what is desirable. **Table 1**
depicts the panel median levels.

TREND EVALUATION FORM
TABLE 1

TREND STATEMENT		LEVEL OF THE TREND ** (today = 100)			
		5 Years Ago	Today	* 5 Years From Now	* 10 Years From Now
T1-Legislation affecting police internal affairs investigations		80	100	150 / 105	140 / 100
T2-Quality of police officer applicants		110	100	90 / 150	90 / 175
T3-Influence of civilian review boards		50	100	150 / 100	150 / 100
T4-Level of citizen complaints		40	100	150 / 90	135 / 90
T5-Level of crime and violence		60	100	150 / 120	200 / 150

** Panel Medians, N=7

* "will be" /
/ "should be"

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Trend #1 - Legislation affecting police internal affairs investigations.
(Graph 1)

This trend focuses on both federal and state legislation that would define not only the procedures to be utilized by police agencies in investigating their officers, but also the procedural rights of officers.

The panel felt the level of the trend was approximately 20% lower five years ago, and forecast a significant rise in the next five years. The panel felt that sensational events brought to the public eye would significantly impact additional legislation affecting police internal investigations. It was also felt that police administrators may even encourage changes in the Government Code to make internal affairs investigations better able to reach the truth. It was noted that the power of police unions and lobby groups may be ineffective in affecting this anticipated trend. Public pressure on the legislature to relax Government Code mandates on internal affairs investigations could be significant. Attempts on the federal level to create legislation affecting the procedural rights of the police were anticipated to continue, though important challenges could be expected.

Trend #2 - The quality of police officer applicants.
(Graph 2)

This trend addresses the level of quality individuals available to be recruited to law enforcement positions.

The panel generally felt the quality of police applicants has diminished over the past five years. However, there was a fairly wide disparity between the low and high estimates throughout the time period examined. Those panel members who were law enforcement

administrators were unanimous in their feelings of a general decline in the quality of applicants.

It was felt that as the quality of police applicants has declined the propensity for inappropriate behavior increases, thus more difficulty in managing misconduct. Some felt when you have less to chose from you have to "take what you can get".

The panel generally felt the problems associated with unqualified applicants was becoming increasingly evident but they didn't see much change in the downward trend by five or ten years downline. The normative trend was greatly higher than the nominal, exemplifying the need for future planning and policy development to effect some change.

Trend #3 - The influence of civilian review boards.
(Graph 3)

This trend relates to the level of use of independent civilian review panels to evaluate police officer and law enforcement agency conduct, and the amount of control and authority over law enforcement these panels will exert.

The panel felt the trend has been lower in the past than its current level, and significantly lower than its forecasted levels five and ten years downline. The panel felt that recent noteworthy events involving police misconduct have resulted in the likelihood of great increases in this trend, 50% in the next five years. However, the trend is not anticipated to continue to increase to ten years downline because its affects, and those of other related trends, are expected to decrease its impact. However, even ten years downline the level of influence of this trend will increase.

The panel was not enthused about the prospects they had forecast. It was felt that this trend was not the most beneficial

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way to positively impact the issue area. The normative median indicates the panel does not think increases in this trend will result from appropriate strategic planning and policy making.

Trend #4 - The level of citizen complaints made against police officers.
(Graph 4)

This trend deals with charges made by the public against the police for conduct in violations of the law, agency administrative regulations, or the perceived rights of the public.

The panel felt that this trend was significantly lower five years ago than it is today and is anticipated to continue to rise another 50% by five years downline. There was a great disparity in the ten year forecasts, with some panel members feeling the trend would rise as much as 150%. Although the trend has increased, the panel generally felt the present level was not outrageous. The normative trend continued at its present level to ten years downline. It was felt that police work is going to engender a certain amount of complaints. Of more particular concern may be the types of complaints filed. The panel felt that at lease a certain number of complaints may show citizen trust in the police to manage and deal with inappropriate officer behavior.

If the community has no trust in the police, and no other avenue exists to address grievances about police misconduct, complains may not be aired, even though police behavior is outrageous and inappropriate. The public must feel their complaints will be appropriately evaluated and responded to or they won't be made at all.

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Trend #5 - The level of crime and violence in the community.
(Graph 5)

This trend relates to the actual and perceived levels of crime and violence. It concerns the public's tolerance of crime and the latitude given the police to deal with it.

The panel was in agreement with this trend's forecast. Five years ago it was lower than today (all the T-5 estimates were fairly close) and it will steadily increase to five and ten years downline. Even the lowest estimate for the T+10 was 50% higher than today. Sadly, the panel did not feel there was much that can be done to positively influence this trend.

Although the panel felt the ability to positively impact this trend is severely small, the trend itself is important to the issue area. It was felt that as crime and violence continues to escalate, the public may look more to the police for protection and be less concerned about inappropriate police behavior. There would be less emphasis on methods to manage police misconduct as the community increasingly looks for protection from the growing crime threat.

Event Identification and Selection
(Appendix G)

Events are defined as single key occurrences, verifiable in retrospect, that could impact the trends or the issue. The panel was asked to identify and evaluate events critical to the issue and sub-issues. The panel identified twenty six events and, after a discussion and vote, selected the five events that, if they occurred, would have the most critical impact on the issue. The five events selected were:

Event #1 - Legislation mandates the use of civilian review
          boards.
Event #2 - The Office of Police Review in the California Attorney
          General's Office is established.
Event #3 - Contract employment replaces civil service system for
          peace officers.
Event #4 - The California Peace Officer Bill of Rights statutes
          are amended to allow the use of polygraphs.
Event #5 - A police administrator is indicted for an ongoing
          pattern of misconduct by officers in his agency.

Event Evaluation
(Appendix H)

The NGT panel members were asked to provide forecast estimates
for the five selected events. The members were asked to indicate
the earliest year that the probability of the event occurring first
exceeded zero and estimate the probability of occurrence of each
event by five years and by ten years downline.

Each panel member was asked to estimate the positive and
negative impact of each event on the issue of the management of
police officer misconduct, using a scale of zero to 10.   for
example, if a member felt the event may have both a positive and
negative impact on the issue, with the positive being greater, a
rating of +7 and -3 may be given. If the event has no positive or
negative impact a rating of zero would be given.

The groups median was used to determine probability and
impact.   The medians resulting from the groups evaluation are
represented in **Table 2**.

EVENT STATEMENT	*YEARS UNTIL PROBABIL- ITY 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)
E1-Legislature mandates civ. review boards	4	40	80	2	8
E2-A.G.'s Office of Police Review established	4	75	90	3	5
E3-Contract employment replace civil service	4	20	50	9	3
E4-Statute amendment allows polygraph	3	40	70	8	3
E5-Police administrator indicted	2	50	90	4	6

* Panel Medians, N=7

Event #1 - Legislation mandates the use of civilian review boards.

(Graph 6)

This event deals with the statutory requirement for jurisdictions to establish independent civilian review panels to monitor police conduct.

The group felt this event would have a quite negative impact on the issue area, but a reasonably high probability of occurring by ten years downline. It was felt that the management of police behavior would be removed from law enforcement agencies and placed too strongly on independent review panels. However, it was felt by some members that the use of civilian review panels may help to discourage misconduct by some police officers because of the likelihood of critical review of their behavior.

The panel forecast a high negative impact for this event (E.V.= 640, 160). It was felt that the probability of the event occurring by five years downline was not high, but increased significantly by ten years downline.

All panel members agreed that the event would have at least a mid-range probability of occurrence by ten years downline.

The forecast indicates a belief that the legislature and public are generally not satisfied with current methods used to monitor police activities and will be looking at a method of independent, private reviews. The panels forecast of negative impact shows an overall reluctance to remove some of this authority from police bodies and give it to civilians. The panel did feel the potentially negative impact of this event could be mitigated by soliciting the community's input on how the review and evaluation of alleged misconduct incidents should be accomplished.

Event #2 - The Office of Police Review in the California Attorney General's Office is established.
(Graph 7)

This event relates to the formation of a specific governmental unit to investigate allegations of police misconduct.

The panel was split fairly equally on the potential impact of this event. The group felt having an independent review of police actions conducted by another law enforcement agency was preferred over a civilian review. However, it was felt that officer performance could be adversely affected by the possibility of outside review. Some of the group was concerned about "witch hunts" being undertaken should this event occur. By ten years downline, the probability is high.

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The panel forecast a very high probability of occurrence of this event but was split on the value of the impact (E.V. 450, 270). There was a large disparity on when the panel first thought the event might occur.

The occurrence of this event could greatly impact the issue of managing police misconduct, but it is not seen as being as threatening as the involvement of a non-law enforcement review panel. However, the threat is still the loss of authority of police officials over their own departments. To mitigate the impact of this event, law enforcement must convince the public and the legislature that it can police itself. The panel felt there may be a greater benefit and acceptance of a police review office if it existed on a local rather than a state level.

Event #3 - Contract employment replaces civil service system for peace officers.

(Graph 8)

This event relates to police officers working relationships with public agencies being established by individual employment contracts rather than the traditional civil service rules.

The group felt this issue would have a very positive effect on the issue area. Contract provisions would allow agencies to more easily deal with the misconduct of officers. It was felt officers would be held more closely responsible for their conduct. However, the group did not feel the probability of occurrence of this event was strong, only a fifty percent chance of happening by ten years in the future.

The panel felt this event could have an important positive impact on the issue, but he probability, even then years downline, was only 50/50 (E.V. 450, 150). There were some wide splits among panel members with some forecasting "highly improbable" for the

event while others looked at its occurrence as having a relatively high probability.

The impact of the event would be great if it indeed did occur. It could change the status of employment in law enforcement and remove a great many procedural protections which can hinder the effective dealing with misconduct. It may also allow agencies to more easily remove officers who display inappropriate behavior. However, the panel felt the occurrence of this event could result in abuses toward employees, increased opportunity for political involvement, and further difficulty in recruitment.

Event #4 - The California Peace Officer Bill of Rights statutes
are amended to allow the use of polygraphs.
(Graph 9)

This event relates to the amendment of the California Government Code provisions which forbid the use of polygraphs in police internal affairs investigations.

The group felt this event would have a positive impact on the issue area because it would allow access to more credible information by examiners. It was felt that by ten years downline technology would be such that polygraph information would be more reliable than it is now or will likely be in the near future, so the downline probability is reasonably high.

The panel felt this event would have a positive affect but the median probability was not high. (E.V. 560, 210)

This is an event whose occurrence could have a significant impact on the issue. It would greatly influence the manner in which misconduct incidents are examined because many of them are based solely on the word of the accused with little or not other

evidence. The panel felt the probability of this event may hinge on the development of more reliable polygraph equipment.

The negative impact of this event was felt to be the great loss of procedural rights of officers accused of misconduct and the over-reliance on the polygraph during investigations.

Event #5 - A police administrator is indicted for an ongoing
pattern of misconduct by officers in his agency.
(Graph 10)

This event relates to a law enforcement official being found criminally responsible for not taking action to detect and stop illegal conduct of his agency's officers.

The group was split fairly evenly on the potential impact of this event. Although it was felt a police administrator's indictment may result in the likelihood of closer internal scrutiny of officer behavior, it was seen as having the potential of seriously undermining public confidence in the police and encouraging greater efforts toward the external control of law enforcement activities. The probability of this event occurring being high, it suggests careful consideration.

The panel was split on the impact of this event but gave it a very high probability of occurring by ten years downline. (E.V. = 360, 540).

The panel's positive impact forecast was based on the likelihood of police administrators being far more concerned about the conduct of their officers if they themselves were likely to incur some responsibility for what their officers did. The panel felt the issue would be negatively impacted by the great lack of confidence in the police such an event would induce and the demand for more strict controls on police activity which would result.

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CROSS IMPACT ANALYSIS

Three law enforcement professionals were brought together for the purpose of conducting a cross impact analysis of the final five trends and events. The consultants were asked to use the "will be" forecast to estimate the impacts of each event on the other events and on the trends. They recorded the percentage change in the ten year forecast, positive or negative, for each affected trend and event. Additionally, the number of years to maximum impact on the affected trends and events was estimated. **Table 3** depicts the results of the cross impact analysis.

CROSS IMPACT EVALUATION
TABLE 3

**	E1	E2	E3	E4	E5		T1	T2	T3	T4	T5	"IMPACT" TOTALS
			MATRIX (Panel Medians)				Maximum Impact (% change ±) / Years to Maximum					
E1	___	+20/2	+10/3	+50/3	+25/2		+30/3	00	+80/3	+15/5	00	E1 7
E2	+10/2	___	+10/4	+40/2	+30/3		+10/4	00	+10/5	+15/4	00	E2 7
E3	-15/5	-10/3	___	-10/3	-40/4		-20/4	-10/3	-10/3	-30/2	00	E3 8
E4	-20/2	-20/2	00	___	-20/2		+70/2	00	-10/3	-20/2	00	E4 6
E5	+20/2	+20/1	+10/4	+30/3	___		+40/2	00	+30/3	-10/3	00	E5 7

"IMPACTED" TOTALS

E1	E2	E3	E4	E5		T1	T2	T3	T4	T5
4	4	3	4	4		5	1	5	5	0

** **Legend**
E1 Civ. Review Boards
E2 AG Office of Review
E3 Civil Service Replaced
E4 Polygraph Allowed
E5 Administrator Indicted
Panel Medians, N=3

T1 Leg. Regulating IA's
T2 Quality of Police App.
T3 Influence Civ. Rev. Board
T4 Citizen Complaints
T5 Level Crime/Violence

Actor Events

After the direct impacts of the events on each other and on the trends have been estimated, it is necessary to identify the most important events based on their potential impact on the future world, as determined by the consensus of the consultants. The events considered "actor events" are those which impact the greatest number of other events and trends, and thus require considerable attention in the development of policy relating to the issue area. The "Impact Totals" indicate all identified events are fairly important "actors".

Reactors

After determining the strong "actor" events, each trend and event was examined to determine if they were "reactors", affected by the occurrence of each event, and how so. The strong "reactors" would be identified as those trends and events affected by the greatest number of the other events.

The graph indicates that all the events would react significantly to the occurrence of the other events. Each event was affected by each other event, except E#3, civil service replacement, which was not forecast to be affected by E#4, the use of polygraphs. The use of polygraphs was forecast to diminish the impacts of all the other events.

The graph also indicates the impacts of the occurrence of each event on the trends. T#5, the level of crime and violence, was not forecast to be impacted by any of the events. The panel felt that although this trend could influence the issue, the events under consideration would not have any impact on it.

T#2, the quality of police applicants, was forecast to be impacted by only E#3, civil service replacement. The panel felt

that if civil service employment protections were reduced or eliminated, potential police recruits may be hesitant to apply. One of the primary inducements to police service is job security, much of which is gained from civil service protections. Use of a contract system of employment may discourage applications to law enforcement.

The analysis indicated that all other trends would be impacted by the occurrence of each event. This information is useful in the development of policies which will affect the occurrence of the events and trends in the future. The analysis done on the events and trends was used for initial policy considerations, and later, for the development of more in-depth policy strategies.

Scenarios

The following three scenarios have been created from the information developed regarding the issue of the management of police misconduct by the year 2002. The scenarios reflect a judgement of alternative futures, "what would happen if" situations and provide useful background for future planning.

In the first scenario, the Exploratory (Nominal) Mode will be used to look at a possible future in which the forecasted events did not occur.

In the second scenario, the Normative ("should be") Mode is examined. The story depicts a "desired and attainable" future based on events which can impact the issue area.

The third scenario, the Hypothetical Mode ("what if"), looks at those events forecast to have a negative affect in the future.

Exploratory Mode

Looking back over the past ten years, it appears there has been little change in the processes which have been used to manage police officer misconduct. There certainly have been attempts made, particularly by the legislature and American Civil Liberties Union, to more closely monitor police activity. The primary focus of these efforts has been to mandate the use of some type of independent review process for the evaluation of alleged police misconduct. Some of the methods suggested included local civilian review boards, a governmental police review board within the Attorney General's office, and a police licensing board within POST. Although several local jurisdictions have formed some type independent review process for their police, the practice is still not widespread, and efforts to establish a statewide review process have been unsuccessful.

Several possible explanations can be presented for the lack of meaningful change in this area. Certainly, police unions and lobby groups have been very influential and have actively opposed the creation of independent review panels, both locally and at the state level. Possibly as important, police administrators have recognized the scrutiny which their organizations are under and have vigorously investigated allegations of officer misconduct and taken significant disciplinary action against offending officers.

In 1993, the California Peace Officers' Association and the California Association of Chiefs of Police both anticipated that within a year, the Peace Officers' Bill of Rights sections of the Government Code would be eliminated, or at least significantly mitigated, by the legislature. Such an occurrence would have greatly influenced the way which internal affairs investigations were conducted. Even though vast technological advances have resulted in the almost complete reliability of the polygraph, the Peace Officers' Bill of Rights provisions have remained intact. Again, the police unions and lobby groups have consistently been

able to engender public support for the police and convert that to legislative backing.

The community, for the most part, still supports the public. The continued drug and high level of violent crime has resulted in the public being less concerned about questionable police practices, as long as they yield the desired results.

In addition to the general public, the courts have maintained a much more conservative approach in their evaluation of police practices. Increased latitude for the police is evident in court decisions affecting police actions and control over police conduct.

Nearly annually since 1992, there has been at least one major criminal prosecution of a California police officer for on-duty misconduct. These incidents have gained notoriety and with each have come renewed calls for police reform. To date, these demands have been staved off.

It is generally recognized that most officers and departments operate ethically and professionally. However, challenges to the police because of misconduct issues continue to result in questioning police procedures and the ability of law enforcement to effectively "police themselves".

Normative Mode

In November, 2001, Captain Emily Jones was reviewing personnel records of those police officers whose contracts would expire at the end of the year. The department had begun a contract employment process for all sworn officers in 1998. At that time, the civil service system of employment which had been in place in the city was replaced.

When initially proposed, the contract system was strongly opposed by the police association. As a compromise, existing officers were allowed to be "grandfathered" in so that they could retain their civil service protections. All new officers had employment contracts with the city. For the first three years, contracts were renewed on an annual basis. After that time, they could be extended for up to three years.

In the 1980's, several police agencies experimented with contract employment for officers. However, the contracts developed primarily established benefit schedules and working conditions. The contracts utilized today not only contain those provisions, but also clearly define expected ethical behavior, norms of conduct, standards of performance, and penalties for transgressions.

The initial association concerns about contract employees being indiscriminately disciplined have not come to fruition. The department has noticed improved performance and reduced incidents of misconduct among the contract employees. When this occurs, the department is able to better reward the individual employees. As a result, veteran officers who are covered by civil service have an option of entering into a contract with the city. Several have chosen to do so.

As Captain Jones completed a report on a two year officer, she reflected on the technological advances in the polygraph over the past seven years. Officers who are under contract can be required to take a polygraph examination. The officer currently under review had been required to take polygraph exams when several complaints were made about rude and abrasive behavior, including cursing at a juvenile detainee. Captain Jones thought these incidents would likely have been not sustained had it not been for the polygraph. The cases amounted to the officer's word against the complainants.

Captain Jones' review indicated a slight decline in the officer's overall performance, in addition to the sustained complaints. Although she would recommend the officer's contract be renewed, she would support decreasing some benefit provisions.

Captain Jones felt the contractual processes were working well. Officers were being evaluated and compensated fairly. They are performing well. It isn't so much a threat hanging over the heads of the officers as it is a constant reminder to use their heads, do their jobs, and be professional.

Hypothetical Mode

Sergeant Bill Peters, supervisor of the department's Professional Standard's Unit, opened a letter from the city's Citizen Review Board (CRB). The letter, dated January 6, 2002, advises the department that the CRB is conducting an investigation into a complaint made against an officer. The board is subpoenaing department documentation of the incident. Sergeant Peters must respond to the subpoena.

Since 1997, when the city was mandated by state legislation to establish an independent police review panel, complaints alleging officer misconduct have nearly tripled. Perhaps even more threatening, the department has practically been eliminated from involvement in the investigations of the complaints. If the CRB needs information or follow-up investigation, they are empowered to use independent investigators or state investigators from the Attorney General's Office of Police Review. There is a great deal of interaction between the CRB and the Attorney General's Office. However, the department is often uninformed about the specifics of complaints or the investigations being conducted.

The intent behind the CRB legislation was to create an independent forum for the review of police conduct. From 1992 to

1997 there was increased concern over the police and their inability or unwillingness to appropriately manage officer misconduct.

In 1994, Chico Police Chief, Stan Williams, was indicted for ongoing incidents of brutality being committed by his officers. It was alleged Chief Williams knew of his officers' actions but had done little to investigate ongoing complaints or to stop his officers' misconduct. Since that event, public pressure on the legislature to mandate police reforms increased significantly. Guarding against such a backlash, police professional organizations encouraged agencies to thoroughly investigate citizen complaints and provide officers with clearly defined ethical standards of conduct. These efforts were unsuccessful in quieting the demands for reform.

In 1996, the Attorney General's Office of Police Review was created to monitor local police activity and investigate misconduct. The next year, civilian review boards were mandated. The fears of law enforcement administrators of losing control and authority over their agencies had been realized.

Efforts to bring the ever rising crime rate under control are being affected by the methods employed to manage misconduct. Officers have become so concerned about generating complaints that they are sometimes reticent to become too aggressive in their crime control efforts. The is universal mistrust of the CRB by the department.

Sergeant Peters reflects on the difficult situation now facing his agency, and all of California law enforcement. Certainly, officers must conduct themselves within legal and departmental guidelines. Inappropriate conduct must be discovered and discipline taken. However, the seemingly extreme measures adopted are seriously hampering our law enforcement organizations.

Policy Considerations

An integral part of the study of this issue is the identification of policies that can alter undesirable trends so as to result in a future more advantageous to California law enforcement. A policy can change the probability of an event by making it more or less likely to occur.

Potential policy alternatives to address the Hypothetical Scenario were developed (Appendix J). These policy alternatives were developed from an initial and somewhat cursory examination of the issue area. They are the result of the literature review, discussions with law enforcement professionals and representatives of the community at large, and even conjecture on potential alternatives. They include topics that should be considered as the issue and sub-issues are further evaluated. They are not meant to be the final options for the development and implementation of a strategic plan, but are proposed as a starting point for thinking about future policy alternatives.

Policy Statements

1. All members of the police department shall be required to take affirmative action to stop and report instances of misconduct by department members.
2. The department shall develop an ongoing training program for the purpose of defining, reinforcing and demanding professional and ethical conduct on the part of its officers.
3. The department shall foster close relationships with community groups to encourage public confidence in the police and form a strong partnership to reduce the threat of crime.

Although these policies cannot affect all the trends and events in the hypothetical scenario, it is hoped their implementation will have a general and overall positive impact. They should affect the likelihood of police management of personnel matters being removed from individual agencies by restoring public confidence in the police to monitor themselves. They are also anticipated to give officers more direction on how they are to conduct themselves.

In order to analyze the impact of the identified policy alternatives on the events and trends in the Hypothetical Scenario, a Cross Impact Evaluation was conducted.

TABLE 4

CROSS IMPACT EVALUATION
Selected Policy Alternatives
(Impact by Consensus of Consultants)

POLICIES	T1	T3	T4	T5	E1	E2	E5
P#1	-15	-15	-25	--	-20	-20	-60
P#2	-10	-10	-35	--	-15	-25	-45
P#3	-15	-30	-50	-10	-20	-30	-40

N=3

T: +/- level of nominal trend
E: +/- probability of event occurring

LEGEND:

P1   All members of the department shall be required to take affirmative action to stop and report instances of misconduct by department members.

P2   The department shall develop an ongoing training program for the purpose of defining, reinforcing and demanding professional and ethical conduct on the part of its officers.

P3   The department shall foster close relationships with community groups to encourage public confidence in the police and form a partnership to reduce the threat of crime.

T1   Legislation affecting police internal affairs investigations.

T3   The influence of civilian review boards.

T4   The level of citizen complaints.

T5   The level of crime and violence.

E1   Legislation mandates the use of civilian review boards.

E2   The Office of Police Review established.

E5   Police Administrator indicted.

SECTION TWO

STRATEGIC PLAN

This section of the paper includes a situation analysis of the management of police officer misconduct and, specifically the role of the Roseville Police Department, which will be used as a reference for discussion and analysis.

Strategic planning is the process of formulating and implementing decisions about an organization's future direction. This process is vital because it enables the organization to adapt to its ever-changing environment. Strategic planning recognizes that organizations are shaped by outside forces at least as much as by internal ones.

MISSION STATEMENT

To evaluate the impact of this issue on law enforcement, it is necessary to understand the long term objectives in managing police officer misconduct. One method of achieving these objectives is through the development of a mission statement which specifically addresses the issue under study.

In the broadest sense, the macro-mission of law enforcement is the delivery of law enforcement services to ensure the safety and welfare of the community. In generic terms, this includes the protection of life and property, the prevention of crime and the apprehension of criminals.

For the purposes of addressing the specific issue and sub-issues dealing with the management of police officer misconduct, the following micro-mission statement has been developed:

Micro-Mission Statement

The officers of the Roseville Police Department are committed to the highest level of personal and professional ethics and conduct while providing law enforcement services to the community. Our ability to maintain the public trust is dependent on our efforts to engender the community's respect and confidence. We are dedicated to ensure police officer conduct which is legally, procedurally, and morally proper. Our department will accept no less.

The Roseville Police Department will accomplish this goal by:

> Developing policy requiring officers to take affirmative action to stop and report incidents of misconduct by other officers.

> Seeking legislative support to establish criminal enhancements for illegal acts committed by officers in the performance of their duties.

> Developing training programs that define and reinforce the need for professional and ethical conduct by police officers.

> Developing joint police/public associations meant to address areas of police/community tensions and cooperatively seek to mitigate crime and violence in the community.

> Actively investigating all allegations of officer misconduct.

SITUATIONAL ANALYSIS

Environment

The organization considered in this paper will be the Roseville Police Department. The Roseville Police Department consists of 107 total personnel, 60 of whom are sworn police officers. The administration of the department consists of the Chief of Police, 2 police captains, 2 police lieutenants and 2 civilian managers. All non-management personnel in the department are represented by the Roseville Police Association.

The City of Roseville has a population of 50,000 and is one of the fastest growing areas in the state. It is the largest city in Placer County and borders on the metropolitan area of Sacramento County, with a population in excess of one million. In the past decade there has been a major influx of residents to the city from the bay area and Southern California.

In 1988, the police chief of 18 years retired. His successor stayed until 1991 when a new chief took over as the department head. Both new chiefs have come from outside the department.

The analysis of the Roseville Police Department begins with a situational audit consisting of a discussion of the agency's weaknesses, opportunities, threats and strengths underlying planning (WOTS-UP). This analysis helps to determine whether the organization is able to deal with its environment. It is designed to aid in finding the best match between the environmental trends and internal capabilities. These environmental trends (external to the organization) including opportunities (any favorable situation in the organization's environment that supports the demand for a service and permits enhancement of their position) and threats (any unfavorable situation in the organization's environment that is potentially damaging to the organization and its strategy).

An organization's resources (internal to the organization) include strengths (a resource or capability the organization can use effectively to achieve its objectives), and weaknesses (a limitation, fault, or defect in the organization that will keep it from achieving its objectives).

Several trends and events have been identified which will either impede or enhance the achievement of the goals contained in the aforementioned mission statement. These trends and events were identified previously by a panel of experts using a nominal group technique (NGT). The following are considered opportunities as

they support the attempt by law enforcement to effectively and appropriately manage police officer misconduct.

OPPORTUNITIES

-The development of contract employment for police officers as a replacement for the civil service system.

-The amendment of the California Government Code to allow for the use of the polygraph in police internal affairs investigations.

-The mandatory licensing of police officers by P.O.S.T.

-The development of an effective, non-lethal physical control device.

THREATS

Those trends and events which are considered to be threats are those which do not support the attainment of the stated mission, to properly manage police misconduct. These threats are:

-The mandatory monitoring of police activity by sophisticated audio and video means.

-The required use of civilian review boards that monitor police activity.

-The creation of a state agency charged with reviewing allegations of police misconduct.

-A police official is indicted for an ongoing pattern of misconduct within his agency.

OPPORTUNITIES AND THREATS

There are some trends and events which could be considered both threats and opportunities depending on the actual impact they have on the issue, and on the stakeholders. Examples of opportunities and threats include:

-Legislation limiting the procedural rights of police officers.
-The quality of police officer applicants.
-Public satisfaction for the police.
-The public's concern over crime and violence in the community.

ORGANIZATION CAPABILITIES

Another factor to consider in this analysis is the capability of the Roseville Police Department to fulfill the previously stated mission from an organizational standpoint. The strengths and weaknesses of the department will be assessed with respect to its ability to respond to the opportunities and threats previously mentioned.

A major strength of the Roseville Police Department is its tradition as a well trained, professional organization. It is well respected within the community, and has a good reputation within the law enforcement field.

The police department's culture has been developed and nurtured with little outside influence. This is both a strength and a weakness to the organization. Although the department has been relatively free from prejudicial forces from the outside, until recently, it also became very stagnant. It was afraid of the

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potential harm that could be caused by outside ideas and personnel and refused to recognize the possible benefits to be gained by an influx of diverse thinking. The department almost adopted a philosophy of isolationism.

The Roseville Police Department is still a relatively small agency. Therefore, it is generally easy to control direction. It is easier to affect change, and to do so more rapidly and efficiently. Alteration of policies and procedures is not too difficult. However, the size of the organization also can be a weakness. Resources are not always available and thus affect the organization's ability to address threats and opportunities.

The following additional strengths and weaknesses of the Roseville Police Department have been identified:

ORGANIZATIONAL STRENGTHS

- Personnel subscribe to a community-service oriented philosophy of policing.

- Department has generally been well funded and personnel well-compensated.

- Department has been free from scandal in the past.

- There has been a good relationship between the police administration and police association.

- There has been a significant lack of serious disciplinary matters within the department.

- The department has a very good relationship with the local media.

- The department has a good number of special assignments for its personnel.

- Personnel have been strongly supported by the police administration.

- The department has a reputation of being innovative and progressive.

- The department is relatively free from excessively burdensome outside political influences (i.e., city manager, city council).

ORGANIZATIONAL WEAKNESSES

- As the department has sought to keep pace with the rapid growth of the community, the quality of new officers, both recruits and laterals, has deteriorated.

- Lateral entry officers have brought some ideas and attitudes more attuned to where they came from than to our department and city. The result has been a change in department culture. (In some ways, this can also be viewed as a strength.)

- Supervisors have been unwilling to demand conformance and compliance by personnel. Officers sometimes "do their own thing" with impunity.

- As the community grows, so do the threats, dangers and stresses on police officers.

- Violations of policy, some even serious, are often dealt with minimally.

- An "open-door" policy has sometimes undermined the authority of mid-managers and supervisors.

- Current, relevant department policies on use of force and internal affairs investigations have been lacking.

- Training in the use of force and documentation of officers actual use of force has been haphazard.

- There is a lack of consistency among supervisors in evaluating and documenting improper conduct by officers.

- There is a relationship among officers that makes the internal reporting of misconduct very difficult. (This is almost universal among police officers.)

STAKEHOLDER ANALYSIS

Stakeholders are individuals and groups or organizations who: (1) are impacted by what the organization does in relation to the

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issue; (2) are able to impact the organization in relation to the issue; (3) are concerned about the issue and/or the organization. A snail darter is a stakeholder who, though seemingly insignificant, has the ability to drastically impact the organization's policy or action. Stakeholder assumptions are what the plan implementors feel will be the stakeholder's position on the issue (what they will care about or want).

The importance and certainty of each assumption can be displayed using a Strategic Assumption Map. (Appendix K)

Stakeholders

1. Police officers - Police officers are very concerned about this issue and are interested in assuming the mission. The following assumptions are assigned:

a. Support increased training in the areas of professional ethics and integrity.

b. Concerned about restrictions on use of force which could jeopardize their safety.

c. Opposed to legislation mandating the reporting of misconduct of fellow officers.

d. Opposed to a reduction of their procedural rights during internal affairs investigation

e. Opposed to use of civilian review boards.

2. Police administration - Police administrators are concerned about managing misconduct within the agency. This stakeholder group will believe the following:

a. Supportive of increased training for their officers in professional integrity and ethics.

b. Opposed to the use of civilian review boards.

c. Support policies requiring officers to report misconduct, but would be wary of legislatively mandating such actions, especially where criminal sanctions are involved for lack of reporting.

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d. Very concerned about the adverse affect publicity about officer misconduct would have on the department.

e. Mixed views on the reduction of police officers' procedural rights. Concerned about getting to the truth of allegations while being mindful of fairness and individual rights.

3. Police Associations - The police association generally has the interests of the employee in mind, though different tactics are employed relevant to different issues. Generally, the following assumptions can be made:

a. Oppose any changes to minimize the protections in the Peace Officers' Bill of Rights.

b. Oppose the use of civilian review boards.

c. Oppose legislation mandating officers to report acts of misconduct by fellow officers.

d. Support efforts to improve police officer training on ethical behavior, especially if it would enhance their political position.

4. State legislators - State legislators would certainly embrace this issue as they saw political gain. Support from various concerns could differ, but generally the following assumptions could be made:

a. Support legislation calling for sanctions against police officers who abuse their power or are found to be corrupt.

b. Support improved training for the police.

c. Some legislators may seek to limit police authority and discretion while others to enhance it. Such beliefs are based largely on various constituencies served.

5. American Civil Liberties Union - These groups have a great deal of interest in law enforcement issues in general because of the power and authority exercised by the police in society. Assumptions include:

a. Supportive of use of civilian review boards or an independent state police review agency.

b. Supportive of efforts to mandate the police to report incidents of officer misconduct.

c. Supportive of legislation which could limit the amount and type of force available for use by police.

d. Support the licensing of police officers.

6. City council/City Management - Local politicians and city administrators are greatly concerned about the services provided by their police force and the reputation and respect of the department in the community. They are also concerned about the political power of the police associations. The following assumptions apply:

a. Support training to ensure a professional police department.

b. Concerned about potential civil liability because of police misconduct.

c. Generally oppose legislatively mandated civilian review boards, but not necessarily the use of civilian review boards if they felt the local community demanded it.

d. Concerned about public support for the police and the number of citizen complaints made against the police.

7. The Public - The public may be the most affected and important stakeholder. The following assumptions are made for the general public without regard to economic or ethnic status.

a. Supportive of improved training for police officers.

b. Generally supportive of the use of civilian review boards to ensure accountability and trust.

c. Supportive of thorough internal investigations into police misconduct and public disclosure of investigation dispositions.

d. Opposed to procedural rights for police officers that give any more privileges than are held by other workers.

8. Media - The media is interested in incidents of police misconduct, though not necessarily the attainment of the identified mission. The media's assumptions may vary depending on their relationship with the police department.

a. Supportive of civilian review boards and public access to records of police misconduct incidents.

b. Support the mandatory reporting of misconduct by fellow officers.

c. Support legislative or court restrictions on police officers procedural rights, especially as they pertain to the public release of information concerning misconduct allegations.

9. Professional Police Associations (CPOA, Cal-Chiefs, etc.) – Professional organizations have a great interest in the issue. However, with some groups there may be an internal conflict over concerns for the law enforcement profession and concerns for individuals.

a. Support enhanced training for law enforcement.

b. Oppose mandated civilian review boards.

c. Support efforts to ensure accurate, thorough and fair internal affairs investigations while maintaining the integrity of officers' rights.

d. Support the development of "alternative" control devices.

e. Support policies requiring officers to report misconduct but oppose similar legal requirements.

10. California Commission on Peace Officers Standards and Training POST is very concerned about the development of the police profession and thus would be interested in the issue of misconduct. POST could also be given the responsibility to develop uniform methods of managing misconduct by the state legislature.

a. Support enhanced training (as long as funds were made available to accomplish the training).

b. Generally oppose the use of civilian review boards.

c. Support the development of consistent and fair methods of conducting internal affairs investigations.

d. Support efforts to improve the quality of police recruits.

11. District Attorney – The District Attorney is quite concerned about officer misconduct, especially those acts which would be deemed criminal. The District Attorney's office often finds itself in the middle of controversies when the public and special interest groups call for criminal sanctions against officers for actions which law enforcement considers legal and proper. Some stakeholders feel the District Attorney is too closely aligned with law enforcement to ensure an independent review of questionable conduct by police.

a. Support the use of some type of civilian involvement in the police review process.

b. Support having increased access to allegations of criminal conduct by the police.

c. Support the use of the grand jury to review police practices.

d. Support more involvement by the District Attorney in reviewing allegations of police misconduct.

12. Chamber of Commerce, business groups (snail darter) - Local business groups may exert significant influence over politicians. Also, they certainly have a concern over the quality of life, on which the police have considerable impact, in the community. They must be concerned over the ability of the police to ensure a safe community. The position of this "snail darter" group might be:

a. Support civilian review boards in order to establish greater control over the activities of the police and to ensure accountability to their agenda.

b. Support police efforts to control crime and violence in the community, even to the point of "violating the rights" of criminals.

MODIFIED POLICY DELPHI

A modified policy delphi was used to identify potential strategies. The primary objective of the modified policy delphi process is to ensure that a variety of alternative strategies, designed to address the strategic issue, are identified and explored.

A group of eight law enforcement and non-law enforcement individuals, all knowledgeable in the issue area, were given the previously prepared mission statement. (Appendix L) The group was asked to generate a list of strategy alternatives that would help the Roseville Police Department attain this mission. (Appendix M) Through a rating process, the group narrowed the list of

alternatives to the four contained in the following discussion. (Appendix N)

Alternative 1. The California legislature directs the California Commission on Peace Officer Standards and Training (P.O.S.T.) to develop mandatory licensing standards for peace officers.

Currently, POST establishes requirements for the certification of peace officers. The state penal code requires that peace officers meet POST standards in order to be appointed. However, there is no requirement for officers to maintain POST certification to maintain their peace officer status.

Alternative Strategy 1 would mandate POST to develop licensing requirements for peace officers. These requirements would apply to officers on their initial appointments, and set standards for individuals to retain their licenses. This strategy would allow administrative action against an officer's license in the event of proven misconduct.

Advantages of this strategy include:

Police officers and administrators would be more receptive to reviews of misconduct conducted by POST than by civilian review panels.

A more formalized licensing procedure enhances the professional image of the police.

More standardized norms of conduct for the police would be established and recognized.

Police officers would have to maintain the professional standards established by POST or have their licenses suspended or revoked.

All police officers in the state would be held to the same standards of conduct.

Police administrators may find it easier to remove officers who display inappropriate conduct.

Disadvantages of this alternative include:

A loss of some local control of police agencies and their personnel.

Such a plan greatly alters the present responsibility of POST and would require a significant financial and political commitment by POST.

The mandatory licensing of police officers could significantly reduce civil service and other employment protections presently granted the police.

Mandatory licensing requirements could significantly increase the expense of police training.

Stakeholders will view this strategy in various ways:

Police Officers would generally oppose mandatory licensing. They would see such a strategy as a potential threat to protections they now enjoy and fear some of the procedural rights previously afforded them would be removed.

Police administrators may oppose the loss of some of the control which they currently have over their personnel, however, they would welcome any attempt to enhance the professionalism in law enforcement. They may also see a benefit in having administrative sanctions available against police officers guilty of misconduct.

Police associations, like line police officers, would oppose this strategy. Although they may recognize that licensing may enhance the professionalism of law enforcement, nevertheless they would fear the loss of employment protections.

State legislators would be supportive of the licensing of police officers. They would see such an alternative as a means of some structured, independent control of police activity. Such efforts

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would allow legislators to respond to those who call for added controls on the police and significant sanctions for misconduct.

Alternative 2.   The California Commission of Peace Officer Standards and Training (POST) increases the level of training on professional ethics and integrity for both basic courses and in-service training programs.

Currently, there are no mandates to provide ethics and integrity training to in-service officers. Such training would provide officers with valuable instruction on professional conduct which may decrease the amount of aberrant behavior by the police.

Training for police on ethical behavior has been lacking and often, that which is received is lost within the organizational culture. The introduction of such training will help standardize acceptable measures of conduct and encourage acceptable behavior by officers.

Advantages to this type training and delivery method would include:

Training is a pro-active approach to dealing with misconduct.

Provide for uniform training throughout the state in this area.

Both initial and refresher courses would be mandated to reinforce ethical standards in the police.

Such training could result in less exposure to liability by police agencies.

Police departments may experience less personnel complaints.

Morale could be improved.

Police detractors would see this effort as a positive step.

Disadvantages:

Mandatory training of this type is expensive.

Some stakeholders may see it as a "band-aid" approach to the problem.

Officers may be cynical of this type training if it isn't presented properly.

Program would lack credibility without strong backing from police administrators.

Reinforcement of training and follow-up at individual departments would be necessary.

Stakeholders views:

Police administrators would support the training. They recognize the need for the enhancement of the police image. This can be done through the further development of professional ethical standards. They recognize this program could reduce the number of citizen complaints made against officers and encourage more internal pride and professionalism among their officers.

Citizens would be supportive of the training. Most recognize that training improves performance and they desire a professional, ethical police force. Some citizen groups that have been critical of the police might see this as not an aggressive enough approach to deal with officers who perform improperly.

Police officers would not be totally supportive of this type increased training. Although generally they support training opportunities, they often feel the "hands-on" instruction dealing with the "mechanical" aspects of the job is more important and appropriate. They may feel that this training does not take adequate account of the real nature of the work they perform. However, they generally do recognize the need for professional integrity and ethical performance.

Alternative 3. The State legislature passes a bill signed into law by the Governor requiring all local police jurisdictions to establish civilian review panels charged with examining allegations of police misconduct.

Citizen police review boards currently exist in some jurisdictions. They are often the result of specific incidents or a long pattern of police abuses within a community.

Many feel that the police have shown a reluctance or inability to effectively "police" themselves. Therefore, the call for an outside, independent review.

Politicians may be getting a strong message from constituents. The police cannot continue to act inappropriately without impunity. They will no longer be able to judge their own actions. It's time to make them more responsible to the public they serve.

Advantages of this type legislation:

Police detractors will embrace the plan as placing strong controls on police activity.

A strong message of intolerance of police abuses would be sent.

Police misconduct incidents might decrease if officers knew their activities were subject to outside review.

There would be a greater involvement by the community in police matters, resulting in a better understanding of the real police role.

Disadvantages:

Foster a greater "us vs. them" mentality by the police.

Remove much of the control of the agency from police management.

Send a message of public mistrust to the police.

Civilian review panels cannot judge effectively what they don't understand..

Legislation could be a hardship on small jurisdictions.

May encourage the "code of silence" among officers.

Establishes state mandates over local jurisdictions.

Stakeholders views:

ACLU and similar groups will be supportive of such legislation. They would see it as an effective control measure on abuses committed by the police. They generally feel the police have too much power and authority and too little control.

Police administrators would oppose this strategy. It removes some of the control which they have over their organizations. They see it as a vote of no confidence of their ability to regulate their departments.

City councils and other local governmental bodies may view this legislation differently depending on their community's relationship with the police. Some may support the strategy as a means of more community involvement in police practices, especially if there have been police/public conflicts. Where there is strong department leadership and good police-community relations this strategy may be seen as having the potential of stirring up problems heretofore non-existent, or at least minimal. Local governments may also resent state involvement in local matters, taking the attitude, "if we need review boards we'll establish them ourselves".

Police officers would oppose such legislation. They feel that citizen review panels would not understand their jobs and therefore could not properly evaluate their performances. The police community is a very tight knit group and would balk at any attempt at outside control or review.

Alternative 4. Utilize the county grand jury to review alleged police misconduct and the means used to investigate such allegations.

The grand jury process is currently in place and can be used as a system for review of police procedures. During the futures study it was felt that the use of an independent governmental board would be effective in dealing with the issues of police officer misconduct. Utilizing the grand jury for this responsibility would hopefully lead to similar results, with more localized emphasis. This strategy would address the demands of those calling for more independent review of the police.

Advantages of this strategy include:

The grand jury process is already in place, thus easing the implementation of the plan.

Cost impacts would be minimal.

Norms of conduct for officers within the county could be standardized.

Investigations into allegations of officer misconduct could be standardized.

It would create a broader environment for soliciting suggestions to improve law enforcement performance.

Greater public trust in the police could be engendered.

Disadvantages:

Officers would view this plan as increased outside intervention.

The system could become political, thus reducing its effectiveness.

Lack of understanding of law enforcement practices and procedures could result in improper evaluations.

Stakeholders views:

Police officers would generally oppose such a plan. As noted previously, the police community is reticent to accept attempts at outside review or control.

The public would generally support this strategy. To a great extent the community is not opposed to some form of independent review of police actions.

The city council would be concerned about possible loss of authority and control of the police. However, they would be supportive of measures that could reduce the occurrence of misconduct and possibly the city's exposure to liability.

RECOMMENDED STRATEGY

The recommended strategy is directed toward the issue question, "What will be the status of the management of peace officer misconduct, in medium size law enforcement agencies, by the year 2002?" The focus of the strategy is based on the forecasted impacts of trends and events as examined in the cross-impact analysis and on the normative scenario developed in the futures study section. 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, key elements of several related alternatives were merged in such a way

as to address the primary reasoning behind the various strategies. Also considered in the recommended strategy was the extreme difficulty anticipated in attempting to implement all the plans due to the significant concerns of the stakeholders. The recommended strategy will include the following policies:

1. **Develop a commission made up of police department and community representatives.** The purpose of the commission will be to establish a process for the review of allegations of misconduct by police officers. The demands for the independent review of allegations of police officer misconduct are significant throughout some elements of the community. Concerns, primarily in law enforcement circles, about outside review of police actions are equally strong. This policy was designed as a compromise between those stakeholders with opposing positions. This policy allows a concerted effort between the police and the community to develop a system of review that is most acceptable to the stakeholders. It allows the community itself to state how much outside involvement they want in the operation of their department.

2. **Develop an on-going program of professional ethics and integrity training for police officers.** POST includes professional ethics and integrity curriculum in basic training courses. However, it is imperative for these topics to be continually reinforced. Such training would allow for the specific definition of standards of conduct for officers and clearly prescribe departmental response to misconduct. A comprehensive training package can significantly improve department efforts to ensure professional, ethical behavior and manage inappropriate, improper conduct. This policy also contains a clear message of intolerance of improper police conduct.

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3. **Utilize the county grand jury to periodically review alleged police misconduct and the means used to investigate such allegations.** Using the county grand jury system would further satisfy those stakeholders who demand the independent evaluation of allegations into police misconduct. Additionally, the grand jury would periodically assess the effectiveness of the processes used to investigate alleged inappropriate police conduct. The grand jury process could give credence to the efforts taken to provide for the thorough, complete, and fair review of police conduct. The opportunity of outside review of police activities would further encourage the professional and ethical behavior of officers.

IMPLEMENTATION PLAN

For a strategy to be successful, an implementation plan must be properly formulated. The overall goal of this strategic plan is to reduce the incidence and significance of police officer misconduct. This will be accomplished by stressing professional, ethical conduct by officers, and having in place an effective and efficient means of dealing with inappropriate behavior.

Section Three will present a Transition management Plan for implementing the strategy. First, however, it is necessary to identify action steps and estimate timeliness for the accomplishment of these objectives. (Appendix O) The action steps are meant to be general guidelines with more specific definitions left to the transition management team. The transition management team will develop a plan explaining how the strategic plan will be adopted into a working program.

The chief of police will present the plan to the police association and to the city administration and ask for their

support. The plan is proposed to be functional on a local level, but the ultimate goal would be for its adaptation on a statewide basis. The successful implementation of the strategy in the Roseville Police Department would hopefully lead to the development and use of like strategies throughout the state.

It is important to carry the plan for implementation of the strategy to a point ten years into the future. At that point, the plan would be fully implemented with each component in place and functioning continuous monitoring and evaluation would have taken place. The implications for statewide utilization of a similar strategy will have been explored.

The chief of police has overall responsibility for developing and implementing the plan. He and the Project Manager will be key figures in this new program. Bringing the plan to fruition and its ultimate success will be greatly dependent on their dedication and the enthusiasm they are able to generate.

NEGOTIATING ACCEPTANCE

For a successful implementation of the strategic plan, it is necessary that the stakeholders support and accept not only the policy, but the course of action and planning phase. This is accomplished through a negotiation process.

Many of the identified stakeholders want to see a change in the way law enforcement handles police officer misconduct. The climate currently is prime for change. Law enforcement must also realize the need for change before it becomes too late to have any

substantial control over these revisions. Law enforcement leadership must take advantage of any opportunity to prepare for and take the lead in transition.

NEGOTIATING STRATEGY

In order to successfully negotiate the alternative proposed, each stakeholder must be anticipated in the negotiating strategy. The proponents of the strategy can move forward with a plan to employ mutual gain, or at least gain Compromise with several stakeholders.

There exists among several of the stakeholders on-going relationships where mutual problem-solving and trust have been established. Some stakeholders however, will require the use of a Win-Lose approach, primarily because of the power of the proponent's position.

Some specific techniques which could be employed with the identified stakeholders include:

Police Officers

Collaboration - The proposal, although at first seen as threatening by the stakeholder, may ultimately involve the mutual gain of both parties. It is of significant importance to the stakeholder, therefore, little can be bargained away.

Association - This stakeholder could become an ally in promoting the proposal, especially if they saw political gain to be made. If the stakeholder realizes the certainty of the proposal,

they may become more greatly involved to protect themselves as much as possible.

Problem Before Answer - By placing the proponent's interests and reasoning first, the conclusion and proposal can follow. In this way they may be more readily accepted. Hopefully, the stakeholder will be listening to find a solution to the problem.

Police Administrators

BATNA - This stakeholder is powerful and influential. Therefore, knowing the best alternative to a negotiated agreement is critical. The assets and strengths of the proposal must be fully exploited.

Accommodation - The issue is certainly of extreme importance to this stakeholder. Therefore, it will be beneficial to negotiate acceptance by showing the stakeholder that this strategy can work.

POST

Association - This stakeholder would be an important asset in supporting the proposal, not only because of their influence, but also because of their crucial role in the strategy.

Build Working Relationships - This stakeholder has developed a successful relationship with many of the involved stakeholders, and is trusted and respected. The proponent would be greatly served by taking advantage of these developed relationships and its influence on other stakeholders.

Police Associations

Competition - This stakeholder will likely be antagonistic to the strategy, and thus the proponents. Because of the support for the proposal, and its strength, the stakeholder can be challenged.

Don't React Emotionally - This stakeholder may attempt to introduce emotion to the negotiation. Certainly it is safest to avoid such a confrontation and focus on the facts.

Identify Shared Interests - It may be possible with this stakeholder to identify shared interests. This is particularly possible if the stakeholder does not want to lose face, or be hurt politically. The shared interest in this case would be the unacceptance of police officer misconduct.

Chamber of Commerce (business)

Common Interest - The proponent can effectively promote the strategy with this stakeholder by addressing common interests. "Buy in" by business will be accentuated by exhibiting a desire to deal with their concerns.

Acknowledge Their Interests - This negotiating strategy is critical to the stakeholders. Proponents must be able to show them how they will be affected by the success or failure of the strategy.

TRANSITION MANAGEMENT

The purpose of this section is to present a "Transition Management Plan" that will enable the Roseville Police Department to implement an effective strategic plan involving those both inside and outside the department.

TRANSITION MANAGEMENT

Transition management consists of the movement of an organization from its present state to the desired future state. Getting from this present to the desired state, the period when the actual changes take place, is called the transition state. In managing the overall change process it is always important to (1) determine the major tasks and activities for the transition period, and (2) determine structures and management mechanisms necessary to accomplish those tasks.

This plan calls for the implementation of a joint law enforcement/community review panel to evaluate police conduct, and for a training program to encourage professional integrity and ethical behavior. A cooperative effort between those identified as critically involved in the strategy is necessary to ensure a well planned and coordinated response. Considering the present state of these somewhat interdependent groups, it is important to pose the question, "What steps must be taken to achieve the successful implementation of the program?" It is understanding these steps and the direction that will set the basis for success in the transition process and, consequently, success in the program.

The components of the "Transition Management Plan" include the identification of the Critical Mass and development of commitment strategies for each member, the management structure to be utilized

during the transition period, and the technologies and methods which will be used to support the implementation of the plan and assist in the transition.

COMMITMENT PLANNING

It is necessary to organize a plan to implement the proposed strategy and to manage the subsequent transition. Even well made plans will not ensure the desired change unless there exists a commitment by the persons critical to the change effort. The planners must determine who in the organization must be committed to the change and to carrying it out for the change to actually take place. A commitment plan is a strategy, involving a series of action steps, devised to secure the support of those vital to the change effort. The steps in developing a commitment plan are:

1. Identify target individuals or groups whose commitment is needed.
2. Define the critical mass needed to ensure the effectiveness of the change.
3. Develop a plan for getting the commitment of the critical mass.
4. Create a monitoring system to assess the progress.

CRITICAL MASS ANALYSIS

The "critical mass" is defined as those key players, individuals and groups, whose active commitment is necessary to provide the energy for the change to occur. If they support the proposed change, success is likely. If they are opposed to the change, the change is likely to fail.

The individuals or groups whose active commitment is considered essential to the success of the proposed course of action are identified as:
- Chief of Police
- Administrative Services Commander (Project Manager)

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- President of Police Association (Police Officer)
- City Manager
- City Council
- District Attorney

A Commitment Analysis Chart **(Table 5)** was used to assign assumptions to each player in terms of their disposition toward the proposed change at this time. The estimated current level of commitment of each critical mass player is indicated by (X). (O) depicts the minimum level of commitment that each player must have for the plan to be successful. The arrow designates the direction of movement, if any, required to get the necessary commitment from each critical mass player.

COMMITMENT ANALYSIS CHART
Table 5

Critical Mass Players	Block Change	Let Change Happen	Help Change Happen	Make Change Happen
Police Chief	X ──────────────────────────▶			O
Admin. Svs. Commander	X ──────────────────────────▶			O
Assn. President	X ───▶ O			
City Mgr.		O ◀─────────────── X		
City Council		O ◀─────────────── X		
Community Member			X O	
District Attorney			O ◀──── X	

Chief of Police - The Chief occupies a pivotal position in the department, and in the overall successful implementation of the plan. His position will influence not only other department members, but outside critical stakeholders as well.

Although the chief may initially have some reservations about "delegating" any of his control and authority to an outside body, the proposed alternative would have to be seen as preferential to a totally independent review panel. The chief's position would likely be affected by the political climate, both on the local and state levels.

The chief's position must be moved to "make it happen". The change will be caused by an evaluation by him of the political climate, and a realization that a demand for some alternate type of police review will be demanded. The chief's initial response to the strategy may very well be to block implementation, but his stance would be altered by prevailing political pressure.

Administrative Services Commander - The Administrative Services Commander will act as the project manager for the department in the implementation of the plan. His position is also in charge of departmental training and so, as training is an important component in the plan, he becomes additionally critical to the change.

The Administrative Services Commander may likely initially resist the change, but because of the political pressures passed on through the chief's office he will need to "make the change happen" throughout the transition. The chief will supply the impetus to the Administrative Services Commander to make sure the changes occur.

President of Police Association - The president of the police association will initially oppose the change. It will be necessary to move the association's position from blocking the change to "letting the change happen".

The association president represents literally all non-management members of the department, and thus is very influential. Opposition would be initially expected because the "union" group

would be very concerned about an outside review of police practices. They would see this as potentially very threatening to officers. The association may even be reluctant to embrace the proposed training element of the plan as it could be seen as a threat to officer safety.

The Chief of Police and City Council, depending on their political relationship with the officer's group, can be influential in changing the association's stance. It could be pointed out that allowing the change to occur could improve the association's position with the community and city officials. Probably more importantly, this strategy should be seen as the "lesser of two evils", with the alternative being a review process completely independent of the police department.

City Manager - The city manager will have a strong influence over the proposed change. The manager, like the council, may have very strong feeling toward making this strategy happen. Because of the political and public sensitivity toward police misconduct, the manager wants to make every effort possible to ensure trust and confidence in his police department.

The manager's involvement may need to be reduced to a "let it happen" stance. The chief of police should take the lead role and encourage the manager to take a less vocal position so as not to cause additional resentment and resistance with the association. If the manager's position is too strong it may be seen as an affront to the police officer and his ability to do his job. The manager softening his position may make it easier to get the association to "let the change happen".

City Council - Like the city manager, the city council will promote the change as a means of ensuring their constituents of an honest, professional police department. They can also encourage public

participation and input in mitigating the community's concern regarding law enforcement issues.

Depending on the relationship with the association, council members may even be able to help convince the association the change will ultimately benefit all. However, if the council and association are not in good terms, the council's position, like that of the manager, may have to be softened by the chief and manager.

Community Member - It will be important to seek involvement from a key community representative. Because the plan includes important participation from the community, their input in development and implementation will be imperative.

The community does not generally oppose independent involvement in the review of police practices, and would welcome the opportunity to be included in the process. Their goal should be to provide for improved police performance. They must be careful not to alienate the police by pushing too strongly, but need to have enough involvement to show their support and ensure the entire community's desires are met. They should maintain a "help change happen" posture.

District Attorney - The District Attorney will be instrumental in the overall implementation of the plan, not only because of his involvement in potential criminal prosecutions, but possibly more importantly because of his involvement with the grand jury. The District Attorney will have an important position in his role with the grand jury and their review of police practices.

The District Attorney would be a strong supporter of the increased evaluation of police practices, if for no other reasons than political ones. With the grand jury's inclusion in the process, he may see increased opportunity for personal involvement.

This position may be viewed as threatening to department members and even the chief of police. Therefore, the District Attorney should assume a position of "Help Change Happen" rather than "Make Change Happen".

With the identification of commitment obtained and commitment needed for successful implementation of the plan, the question becomes, "how is the necessary commitment obtained?" Obviously, resistance is a normal part of the change process. If the required commitment to a change effort is not there, it must be assumed that there is resistance to the change. In eliminating resistance, a situation must be created that is neutral. Here no one is forced to take a position, and positions are clarified rather than challenged.

There are a number of intervention strategies that can be employed to create the conditions for commitment. Two such strategies are problem finding and educational intervention. Problem finding allows all those concerned with the change to get together to identify and clarify all aspects of any identified problems. The educational intervention strategy allows for the education of all participants on understanding a change problem as well as each other's issues and concerns.

These strategies can be used in a "planning meeting" which would be scheduled as the first meeting of a working group (comprised of key players and any others who may lend expertise to the issue). The purpose of this meeting would be to develop as many issues/concerns as possible. This will allow discussion and mutual education on the duties and responsibilities of the different parties involved and can be used to help manage conflicts that occur among the critical mass. This type meeting would lead to a better understanding of the concerns of the various stakeholders and hopefully a commitment from the group as a whole to work toward the implementation of a strategy beneficial to all.

TRANSITION MANAGEMENT STRUCTURE

Now that the Transition Management Plan and the stakeholders have been identified and their individual commitment levels defined, it is necessary to define the management structure that will put the plan into action. There is no single, absolute answer to this problem. The most appropriate structure to be employed for an ambiguous transition state is one that creates the least amount of tension within the existing system while allowing the most opportunity to facilitate and develop a new system.

Organizational change will not occur overnight. Change occurs in three phases: pre-change or present state, transition state, and post-change or future state. It is necessary, prior to beginning the transition process, to determine how this phase will be managed and by whom. The most appropriate management system and structure for the ambiguous transition state is the one that creates the least tension with the on-going system and the most opportunity to facilitate and develop the new system.

Change cannot generally be accomplished effectively within an organization using existing structures. A structure needs to be put in place that is uniquely suited to the task to be accomplished. This transition management structure should be temporary and focus specifically on the transition process.

Several management structures may be used during the transition phase, but it is two that will dominate; the project manager and representatives of constituencies. The administrative services commander will be designated the project manager. He will report directly to the Chief of Police who has the ultimate responsibility for implementation of the strategy.

The project manager will establish an advisory committee comprised of representatives of the various individuals and groups

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involved in the change. This "diagonal slice" structure assures continued input from the different levels, cultures, and functions of these groups. It will provide the project manager with the experience and expertise needed to make the decisions necessary to maintain the program and make the transition period less stressful for all.

This team will be composed of those representing the major constituencies involved in the change, both from inside and outside the department. They will provide the project manager with access to all affected groups and concerned parties. This group will be essential to the success of the program by allowing the implementation process to proceed more rapidly and helping ensure "buy-in" from critical elements.

In addition to using a group representing the primary constituencies involved, the Chief of Police and project manager may target the natural leaders within the organization to assist and provide input during the transition. Because the strategy is likely to involve significant controversy, especially among line officers, this group could be a powerful force either as proponents or opponents. Their influence should be used in furtherance of the strategy.

IMPLEMENTATION TECHNOLOGIES/METHODS

During the implementation of the transition management strategy methods must be employed to ease the stress caused by change. These methods should be identified prior to initiating the plan as they can help mitigate the expected resistance to the new strategies. These methods/technologies can help guide the management team and the entire organization into and through the change and reduce anxieties and uncertainties which will accompany the transition.

Role modeling - All leaders both inside and outside the department, who are involved in the transition process must display enthusiasm, confidence and commitment to the program. Their appearances will send a strong signal to all those affected by the policies. Success may rely to a great extent on the positive posture assumed by these leaders.

Responsibility charting - A responsibility chart shows the actions or decisions that need to be accomplished and designates the responsibility for their accomplishment. A responsibility chart helps in taking advantage of the diversity among the members of the implementation group. This technique will be very beneficial in assigning responsibilities, reducing ambiguity among the transition management group and eliminating the unnecessary duplication of tasks.

The responsibility chart is developed to assess the alternative behaviors and actions required for each identified party involved in bringing about the change. This technique clarifies behaviors that will be required to implement important change, actions, or decisions. It provides a blueprint for who is responsible for doing what.

Some actions may be assigned as shared responsibilities to allow for cross training and interfacing of ideas of individuals from various agencies or concerns. Assigning definite responsibilities and goals, gives individuals a sense of value as contributing members of the group. (Appendix P).

Monitoring, Evaluation and Feedback - Members of the transition implementation group must be kept informed as to their accomplishments. This monitoring and feedback function is an integral and necessary part of the management process. It requires an evaluation of the organizations move toward the desired future. It assigns the responsibility and authority for the project manager

to ensure the project moves forward. Importantly, it also allows for the dissemination of information critical to successful implementation of the strategy to the entire organization, especially those who may be resistant.

The evaluation of the program will be concerned with various aspects of the plan, including efficiency, operation, effectiveness and adequacy of performance.

Experiments - The proposed strategy offers the opportunity to experiment and test proposals on a limited and selective basis prior to general use. Through experimental testing the strategies can be utilized in specific instances, thus further evaluating effectiveness and the need for refinement. These experiments can be very useful in further addressing and alleviating existing resistance to the implementation of the strategy.

Milestone Recognition - During the implementation and evaluation of the strategy it will become necessary to acknowledge the attainment of various milestones which denote movement toward achievement of the desired goal. It would obviously start with the announcement of the proposed strategy to the organization. Particular and significant events occurring through the process would be acknowledged. This method is utilized both to ease the transition into the desired future and to provide additional feedback and keep he change occurring. It aids in sustaining enthusiasm for the plan, and recognizing and rewarding employees for exemplary performance which previously may have been ignored or considered unimportant.

Community Meetings - Since the plan includes policy for community involvement it is necessary to share the proposals with them, to increase their understanding of the programs, and to gain their support. It is important to let them know firsthand what accomplishments are hoped for and to seek their input and feedback.

<u>Conflict Management</u> - An important part of the transition strategy is controlling conflict that is sure to occur in the implementation of any change, especially one which is controversial. Although change, particularly that which is uncontrolled, can be detrimental and destructive, it can also be used to identify effective alternatives and methods to develop the strategy.

Conflict and potential areas of conflict must be anticipated and prepared for as much as possible. The project manager and the chief of police must be ready to address conflict as it occurs within the transition management team, the organization and outside the department. Effective communication and dissemination of information through confrontational meetings will help negate destructive conflict. As previously mentioned, responsibility charting can be very effective in assigning accountability and defining the decision making process. This can greatly manage conflict.

SECTION FOUR

CONCLUSIONS AND RECOMMENDATIONS

The issue studied in this report has been examined from the standpoint of a medium sized police department. It includes the relationships and interactions of community and various law enforcement concerns as they relate to peace officer misconduct. This study has identified peace officer misconduct as a problem of continued significance in California and as an emerging issue on which law enforcement administration can have a definite impact. In addition, the study examined three sub-issues related to the primary topic under consideration.

The issue:

>   What Will be the Status of the Management of Peace
>   Officer Misconduct, in Medium Sized Law Enforcement
>   Agencies, by the Year 2002?

Sub-issue #1:

>   What Processes Will be Utilized by Law Enforcement to
>   Manage Peace Officer Misconduct?

Sub-issue #2:

>   What Will be the Influence of Training on the Management
>   of Misconduct?

Sub-issue #3:

>   What Control Efforts External to Law Enforcement Will be
>   Used to Manage Peace Officer Misconduct?

THE PROBLEM

Misconduct by peace officers involves numerous behaviors, from petty to the most serious. Such misconduct can have seemingly little affect on an organization, or lasting, significant repercussions on a department, its members, and the community it serves.

The responsibility for managing misconduct must be a primary objective of the agency and its chief. The actions of a few discredit the good work of the vast majority. Therefore, misconduct must not be neglected or trivialized.

In a society where questioning authority has become the norm, it is imperative that law enforcement respond appropriately to the sometimes disproportionate criticism of a watchful citizenry.[11] The ability of a department to achieve its goals and objectives will be enhanced when he publics perception of the agency is one of competence, fairness, and impartiality.

In order to achieve and foster that perception, agencies must constantly reinforce the ideals of professional and ethical behavior in their personnel. Of equal importance is the requisite to appropriately deal with the incidence of officer misconduct. Such action is necessary to ensure community confidence in the police and a competent, professional organization.

Police misconduct is fundamentally a local problem. Therefore, it is here that steps must be taken to ensure proper police conduct.[12] Police administrators must ensure officer accountability by developing and implementing proper procedures and standards of performance. Agency policies and training must be designed to comprehensively deter, identify, and remedy incidents of misconduct.

How will law enforcement respond to the community's demand for lawful, ethical behavior by officers? What will be done to ensure that a credible system of officer accountability exists and that violations of policies and standards will be appropriately handled?

The development and examination of the issues and sub-issues in this study have resulted in at least a partial response to these questions. The plan that has been introduced is but one method to pursue. There are others yet to be explored, and certainly in need of examination.

ANSWERS

Policies and Processes - Programs can be developed that promote a climate that is intolerant of police misconduct. These efforts should be focused within the community and within the department.

Police administrators will greatly influence the actions of their officers in carrying out their mission, even when an appropriate and realistic mission is defined for the police in the community. Administrators set the tone for their departments in their statements, actions, and attitudes toward the communities they serve.[13]

Clear policy must be implemented to define standards of conduct and to establish appropriate departmental response to deviant behavior. When incidents of misconduct occur, the department's immediate reaction to these incidents will have a great impact on whether the incident will be repeated. Conversely, agency leaders must display clear support for officers when complaints of misconduct are unjustified. The intent of policy must be to develop an organizational culture which promotes professional and ethical behavior.

Included in programs and policies on peace officer misconduct must be accountability to the community and response to their reasonable demands for review of officer behavior. Public confidence in the police is dependent to a great extent on the openness that exists between the department and the community.

Other areas which were identified during this study and which should be considered include:

Stress intervention - The stressors affecting peace officers are numerous and many times are in play when officers behave inappropriately. Stress identification and intervention programs can reduce the influences of negative stress on officers and on their performance.

Complaint tracking - Allegations of misconduct by officers must be recorded and tracked. Patterns of inappropriate behavior would be detected and intervention techniques, including training, counselling, and discipline, would be applied. Often misconduct involves a series of behaviors rather than single, isolated occurrences.

Monitoring - Closely monitoring officers' behavior and demeanor is an effective means of determining inappropriate conduct. Most such monitoring is accomplished by first line supervisors. Supervisory training on intervention after misconduct is recognized should be included.

Law enforcement must immediately respond to the problem of peace officer misconduct. Lack of action will result in a loss of confidence by the public and the degradation of the police image.

It became evident through this study that the community will demand a more active role in the examination of officer misconduct. Without nurturing an open relationship with the community, law enforcement will face significant court and legislative mandated burdens which will greatly affect their control and authority over their operations.

RECOMMENDATIONS FOR FUTURE RESEARCH

During this study several other related emerging issues were identified. These issues warrant further consideration and study by future Command College students. Some of the emerging issues for study include the following areas:

- How will technological advances affect the ability to more closely monitor police conduct?

- How will the changing demographics of cities affect the community's perception of police misconduct?

- What affect will the level of violence in the community have on inappropriate police behavior?

- What impact will new technologies in alternative methods of force have on allegations of excessive force by the police?

- What will be the affect of new technologies on conducting internal affairs investigations?

- What would be the impacts of replacing civil service type employment with contract employment for peace officers?

- What affects could the privatization of law enforcement services have on the management of officer misconduct?

- How will the extensive use of external controls on the police affect the ability of law enforcement to recruit and keep personnel?

APPENDIX

Ethics Training

Police Licensing

Lawsuits Against
Police

Civil Service
Eliminated

LEGISLATION AFFECTING
POLICE CONDUCT

Police
Unions

Police
Sue Agency

Public Confidence
in Police Erodes

Police
Violence

COURT DECISIONS
ESTABLISHING
PROCEDURAL RIGHTS

MANAGEMENT OF
POLICE MISCONDUCT

CIVILIAN
REVIEW BOARDS

Police Powers
Increased

Authority of Police
Administrators
Diminished

POLICE INVESTIGATIONS

Crime in
Community

Outside L.E.
Investigations

Citizen
Complaints

Mistrust
By Officers

Internal
Investigations

APPENDIX B

NOMINAL GROUP TECHNIQUE

The purpose of the nominal group technique is to gather a group of individuals from different disciplines in order to generate ideas concerning a particular issue. In this study, members of law enforcement were grouped together with outside experts in the area of concern in order to obtain a balanced mix of ideas and thoughts. The technique is useful:

1. To identify elements of the problem.
2. To identify possible elements of a solution.
3. To establish priorities.

The NGT process is designed to pool the information available from the participants who have an interest and expertise in the area being studied. The process of the NGT includes:

1. The individual generation of ideas.
2. Round robin recording of ideas and discussion.
3. Preliminary vote on item prioritization and discussion of prioritized list.
4. Final vote.

The purpose of this NGT was to:

1. Identify trends and events that would have an impact on the management of police misconduct by the year 2002.
2. Prioritize these trends and events.
3. Forecast the likelihood of occurrence of the trends and events.
4. Examine the impacts of the events on each other and on the trends.

The NGT panel consisted of:

Charles Knuthson, Captain, Roseville Police Department

William Hertogue, Lieutenant, Rocklin Police Department

David Dennis, Lieutenant, Placer County Sheriff's Office

William Hughes, Sergeant, Roseville Police Department. Vice President, Roseville Police Association.

May Prosser-Strong, Employee Representation Services, specializing in representing police officers in disciplinary matters.

Randy Perry, Legislative Advocate, Peace Officer's Research Association of California (PORAC).

Neal Albee, Administration of Justice Department, Sierra College.

APPENDIX C

IDENTIFIED TRENDS

1. TECHNOLOGICAL DEVELOPMENTS FOR MONITORING POLICE ACTIVITIES

2. LAWSUITS AGAINST POLICE OFFICERS FOR ABUSIVE POWER

3. **LEGISLATION REGULATING POLICE INTERNAL AFFAIRS INVESTIGATIONS**

4. COURT DECISIONS AFFECTING PROCEDURAL RIGHTS OF OFFICERS

5. **CITIZEN COMPLAINTS AGAINST POLICE**

6. INTERNAL COMPLAINTS AGAINST OFFICERS (OFFICERS MAKING COMPLAINTS AGAINST FELLOW OFFICERS)

7. THE PORTRAYAL OF POLICE IN THE MEDIA

8. INDEPENDENT INVESTIGATIONS OF POLICE AGENCIES

9. FINANCIAL RESOURCES OF POLICE AGENCIES

10. PUBLIC PERCEPTION OF POLICE INTEGRITY

11. CRIMINAL INDICTMENTS AGAINST POLICE

12. DEMOGRAPHIC CHANGES IN THE COMMUNITY

13. CULTURAL AWARENESS/SENSITIVITY OF POLICE

14. PROFESSIONALIZATION OF THE POLICE

15. **QUALITY OF POLICE APPLICANTS**

16. ACCOUNTABILITY/EXPECTATIONS OF GOVERNMENT AGENCIES

17. PUBLIC TOLERANCE OF POLICE MISCONDUCT

18. **THE LEVEL OF CRIME AND VIOLENCE**

19. PUBLIC ACCESS TO POLICE OPERATIONS

20. THE LEVEL OF POLICE USE OF FORCE

21. **LEVEL OF INFLUENCE OF CIVILIAN REVIEW BOARDS**

22. LEVEL OF TRAINING OF POLICE USE OF FORCE

23. POLICE UNION/MANAGEMENT RELATIONS

TREND SCREENING FORM

CANDIDATE TREND	FOR PURPOSES OF TOP-LEVEL STRATEGIC PLANNING, HOW VALUABLE WOULD IT BE TO HAVE A REALLY GOOD LONG-RANGE FORECAST OF THE TREND?				
	Priceless	Very Helpful	Helpful	Not Very Helpful	Worthless
T1-Leg. Regulating IA's	3	2	2		
T2-Quality of Police App.	2	3	2		
T3-Influence of Civ. Rev. Boards		5	2		
T4-Level Citizen Complaint	2	1	3	1	
T5-Level Crime/Violence	1	2	3	1	

APPENDIX E

TREND EVALUATION

Following the selection of the five significant trends, each panel member was asked to evaluate the nominal level of each trend five years ago, where it would likely be five years downline, and finally, where it would likely be ten years downline. The panel was instructed to use the base level of 100 as representing the level of the trend today. The nominal level is defined as what the anticipated or most likely projection "will be" if no corrective action is taken.

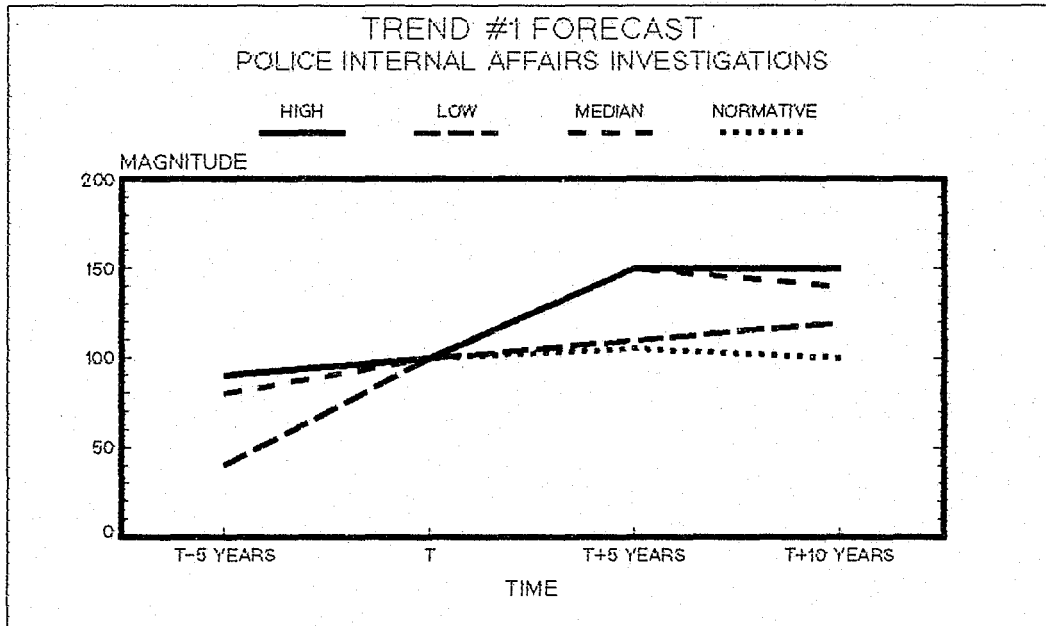The group was also asked to evaluate the normative level of each trend by five and ten years downline. The normative level describes the estimated projection possible in a responsible world, what the world "should be".

The figures show all four ranges including the upper and lower projection medians, and nominal and normative medians. The numbers reflect the panel's median level.

APPENDIX F

TREND FORECAST GRAPHS

GRAPH 1

TREND #1 FORECAST
POLICE INTERNAL AFFAIRS INVESTIGATIONS

HIGH   LOW   MEDIAN   NORMATIVE

MAGNITUDE

200

150

100

50

0

T-5 YEARS   T   T+5 YEARS   T+10 YEARS

TIME

The panel felt the level of the trend was approximately 20% lower five years ago, and forecast a significant rise in the next five years. The panel felt that sensational events brought to the public eye would significantly impact additional legislation affecting police internal investigations. It was also felt that police administrators may even encourage changes in the Government Code to make internal affairs investigations better able to reach the truth. It was noted that the power of police unions and lobby groups may be ineffective in affecting this anticipated trend.

GRAPH 2

TREND #2 FORECAST
QUALITY OF POLICE APPLICANTS

HIGH   LOW   MEDIAN   NORMATIVE

MAGNITUDE

200
150
100
50
0

T-5 YEARS   T   T+5 YEARS   T+10 YEARS
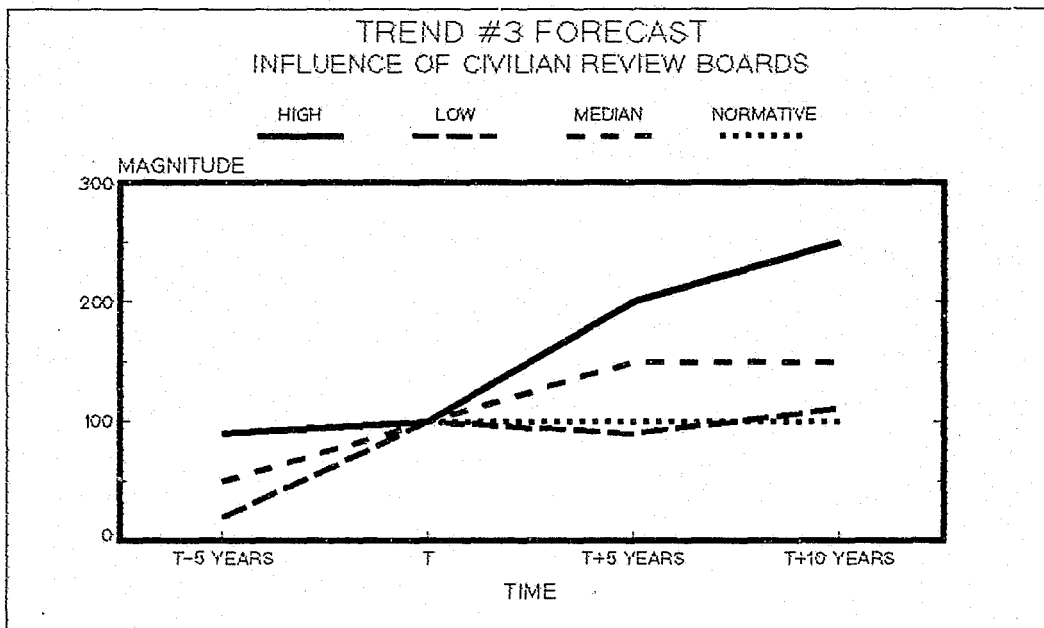
TIME

    The panel generally felt the quality of police applicants has diminished over the past five years. However, there was a fairly wide disparity between the low and high estimates throughout the time period examined. Those panel members who were law enforcement administrators were unanimous in their feelings of a general decline in the quality of applicants.

    It was felt that as the quality of police applicants has declined the propensity for inappropriate behavior increases, thus more difficulty in managing misconduct. Some felt when you have less to chose from you have to "take what you can get".

    The panel generally felt the problems associated with unqualified applicants was becoming increasingly evident but they didn't see much change in the downward trend by five or ten years downline. The normative trend was greatly higher than the nominal, exemplifying the need for future planning and policy development to effect some change.

GRAPH 3

TREND #3 FORECAST
INFLUENCE OF CIVILIAN REVIEW BOARDS

HIGH   LOW   MEDIAN   NORMATIVE

MAGNITUDE

300

200

100

0

T-5 YEARS   T   T+5 YEARS   T+10 YEARS

TIME

The panel felt the trend has been lower in the past than its current level, and significantly lower than its forecasted levels five and ten years downline. The panel felt that recent noteworthy events involving police misconduct have resulted in the likelihood of great increases in this trend, 50% in the next five years. However, the trend is not anticipated to continue to increase to ten years downline because its affects, and those of other related trends, are expected to decrease its impact. However, even ten years downline the level of influence of this trend will increase.
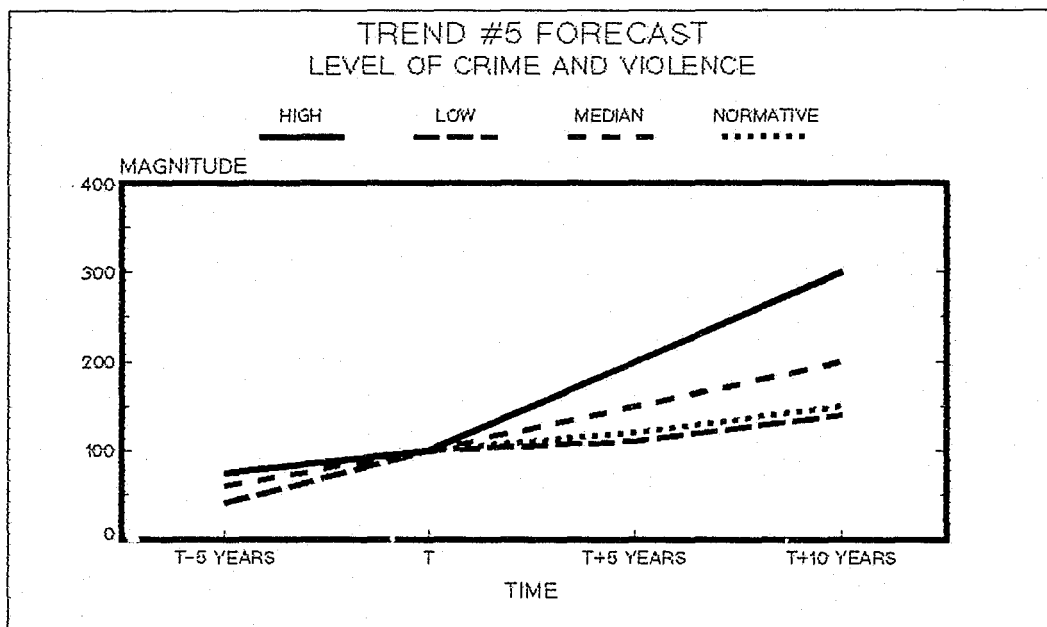
The panel was not enthused about the prospects they had forecast. It was felt that this trend was not the most beneficial way to positively impact the issue area. The normative median indicates the panel does not think increases in this trend will result from appropriate strategic planning and policy making.

GRAPH 4
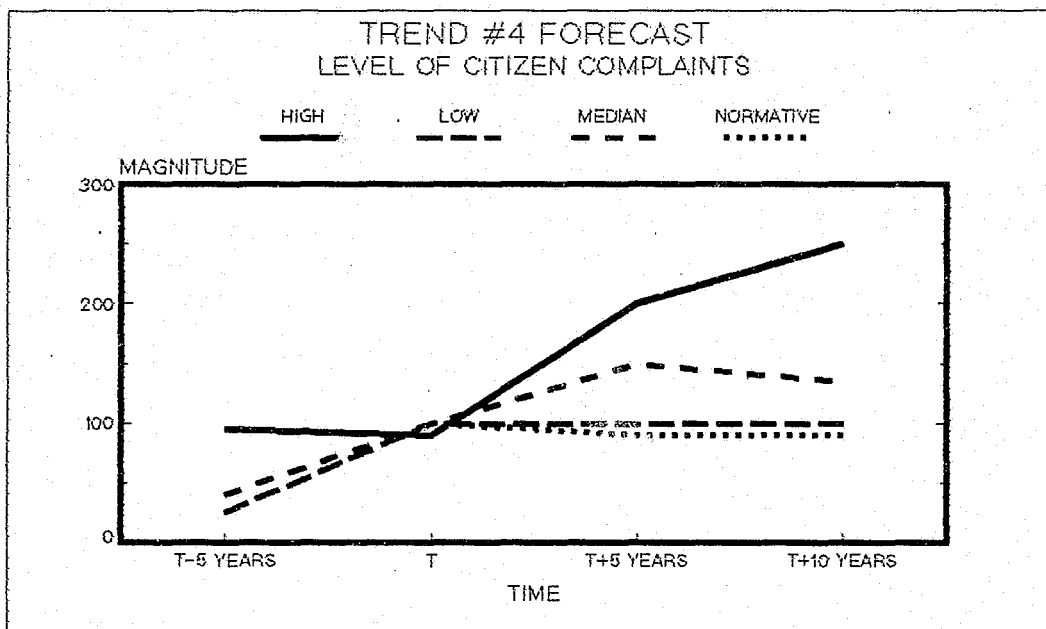
TREND #4 FORECAST
LEVEL OF CITIZEN COMPLAINTS

HIGH ——— LOW — — — MEDIAN — — NORMATIVE ·······

The panel felt that this trend was significantly lower five years ago than it is today and is anticipated to continue to rise another 50% by five years downline. There was a great disparity in the ten year forecasts, with some panel members feeling the trend would rise as much as 150%. Although the trend has increased, the panel generally felt the present level was not outrageous. The normative trend continued at its present level to ten years downline. It was felt that police work is going to engender a certain amount of complaints. Of more particular concern may be the types of complaints filed. The panel felt that at least a certain number of complaints may show citizen trust in the police to manage and deal with inappropriate officer behavior.

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GRAPH 5

TREND #5 FORECAST
LEVEL OF CRIME AND VIOLENCE

HIGH ——— LOW — — — MEDIAN — — — NORMATIVE ·······

MAGNITUDE

400

300

200

100

0

T-5 YEARS   T   T+5 YEARS   T+10 YEARS

TIME

The panel was in agreement with this trends forecast. Five years ago it was lower than today (all the T-5 estimates were fairly close) and it will steadily increase to five and ten years downline. Even the lowest estimate for the T+10 was 50% higher than today. Sadly, the panel did not feel there was much that can be done to positively influence this trend.

Although the panel felt the ability to positively impact this trend is severely small, the trend itself is important to the issue area. It was felt that as crime and violence continues to escalate, the public may look more to the police for protection and be less concerned about inappropriate police behavior. There would be less emphasis on methods to manage police misconduct as the community increasingly looks for protection from the growing crime threat.

IDENTIFIED EVENTS

1. **LEGISLATION MANDATES CIVILIAN REVIEW BOARDS**

2. **POLICE OFFICER BILL OF RIGHTS AMENDED TO ALLOW USE OF POLYGRAPH**

3. PERSONAL AUDIO/VIDEO RECORDERS DEVELOPED FOR USE BY POLICE

4. CRIMINAL ENHANCEMENTS LEGISLATED FOR CRIMES COMMITTED BY POLICE

5. **POLICE ADMINISTRATOR INDICTED FOR ONGOING PATTERN OF MISCONDUCT BY OFFICERS**

6. POLICE AGENCY LOSES MAJOR CLASS ACTION LAWSUIT FOR OFFICERS ABUSE OF POWER IN THE COMMUNITY

7. FBI BEGINS CONDUCTING ROUTINE "STING" OPERATIONS TO UNCOVER MISCONDUCT IN LOCAL AGENCIES

8. STATE BUDGETARY CONSTRAINTS REQUIRE DOJ TO SIGNIFICANTLY REDUCE MANPOWER

9. LEGISLATION ALLOWS POLICE GREATER AMOUNTS OF ASSET SEIZURE PROPERTY/FUNDS

10. POST WITHHOLDS TRAINING FUNDS FROM AGENCY AFTER MISCONDUCT BY OFFICERS IS UNCOVERED

11. PEACE OFFICERS BILL OF RIGHTS IS EXPANDED ALLOWING MORE PROCEDURAL RIGHTS FOR OFFICERS DURING INTERNAL AFFAIRS INVESTIGATIONS

12. LEGISLATION RESTRICTS POLICE USE OF DEADLY FORCE

13. **CONTRACT EMPLOYMENT REPLACES CIVIL SERVICE SYSTEM FOR PEACE OFFICERS**

14. POST ESTABLISHES MANDATED ACCREDITATION PROGRAM FOR POLICE AGENCIES

15. POST CERTIFICATES BECOME POLICE LICENSES

16. POST CREATES STANDARDIZED TESTING FOR POLICE

17. **THE OFFICE OF POLICE REVIEW IN THE CALIFORNIA ATTORNEY GENERAL'S OFFICE IS ESTABLISHED**

18. POST MANDATES CULTURAL AWARENESS TRAINING FOR POLICE

19. THE STATE MANDATES POST TO ESTABLISH A POLICE CORPS PROGRAM

20. SECTION 832.7 OF THE CALIFORNIA PENAL CODE, RELATING TO THE PRIVACY OF POLICE RECORDS, REPEALED

21. POLICE OFFICER ABDUCTED/EXECUTED BY GANG

22. LEGISLATION MANDATES THE POSITION OF POLICE CHIEF TO BE AN ELECTED OFFICIAL

23. LEGISLATION MANDATES PEOPLE HOLDING THE OFFICE OF SHERIFF TO BE PEACE OFFICERS

24. BINDING ARBITRATION FOR DISCIPLINARY MATTERS ESTABLISHED

25. POST FUNDS ABOLISHED

26. CITIZEN JAILED FOR MAKING FALSE COMPLAINT AGAINST A POLICE OFFICER

APPENDIX H

EVENT EVALUATION

The NGT panel members were asked to provide forecast estimates for the five selected events. The members were asked to indicate the year that the probability of each event occurring first exceeds zero and estimate the probability of occurrence of each event by five years and by ten years downline.

Each panel member was asked to estimate the positive and negative impact of each event on the issue of the management of police officer misconduct, using a scale of zero to 10. For example, if a member felt the event may have both a positive and negative impact on the issue, with the positive being greater, a rating of +7 and -3 may be given. If the event has no positive or negative impact a rating of zero would be given.

The groups median was used to determine probability and impact. The medians resulting from the groups evaluation are represented in the graphs.

APPENDIX I

EVENT FORECAST GRAPHS

GRAPH 6

EVENT #1 FORECAST
MANDATED CIVILIAN REVIEW BOARD

HIGH   LOW   MEDIAN

PROBABILITY (PERCENT)

TIME IN YEARS

Expected Value (E.V.) = Median Impact x Probability

The panel forecast a high negative impact for this event (E.V.= 640, 160). It was felt that the probability of the event occurring by five years downline was not high, but increased significantly by ten years downline.

All panel members agreed that the event would have at least a mid-range probability of occurrence by ten years downline.

The forecast indicates a belief that the legislature and public are generally not satisfied with current methods used to monitor police activities and will be looking at a method of independent, private reviews. The panels forecast of negative impact shows an overall reluctance to remove some of this authority from police bodies and give it to civilians.

GRAPH 7
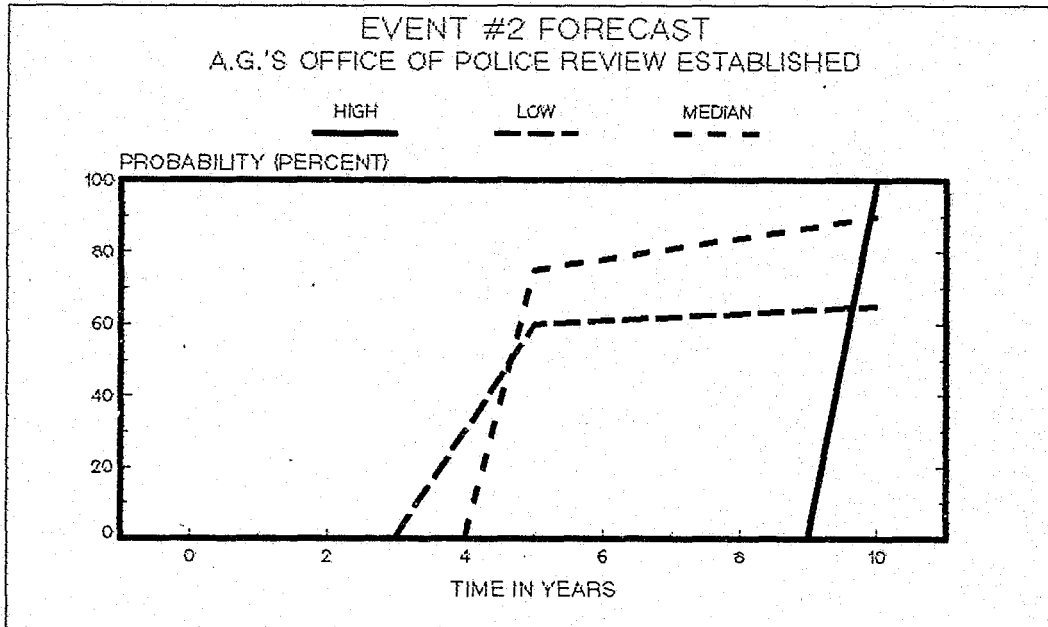
EVENT #2 FORECAST
A.G.'S OFFICE OF POLICE REVIEW ESTABLISHED

Expected Value (E.V.) = Median Impact x Probability

The panel forecast a very high probability of occurrence of this event but was split on the value of the impact (E.V. = 450, 270). There was a large disparity on when the panel first thought the event might occur.

The occurrence of this event could greatly impact the issue of managing police misconduct, but it is not seen as being as threatening as the involvement of a non-law enforcement review panel. However, the threat is still the loss of authority of police officials over their own departments. To mitigate the impact of this event, law enforcement must convince the public and the legislature that it can police itself.

GRAPH 8
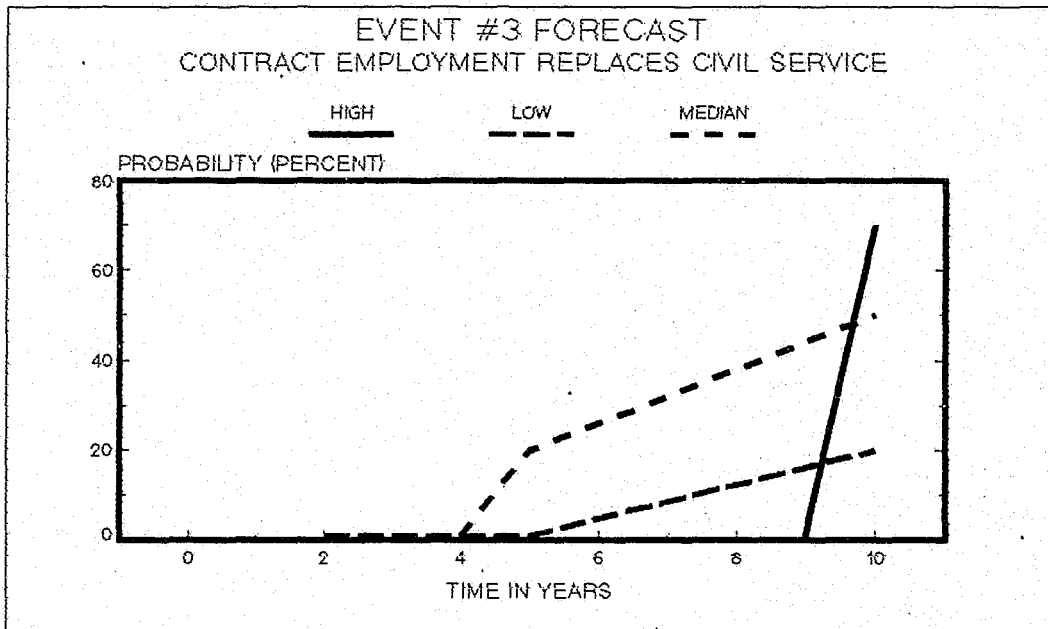
EVENT #3 FORECAST
CONTRACT EMPLOYMENT REPLACES CIVIL SERVICE

HIGH — — — LOW — — — MEDIAN

Expected Value (E.V.) = Median Impact x Probability

The panel felt this event could have an important positive impact on the issue, but the probability, even ten years downline, was only 50/50 (E.V. = 450, 150). There were some wide splits among panel members with some forecasting "highly improbable" for the event while others looked at its occurrence as having a relatively high probability.

The impact of the event would be great if it indeed did occur. It could change the status of employment in law enforcement and remove a great many procedural protections which can hinder the effective dealing with misconduct. It may also allow agencies to more easily remove officers who display inappropriate behavior.

GRAPH 9

EVENT #4 FORECAST
USE OF POLYGRAPH ALLOWED
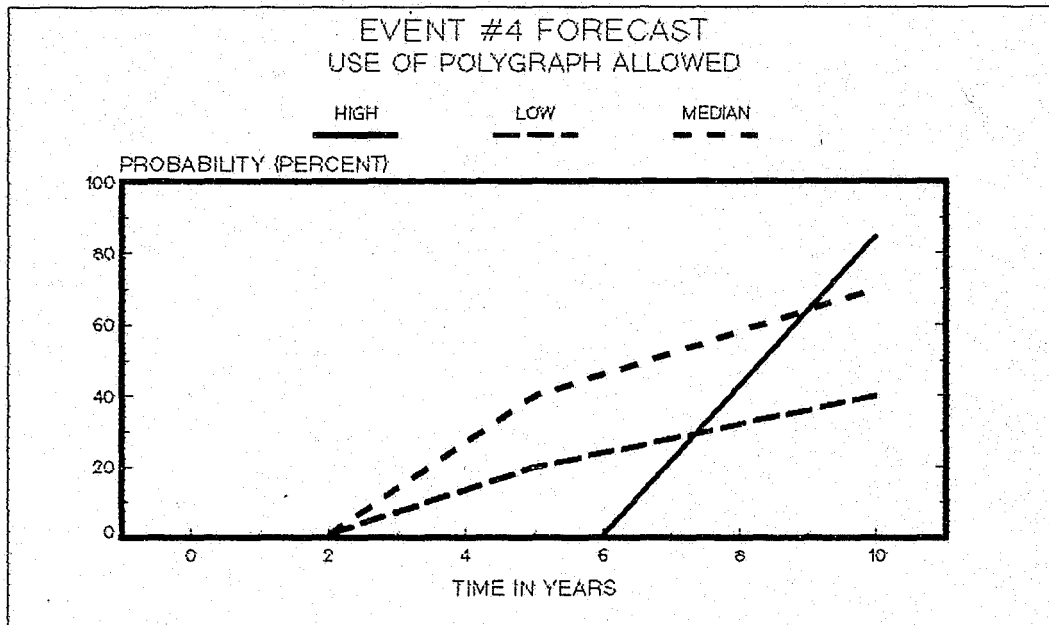
HIGH   LOW   MEDIAN

PROBABILITY (PERCENT)

TIME IN YEARS

Expected Value (E.V.) = Median Impact x Probability

    The panel felt this event would have a positive affect but the median probability was not high. (E.V. = 560, 210).

    This is an event whose occurrence could have a significant impact on the issue. It would greatly influence the manner in which misconduct incidents are examined because many of them are based solely on the word of the accused with little or no other evidence. The panel felt the probability of this event may hinge on the development of more reliable polygraph equipment.

    The negative impact of this event was felt to be the great loss of procedural rights of officers accused of misconduct and the over-reliance on the polygraph during investigations.

GRAPH 10

EVENT #5 FORECAST
POLICE ADMINISTRATOR INDICTED

HIGH   LOW   MEDIAN

PROBABILITY (PERCENT)

TIME IN YEARS
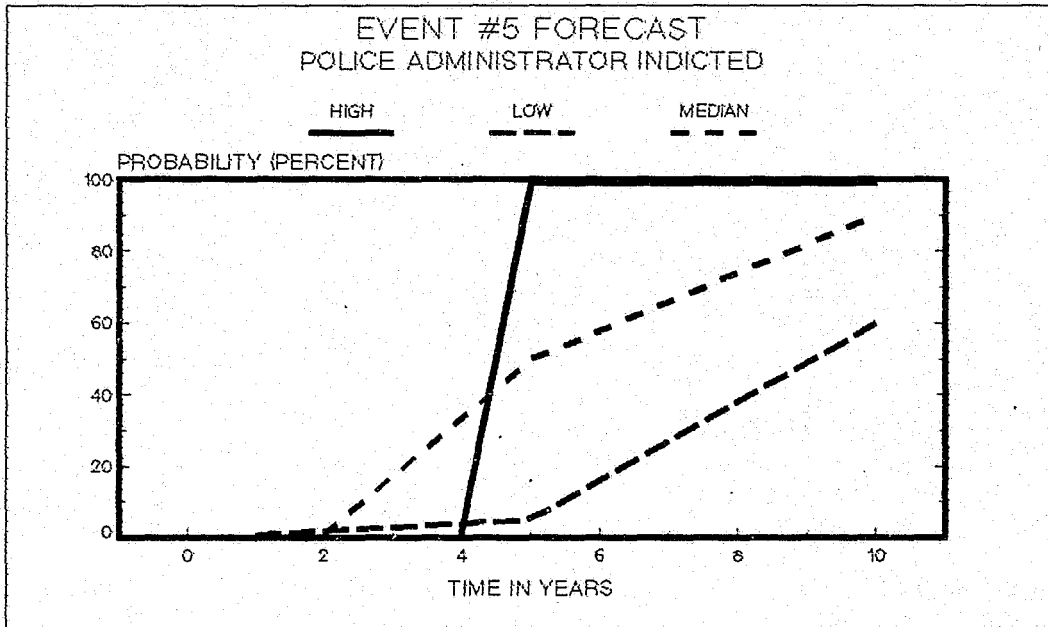
Expected Value (E.V.) = Median Impact x Probability

    The panel was split on the impact of this event but gave it a very high probability of occurring by ten years downline. (E.V. = 360, 540).

    The panel's positive impact forecast was based on the likelihood of police administrators being far more concerned about the conduct of their officers if they themselves were likely to incur some responsibility for what their officers did. The panel felt the issue would be negatively impacted by the great lack of confidence in the police such an event would induce and the demand for more strict controls on police activity which would result.

APPENDIX J

POTENTIAL POLICY ALTERNATIVES

HYPOTHETICAL SCENARIO

* Individual agencies should develop policy requiring officers to take affirmative action to stop and report incidents of misconduct by other officers.

* Law enforcement should seek legislative support to establish criminal enhancements for illegal acts committed by officers in the performance of their duties.

* Local agencies and POST should develop in-service training programs that define and reinforce the need for professional and ethical conduct on the part of police officers.

* Law enforcement, in conjunction with POST, should develop a licensing program for police officers with specific standards established for the retention of licenses.

* Local law enforcement agencies should develop joint public/police associations which would not only address areas of community/police tension, but also cooperatively seek to mitigate crime and violence in the community.

* Law enforcement agencies should develop policy meant to promote employee satisfaction through promotional opportunities and varied assignments.

STAKEHOLDERS ASSUMPTIONS MAP

                              CERTAIN

12b   4a   4b   5c   6a   6b 1c,d,e
       11b   2d 3a,b,c
     8a   7c   2a   9a,c 10a,d
     9d   2c   6d 11d 1b
                             2b
       10c
                5b

                     3d

                          1a
              5a

         7a   2e

         11a

UNIMPORTANT ——————————————————————————————— IMPORTANT

                    9e   11c
                                9b
                  5d

      7d

      8b,c

      6c

           7b

         10b

  12a
       4c

                            UNCERTAIN

100
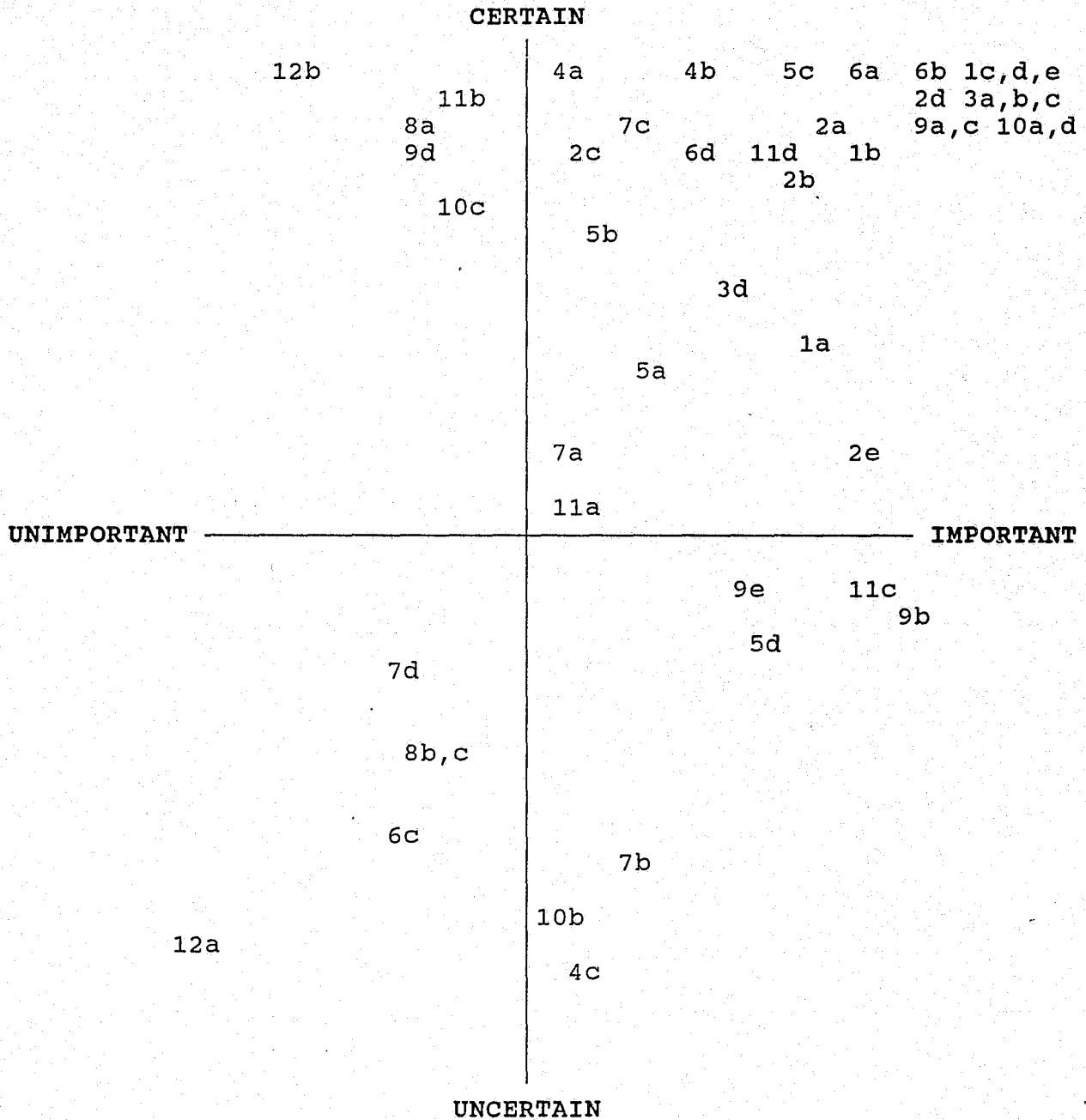
APPENDIX L

MODIFIED POLICY DELPHI GROUP

- Charles Knuthson, Captain, Roseville Police Department

- Joel Neves, Lieutenant, Roseville Police Department

- William Hughes, Sergeant, Roseville Police Department, Vice-President Roseville Police Association

- David Halley, Police Officer, Roseville Police Department

- May Prosser-Strong, Employee Representation Services, represents police officers in disciplinary matters

- Randy Perry, Legislative Advocate, Peace Officers Research Association of California (PORAC)

- Neal Albee, Instructor, Administration of Justice Department, Sierra College

- Steven Bruckman, City of Roseville, Deputy City Attorney

APPENDIX M

Alternative Strategies Developed Through Modified Policy Delphi Process.

1. Law enforcement in conjunction with POST, should develop a licensing program for peace officers with specific standards established for the issuance and retention of licenses.

2. Local agencies and POST should develop in-service training programs that define and re-enforce the need for professional and ethical conduct on the part of police officers.

3. Law enforcement should seek state and/or local legislative support for the establishment of civilian review boards for evaluating allegations of police misconduct.

4. The grand jury should be used as a means of review of agencies effectiveness in investigating allegations of misconduct.

5. Police agencies should improve their relations with the jurisdictions they serve by adopting community oriented policing.

6. Law enforcement agencies should develop policy meant to promote employee satisfaction through promotional opportunities and varied assignments.

7. Law enforcement should seek legislative support to establish criminal enhancements for illegal acts committed by officers in the performance of their duties.

8. Law enforcement should seek legislative support in restricting the procedural rights of police officers accused of misconduct.

9. Police agencies should develop policy requiring officers to take affirmative action to stop and report incidents of misconduct by other officers.

MODIFIED POLICY DELPHI RATING FORM

Alternative Strategies

Feasibility:

Value:

Definitely Feasible (DF)   (3)
-No hinderance to implementation
-No additional research needed
-Acceptable to stakeholders

Possibly Feasible (PF)   (2)
-Indication this can be implemented
-Some research still needed
-Further consideration of stakeholder reaction needed

Possibly Infeasible (PI)   (1)
-Some indication it is unworkable
-Significant unanswered questions

Definitely Infeasible (DI)   (0)
-All indications are negative and unworkable

Desirability:

Very Desirable (VD)   (3)
-Will have positive affect
-Acceptable to stakeholders
-Beneficial to department

Desirable (D)   (2)
-Positive affect, little negative affect
-Justifiable in conjunction with other items

Undesirable (U)   (1)
-Will have negative affect
-Justified only as by-product of a very desirable item

Very Undesirable (VU)   (0)
-Will have major negative affect
-Will impede strategic plan

STRATEGIC PLAN

Time Line Projections for Implementation Plan

Phase I: Assess Internal Needs

Time line - one to three months. This phase includes:

- Assessing the need for change.

- Obtain buy-in for program from chief of police.

- Assess interest and concerns of department members.

- Complete formalized "Strategic Plan".

- Identify resources available within the department.

- Establish management structure to implement plan.

- Identify internal "Critical Mass" personnel.

- Select project manager.

- Identify personnel availability and requisite.

- Assess training requirements and availability from department personnel.

Phase II: Assess External Needs

Time line - one to six months.

- Identify resources available outside the department.

- Contact outside stakeholders and advise them of program.

- Identify "Critical Mass" personnel outside the department.

- Identify outside training sources.

- Obtain commitment from outside stakeholders.

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Phase III: Program Development

Time line - three to nine months.

- Project manager to report to chief of police on regular basis.

- Involve POST in establishing training curriculum.

- Develop training concepts to be employed - both internal and external.

- Develop community involvement through participation on planning committees.

- Communicate regularly with department members.

- Develop Transition Management schedule and implementation time line.

- Initiate training for management and supervisory personnel.

- Seek public input through civic presentations.

- Provide training to commission members and grand jury.

Phase IV: Plan Implementation

Time line - twelve to eighteen months.

- Advise all stakeholders of implementation process.

- Project Manager constantly monitors implementation and reports to chief of police.

- Provide training to all department personnel.

- Develop in-house trainers.

- Keep stakeholders apprised of plan implementation and successes.

- Keep department personnel apprised of program.

- Solicit feedback on program from department personnel.

- Make program modifications as necessary.

Phase V: Program Evaluation

Time line – this phase is on-going and includes:

-   Develop an evaluation plan – including written documentation and formal reports to chief of police.

-   Seek input from community on program effectiveness.

-   Maintain appropriate training by monitoring new courses and methods available.

-   Incorporate recommendations from grand jury findings.

-   Seek input from stakeholders.

-   Quarterly review of allegations of officer misconduct and their investigations.

* Implementation phases will require 24-42 months to implement fully.

APPENDIX P

RESPONSIBILITY CHARTING

Decisions/Acts	Actors					
	Chief/ Police	Proj. Mngr.	City Mngr.	Police Off.	Dist. Atty.	Trng Sgt.
Formulate Policy	R	I	A	I	S	I
Select Project Mngr.	R		I	I	I	
Select Advisory Comm.	A	R	I	I	I	
Design Program	A	R	A	S	I	I
Deliver Training	S	A		I	I	R
Identify Resources	A	R		I	I	I
Budget	A	R	A			I
Contact w/Stockholders	R	I	I	S	I	
Implement Program	A	R	S	S	S	I
Evaluate/Monitor Prgm.	A	R	S	S	S	

LEGEND

R= Responsibility for action (not necessarily authority)
A= Approval (Must approve, has veto power)
S= Support (Must commit resources, but not necessarily agree)
I= Inform (Must be consulted before action, cannot veto)
Blank= Irrelevant to that particular action

ENDNOTES

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2. Lee P. Brown, "Law Enforcement and Police Brutality," <u>The Police Chief</u> (May 1992): 6.

3. ibid.

4. Independent Commission on the Los Angeles Police Department, <u>Report of the Independent Commission on the Los Angeles Police Department</u> (Los Angeles, CA: City of Los Angeles, 1991), i.

5. Paul Richardson, Placer County District Attorney, <u>Criminal Misconduct Protocol</u>, (Auburn, CA: Placer County District Attorney's Office, July 1992), 1.

6. Worsnop, 646.

7. Robert McCarthy, "Real Issues and Answers on Police Use of Deadly Force," <u>The Police Chief</u> 55 (October 1988): 37.

8. Peter C. Dodenhoff, "Public Solidly Favors Mixed Police/Civilian Review Boards," <u>Law Enforcement News</u>, (October 31, 1992): 1.

9. Richard H. Ward and Robert McCormack, <u>Managing Police Corruption: International Perspectives</u> (Office of International Criminal Justice, Chicago, IL: University of Illinois at Chicago, 1987), 18.

10. McCarthy, 37.

11. Anthony Bouza, <u>Police Mystique: An Insiders Look at Cops, Crime and the Criminal Justice System</u> (New York City: Plenum Press, 1990), 240.

11. William J. Sencio, "Complaint Processing: Policy Considerations," <u>The Police Chief</u>, (July 1992): 45.

12. American Civil Liberties Union, "On The Line: Police Brutality and its Remedies," <u>A Public Policy Report</u> (April 1991): 15.

13. ibid., 6.

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