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Final Report: Phase Two Research on Excessive Force

CONFRONTING EXCESSIVE FORCE IN THE POLICE CULTURE

Ellen Scrivner, Ph.D.

INTRODUCTION

*"Nobody's taking my baby." A young woman holds a knife to a baby's throat and screams at a frightened social worker as two Denver police officers try to de-escalate the situation.*

This life like scenario, and several others, were role played on the last day of a four day in-service training program that began in a classroom of the Denver Police Department's Training Academy and culminated in a vacant department store. There, the highly realistic events were acted out by fully uniformed Denver officers, armed with paint bullets, who went through a series of scenarios designed to test a range of tactical and behavioral skills that they had learned in the prior three days of the training.

*You are responding to a private home because the neighbors called the police to report screaming and fighting. When you arrive, an angry man, in the presence of an upset and frightened woman, tells you..."this is a family matter...it's none of your business..quit bothering us and get the hell away from my house!"*

This scenario was presented in an Oral Assessment Board to a candidate for the San Antonio Police Department. Three experienced police officers conducted this phase of San Antonio's police pre-employment screening process. They tell the candidates that they are not expected to know the law or actual police procedures; but they are expected to respond with a logical way to solve the problem. The Oral Assessment Board is one component of the police department's psychological screening process.

*The officer had a number of cruiser accidents, was becoming increasingly insubordinate, and was involved in a domestic disturbance with his girl friend before the first formal complaint was filed for use of excessive force.*

Anyone of these incidents could be attributed to situational factors. However, the Atlanta Police Department included them in the behavior monitoring system that was developed to detect officer behavior patterns that are forerunners to excessive force complaints; and then to ensure that subsequent interventions are applied to correct the problem.

These three vignettes share a common feature: there is a risk any or all of the scenarios could culminate in the use of excessive force by the officers. The three situations in which the scenarios are employed represent three distinct phases of a police career: selection, training, and monitoring of behavior for 'early warning' signs of problems. They were observed in an earlier National Institute of Justice (NIJ) study, during site visits to

observed in an earlier National Institute of Justice (NIJ) study, during site visits to departments identified as having programs to curb police excesses in the use of force to resolve situations.

This Research in Brief describes these models from police psychology.

### **Criteria for Program Designation**

A survey of sixty five psychologists who provided services to fifty of the largest police departments described the status of police psychology practices, particularly those relevant to interventions in excessive force issues (Scrivner, 1994). While the survey identified a number of effective practices, the second phase of the research developed fairly explicit criteria to identify programs or practices that could be designated as models for reducing excessive force.

These criteria included:

- o The police department used their police psychologist(s) as a resource for strategic planning to reduce excessive force and the program was a collaborative result of that effort.
  
- o The program was designed as an innovative psychological intervention that responded to broader organizational issues instead of meeting only crises needs of individual police officers.

0 The program was data driven, prevention based, proactive in nature, and designed as an intervention in an organizational problem at it's earliest phase of development.

o The program reflected how a police department could use the skills of the police psychologist to inform policy.

### **City of Denver Police Department**

BOX—The city of Denver is the capitol of Colorado. It has a population of 491,000 and it's police department serves an area of 154.97 square miles. The police department has 1,382 sworn officers.

### **Advanced Patrol Officer Skills In-Service Training**

The Advanced Patrol Officer Skills four day inservice is part of the Denver Police Department's emphasis on health and wellness. The goal is to provide training that translates into officer safety and success in handling patrol calls. To achieve this goal, the broad based proactive patrol curriculum is represented as enhancing police control of patrol situations could result in confrontations.

The central focus of the training is on the psychology and physiology of patrol responses, how higher levels of arousal can escalate a situation to a use of force result, and how defusing techniques help to de-escalate situations before they get out of the officer's control. Other topics covered in the multi-dimensional program include: psychological reactions to danger, risk assessment, communication skills, cultural awareness, and arrest tactics.

These diverse curricula are integrated into a coherent whole and contrast with traditional training in several ways. First, traditional training is generally classroom based, presents individual skills in separate modules, and talks about the perception of threat of danger but is limited in simulating the feelings associated with the actual experience of threat of danger. In this regard, the traditional format can be artificial, stimulates only low levels of arousal, and fragments mind-body interaction. Consequently, when a real situation is confronted in the field, high levels of anxiety can override what was learned in the classroom and officers can experience interference in recall, temporary disorganization, or outright panic. These types of experiences had been identified as associated with the use of excessive force in an earlier study by the department psychologist (Nicoletti, 1990). Results of that study formed the foundation for developing this type of program.

Initially, this training was developed for recruit classes and was modified for inservice training. The common thread that unites both levels of training is the assumption that

Initially, this training was developed for recruit classes and was modified for inservice training. The common thread that unites both levels of training is the assumption that threats of danger for police officers exceed the actual occurrence, including the use of deadly force. However, perceptions of threat can fuse with reality and escalate situations to a point where force becomes necessary. Consequently, the training emphasizes threat perception, the impact of past experience on risk assessment, and the integration of the mind/body response. Conversely, much of traditional training separates information into isolated modules that lead to fragmenting the mind-body connections. This fragmentation makes it more difficult for learned techniques to become integrated into an officer's repertoire of patrol responses.

The combination of classroom and field-experiential learning strives to produce the type of arousal, including frustration, agitation and fear, that an officer experiences on the job. Difficult to achieve in classroom discussion and even in many instances of role play, the Denver training academy staff and the department psychologist created realistic simulated situations that would enable them to train to arousal levels that approach those experienced on the street. The fluid & dynamic scenarios, the department store location, the wearing of uniforms and weapons, the use of trained role players, and the debriefing by first line supervisors, all enhance the realism of the training.

The class content draws on information from sports psychology, mob violence research and neuro-psychology, and demonstrates the intricacies of the mind-body connection and how it affects judgment and problem solving. A framework for assessing threat is presented because the initial assessment of a situation is the key to a successful solution. It addresses the interplay of threat effects on perception and human information processing, and how psychological and physiological arousal levels can interfere with accurate estimates of the level of threat. For example, if arousal levels are too low, the threat can be underestimated; but if too high, the threat level may be overestimated. Both conditions can contribute to an officer becoming immobilized, or over-reacting. The combination of effective risk assessment techniques and defusing skills can be critical to maintaining the optimum level of arousal that is needed to keep internal states and external facts in balance.

Elements of this training are comparable to the self-programming of responses that have been used to train athletes to build mental resilience and avoid over-arousal. Analogous to bullpen warmups, the training incorporates mental and visual-motor rehearsal, a focus on muscle memories, and emphasizes sensitizing participants to recognize the physiological and psychological signals of threat.

Clearly, there are many things in a patrol encounter that the police officer cannot control so it is helpful to give them information about what is controllable. While the individual variables may be more easily controlled, the risk assessment provides a framework for handling suspect and situation variables (and their interactions).

variables may be more easily controlled, the risk assessment provides a framework for handling suspect and situation variables (and their interactions).

A number of options for managing the less controlled subject-environment interactions are also included in the training. They are addressed in a full day of communication skills and cultural awareness training. The latter includes community guest speakers who represent different cultures, and police officers of varied ethnic backgrounds who are able to talk police language about how they would react in certain situations. A full day of arrest tactics and field exercises emphasizing officer safety precedes the final day of training that is comprised of eight hours of "hands on" exercises combining all of the previously learned skills.

The final "hands on" day is conducted at the vacant department store where each officer participates in the following scenarios: a domestic violence scene, a building search, an interrupted bank robbery, and a traffic stop. The scenarios present the opportunity to use different levels of force, including deadly force, as well as skill applications from the preceding the prior three days. The officers approach each situation with information from the dispatcher and then encounter the trained role players. Each situation evolves based on the officer's response. Role players include psychology interns, police officers from the Peer Support Program, including those referred because of excessive force, and students from a

students from a local college. This mix does not single out the officers involved in excessive force but it does give them the opportunity to experience the other side of use of force situations.

In contrast to a one-size-fits-all, this training blends an incremental integration of mental and physical states and specific de-escalation skills with individual feedback provided at the conclusion of each officer's performance in each scenario. Officers receive both written and verbal feedback from multiple observers, including a psychologist, a field training officer, and a first line supervisor, all of whom are part of the training. In the event that deadly force was used, the markings from the paint ball bullets produce another type of feedback.

The use of FTOs and first line supervisors as observers and debriefers was designed into the program to build continuity from training to field operations. Within this context, vicarious learning can occur for the FTO and supervisor participants who can reinforce the proactive values across squads and influence the socialization norms that shape the police culture. Hence, each training has a broader influence on organizational factors.

### Conclusions and Recommendations

It would be impossible to replicate the situations that a police officer encounters on a daily basis. This training, however, comes close to it. Moreover, it sets the stage for future needs

It would be impossible to replicate the situations that a police officer encounters on a daily basis. This training, however, comes close to it. Moreover, it sets the stage for future needs such as adapting the protocol to simulate the type of problem solving skills that will be required for community policing; or to serve as a foundation for technological innovations such as virtual reality modules for police training. In terms of the future, the next phase needs to consider building in an ongoing evaluation process to measure the long range effectiveness of the training, and how it is maintained as on-street practice.

### **San Antonio Pre-Employment Psychological Screening**

BOX San Antonio, an ethnically diverse community, is one of the fastest growing cities in the country with a population of over one million. The department serves a jurisdiction that is 370 square miles and is distinguished by a strong presence of military veterans and retirees, as well as a large number of citizens over age 25 who have less than a high school education. This full service police department has 1,715 sworn officers.

The San Antonio applicant screening process provides a comprehensive evaluation of each candidate that is comparable to processes used by other departments of similar size. The process requires successful performance across several components: a written, entry-level

level test; a physical fitness test; a drug screen; a polygraph exam; a background investigation; a medical examination; and a psychological assessment.

Texas is one of the few states that mandate psychological assessment of all peace officer candidates. The mandate requires a declaration of a candidate's psychological and emotional health, and applicants can be denied employment on the basis of the psychological assessment. Because of the weight placed on this component of the screening process, the department sought to implement a comprehensive evaluation of candidates and to supplement the relatively standard battery of psychological tests and clinical interview with an Oral Assessment Board. This supplement, an integral part of the psychological assessment, expands the process by combining "screening in" and "screening out" features, and the multiple evaluations from police practitioners ensures a more comprehensive profile of the candidate. Thus, the San Antonio psychological screening contrasts with that of departments who use psychological assessments only to identify emotionally unfit candidates.

The Oral Assessment Board also differs from the traditional oral interview board. It occurs prior to initiating the background investigation and candidates can be eliminated from further consideration based on their performance at this phase of the process. Moreover, the Board is conducted by panel(s) of experienced police officers who have been trained by the psychologist to evaluate candidates on several empirically developed dimensions. Their

been trained by the psychologist to evaluate candidates on several empirically developed dimensions. Their ratings are based on how the candidates respond to a series of problem solving scenarios where the information is systematically changed according to candidates' responses.

Unique Features:

o The rating dimensions used in the Oral Assessment Board were empirically determined. The psychologist had police officers (N=250) rate twenty behavioral dimensions for their significance to effective patrol performance. Inter-rater reliability was strongest for the following nine dimensions: ability to make decisions; ability to control anger; stress management; self confidence; openness and honesty; independence; flexibility; personal security; and understanding of others.

o A smaller group of officers worked with the psychologist and devised a series of patrol scenarios that could be used to evaluate the identified dimensions. The scenarios were constructed so that they could be systematically varied when presented to candidates in the Oral Assessment Board.

o The scenarios were then field tested with two recruit classes (N=100) and their performances were video taped. The taped productions were used to train the first group of officer raters. Rater error and rater bias were the major foci of the training which was

of officer raters. Rater error and rater bias were the major foci of the training which was completed when all raters attached the same kind of ratings to the same kind of performance. These tapes continue to be used as the standard for rater training.

o Police officers conduct the Oral Assessment Board and rate candidate performance on the nine dimensions using a five point Likert scale. They arrive at a final composite rating signifying acceptance or non-acceptance of the candidate. To proceed to the next phase of the assessment, a candidate must be accepted by two of the three panel members. When not accepted by a Board, the candidate is provided with written feedback as to areas that need improvement.

(right of appeal footnote)

o Several features of the Oral Assessment Board were designed to respond to bias issues that are problematical in personnel selection.

–Each Board panel is balanced for race and gender and uses a different panel of raters to avoid response bias.

–At the outset, the panel only receives a candidate's name and date of birth; no other background information that could bias the assessment is provided.

–Four groups of scenarios are used and candidates blindly select the group that will be used for their Board.

- The scenarios are changed every 18 months to protect the integrity of the process.
- Each Board is tape recorded to provide a full record of questions and responses.

### Conclusions and Recommendations

This is an innovative approach to psychological screening because it combines important information about a candidate's judgment and problem solving with evaluation of their emotional stability. In this regard, it holds promise for evaluating candidates for community policing assignments. The use of multiple evaluators who have been trained in an empirically derived process address fairness and job-relatedness issues, and the nature of what is being evaluated is consistent with requirements of the Americans With Disabilities Act (ADA) for pre-offer screening.

The Oral Assessment Board could be further improved by rating to behavior anchors that reflect the different levels of the rated dimensions. Moreover, while the system has been periodically validated, it needs to build in an ongoing evaluation process that would provide for a continual validation strategy so that its reliability and validity remain updated. In this regard, the taped interviews provide a wealth of data that could be better utilized for these purposes.

## **City of Atlanta Police Department**

**BOX:** The City of Atlanta houses over 400,000 people in 136 square miles and will be the center of the 1996 Summer Olympics. More typically, the police department's 1672 police officers routinely respond to the high percentage of families living beneath the poverty level. Of the major U.S. cities, Atlanta has the highest proportion of citizens in public housing in relationship to total city population.

The Atlanta Police Department has been involved in a successful twenty year effort to change how it policed the city and to improve its image in the community. A combination of factors stimulated this effort, including changes in the political climate, in the management of the department, the strengthening of the hiring and promoting of minority officers, a stronger emphasis on police training, and on monitoring police behavior through the implementation of an "early warning" system. The latter was particularly focused on reducing excessive force.

During the 1980s, the department questioned the effectiveness of their complaint driven system. They sought to determine if it could be improved by monitoring police behaviors that were precursors to excessive force complaints. The notion behind the questioning was the belief that if an officer got away with abusing force one time, then abuse practices could

was the belief that if an officer got away with abusing force one time, then abuse practices could continue unless interventions were in place to stop it. Using a lessons-learned-approach, the department sought input from a number of divisions: Internal Affairs; Patrol Commanders; Psychological Services; Training Division; and the Planning Division.

At the outset, Internal Affairs identified repeat offenders. Then, the patrol commanders were asked to describe these officers in terms of their work performance. This process revealed a set of common denominators and it was determined that officers who were abusing force had a number of minor complaints at the station level that had accrued prior to their first formal complaint. Courtesy complaints were the prime offenses, followed by occasional insubordination and lateness, shortcutting procedures, and bordering on becoming unsatisfactory performers. In short, they were disregarding policies and procedures governing performance of police duties and action needed to be taken by the police department.

While there were no consistent indicators that suggested that the officers were violent, they did seem to have problems responding to and managing their own authority. Thus, the department psychologists were asked to profile officer behaviors that would alert supervisors to when an officer might be at risk for starting to abuse force. To this end, the Psychological Services office conducted a systematic review of files and identified a series of behaviors that could be incorporated into a behavior monitoring system. To avoid

Psychological Services office conducted a systematic review of files and identified a series of behaviors that could be incorporated into a behavior monitoring system. To avoid breaching confidentiality, aggregated data were provided to the department to formulate the first iteration of a data based and behavior generated "early warning" system.

Of necessity, the system included the traditional and more egregious behaviors that required a timely department response. However, it also incorporated other behaviors that first line supervisors often ignore, rationalize, or deny their significance. In and of themselves, anyone of the behaviors might seem to be a minor infraction; but, when taken together they suggested the development of a pattern that needed supervisory attention.

This system represented a major difference from the complaint driven process. Supervisor accountability was designed into the system by requiring supervisors to systematically review subordinate performance at six month intervals; and by making them accountable for taking action to correct performance problems early on instead of tolerating them.

Examples of work behaviors that were subject to a six month review include:

- o Two or more accidents in City vehicles.
- o Four or more counseling forms.
- o Ten or more sick days.
- o Pattern of abuse of leave.

- o Two or more days of unexcused absences from duty.
- o Three incidents where the employee is the victim of assault and is injured in one or more of the incidents.

Despite the excessive force focus, these behaviors could relate to a number of other problems but the six month time frame forces the supervisor to respond to them whatever their cause may be. Hence, the systematic supervisory monitoring decreases the risk of supervisors enabling or denying problems with an employee, and requires them to intervene and be accountable for subordinate performance.

Other behaviors are included in the system but they vary in time frames and frequency. Examples include domestic violence allegations, failure to appear in court, repeated similar complaints, firearm discharges.

Intervention and Responsibility: After defining the behavioral elements, it was necessary to define the appropriate interventions and to designate operating authority for managing the system. Though discipline was not discounted, the major proposed interventions included counseling for officers, when appropriate, participation in new training programs on relevant skills, or reassignment.

The management responsibility was initially assigned to Psychological Services because it provided a neutral ground and could maintain confidential records. However, when a public safety reorganization moved the Psychological Services office to the city's Human Resource Office, this arrangement was no longer viable. Thus, the responsibility for managing the program was transferred to the Office of Professional Standards (OPS) which includes the Internal Affairs Unit. Although data regarding officer performance is housed in OPS, it is acquired from other sources including operational units.

As of July, 1993, the policy has been through four iterations and has been continually refined so that it doesn't become outmoded. It continues as a supplement to the complaint driven system and it has enough flexibility so that it doesn't penalize officers for isolated incidents related to specific assignments or to an occasional lapse due to frustration. Rather, it is geared to detecting subtle but repetitive patrol behavior changes, such as unnecessarily tightening handcuffs; or, the chronic offenders who use force for purposes of exercising complete control whether they need to or not.

#### Conclusions and Recommendations

Complaint driven "early warning" systems that identify officers after three complaints do not provide much of an "early warning". When combined with a proliferation of Civilian Review Boards, a tolerance for excessive force could develop, particularly if police organizations think someone else will be responsible for handling brutality complaints.

organizations think someone else will be responsible for handling brutality complaints. Thus, the system developed by Atlanta becomes all the more critical because it offers supervisors a prevention method for overseeing subordinate behavior and for taking action before it gets out of hand.

When psychological services are involved in a prevention effort to help officers, supervisors, and the department, they are contributing to strengthening organizational performance. However, it is particularly important to exercise caution that the limits of confidentiality are not strained in these efforts. It is possible to encourage, support, and participate in the development of such proactive responses by carefully adhering to professional standards.

Despite its merits, some changes could improve Atlanta's "early warning" system. There is a need to automate the system if it is to function efficiently in a department with the sworn strength of Atlanta. Automated feedback to first line supervisors in six month intervals would encourage consistency in the use of the system. This becomes particularly critical as tenured supervisors retire because the department has found that their lesser experienced supervisors are not as consistent in using the system for performance oversight.

The Chicago Police Department has undertaken such a project and has used high performance data analytic procedures to formulate and validate their recently implemented system. Using neural networks, Chicago determined the behavioral variables that

The Chicago Police Department has undertaken such a project and has used high performance data analytic procedures to formulate and validate their recently implemented system. Using neural networks, Chicago determined the behavioral variables that differentiated a sample of officers who had been fired, from a sample of officers who did not have job related problems. Currently, they are teaching command personnel how to use this system (1994: p.10).

Automation may also help to override the current location in OPS. The location remains a major problem since under the best of circumstances it is hard to convince officers that anything associated with an OPS can be in their best interest. The latter is particularly important in terms of officers being receptive to prescribed interventions. In this regard, the range of interventions could also be broadened.

The system could be further improved by adding a preliminary tier of the more subtle behaviors that come to a supervisor's attention, such as nicknames that signify use of force or the incidence of prisoners regularly "falling down stairs". Finally, all "early warning systems" would benefit from finding a different way to identify behavior monitoring. Despite a worthwhile objective, the 'early warning' label has a negative connotation and carries a message that.."you are someone we have to warn people about". Thus, a more positive way to identify these programs, such as Metro-Dade's "Early Identification System"

"Early Identification System" or the Boston Police Department's Early Intervention Program, may strengthen their usefulness and reduce officer suspicion about their intent.

### Summary

The programs described all touch on important human resource issues: selecting the right employee to do the job; giving that employee the right tools to do it; and providing them with proactive supervision to help them correct performance problems before they become too entrenched. Since even the best of employees can drift into problem behaviors, the latter intervention is especially critical to preserving the human resources of the police organization. Moreover, any program that changes the quality of the organization's human resources inevitably begins to change the organizational culture. As departments begin to transition to community policing, these types of changes will become especially critical.

Ideally, implementing all three programs represents a systematic way to respond to excessive force as well as to other performance problems. The recent report from the Mollen Commission (1994) showed how tolerance for brutality opened a door for other types of misconduct to flourish. The report cited first line supervisors for their failure to intervene when they knew officers were using too much force. Subsequently, an atmosphere developed that tolerated other inappropriate behaviors, corruption being the most egregious.

atmosphere developed that tolerated other inappropriate behaviors, corruption being the most egregious.

Programs that change the quality of the organization's human resources inevitably begin to change the organizational culture. As departments begin the transition to community policing, these types of changes will become especially critical. Since the seventies, there has been little innovation in how we hire and promote police officers. The systems have been driven by the staffing needs of the professional police model and appropriately have accommodated Equal Opportunity concerns. However, community policing requires the implementation of screening and training models to assess capacity for problem solving. In all likelihood, supervisors will be in need of guidelines for responding to subordinate performance. Though the models described in this report were devised to respond to excessive force they may also provide a foundation for building the new systems that will be required for community policing.

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**APPENDIX A**

**Interview Schedule:**

February, 1993

Denver Police Department:

Chief David Michaud

Dr. John Nicolletti

Lt. L. Boydston

May, 1993

Atlanta Police Department

Deputy Chief Robinson

Deputy Chief Julius Derico

Dr. Guy Seymour

Dr. Claire D'Agostino

Major Blanch Nichols

Mr. Richard Clark/Accreditation

Manager.

Capt. S.M. O'Brien

July, 1994

San Antonio Police Department

Chief William Gibson

Deputy Chief A. A. Philipus

Sgt. Gary Van Slykes

Dr. Michael McMains

Sgt. Raul Crisantez

Investigator Ben Burleson

Investigator Robert Hyatt

Recruiter D. Carmenaty

San Antonio Ctd: