DEADLY FORCE...
AN AGE-OLD PROBLEM, A FUTURE SOLUTION

An Independent Study

by

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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 possible scenarios for strategic planning consideration.

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

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

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

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Abstract

WHAT WILL INFLUENCE THE USE OF
DEADLY FORCE BY LAW ENFORCEMENT
BY THE YEAR 2000?

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Abstract

The study consists of three parts: a futures study of what will influence the use of deadly force by law enforcement by the year 2000; a model strategic plan to minimize the use of deadly force; a transition management plan. Five trends will increase in ten years: evaluation of police training, "us against them" philosophy, recruitment standards, use of non-lethal weapons, and gang activity. High probability events that would impact law enforcement are: a major lawsuit, deadly force restricted, trainer vicariously liable, non-lethal police weapon introduced, and gang heavily armed. Policy recommendations emphasize public awareness, values, restrictive shooting policy, and violence reduction training. The model strategic plan includes generic concepts and specific implementation systems. The transition management plan presents a feasible management structure and supporting technologies. Deadly force data, and non-extrapolative forecasting results; tables in text; with additional data in the appendixes; references and bibliography.

Section 1 - Introduction

A Look At The Deadly Force Dilemma

Section II - Futures Study

What Will Influence The Use Of Deadly Force By Law Enforcement By The Year 2000?

Section III - Strategic Management

A Model Plan For Minimizing The Use of Deadly Force
By California Law Enforcement In General, And
The City of Huntington Beach In Particular

Section IV - Transition Management Plan

A Description Of The Critical Mass And Transition Management
Structure For Implementation Of A Plan To Minimize
The Use Of Deadly Force

Section V - Conclusions, Recommendations and Future Implications

Today's Reality--Tomorrow's Visions
Accepting the Challenge

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Executive Summary

SECTION ONE - INTRODUCTION

In 1858 a New York City police officer used his personal weapon to shoot a fleeing suspect. When the Grand Jury failed to indict the officer, other New York officers began arming themselves. The practice spread, and by the early 1900's firearms were commonly issued to law enforcement officers.

Managing the use of deadly force by officers is one of the most difficult challenges facing law enforcement professionals today. There are few events in the routine of a law enforcement administrator that carry as much potential for public scrutiny and repercussion as found in the use of deadly force. How and when that force is used has become the source of great controversy.

SECTION TWO - A FUTURES STUDY

This research paper examined what will influence the use of deadly force by law enforcement by the year 2,000. The impact of public attitudes and increasing civil litigation on law enforcement's use of deadly force, and the role training will play in this regard were used to further define the focus of the paper.

The research included a literature review and selected personal interviews. That process provided a perspective of law enforcement's use of deadly force today, and trends and events that could influence the use of deadly force by officers in the future.

Based upon that evaluation, a Nominal Group Technique (NGT) Panel projected five trends: 1) Overall Evaluation of Police Training; 2) "Us-Against-Them" Philosophy; 3) Standards For Recruitment/Selection of Police Officers; 4) Use of Non-Lethal Weapons; and 5) Level of Gang Activity. Significant increases in the level of all trends were forecast for five-year and ten-year estimates. The panel also identified and evaluated five events: 1) Police Shooting Prompts 20 Million Dollar Lawsuit; 2) High Court Limits Police Use of Deadly Force; 3) Trainer Held Vicariously Liable for Officer's Actions; 4) Smith & Wesson Introduces Non-Lethal Police Weapon; and 5) Vietnamese Gang Heavily Armed. The median forecast was 100% probability of occurrence for three events for five years from now and 100% for four events for ten years from now.

Three scenarios were developed from the forecast data: a normative, exploratory, and hypothetical scenario.

SECTION THREE - STRATEGIC MANAGEMENT

A situational analysis was conducted of the environment and internal strengths and weaknesses of the Huntington Beach Police Department. A list of identifiable stakeholders was also developed and a Modified Policy Delphi conducted to identify policies which could prevent or mitigate the normative scenario. Four policies were determined to be the most feasible and desirable:

1) Development of a public awareness program.
2) Establish a Department Values and Ethics Committee.
3) Establish a more definitive and restrictive deadly force policy.
4) Training should focus on violence reduction/intervention techniques.

A strategic management plan for minimizing the use of deadly force by California law enforcement in general and the City of Huntington Beach in particular was then developed.

SECTION FOUR - TRANSITION MANAGEMENT

A transition management plan was presented that included identification of the critical mass and the commitment level of those critical mass members.

A transition management team headed by a high ranking manager of the police department to serve as the project manager was recommended for the transition management structure. Responsibility charting, milestone recognition, and communicating a vision of the future, are a few of the implementation techniques that were offered as possible tools to help manage the change process.

SECTION FIVE - CONCLUSION, RECOMMENDATIONS, AND FUTURE IMPLICATION

In the future the public can be expected to become increasingly more vocal and questioning of when the use of deadly force by law enforcement officers is reasonable.

Public scrutiny, coupled with increasing civil litigation, will require that law enforcement administrators of the future examine the use of deadly force by their officers and respond pro-actively to mitigate the negative impacts generated by these types of incidents. It will be necessary for law enforcement to work in partnership with the public and to emphasize the value of human life in both deadly force policies and organizational cultures. Violence reduction/intervention training should be identified and integrated into all aspects of police training.

Three areas identified as valuable topics for future study are: 1) an exploration of non-lethal force; 2) a concept of law enforcement agencies using videos to defend against complaints and litigation; and 3) who should investigate officer involved shootings?

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Section I

INTRODUCTION

A LOOK AT THE

DEADLY FORCE DILEMMA

Managing the use of deadly force by officers is one of the most difficult challenges facing law enforcement agencies. There are few events in the routine of a law enforcement administrator that carry as much potential for public scrutiny and repercussion as found in the use of deadly force. The liabilities facing law enforcement agencies and their employees run the gamut from complaints and lawsuits regarding a lack of sensitivity or poor training to more serious charges of prejudice, bias, excessive force, and coverup.

The police use of deadly force is an awesome power delegated to law enforcement officers by the society they are sworn to serve. How and when that force is used can become the source of great controversy. The atmosphere surrounding the "deadly force debate" is charged with emotion, fear, entrenched assumptions, class- and race-based suspicions, and virtually intractable value conflicts.[1]

If too many restrictions are placed on police use of deadly force, will this endanger the safety of the officers and the people they are sworn to protect? If controls are too lax, will "avoidable" shootings occur, public support suffer, and civil litigation costs of today look pale in comparison to those in the future? A review of literature, coupled with a series of interviews, was used to seek answers to these and other related questions.

The media and public is becoming more vocal, questioning, and judgmental. Headlines such as "56 Shootings by LA Deputies Called

Suspect,"[2] and "Time to Keep an Eye on OC's Police?"[3] are indicative of what might be termed "deadly force under a public microscope." The use of deadly force by the police is an ever-present dilemma, fueled further by an increasing number of police shootings, the proliferation and sophistication of weapons on the street, and the violent society in which officers are asked to make split-second life and death decisions.

In a recent article in the Los Angeles Times, "O. C. Shootings by Officers Are at Record High," the seriousness of this dilemma is echoed in the following excerpt:

> Against the backdrop of a record-high murder rate and a surge in violent crime, Orange County peace officers killed or wounded 29 people with gunfire in 1989--nearly tripling the number of officer-involved shootings in three years. Beginning with the death of a man carrying a toy gun and ending with the fatal wounding of a teenage suspect, police resorted to deadly force more times last year than at any other time in the history of local law enforcement. Besides the human toll, the rash of officer-involved shootings has prompted at least seven lawsuits and liability claims alleging wrongful death and excessive use of force. The legal actions seek millions of dollars in damages and raise questions about police conduct.[4]

When law enforcement officers fire their guns, the immediate consequences of their decisions are realized at the rate of 1500 feet per second and are beyond reversal by any level of official review.[5] Law enforcement officers on the street carry in their holsters more power than has been granted the Chief Justice of the Supreme Court.

This research study examines the issue:

> What will influence the use of deadly force by law enforcement by the year 2000?

Definitions

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

Deadly Force - For the purposes of this study, deadly force constitutes the use of a firearm. When a firearm is discharged at someone, the expected and likely consequence is death or serious injury. Although there exists potential for death when less than lethal weapons are used, they are not designed for that purpose, death is not probable, and are not considered as deadly force in the scope of this study.

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

Background

How did this deadly force dilemma emerge? In 1858, a New York City police officer used his personal weapon to shoot a fleeing suspect. The case was presented to the Grand Jury, which declined to indict the officer. Subsequently, other New York officers began arming themselves.[6] The public response was one of skepticism and considered by many not as desirable, but as the lesser of two evils. The New York Times considered the possible use of guns as a "most perilous power to put in the hands of...men no more

discreet in the use of power than the mass of our policemen are apt to be."[7] The practice spread, however, and by the early 1900's firearms were commonly issued to law enforcement officers.

In conjunction with arming the police, officers have historically been granted the authority and even directed to bring to justice violators of the law using that amount of force which is "necessary." In terms of human cost, the problem of deadly force is far from an insignificant problem. This combined authority to be armed with a deadly weapon and use necessary force to apprehend suspected criminals has resulted in the conservative estimates of 600 citizens being killed and another 1200 being injured by law enforcement in the United States every year.[8] In California, Department of Justice figures reflect 101 justifiable homicides by law enforcement officers in 1988 and 124 in 1989.[9] On a local level, in Orange County, California, law enforcement officers shot 28 citizens in 1989, 12 of which were fatal shootings, and 24 in 1990 of which eight proved to be fatal.[10] When examining this question of whether it is too many, it is important to consider that millions of serious offenders are encountered annually by America's 500,000 public employed law enforcement officers. In the interest of objectivity, careful thought must also be given to the fact that in the decade of the 1980's, an average of 80.1 law enforcement officers were murdered in the United States,[11] and an average of 6.3 for the same ten-year period in California.[12]

The use of deadly force is becoming one of the most controversial and complex social issues in our society. At the center of this issue stands the law enforcement officer. At times the officer

is expected to make split-second decisions, and to balance forces and concepts that often conflict in practice, including:

- The right to protect the officer's life and that of others.
- The duty to protect the rights of others.
- The responsibility to suppress violence in the community.
- The officer's responsibility to protect the constitutional rights of all people, including the criminal.
- Differing judicial rulings and legal opinions concerning the use of deadly force.
- Demands by the community for more or less aggressive enforcement.
- Departmental policies and procedures.
- The individual officer's perceptions, fears, education, training, and value systems.

A law enforcement officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, to apprehend a suspect, or to overcome resistance.

Justifiable homicide by law enforcement officers is defined in California Penal Code Section 196:

> Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either--
>
> 1. In obedience to any judgment of a competent Court; or,
> 2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,

3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.[13]

For more than a century, the California Penal Code, which is a direct derivative from English common law, allowed officers to shoot any kind of felon--including everyone from teenagers who stole a car to non-violent burglars. In 1977, however, a California Court of Appeals re-interpreted that law in Kortum v. Alkire[14] to prohibit the use of deadly force by anyone, including a law enforcement officer, against a fleeing felony suspect unless the felony is a forcible and atrocious one which threatens death or serious bodily harm or there are other circumstances which reasonably create a fear of death or serious bodily harm to the officer or another. Since 1977, California police agencies have followed this ruling, and most repeat this or similar language in their individual department shooting policies.

Until 1985 about half of the states in the country still allowed the use of deadly force by police to apprehend a non-violent fleeing felon. In 1985, however, a landmark Supreme Court case, Tennessee v. Garner,[15] involving the shooting of an unarmed suspect, established a national standard ruling that deadly force may not be used unless it is necessary to prevent the escape, and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

How effective are these controls on law enforcement's use of deadly force? Most law enforcement experts and community leaders feel these specific guidelines make good sense, but many police

officers disagree. What has been steadily emerging through the years is what might be termed a battle to "handcuff" or "unhandcuff" the police. Police officers argue that there are more violent criminals, armed with more potent weaponry, showing more contempt for the men and women in blue than at any time in American history. In recent articles in U.S.A. Today and The Orange County Register, validation to officers' concerns are echoed in their reporting that, "More people were murdered during 1990 than any time in the U.S.A.'s history--and by most projections this is just the start of the nation's most violent decade,."[16] and "Violent Crime Rate in the U.S. Rose 11.1 Percent in 1990,"[17] respectively. At the same time, however, increasing citizen complaints, lawsuits, and public opinion leave no question that the community has no intention of assuming a submissive role, so to speak, when it comes to the issue of the use of deadly force by law enforcement. The public has become more questioning: Was the shooting legally and morally justified? Did the police help precipitate it? Could it have been prevented?

Public concern over police shootings has become more than a social issue. Part of this scrutiny is rooted in economics, and the increasingly inviting target officers have become for litigation. As an example, in 1972, the city of Los Angeles paid $553,340 in judgments and settlements for the actions of its employees. In 1990, these costs had skyrocketed to $6.4 million.[18]

The deadly force dilemma did not happen, nor will it disappear, overnight. It is a difficult issue and a reality that must be challenged by law enforcement administrators in the future.

After identifying and discussing what is likely to influence law enforcement's use of deadly force in the future, this research will provide a management strategy to be used by law enforcement administrators and serve as an impetus to provoke further study and thought on the issue of deadly force.

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

What changes will occur in the future? Despite the incredible advances in technology, no instrument or process has yet been developed that can be touted as capable of accurately predicting the future. A certainty, however, is that there will be change. Absent a crystal ball, how then do we plan for change? This research project will use a futures study as a research strategy to identify and evaluate important alternative images of the future. Appropriate planning can then be implemented to pro-actively enhance a desired future or mitigate a potential negative future.

In this research project the issue question is: What will influence the use of deadly force by law enforcement by the year 2000? This key issue was selected based upon future implications as evidenced by a review of extensive futures file literature, discussion with law enforcement professionals, and by many years of the interest by this researcher in the subject of law enforcement's use of deadly force. The study was further defined by the use of the following three sub-issues, which were selected from scanning futures file materials and brainstorming with various law enforcement personnel:

- What will be the impact of public attitudes concerning law enforcement's use of deadly force?
- How will increasing civil litigation affect the use of deadly force in the future?
- What role will training play in addressing the "deadly force dilemma"?

Section II

FUTURES STUDY

WHAT WILL INFLUENCE THE USE OF DEADLY FORCE BY LAW ENFORCEMENT BY THE YEAR 2000?

The Scanning Process

The environmental scanning process consisted of three phases: a literature review, selected personal interviews, and individual analysis. That process supplied much of the data discussed in the introduction, and was also interpreted to select the sub-issues critical to developing and providing focus on the main issue. For those who wish to review the specific information, a bibliography of literature reviewed is contained in Appendix A and persons interviewed are listed in Appendix B.

Once data gathering was completed, a substantial amount of information was compiled and analyzed as to its relevance to the issues. Thus, insight was gained in refining and understanding the data, so as to begin to develop trends and events.

Nominal Group Technique (NGT)

A Nominal Group Technique Panel was assembled to assist in developing trends and events relevant to the issue. The panel was comprised of seven selected participants in and out of law enforcement, all of whom possessed some level of expertise and degree of familiarity_with the subject of the research. (Refer to Appendix C for the group profile.) That panel developed candidate lists of 28 trends and 25 events (refer to Appendixes D and E). The panel ultimately distilled these lists down to five trends and five events that bear significantly on the study issue.

Identification and Definition of Trends

Trend 1 - Overall Evaluation of Police Training

This trend focuses on law enforcement taking a critical look at all aspects of police training from academy to inservice instruction.

Trend 2 - "Us-Against-Them" Philosophy
A defensive attitude based on the premise that law enforcement officers must stick together because those outside the profession are perceived as non-supportive and lack true understanding of the job and its inherent dangers.

Trend 3 - Standards for Recruitment and Selection of Police Officers
This trend is defined as the qualifications an applicant must have to apply for and be accepted for employment in the law enforcement profession.

Trend 4 - Use of Non-lethal Weapons
Non-lethal weapons are those designed to control an individual that when used properly will not likely result in death. Public concerns over the use of deadly force, civil litigation, etc. may result in technology that will arm the police with non-lethal weapons.

Trend 5 - Level of Gang Activity
This trend is defined as the volume of crime in our communities resulting from an increase or decrease in the prevalence of gangs.

Identification and Definition of Events

Event 1 - Police Shooting Prompts Twenty Million Dollar Lawsuit
This is a major lawsuit filed by the family of a 15-year-old boy shot to death after a vehicle pursuit involving a stolen car.

Event 2 - High Court Limits Police Use of Deadly Force
This is a ruling by the U. S. Supreme Court placing tighter controls on the application of deadly force by law enforcement.

Event 3 - Trainer Held Vicariously Liable for Officer's Actions
This is a far-reaching court decision wherein a police training manager is deemed liable for instruction provided or failed to be provided to officers.

Event 4 - Smith and Wesson Introduces Non-lethal Weapon
This well respected weapons manufacturer has developed a viable non-lethal police weapon, thus providing an alternative to deadly force.

Event 5 - Vietnamese Gang Heavily Armed
This event identifies a violent confrontation between local officers and a Vietnamese gang armed with fully automatic assault rifles.

Trends

The NGT panel, using their own expertise and opinions, were asked to use a ratio scale to forecast trend levels. Today's value (the present) was equal to 100. An estimate equal to today would be 100, less than today would be less than 100, and greater than today would be more than 100. The forecast included past estimates (five years ago), and both nominal and normative estimates for the future (five and ten years from now). Table 1 depicts the results of the NGT panel's trend forecast (using panel median values). Graphs of trend levels are contained in Appendix F.

TABLE 1
TREND EVALUATION

TREND #	TREND STATEMENT (Abbreviated)	LEVEL OF THE TREND *** (Today = 100)			
		5 YEARS AGO	TODAY	*5 YEARS FROM NOW	**10 YEARS FROM NOW
1	Overall Evaluation of Police Training	75	100	200/200	350/300
2	Us Against Them Philosophy	70	100	150/80	175/60
3	Standards For Recruitment/Selection of Police Officers	75	100	200/240	300/300
4	Use of Non-Lethal Weapons	50	100	200/300	400/400
5	Level of Gang Activity	25	100	300/125	400/100

***PANEL MEDIANS

* Five years from now "will be"/ "should be"

** Ten years from now "will be"/ "should be"

The following is a brief analysis of the NGT evaluation of the trends:

Trend 1 - Overall Evaluation of Police Training

In perhaps no profession is training more critical than in the field of law enforcement. Officers must make split-second life and death decisions, and even in these highly emotional situations, officers will react in the manner in which they have been trained. Faced with the "deadly force dilemma," law enforcement must thoroughly examine training, perhaps focusing on non-traditional alternatives, but in any case identifying and providing training that will minimize the use of deadly force.

The panel developed an interesting range of estimates for this trend. Most of the respondents thought that evaluation of training five years ago was less than today--the median value being 75. Significant increases were forecast for five-year and ten-year estimates, with the median values being 200 and 350, respectively. In general, the panel believed that police training "will be" evaluated as it "should be." Overall, respondents felt that current training does not adequately address deadly force alternatives.

Trend 2 - "Us-against-them" Philosophy

Law enforcement officers perform a difficult and dangerous job that most people would not want. Officers' actions are constantly questioned and deadly force decisions "Monday morning quarter-backed" and criticized. At the same time respect for authority is eroding and officers are faced with more defiant and violent

behavior. A siege mentality coupled with a "get them before they get you" attitude is conducive to more deadly force encounters.

Overall, the NGT panel saw the level of the trend five years ago as being less than today--the median value being 70. The median five year forecast of 150 shows a belief that this philosophy will increase; however, the median ten year projection of 175, while greater, is not as significant. It was interesting to note that respondents felt that the trend "will be" far greater than it "should be."

Trend 3 - Standards for Recruitment and Selection of Police Officers

The ability to hire police officers is impacted by not only available interested applicants, but those who possess the qualifications as well to meet the existing standards for employment. At a time when law enforcement's use of deadly force is being scrutinized, the authority to use deadly force cannot be given to an unqualified officer.

The respondents gave a wide variety of responses to this trend. The range of responses was from 60 to 90 for estimates of five years ago, the median being 70. The median scores for five years from now and ten years from now indicate significant increases of 100 percent and 200 percent, respectively. The panel clearly felt police hiring standards "will be" and "should be" enhanced. Respondents' projections voiced their concerns that law enforcement is a critical profession, and that only highly qualified individuals should be so employed. Panel members acknowledged that improving employment standards at a time when

recruiting is already a problem will be a challenge for law enforcement administrators.

Trend 4 - Use of Non-lethal Weapons

The police are expected to use only that amount of force which is necessary to control an individual. Officers having viable non-lethal weapons at their disposal could under some circumstances use these weapons in lieu of deadly force when faced with violent confrontations.

The panel saw an increase in the use of non-lethal weapons over the past five years, but respondents emphasized the existing inadequacy of what is currently available. Overall, the panel projected that advances in technology will result in an increase in the use of these types of weapons in the future. The median five-year projection was 200; and median ten-year projection, 400. It is interesting to note that the "should be" five-year projection is 50 percent higher than the "will be" estimate. This speaks to the fact that panel members would like to see non-lethal weapon technology exceed what in reality will be available to officers.

Trend 5 - Level of Gang Activity

Gang activity and ensuing violence is being increased by changing demographics and values, and lucrative drug trafficking. Clearly, deadly force encounters can be impacted by increases or decreases in gang activity.

All respondents believed that the level of gang activity five years ago was less than today. The range of those responses was 20 to 90, the median being 25. All panel members described a

steady and significant increase in gang activity in the past five years.

Overwhelmingly, the panel saw this trend to continue to spiral dramatically over the next two years. Interestingly, the "should be" five-year projection showed a slight increase to a median level of 125, but the "should be" ten-year median was estimated at today's level of 100.

This decline in the trend from five years from now to ten years from now reflects a preferred future where gang activity decreases to today's existing level.

Events

The NGT panel also forecasted the five events. The group rated each event by probability of occurrence (0 to 100 percent) for five years and ten years from now.

In addition to this information, the group also listed years until the probability first exceeds zero, and the positive and negative impact of the event on the issue.

Table 2 depicts the results, using the NGT panel medians of the events forecasted. Graphs of the event data are contained in Appendix G.

Table 2

EVENT EVALUATION

EVENT #	EVENT STATEMENT	*YEARS UNTIL PROBABILITY FIRST EXCEEDS ZERO	*PROBABILITY		IMPACT ON THE ISSUE AREA IF THE EVENT OCCURRED	
			5 YEARS FROM NOW (0-100)	10 YEARS FROM NOW (0-100)	*POSITIVE (0-100)	*NEGATIVE (0-100)
1	Police Shooting Prompts 20 Million Dollar Lawsuit	1	100	100	2	8
2	High Court Limits Police Use of Deadly Force	1	100	100	5	5
3	Trainer Held Vicariously Liable for Officer's Actions	2	80	80	1	7
4	Smith & Wesson Introduces Non-Lethal Police Weapon	2	50	100	8	1
5	Vietnamese Gang Heavily Armed	1	100	100	0	9

* PANEL MEDIAN

The following is a brief analysis of the NGT panel's evaluation of the events:

Event 1 - Police Shooting Prompts Twenty Million Dollar Lawsuit

We are living in a litigious society, and nowhere is this more apparent than in the public response to law enforcement's use of deadly force. In light of existing litigation, probability of this event first occurring was forecast as one year. The median forecast was 100 percent probability of occurrence within five years. The negative impact was seen as far more significant than the positive impact. Officers' safety and their ability to defend themselves and others could be seriously impacted by civil monetary awards, litigation defense costs, and public outcry. Faced with multi-million dollar lawsuits, a positive aspect might be law enforcement agencies taking a careful look at the application of deadly force by their officers.

Event 2 - High Court Limits Police Use of Deadly Force

Both state and federal courts have addressed the use of deadly force by officers in years past, and in several cases handed down more restrictive interpretations of when this ultimate power can be used by law enforcement. Respondents felt that increasing public scrutiny could first cause further restrictions to occur at some level in one year. Further limitations on the use of deadly force by the police are 100 percent likely to occur within five years. Positive and negative impacts were rated equally at five. Further restrictions placed on the police in the use of deadly force will reduce such incidents; however, such a shift in thinking will put officers at greater risk and enhance already existing recruitment problems and the belief by many officers that they are being forced to do a dangerous job while handcuffed.

Event 3 - Trainer Held Vicariously Liable for Officer's Actions

When examining deadly force incidents, courts are asking more and more questions about the type of training provided to officers. Negligent training or an indifference to training makes those parties responsible for instruction particularly vulnerable. Liability for deadly force training provided, or in some cases not provided, could first occur at some level in two years. This event has an 80 percent probability of occurring in the next five years, with the same probability forecast for ten years. The negative impact of seven far outweighs the positive impact of one on this issue. The entire training picture will require re-evaluation and cause individual trainers, as well as police academies, to re-think their rules and priorities. This, of course, is not all bad, but

holding trainers fiscally responsible based upon "so called" expert testimony would have a profound negative impact.

Trend 4 - Smith and Wesson Introduces Non-lethal Police Weapon

Responding to public pressure and technological competition, a viable non-lethal police weapon could first be introduced in two years. Probability in five years is 50 percent, and in ten years, certain to occur at 100 percent. The positive impact is heavily weighted at eight. Availability of such a weapon would significantly reduce the "negative fall-out" resulting from the application of deadly force.

Event 5 - Vietnamese Gang Heavily Armed

The increasing violence, availability of firearms, and increasing gang emergence could cause this event to occur in one year. The probability of heavily armed gangs will occur at 100 percent in five years. No positive impact is expected. The presence of heavily armed gangs, however, will create a negative impact from the likely increase in resulting violence. More violence will equate to more deadly force encounters.

Cross Impact Analysis

The researcher and two associates performed a cross impact analysis. The purpose of a cross impact analysis is to assess how each forecasted event, if it occurred, would impact the other events and the trends. The results show which events are actors (greatest impact upon the other events and the trends) and which events and trends were reactors (most impacted by the events). The results are helpful in selecting trends and events to develop scenarios of the future. Table 3 depicts median scores.

Table 3

Cross-Impact Matrix

MATRIX (Panel Medians) — Maximum Impact (% change ±)

**	E1	E2	E3	E4	E5	T1	T2	T3	T4	T5	"IMPACT TOTALS"
E1	X	+30	+25	+30	0	+35	+15	+25	+40	+10	E1 8
E2	-25	X	-10	+40	+10	+50	+30	+10	+40	+20	E2 9
E3	+75	0	X	+15	0	+40	0	+15	+25	0	E3 5
E4	-50	+35	0	X	-5	+20	+15	+10	+50	+10	E4 8
E5	+30	-30	0	0	X	0	+25	0	-30	+55	E5 5

"IMPACTED" TOTALS

E1	E2	E3	E4	E5	T1	T2	T3	T4	T5
4	3	2	4	2	4	4	4	5	4

** Legend

E1 Police Shooting Prompts 20 Million Dollar Lawsuit
E2 High Court Limits Police Use of Deadly Force
E3 Trainer Held Vicariously Liable for Officer's Actions
E4 Smith & Wesson Introduces Non-Lethal Weapon
E5 Vietnamese Gang Heavily Armed
T1 Evaluation of Police Training
T2 Us Against Them Philosophy
T3 Recruitment/Selection of Police Officers
T4 Use of Non-Lethal Weapons
T5 Level of Gang Activity

Actor events should be the focus of policy action. By evaluating how each actor event affected the other events and trends, policies can be directed with the objective of making the event more likely or less likely to occur.

The following is a brief interpretation of the cross impact analysis:

Event 1 - Police Shooting Prompts Twenty Million Dollar Lawsuit

This was identified as an actor event and has the impact of increasing the probability of three of the other events and all

five trends. Further restrictions on the use of deadly force, vicarious liability, and an emphasis on non-lethal weapons will result. The probability of law enforcement training being carefully examined and recruiting standards being further addressed is significantly enhanced. Fiscally, law enforcement would view this event as negative, but it might prove to be the impetus for measures to reduce deadly force incidents.

Event 2 - High Court Limits Police Use of Deadly Force

An actor event, this occurrence would impact all the events and trends, both increasing and decreasing probabilities. Limiting the application of deadly force would likely curtail lawsuits and liability concerns for trainers. Restricting the use of deadly force would significantly increase the probability of technological advances in non-lethal weapons and their use by law enforcement. This event would likely be interpreted as further handcuffing the police and thereby increasing by 50 percent the "us against them" philosophy. Like (E1), however, this event while initially seen as restricting and negative by officers, might open the door, so to speak, to mitigating deadly force encounters.

Event 3 - Trainer Held Vicariously Liable for Officer's Actions

This event increases the probability of two of the events and three of the trends. This event would have the greatest impact on the overall evaluation of police training. Trainers who are held liable, however right or wrong it may be, will likely buy into the concept of making sure training benefits are maximized. This, as

in (E1) and (E2), would increase the momentum to develop and use non-lethal weapons.

Event 4 - Smith and Wesson Introduces Non-lethal Weapon

This event is an actor event with the impact of increasing the probability of all five trends and one event, and decreasing the probability of one event. With a viable non-lethal weapon available to officers, significant lawsuit probability should be reduced by 50 percent. The availability and use of a non-lethal weapon would likely result in more restrictive laws applicable to deadly force, and a revisiting of training concepts.

Event 5 - Vietnamese Gang Heavily Armed

The occurrence of this event increased the probability of one event and two trends, and decreased the probability of one event and one trend. More weapons on the street are likely to result in more crime and shootings, and translate into more lawsuits. With more heavy weaponry on the streets, courts are less likely to further restrict the laws of deadly force, and law enforcement would be more reluctant to use non-lethal weapons. The "us against them" philosophy would be further enhanced as officers faced "battle ready" gang members.

Scenarios

The final phase of this section is the development of possible futures--which are based upon the previous study of the trends and events. Scenarios are imaginative pictures of what could be. The

purpose of the scenarios is to provide planners and policy makers of today with some windows of what the future may hold.

The city upon which the scenarios in this study are based is Huntington Beach, California. A more complete description of the city will be presented in Section III of this research study.

Three modes of forecasting will be presented: the Exploratory (Nominal)--"Surprise Free"; the Hypothetical--"What If?"; and the Normative--"Feared But Possible".

Exploratory Scenario

"De-escalation Training--A Step in the Right Direction"

The year 2000 is on the horizon and with the passage of time the Police Department and the community have made little progress in understanding and appreciating their diverse views on the application of deadly force. The years have not been totally void of accomplishments; however, officers remain isolated, so to speak, from those they serve, and a police/community partnership has yet to be realized.

Consistent with a statewide trend, the Huntington Beach Police Department realized a 30 percent increase in the use of deadly force by officers from 1990 to 1996. A very unfortunate, but legally justifiable, shooting death of an 11-year-old Vietnamese boy by a rookie officer cast further doubt on the Department's use of deadly force. The Police Chief acknowledged that his officers were resorting to deadly force more often, but attributed this increase to emerging gangs, a 35 percent increase in violent crime in the past six years, and the proliferation of weapons in the

community.

In spite of encouraging speculation, modern technology has yet to develop a reliable non-lethal weapon for everyday police use. The Department, long recognized as being in the forefront of police technology, has experimented with several weapons of this nature. The findings were less than impressive, and in some cases not only resulted in officer injuries, but claims of brutality. Although not viable for every officer to carry, an expensive and cumbersome non-lethal rifle is now used with increasing frequency by specially trained teams of officers.

Faced with similar problems, police administrators throughout the state looked to POST for much-needed answers. In late 1996, police trainers from throughout the state gathered in Sacramento to seek these answers and develop recommendations. What resulted was an exhaustive complete re-evaluation of police academy training, as well as ongoing inservice programs. Emphasis was placed on "avoiding" deadly force, and where possible, using tactical retreat in lieu of immediate confrontation.

In 1997, police academies throughout the state brought their training in line with this violence reduction concept. The community saw this as a step in the right direction, but remained skeptical, and quick to criticize officers' use of force. Locker room talk abounded as officers cautiously watched and wondered how these changes would affect their ability to do this job, and more importantly, their safety.

In what some may call a dichotomy, the Huntington Beach Police Department was honored in 1999 by the Chamber of Commerce for a 32 percent reduction in police shootings, and two officers cited

for valor in a shooting incident that left two armed bank robbers dead.

Hypothetical Scenario

"Police Shootings Down, But So Is Morale"

In the ten years preceding the year 2000, many significant events occurred to impact the use of deadly force by the police. Civil litigation connected with police use of deadly force has skyrocketed. It appears as if no one is insulated from the multi-million dollar lawsuits. Vicarious liability, not unknown to management ranks, soon attached itself to police trainers. The Golden West Regional Training Center, along with ten academy staff, were held liable in the amount of $5,000,000. The issue was not <u>what</u> academy recruits were taught, but rather, what instruction they <u>should</u> have been given.

Reacting to increasing shootings and public outcry, the United States Supreme Court unanimously voted to further restrict the use of deadly force by the police. Along with the new year in 1997, law enforcement officers could no longer resort to deadly force to stop a fleeing felon, regardless of how atrocious the crime. The city's demographic makeup had changed considerably. The Asian population had grown to 40,000 and armed Vietnamese gangs had become a significant police problem. The growing elderly population has found itself frequent victims to an increasing violence-prone community.

Although slow in coming and not without the common quirks of newly developed technology, a non-lethal police sidearm was

developed by Smith and Wesson. In 1998, after exhaustive testing, this new weapon was introduced as a required sidearm for all Huntington Beach Police officers. Although shooting deaths have decreased by 50 percent, this new weapon has done little to mitigate lawsuits stemming from officers' use of force. Faced with increasing violent encounters, officers also carry a lightweight 20 shot .45 caliber automatic. Officers, however, are troubled by public expectations and by a deadly force policy that they view as too stringent and thereby hazardous to their safety. Morale is poor as officers interpret political pressures as overriding good command sense. As Officer Jones, a 20-year veteran, begins another shift, he remarks to a rookie officer, "Boy, has this job changed!"

Normative Scenario

"If We Had Only Opened Our Eyes"

In 1996, the fiscal strength of the city is rocked again by another multi-million dollar lawsuit stemming from a police shooting. The city, which is self-insured, has realized a 100 percent increase in monetary damages awarded to victims and victims' families. Legal defense costs far exceed budgetary expectations. Although police shootings have increased 20 percent statewide, the Huntington Beach Police Department is hard pressed to defend shooting figures that for the past six years have consistently been double the state average. Although an increase in crime and violent encounters is offered to explain the high number of shootings, the media are quick to point out the

increasing number of unarmed citizens shot by the police. Officers are quick to defend the legality of these shootings. The public counters with heated questions about the morality of these incidents.

In 1997, in what many officers interpreted as a "knee jerk" reaction to public pressure, the city council voted to establish a Citizen Review Board. The Police Officers' Association lashed out at the feasibility of untrained citizens evaluating and making recommendations as to the appropriateness of decisions to use deadly force. When the dust settled, the city prevailed, and the Citizen Review Board remained in place. Commissioned to examine past as well as future police shootings, the board blasted the police department as being "mired in the past," with officers well-trained to shoot, but poorly schooled in avoiding violence.

By New Year's Day, 1999, officers were extremely withdrawn and it appeared as if the relationship between those paid to protect and serve the community and the citizens in the community was at an all-time low. This quickly proved to be a poor assumption. Later that same evening, a Huntington Beach police officer was shot and seriously injured as he interrupted a heavily armed Vietnamese gang robbing a local market. The Police Officer's Association blamed the officer's injuries on what they termed as "spineless bureaucrats," claiming that lack of support and a track record of criticizing officers' prior decisions to shoot, caused the officer in this case to hesitate, and be shot himself.

As the year 2000 approaches, the chief ponders the sad state of affairs and asks his staff, "We saw this coming, why didn't we do something about it?"

Section III

STRATEGIC MANAGEMENT

A MODEL PLAN FOR MINIMIZING THE USE OF DEADLY FORCE BY CALIFORNIA LAW ENFORCEMENT IN GENERAL, AND THE CITY OF HUNTINGTON BEACH IN PARTICULAR

Strategic planning is defined as:

> *A structured approach, sometimes rational and other times not, of bringing anticipations of an unknown future environment to bear on today's decisions."*[19]

This portion of the paper outlines the structure and how anticipations bear on today's decisions. The strategic management plan will be based upon the normative scenario from Section II, "If We Had Only Opened Our Eyes." That scenario painted a possible bleak future for the city of Huntington Beach as police shootings increased, and with subsequent predictable impact on the department. The objective of this strategic management plan will be to prevent that scenario from becoming a reality.

Subject of Strategic Management Plan

The subject of this strategic management plan will be the Huntington Beach Police Department (HBPD) as it operates within the framework of the larger city government of Huntington Beach. The HBPD is comprised of 222 sworn officers and approximately 150 civilian personnel. It serves the city of Huntington Beach, which boasts a predominantly white population of 200,000. The demographics of the city are changing, however, and the community is becoming ethnically and culturally diverse. The city covers 27 square miles with nine miles of popular coastline. During the summer months, the department experiences policing problems common

to most resort communities as visitors from near and far flock to the beach for a day in the sun.

The department is headed by the chief of police who serves at the pleasure of the city council and reports to the city administrator. The department is organized into four separate divisions: 1.) administration, 2.) investigation, 3.) uniform, and 4.) services. The government structure of the city is council/administrator.

Common to most law enforcement agencies, the HBPD deadly force policy is structured around prevailing law. The policy makes it clear that officers conduct shall be governed by law, and that the intent of the policy is to provide guidelines only, and not to preclude the use of deadly force in a situation where its use would otherwise be authorized by law.

Since 1985 HBPD officers have been involved in 11 shootings resulting in death or injury to another. There is no system currently in place to record the number of incidents where an officer has discharged a firearm at someone and no injury resulted. All of the 11 fatal and injury shootings were investigated by the Orange County District Attorney's Office and found to be justified. The number of shootings in Huntington Beach is pale in comparison to deadly force incidents in the larger inner cities. The "fallout" from these shootings, however, is much the same. HBPD, like law enforcement agencies throughout the country, has been subject to major lawsuits, public criticism, and trauma-induced officer retirements.

Mission Statement

A formalized expression of the broad purpose and mission of an

organization is called a "macro" mission statement. This researcher developed the following "macro" mission statement for the Huntington Beach Police Department:

> *The Huntington Beach Police Department is dedicated to the protection of lives and safeguarding of property by providing the community professional and responsible police services. We view our responsibilities as a covenant of public trust and recognize that our authority is derived from those we serve. Our mission is accomplished within the moral and legal standards of our community through a partnership of the community and all members of the department.*

Mission statements which define a specific organizational unit, activity, or program are "micro" mission statements. The "micro" mission statement related to the issue question of this study is:

> *We place great value on the protection and preservation of human life and are devoted to minimizing deadly force incidents in our community. As peace keepers, we are sensitive to the issue of deadly force, and are committed to the principle that life and death decisions must be based on ethical and moral, as well as legal perspectives.*

Situational Analysis

Assessing the situation in which the proposed change will occur is an important step in the planning process. A group

comprised of six police department managers, which included two Captains, and four Lieutenants, used two processes to conduct the situational analysis. The first process was an examination of the external environment and the internal organization. In the second process, the group followed a systematic procedure to identify stakeholders and their assumptions. The panel members were selected based on their established background pertaining to the study issue.

WOTS-UP Analysis

This process involved two separate assessments. The first assessment examined external environment factors (opportunities / threats) that could impact on the HBPD's ability to respond to the strategic issue. An "opportunity" is a situation which is favorable to the proposal. A "threat" is a situation which is unfavorable. The second assessment was a capability analysis of the HBPD's internal strengths and weaknesses. A "strength" is a resource or capability that the organization can use to help obtain its objective. A "weakness" is a limitation or defect in the organization that may hamper the attainment of its objective.

External Environment Analysis

Public Scrutiny

Responsible questions regarding deadly force practices should not be interpreted as a threat, but rather, as opportunity to educate versus alienate the citizenry. While some might interpret the close scrutiny of the public as a threat, in reality, the community acts as a means of checks and balances to ensure the

maintenance of professional law enforcement. A misguided or uninformed public, however, could certainly be a threat to the police department's effectively responding to the issue.

Technology/Non-lethal Weapons

Advancing high technology continues to provide state of the art equipment to law enforcement. This would be viewed as an opportunity, particularly as it relates to the development of viable non-lethal weapons. A weapon of this type would provide officers with an alternative to deadly force.

Increasing Crime Rate

Huntington Beach is experiencing an increasing level of violent crime much the same as law enforcement agencies throughout the state. Gang violence, robbery, and assaults are on the upswing, and the proliferation of weapons in our communities is a concern to everyone. This will be a threat to the ultimate success of any efforts to control the use of deadly force. More crime is likely to result in more violent confrontations, and, thus, more shootings.

Media

The media and their less-than-flattering, and often non-supportive, journalistic style, might well prove to be a catalyst in the search for alternatives to deadly force. The attention given by the media to police shootings enhances social awareness and subsequent questioning of police practices. Like it or not, the media also have a way of forcing city leaders and police

administrators into rethinking entrenched assumptions with regard to police training, policies and procedures, and deadly force application. While more often than not viewed as a threat, the media might well be viewed as a necessary evil, "force feeding" us, so to speak, with perhaps less-than-welcome, but much-needed, information.

Increasing Civil Litigation

Civil litigation related to law enforcement's use of deadly force has skyrocketed. This can be viewed as both a threat and an opportunity. The potential fiscal impact is a threat to an enhanced relationship between law enforcement and the community, and will heighten the "us-against-them" philosophy. This threat of fiscal disaster, however, might well be the impetus needed to support a plan to minimize deadly force by the police.

Laws Restricting Deadly Force

This could be viewed as both an opportunity and a threat. More restrictive laws pertaining to law enforcement's use of deadly force would likely reduce police shootings. Fear of criminal prosecution, civil litigation, and administrative sanctions would result, reducing shootings. On the other hand, the safety of both officers and the public could be at further risk, and the "us against them" philosophy further enhanced by what most officers would perceive as a further handcuffing of the police.

Overall Evaluation of Police Training

Clearly this would be an opportunity, if POST were to direct

and coordinate a careful examination of existing law enforcement training. Identifying training that would provide officers with de-escalation skills and alternatives to deadly force would reduce police shooting incidents.

Quality of Police Applicants

This could be viewed as both an opportunity and threat. Huntington Beach has an excellent reputation which has provided an excellent pool of both experienced and recruit-level candidates. In all probability, however, Huntington Beach will not escape the difficulty other law enforcement agencies are experiencing with finding and recruiting qualified applicants. A police officer's job is becoming more and more difficult, thus it would be reasonable for recruitment standards to respond accordingly. A lack of interested and qualified candidates will threaten a plan to reduce deadly force incidents.

Level of Gang Activity

This increasing trend is clearly a threat. Huntington Beach is not immune to the steady emergency of gangs felt throughout the state. As gang violence continues to grow, so will the likelihood of armed confrontations with the police. The public is becoming increasingly alarmed and expectations of officers will be further manifested by this trend.

Fiscal Support

Although the city of Huntington Beach is experiencing a fiscal squeeze common to most municipalities, public safety remains a

priority, and as such, an opportunity. As more demands are placed on budget dollars, what is now viewed as an opportunity may evolve into a threat as city purse strings are tightened.

Availability of Firearms

The proliferation of firearms in our communities is clearly a threat. Many police shootings do not necessarily involve a criminal suspect. The arming of America has resulted in enumerable police shootings where officers have encountered armed citizens whose actions were interpreted as a threat to an officer's safety. Well structured and enforced gun control, on the other hand, could be an opportunity and result in fewer senseless shooting incidents.

Diverse Population Mix

Huntington Beach is experiencing a growing population and a changing ethnic makeup. Diverse languages and cultures will create communication and understanding problems which often give rise to violent confrontations. Language barriers, biases, and unfamiliarity will be a threat and create the potential for more deadly force encounters.

Internal Capability Analysis

Internal Strengths

The HBPD is widely recognized as a progressive well-trained and equipped organization, with a reputation of innovative pro-active education and enforcement efforts. Public safety is a priority in the community and this is evidenced by state of the art equipment provided to employees, and a history of being on the

cutting edge of law enforcement technology.

HBPD officers are among the top paid in Orange County, and overall benefits and working conditions make the HBPD a premier department for which to work. The department's proven ability to attract and retain high quality personnel is envied by other law enforcement agencies who are facing recruiting dilemmas. The high level of experience and formal education speaks to the quality of police service provided to the community and is an invaluable asset in the attainment of department goals and objectives.

The HBPD has a reputation for being enforcement oriented and tough on crime. Although Huntington Beach is experiencing an increase in violent crimes, the level of crime is far less than that of most cities of comparable size and reputation. An aggressive enforcement posture with the criminal element has the effect of making Huntington Beach an undesirable place for them to do business. Fewer criminal contacts should result in fewer police shootings.

The department has a police chief who is providing excellent leadership, and modeling values and principles critical to modern day law enforcement professionals. He has a clear philosophy of openness and cooperation, and has emphasized a departmentwide direction of enhancing a "police/community partnership." This "top down" concept of working with the community, rather than through the community will prove to be a critical strength as the department works to reduce deadly force incidents.

Internal Weaknesses

The chief of police enjoys the support of most department

employees. Unfortunately, common to all organizations, the HBPD has a small percentage of employees who resist change, highlight their own personal agendas, and whose actions and words are counter-productive to the overall team efforts. Although a minority, these individuals truly represent a weakness to be addressed.

The Police Officers' Association (POA) Board of Directors, who some say represent the "vocal minority" and not the "silent majority," broadly interpret their authority and responsibility to the membership. They tend to resist change initiated by management and the resulting conflict hampers the team effort and overall effectiveness of the organization.

The perception of some officers that the HBPD organization is, and should continue to be, a highly aggressive department is a weakness to be dealt with. While a highly aggressive enforcement posture may be viewed as a strength with regards to actual criminal contacts, it is damaging to the department's image and community support when applied inappropriately in day-to-day citizen contacts. Even with respect to criminal contacts, there is a big difference between a highly aggressive law enforcement and a professional high profile enforcement approach.

The staffing level is viewed as a major concern throughout the department. Crime is up and calls for service have increased significantly, but staffing levels have not been increased accordingly. Although nine additional officers were hired this fiscal year, the current 222 sworn positions are expected to "do more with less." Despite a multi-million dollar city budget shortfall this year, public safety remains a priority; however, the

addition of much needed additional personnel is unlikely.

Adaptability to Change

A capability chart was used to evaluate the type and level of change activity which is encouraged within the HBPD. (Refer to Appendix H.) The consensus of the group's observations of the organization was that related change is encouraged and that top management has the skills, knowledge, and mentality to facilitate future strategic plans. The group evaluated the organizational climate with a consensus view that the organization's culture structure would accept and adapt to familiar and related change. The organization's overall skill level would accept and adapt to related change. Novel change, which is currently avoided, is more likely to be accepted in the future as more managers complete the Command College program and become risk takers and change agents.

Strategic Assumption Surfacing Technique

This analysis is the final phase of the situational analysis. This process identifies stakeholders related to the strategic issue being addressed. Stakeholders are individuals, groups, or organizations who: 1.) impact what you do; 2.) are impacted by what you do; 3.) are concerned about what you do. Each stakeholder has a "stake" in the success or failure of HBPD's plan to minimize deadly force incidents. Most stakeholders can be identified and their position on the issue analyzed. Within this group of stakeholders are individuals or groups who are less obvious or are unanticipated. These stakeholders can stop or hinder the direction

of the organization and can ultimately cause serious problems with program implementation. Assumptions are made as to the projected position of each key stakeholder in relation to the issue question. The question was asked, "What does the stakeholder care about or want?" The following is a list of key stakeholders and the assumptions identified for each. Appendix I is a graph which depicts the importance of the stakeholders as they relate to the issue questions, and the level of projected certainty in the assumptions assigned to the stakeholders.

1. Chief of Police--Supportive
   A. Will support any reasonable plan to minimize shooting incidents that does not put officers at further risk.
   B. Will be concerned about city image.
   C. Believes some police shootings are avoidable.
   D. Will be cautious not to alienate officers, but will not be intimidated by them.

2. City Administrator--Supportive
   A. Concerned over city self-insurance, and with increasing civil litigation, thus efforts to minimize incidents that give rise to litigation will be encouraged.
   B. Will be concerned over further strains placed on the budget, but will support reasonable expenditures.

3. Citizens of Huntington Beach--Supportive
   A. Will support alternatives to deadly force.
   B. Will want to participate and be heard on the issue.

C. Unable to fully appreciate all aspects of deadly force decisions, and may make unreasonable demands.

D. Generally support the Police Department, but feel officers need to be more community oriented.

4. Police Management--Supportive

A. Will want to ensure that efforts to minimize officer's use of deadly force do not jeopardize the officer's safety.

B. Will welcome community input, but resist any type of civilian review board.

5. City Attorney--Supportive

A. Will favor Police Department's efforts to minimize lawsuits and litigation costs.

6. District Attorney's Office--Supportive

A. Will consider efforts to minimize police shootings as an example to be modeled by other agencies.

B. Will encourage that police shootings be investigated by the D.A.'s office.

7. Police Academies--Supportive

A. Will be interested in changes and resulting impacts.

B. Want to provide the best training available.

8. POST--Supportive

A. Will encourage the department's efforts to develop a plan

to minimize deadly force incidents.

B. Will provide available resources to assist the department where possible.

9. Police Officers' Association--Opposed

A. Will oppose any plan that further restricts their ability to use deadly force.

B. Will want direct input into any proposed changes.

C. Will view this plan as a threat to their safety and as a lack of support by anyone who endorses it.

10. City Council--Mixed

A. Will favor a plan to mitigate lawsuits arising from police shootings.

B. With the current budget deficit, will be reluctant to approve any change that will place further demands on city coffers.

C. Due to public concern over increasing crime, they will be cautious not to support a program that will hamper officers' ability to do their jobs.

11. Other Law Enforcement Agencies--Mixed

A. Management will view it as a no risk opportunity to evaluate Huntington Beach Police Department's results for possible implementation within their own departments.

B. Police Officer Associations may fear their organizations will follow in Huntington Beach's footsteps.

12. Media--Mixed

    A. Generally mistrust law enforcement agencies and see them as uncooperative and trying to hide public information.

    B. Prefer negative over positive police articles.

13. American Rifle Association--Mixed

    A. Will be interested in maintaining everyone's right to keep and bear arms.

14. Non-P.O.A. Police Department Employees--Mixed

    A. Will likely align themselves with members of the P.O.A.

    B. Will accept change better than officers who will be directly affected.

Three of the stakeholders were identified as less than obvious or unanticipated: the media, American Rifle Association, and non-P.O.A. Police Department employees. Although assumptions were assigned to these stakeholders, each has the potential to raise unforeseen issues.

Modified Policy Delphi

A Modified Policy Delphi is a process designed to generate, analyze, and select strategic policy alternatives to mitigate or prevent the negative future described in the hypothetical scenario, "If We Had Only Opened Our Eyes." Using this process, responses from a panel of seven law enforcement colleagues, which included two police Captains and five police Lieutenants, were used to formulate 14 policy alternatives. Each policy alternative was then rated on its feasibility and desirability, and the following policy

alternatives selected.

1. <u>Public Awareness Program</u>

The HBPD should undertake an extensive public awareness program to acquaint the public with the conditions under which officers work. Emphasis should be placed on enhancing a police / community partnership.

Pros:

- Will develop mutual trust and respect.
- Establish a spirit of cooperation and understanding.
- Mitigate some second guessing of police deadly force decisions.
- May reduce police shooting incidents.
- Will foster community support for the department.
- Benefits will extend far beyond the deadly force issue.

Cons:

- May be resisted by some members of the department.
- Time consuming major undertaking.
- Will require budgeted monies be re-directed or additional appropriations.

2. <u>Values and Ethics Committee</u>

A committee comprised of representatives from throughout the department and community will be formed. The committee will focus on creating a desired organizational culture emphasizing what the department believes in as an organization, and reflecting community

expectations.

Pros:

- Will stress the value of human life, and moral, as well as legal responsibilities.
- Will serve as a guide to expected behavior of employees.
- Serve as a basis for developing or clarifying policies and procedures.
- Enhance community support.

Cons:

- Obtaining "buy-in" of employees.
- Overcoming those comfortable with existing culture and the "If it's not broken, don't fix it" philosophy.

3. <u>Better Defined More Restrictive Deadly Force Policy</u>

The HBPD should develop, implement, and enforce a more restrictive deadly force policy that emphasizes the value of human life.

Pros:

- Reduction in number of police shooting incidents.
- Will provide a more easily understood policy.
- May result in fewer lawsuits.
- If shootings are reduced, trauma to officers should also decrease.
- Will assist in emphasizing the value of human life.

Cons:

- o A more restrictive policy will likely meet with resistance from officers.
- o Might be used against the department and officer in lawsuits.

4. <u>Violence Reduction Training</u>

The HBPD should identify, develop, and emphasize training that will assist officers in handling potentially violent situations without resorting to deadly force.

Pros:

- o Fewer officers and citizens injured or killed.
- o Decrease in lawsuits.
- o Build officers' confidence in their abilities to de-escalate potential violent situations.
- o Improve professional image of officer and the department.
- o Will set the tone for the desired organization culture.

Cons:

- o Traditionalists may view this as a weakening of police authority.
- o Maximum effectiveness would require a buy-in by all training academies used by the department.
- o Would require time and money to "re-program" currently employed officers.

5. <u>Citizen Review Board</u>

A Citizen Review Board comprised of responsible community members should be established for the purpose of reviewing and

making recommendations in all incidents involving police shootings.

Pros:

- Would increase community involvement in the department.
- Would provide a "watch dog" group outside the police culture.

Cons:

- Would likely create a political environment.
- Would be strongly opposed by the Police Officers Association.
- "Horse trainers do not review surgeons"--lack of knowledge could result in unreasonable findings.

6. <u>Non-lethal Weapons</u>

The HBPD should take the lead in promoting and encouraging weapons manufacturers to develop viable non-lethal police weapons.

Pros:

- Viable non-lethal weapons would reduce deadly force incidents.
- Recognition for HBPD.
- Place the department and the chief in the forefront of technology.

Cons:

- Possible conflict of interest between public and private sector.

- Political climate is constantly changing; consequently, so will support and financial commitments.
- Questionable how responsive weapons manufacturers will be to law enforcement vs. military needs.

7. <u>Two Officer Cars</u>

The department should implement two officer cars to provide added safety and options for officers faced with violent confrontations.

Pros:

- May result in fewer police shootings.
- Would be widely accepted by patrol officers.
- Would reduce the fear factor by creating a real or perceived feeling of being less hazardous.

Cons:

- Very unlikely that additional officers would be hired to effectively implement the program.
- Using existing personnel police visibility and response time would suffer.
- The stronger personality and values would prevail.

Recommended Strategy

The authority to use deadly force is the most critical responsibility that will ever be placed on a police officer. When deadly force is used, the impact on the department and officer

involved is unparalleled. Implementing a plan to minimize the use of deadly force and thus prevent the hypothetical scenario from occurring is, therefore, not an easy process. No one policy listed above would be sufficient by itself to provide focus to the project. For that reason, the recommended strategy included several of the policies. The thrust of the recommended strategy was targeted toward the mission statement: *We place great value on the protection and preservation of human life and are devoted to minimizing deadly force incidents in our community. As peace keepers, we are sensitive to the issue of deadly force, and are committed to the principle that life and death decisions must be based on ethical and moral, as well as legal perspectives.*

The recommended strategy includes the following policies:

1. <u>Public Awareness Program</u>

The public's perception of law enforcement is largely based upon an occasional casual contact, unrealistic television programs, and media accounts, which, more often than not, are far from flattering. An extensive public awareness program will need to be developed to provide members of the community with a better understanding and appreciation of an officer's job, particularly as it relates to deadly force decisions. Openness and cooperation will build trust and understanding, and enhance a police/community partnership. The public will develop an appreciation of the many dangerous incidents officers face on a daily basis, and the reality that officers' use of deadly force to control these situations is by far the exception rather than the rule.

2. Values and Ethics Committee

The culture of a police department reflects what the department believes in and determines the organization's effectiveness. The HBPD will establish a Values and Ethics Committee comprised of representatives from throughout the department and the community. Their mission will be to examine the nature of the existing organizational culture to determine if it reflects a system of beliefs conducive to the non-violent resolution of conflict. This committee will identify means by which the stated value of human life will be clearly articulated and communicated throughout the entire organization.

3. Better Defined More Restrictive Deadly Force Policy

The seriousness of an officer's actions in using a firearm will necessitate the promulgation of a clearer and more restrictive deadly force policy. The HBPD should examine and rethink the organization's current deadly force policy, and develop a policy that emphasizes the value of human life and reflects the morals and values of the community. The policy should be comprehensive and stress the use of viable alternatives, even in those cases where legally the officer would be justified in resorting to deadly force. This policy will be a valuable tool in reducing avoidable police shootings, and at the same time provide officers with sufficient latitude in self-protection and improved guidance for the exercise of a realistic level of discretion.

4. Violence Reduction Training

In situations that require action, perception is reality. An

officer who perceives a threat, even when none exists, will act on that perception. While perceptions are, of course, affected by the characteristics of the situation, they are also affected by experience, arousal level, and training. Simply stated, officers will react in deadly force situations as they have been trained to do. Practical violence reduction/intervention techniques need to be identified and integrated into all aspects of training. Officer safety training that provides "no win" scenarios and creates paranoia needs to be carefully evaluated, and a determination made if this type of training is doing more harm than good. A Training Review Committee will be established and work closely with the Values and Ethics Committee to insure that all department activities, including training, are based on the organization's stated value of human life.

Strategy Implementation

The transition management plan for HBPD will be described in more detail in Section IV of this study. First, however, it is important to look at some of the action steps, resources requirements, and timelines which are part of the implementation of the overall strategy. The action steps and timelines described below are general in nature. The specific steps needed to implement the change would more appropriately be identified by the transition management team.

The chief of police has overall responsibility and accountability for the planning and implementation of the plan to minimize the use of deadly force by officers. He must openly

acknowledge the importance of the issue, make a commitment to lead the project, and be willing to commit the required resources. A major resource requirement will be that of personnel to serve on committees and the transition management team. The time and commitment of these individuals is of absolute necessity. While much of the plan evolves around values and changes in the organizational culture, fiscal support will be necessary to provide training to reinforce desired behavior, support identified violence reduction training, and to provide adequate funding for a public awareness campaign. A simple re-visiting of priorities would more than likely significantly reduce any dramatic fiscal impact.

Phase I--Evaluating the Need for Change

Timeline--Can begin immediately and be completed within three months.

This phase includes:

- A review of symptoms or conditions suggesting change is required.
- A determination must be made as to how much control the department has or can reasonably dictate over the conditions providing the stimulus for the change.
- An internal assessment of HBPD's deadly force policy.
- An assessment of whether the organization culture and sub-cultures rewards or encourages the use of deadly force.
- Making a recommendation as to the type of plan that might meet HBPD's needs.

- Approval by management of preliminary recommendation.

Phase 2--Preparing for Change

Timeline--Can begin in three months and be completed in one year.

This phase involves several steps:

- Selection of a transition project manager by the chief of police.
- Selection of representatives from the department, training academies, and the community to act as a transition management team.
- The chief of police will meet with all employee groups and clearly convey the need for change. He will also emphasize the reality of deadly force, and his total support for those officers who resort to use of their firearms when all other reasonable alternatives have been exhausted.
- Educational interventions such as ethics training will be initiated.
- Budgeting for project costs.
- Ongoing communication to reduce employee uncertainty and minimize counterproductive rumors.

Phase 3--Implementation Phase

Timeline--Will begin in one year and take one to two years to fully implement.

This is the phase where the program reaches fruition. It includes:

- A variety of public awareness programs will be introduced via the various media, service clubs, etc.
- The desired organizational culture will be reflected in policies and procedures, the department's value statement, and modeled by management.
- Officers will be introduced to modified and new training which emphasizes de-escalation of violence skills.
- Local academies will begin to phase in violence reduction training.
- The chief of police will personally introduce and "sell" the new more restrictive department deadly force policy.
- A plan will be needed to evaluate the impact of this strategy on police shootings, address unforeseen problems, and provide appropriate feedback to the chief of police.

Section IV

TRANSITION MANAGEMENT PLAN

A DESCRIPTION OF THE CRITICAL MASS AND TRANSITION MANAGEMENT STRUCTURE FOR IMPLEMENTATION OF A PLAN TO MINIMIZE THE USE OF DEADLY FORCE

This part of the study focuses on a transition management plan for the HBPD. The question is, "How Do We Get From Here To There?" The focus will be on developing a plan to manage the transition from the current state of conditions to the desired state of recommended conditions. In the case of HBPD, the question will be answered, "How Are We Going To Manage A Plan To Minimize Police Shootings And The Ancillary Negative Baggage Common To These Incidents?" The success or failure of the change process depends on the management of the transition state--the state in between the current and desired state. It is here that the actual change process takes place.

Commitment Strategy

The first phase of a transition management plan is to develop a commitment strategy. This involves a series of action steps to obtain support of the key stakeholders who are critical to the change effort. From this group of stakeholders, it is necessary to identify the critical mass. This critical mass can be identified as those individuals or groups whose active commitment is necessary to provide the energy for change to occur.[20] The following eight critical mass actors were identified by this researcher and a member of the Police Officers' Association:

- *Chief of Police*
- *Police Officers' Association*
- *Police Management*
- *Residents*
- *POST*
- *City Council*
- *Police Academies*
- *Media*

Commitment Charting

Once the critical mass has been identified, it is necessary to determine the commitment to the proposed change. Table 4 illustrates each actor's current level of commitment and a projection of the actual minimum level of commitment needed to make the change successful. Table 4 is followed by a short summary of each actor and the possible intervention strategies which can be used to gain the needed commitment for success of the transition plan.

Table 4
CRITICAL MASS COMMITMENT CHART

Actors in Critical Mass	Block Change	Let Change Happen	Help Change Happen	Make Change Happen
1. Chief of Police			X →	O
2. Police Officers' Assoc.	X →		O	
3. Police Management		X →		O
4. Residents		X →	O	
5. POST			X O	
6. City Council		X O		
7. Police Academies			X O	
8. Media		X →	O	

X = PRESENT COMMITMENT O = NEEDED COMMITMENT

Chief of Police--The Chief of Police realizes the impact that deadly force incidents have on the organization and community, and supports the need to implement a plan to minimize officer involved shootings. He has been the Chief of Police of Huntington Beach for one and one-half years, has considerable chief executive experience from another Orange County city, and is a POST Commissioner who is respected throughout the state as a professional modern day chief at the forefront of change. Although relatively new to the organization, the Chief has embraced and created change; however, recognizing that all change does not occur overnight, has appropriately avoided sweeping changes within the Department.

Although the Chief is currently prepared to help this change happen, it will be necessary that he champion this effort and his level of commitment be moved to the "Make Things Happen" category. His responsibilities may not allow him to directly manage the change; however, there should be no doubt as to the importance and support of this change from his office. This shift in commitment level can best be accomplished by pointing out the opportunities vs. the liabilities, and providing the Chief with well-thought-out viable action steps to minimize deadly force incidents involving HBPD officers.

Police Officers' Association (P.O.A.)--The Police Officers' Association will view this change strategy as a weakening of the Department's administration, a "knee-jerk" reaction to public pressure, and a threat to officers' safety and their ability to do the job. The Chief of Police will be targeted as a "political animal" interested in only enhancing his own image and career

potential. The assumptions assigned to the P.O.A. place it in the "Block Change" category. A commitment of simply allowing change to happen would be unacceptable. The support and involvement of the P.O.A. are critical to a successful change process; thus, their level of commitment needs to be moved to the "Help Change Happen" category. This can best be achieved by moving cautiously, providing accurate information and answers to questions, and creating ownership through participation, so to speak, in the diagnosis and implementation planning. The P.O.A. must be assured by the chief that no change will be implemented that will put the officers at further risk. With this said, the benefits to the officers from this change will need to be emphasized to effectively raise their awareness level and acquire their support.

Police Management--Police Management are key members of the critical mass. The Chief aside, they are the people responsible for the execution of the plan and modeling of the desired change. They most complement one another in a management team effort and move from a position of "letting Change Happen" to the "Make Change Happen" category. Team building would be an effective approach, with total buy-in as the goal. Clearly identifying why the change is occurring is essential so that it can be clearly understood and communicated downward by management. The chief's participative management style and his flexibility will prove to be an asset in obtaining the desired level of commitment from this group. Continued strong leadership and a sense of direction from the chief's office will create enthusiasm for change.

Residents--It might be said that the residents want the best of both worlds. They want a safe community, but will not accept many of the realities of deadly force. While some might view this as an unrealistic demand, it is the responsibility of the HBPD to strive for this utopia. As long as they are not adversely affected, residents are viewed as being in the "Let Change Happen" category. In order for the change process to work they must help change occur. Information is a valuable resource, and nowhere is this more true than in the law enforcement/public arena. Public awareness programs and a spirit of openness and cooperation are essential to gain the required commitment. Selecting members of the community to participate in strategy committees and as welcome members of the transition team will foster their needed level of support and go a long way to enhance a police/community partnership.

POST--POST is viewed as being in the "Help Change Happen" category, with the necessary commitment in place. They can be expected to encourage HBPD's efforts and provide available resources as required. HBPD's chief has a commitment to improving training within the entire law enforcement community, and in his role as POST Commissioner, he will be able to encourage POST's ability to provide training and selection of resources to this effort and others like it.

City Council--The members of the city council represent the public's best interest, and in so doing should present no threat to the change process. They will be cautious not to support

unrealistic or unwarranted change, but they respect the chief of police and can be expected to support his efforts. The city council is viewed as being in the "Let Change Happen" category. While it is possible that the council could be called upon for additional fiscal support, the minimum level of commitment judged necessary is now in place.

Police Academies--The HBPD currently uses either the Golden West Criminal Justice Training Center or the Orange County Sheriff's Academy to train new officers. Although a significant part of the change strategy for the time being is intrinsic to HBPD, academy training of new officers must be integrated with internal changes if the process is expected to be successful. Both academies are well recognized for their professional level of instruction and are seen as being in the "Help Change Happen" category with the needed commitment in place. This, of course, rests on the assumption that training changes are backed by positive results and are responsive to the needs and demands of the department's using the respective academies.

Media--The media is the primary mechanism for the delivery of the image of law enforcement to the public. The media is viewed in the "Let Change Happen" category. Despite what at times appear to be adversary roles, a cooperative and understanding relationship should be established. The HBPD must move the media to the "Help Change Happen" category, for without their help, a public awareness program will likely fail. The department must cooperate with the media if their help is expected in the change process.

Transition Management Structure

To be successful, organizational change does not occur overnight. Effectively managed change takes place in three phases; 1.) pre-change state, 2.) transition state, and 3.) post-change or future state. It is extremely difficult for a stable organization to use existing structures to change itself. The management structure for the proposed change for HBPD must be uniquely suited to the task. It should be temporary, and focus specifically on the transition process.

The change strategy involves a major issue and the potential for significant modification as to the manner in which officers handle future deadly-force encounters. As the critical mass analysis points out, the chief of police will need to be very involved in the change process. However, the demands and responsibilities of his position will not allow him to devote the necessary time to manage it himself. Although the chief will remain visible and involved to show his support for the change, he will need to select a high ranking officer to truly champion the project and head a transition management team. The transition project manager will possess the authority to make decisions and cross organizational barriers. The individual must have outstanding interpersonal skills, the respect of the internal and involved external stakeholders, and a strong commitment to making the changes process a successful one. The project manager will in theory take on the "executive" role, and will report directly to the chief of police.

The transition management team will be comprised of representatives from the various constituencies who can effectively

address training, fiscal, legal and moral, and other issues. This team will have the "clout" to mobilize resources and keep the transition process on line with the established time line.

Implementation Technologies

Transition management plans must address the technologies and methods which can be employed to support implementation. Resistance to change is a natural phenomenon. Uncertainty about what will happen and when can cause increased anxiety and result in behaviors that work against achieving the desired end state. For change to be successful, efforts must be aimed at managing anxiety and uncertainty. It is critical that key problems are anticipated, consideration is given to proper timing, plans are clear and consistent, communication flows freely, and an "appetite" for change permeates the organization.

Five methods and technologies have been selected for inclusion in the transition management plan. They are discussed below:

Responsibility Charting

Responsibility charting is an effective technique for clarifying behavior which is needed to bring about change tasks, actions, or decisions. This technique will be beneficial in reducing ambiguity, saving energy, and reducing interpersonal reactions of people involved in the change process. Appendix J is a responsibility chart that outlines some of the action steps that will need to be taken by the involved actors in the change process. A member of the Modified Policy Delphi panel assisted this researcher in developing the data. Based upon the factors

identified in the chart, the chief of police is responsible for the selection of the transition management team and for introducing the project to department employees, and has approval rights on most of the other action items. The project manager is responsible for developing the overall plan, a mission statement, monitoring the change, and other action steps. By using the chart to clearly spell out roles and relationships, confusion and power struggles can be avoided.

Conflict Management

Conflict, per se, is not bad; but uncontrolled, unmanaged conflict can be destructive to the change process. Conflict situations can be utilized to get "personal skin" into the process and thus create a personal need to change. By pointing out the negative impacts of a deadly force incident on both the officers and their families, officers are personally affected and should be more accepting of the proposed change strategy. Focus will be on issues, not people.

Questionnaire/Survey

A well structured questionnaire or survey instrument will serve as a valuable tool to help communicate to employees where the organization is headed, and will also give them a sense of worth by allowing them to contribute valuable information to the transition management team. The idea that management cares about the opinions and thoughts of line personnel will serve as a positive step in the right direction.

Milestone Recognition

The transition plan will employ designated milestones denoting progress toward the goal. It will begin with the chief introducing the plan to all department employees and followed up with a press conference. Significant events (such as the introduction of violence reduction training for inservice training) will be formally announced and celebrated. This will assist in moving away from the past and preparing for the future. This will also serve as a tool or "feedback mechanism" to build momentum and mitigate anxiety caused from poor communication flow. Desired behavior should be publicly recognized and rewarded. Officers who legally could have used deadly force, but chose a reasonable alternative should be identified as "heroes."

Communicating a Vision of the Future

It has been said that where there is no vision the people perish. Since it is a natural tendency to maintain the status quo and be suspect of change, the organization must clearly communicate the problems felt, the rationale for change, and a clear vision. This is not a one-time task; it is an ongoing process that serves to keep the vision in the forefront in peoples' minds. The chief and his management staff will fill a crucial role in this regard. The chief will set the tone by introducing the plan, but it will require the efforts of his combined staff to share and sell the vision to others.

Section V

CONCLUSIONS, RECOMMENDATIONS, AND FUTURE IMPLICATIONS

TODAY'S REALITY--TOMORROW'S VISIONS

ACCEPTING THE THE CHALLENGE

The conclusion will be broken down into two separate sections: An answer to the issue and sub-issue questions with a summary of recommendations; and an identification of subjects for future study.

Answers and Recommendations

This paper dealt with the issue question: "What will influence the use of deadly force by law enforcement by the year 2000?" To provide focus to the project, the study was further defined by use of the following sub-issues:

- What will be the impact of public attitudes on law enforcement's use of deadly force?
- How will increasing civil litigation affect the use of deadly force in the future?
- What role will training play in addressing the "deadly force dilemma?"

The police use of deadly force is an awesome power delegated to law enforcement officers by the society they are sworn to serve. How and when that force is used has become the source of great controversy. The public is asking more questions, and challenging split-second deadly force decisions. This is difficult for many officers to accept. However, since society has given law enforcement officers the authority to carry firearms, society must also retain some right to control the use of those weapons.

In the future, the public can be expected to become increasingly more vocal and questioning of when the use of deadly force by law enforcement officers is "reasonable." Public attitudes can not, nor should they, be ignored. Organizations that fail to recognize and proactively respond to community concerns about the use of deadly force will lose the support they so badly need. A reasonable assumption would be that if the public input is not encouraged or allowed, they may take total control in the future. Unrealistic shooting policies, civilian review boards, and a magnification of the "us against them" philosophy are but a few of the negative implications likely to result.

Perceptions regarding police and police misuse of force are like Aesop's three blind people who touched the ear, the trunk and the side of an elephant. The first saw the elephant as flat and floppy like a pancake; the second said it was tough and round like a tree; and the third insisted the beast was as thick and high as a wall. While none of these three blind persons really saw the elephant, for each the perception of the elephant was not only accurate, but their only reality. Similarly, then, while a community's perceptions of police and police use of force are, for that community their only reality, the objective reality of police and police misuse of force may be otherwise. Thus, it must be understood that a community's perception may not be in accord with objective reality.

Law enforcement organizations must, therefore, recognize the power of information, and rather than allow it to be used to discredit them, they must develop public awareness programs to market this valuable resource. The concept of police/community

partnerships must become a reality, not just another program used to placate the public and be added to the chronicles of community relations efforts.

It is law enforcement's responsibility to educate the public about the circumstances when the police may use physical and deadly force, the absence of alternatives, and the manner in which these incidents are investigated. The media, service clubs, and schools are but a few examples of vehicles that can be effectively used to provide the community with an appreciation of the relative infrequent use of deadly force by law enforcement in contrast to the daily diet of violence society imposes upon them. The community that is informed and involved will have a more realistic foundation by which to judge deadly force incidents, and renewed support for officers faced with these life and death decisions.

Law enforcement agencies and their employees have become popular targets of what appears to be an ever increasing litigious society. People shot by law enforcement officers, their families, and financially driven attorneys have targeted municipalities and county government with both state and federal lawsuits. Can law enforcement agencies and their respective city or county governments survive in this climate? The answer is a profound, no! Those who are self-insured will be unable to survive the fiscal impact of dramatic monetary awards, and the others unable to pay the astronomical rates of their insurance companies.

Public scrutiny will no doubt come into play as the community watches its tax dollars be absorbed by lawsuits and litigation costs. The mere threat of the awarding of punitive damages, will further exacerbate the trauma that not only the officer, but his

family, realize after a deadly force incident. A common concern of police officers is that increasing civil litigation might also cause an officer to hesitate when deadly force is the only viable alternative, and thus result in injury to the officer or someone in the community.

Obviously, law enforcement administrators cannot afford a wait-and-see attitude. Law enforcement agencies must be self-examining, and willing to thoroughly examine the nature of the existing organizational culture to determine if it reflects a system of beliefs conducive to the non-violent resolution of conflict. The value of human life should be clearly articulated throughout law enforcement organizations and reflected in all activities. This includes recruiting, selecting, promoting, and assigning staff that exemplify the department's values.

The police culture is such that officers who shoot someone in the line of duty are "heroes" to many of their fellow officers. This hero worship is further magnified by what some officers feel is automatic, formal valor awards bestowed on these officers by the organization. Officers who exhaust all available alternatives and are forced to resort to deadly force must be supported, and in some cases clearly are deserving of formal department recognition. It is important, however, that officers, especially young impressionable officers, new to the job, not view shooting someone as an accelerated path to acceptance, or earning their "bones," so to speak. This can be overcome by rewarding those officers who choose viable alternatives to deadly force, even in those cases where using their firearm would have been legally justified. Those officers whose behavior speaks to an appreciation of the values of

human life and department values, and whose adroit tactics negate the need to use deadly force should be billed as the heroes for others to emulate.

Law enforcement organizations should re-examine their existing deadly force policies to ensure that they emphasize the value of human life and stress the exhaustion of all alternatives before deadly force is sanctioned. Policies should be adopted that allow the use of deadly force in defense of life, and at fleeing felons where the threat of violence is immediate or in those cases where the officer at the time of the shooting can clearly articulate known facts that indicate an "imminent" threat of death or serious injury if the suspect is not apprehended immediately. Police administrators should not be dissuaded from developing policies more restrictive than existing law or case decisions due to the threat of civil liability.

Training will play a critical role in addressing the deadly force dilemma. In situations that require action, perception is reality. When officers perceive threats, even when none exist, they will act on those perceptions. In deadly force situations, officers will react as they have been trained to do.

Law enforcement officers in California are fortunate in that they are provided with some of the best training in the world. POST, training academies, and individual police agencies recognize the significance of professional, modern training, and thus place a high priority on affording state of the art training to officers. However, faced with the many negative impacts when an officer pulls the trigger, training must be revisited, so to speak, to ensure that desired behavior is reinforced and specialized skills are

commensurate with expectations.

Emphasis should be placed on violence reduction training at both the academy and inservice training levels. Practical violence reduction/intervention techniques need to be identified and integrated into all aspects of police training. Emphasis should be placed on classes that enhance officer confidence, particularly in the area of self-defense skills. Training in hand-to-hand defense and non-lethal weapons should be consistent with the ongoing training that officers receive with firearms today. Officers' verbal skills must be enhanced, and these improved communication skills be integrated with other skills training. Ethics and values training should be a priority during academy training, and continually re-enforced through inservice training and by management modeling desired and accepted behavior. "Tactical retreat" must be taught and sold to the officers as a sign of good common sense, rather than a sign of weakness. Training that builds upon the "macho image" and that sends a message that the officer must win at all costs should be identified and eliminated from all training curriculums. Officer safety training should be structured so as to avoid as much as possible the paranoia that it tends to create in officers. The training should certainly make the officer aware that the threat exists; however, it should be structured cautiously so as to not further foster the "us-against-them" philosophy and drive a further wedge between the officers and the community they serve.

Subjects for Future Study

During the course of this study, three issues arose which are

worthy of further examination. Each could be a potential project for a Command College student.

On March 3, 1991, several unsuspecting law enforcement officers were videotaped by a citizen as they used what was vividly displayed as totally inappropriate force in taking a suspect into custody. The suspect, Rodney King, was soon to become a household word. This incident was carried on nationwide television, and has resulted in serious questions being raised about the use of force by law enforcement officers. This incident suggests two areas of research that are not only timely, but would be of great value to the law enforcement profession. The first issue would be an exploration of non-lethal force. How much force is appropriate? Do law enforcement officers abuse their authority to use "reasonable" force? What effect will the Rodney King incident have on law enforcement's use of force? These and other questions provide plenty of room for thought and future research.

A second interesting issue brought to the surface by this incident is the concept of law enforcement agencies providing videotaping capabilities to officers in the field. What will be the future of video technology in police vehicles? Can field videotaping be used to defend police departments and their employees against citizen complaints and lawsuits? These are interesting questions and represent the potential for challenging research projects.

Another issue worthy of study is an examination of who should investigate officer involved shootings. Some law enforcement agencies investigate their own shootings, while others opt to use an outside independent agency. The public and media frequently cry

"cover up" and speak of improprieties regardless of method used. Should one agency be used statewide to investigate all police shootings? Will the public maintain the faith, so to speak, and continue to allow law enforcement to investigate their own? There are many opinions on this issue and emotions are known to run high when the topic is brought up for discussion. As noted in this research project, the public is becoming more questioning of the police. This scrutiny has been fueled at an alarming rate by a small percentage of law enforcement officers whose poor judgment, improprieties, and in some cases criminal acts, have "tarnished" a badge that symbolizes the trust and respect bestowed upon those who proudly wear it.

Appendix A

BIBLIOGRAPHY

Baganz, J. D. "Court Decisions for the Police Manager." Law Enforcement Technology (February 1990): pp. 35-39.

Beckhard, Richard and Reuben T. Harris "Organizational Transitions --Managing Complex Change," Addison-Wesley Publishing Company, 2nd Edition, 1987.

Binder, Arnold "The Badge and the Bullet" Police Use of Deadly Force, Praeger Publishers 1983.

Binder, Arnold "Lethal Force in a Police Response." Criminal Justice Abstract (June 1984): pp. 250-280.

Bowers, Gordon A. "Avoiding the Recruitment Crisis." Journal of California Law Enforcement 24(2) (1990): pp. 64-68.

Bozza, Charles M. and Fardad Fateri "Alternatives to Deadly Force: What the Future Holds." Journal of California Law Enforcement 24(1) (1990): pp. 30-34.

Callahan, Joseph and Robert Harris "Deadly Force and Civil Litigation." Journal of California Law Enforcement 21(2) (1987): pp. 47-50.

Cassidy, J. Warren "Why Gun Control Hasn't Worked--And Won't." The Police Chief (March 1988): pp. 12.

Chaney, Rodney "Judgement Training with the Use of Deadly Force." The Police Chief (July 1990): pp. 40-44.

Clede, Bill "Threat Response Training." Law and Order (May 1987) pp. 62-65.

Cohen, Allan et al. Effective Behavior in Organizations Fourth Edition (1988) Irwin Publication.

Department of Justice "Homicide in California 1988." Uniform Crime Report for 1988 (December 1989).

Department of Justice "Homicide in California 1989." Uniform Crime Report for 1989 (December 1990).

Department of Justice "Law Enforcement Officers Killed and Assaulted." Uniform Crime Report for 1988 (December 1989).

Department of Justice "Law Enforcement Officers Killed and Assaulted." Uniform Crime Report for 1989 (December 1990).

DuChesne, Loren W. and Vincent L. Vasil "Responding to Use of Deadly Force the Rollout Team." The Police Chief (May 1983): pp. 38-41.

Fyfe, James J. "Police Use of Deadly Force: Research and Reform." Justice Quarterly 5(2) (1988): pp. 165-201.

Fyfe, James J. "Lawsuits Against Police--What Impact Do They Really Have?" Police Management Today (1985) pp. 55-64.

Geller, William A. "Deadly Force." National Institute of Justice Crime File (1989).

Geller, William A. "Section 1983 and the Changing Face of Police Management." Police Leadership in America (1985) pp. 226-236.

Hall, John C., J.D. "Police Use of Deadly Force to Arrest--A Constitutional Standard." F.B.I. Law Enforcement Bulletin (June 1988): pp. 23-30.

"Hard Times Won't Necessarily Rocket Crime Rate, Experts Say", Orange County Register, Section A, January 6, 1991.

Hull, Grafton H., Jr. and Joseph C. Frisbie "The Stun Gun Debate: - More Help Than Hazard?" The Police Chief (February 1987): pp. 46-51.

Huntington Beach Police Department Manual of Rules and Regulations "Deadly Force Policy" 10/8/90.

International Association of Chiefs of Police "A Balance of Forces Model Deadly Force Policy and Procedure." (1985).

"Justice Under the Gun." Orange County Register, Section N, March 1990.

Kaune, Michael M. "Liability in Police Use of Deadly Force." American Journal of Police 8(1) (1989) pp. 89-102.

Lundstrom, Ross and Cynthia Mullan "The Use of Force--One Department's Experience." F.B.I. Law Enforcement Bulletin 56(1) (January 1987): pp. 69.

Matulia, Kenneth J. "The Use of Deadly Force: A Need for Written Directives and Training." The Police Chief (May 1983): pp. 30-34.

McCarthy, Ron "Real Issues and Answers in Police Use of Deadly Force." The Police Chief (October 1988) pp. 33-37.

McCauley, Paul and Steven Edwards "More Bullets - More Risks..." Journal of California Law Enforcement 27(2) (1990): pp. 51-55.

Means, Randy and Bob Thomas "Objective Reasonableness Standard for use of Non-deadly Force Established." The Police Chief (July 1990): pp. 45-46.

Milton, Catherine H. "Police Use of Deadly Force." Police Foundation 1977.

Montanio, John "Culver City's Approach to Officer Involved Shootings." Journal of California Law Enforcement 23(3) (1989): pp. 67-72.

Moorman, Charles B. "Peace Officers Murdered in California with One Shot." Journal of California Law Enforcement 24(4) (1990): pp. 105-116.

Nicoletti, John "Training for De-escalation of Force." The Police Chief (July 1990): pp. 37-39.

National Institute of Justice "Values in Policing." Perspectives on Policying (8) (November 1988).

"O. C. Shootings by Officers are at Record High." Los Angeles Times, Section A, January 2, 1990.

Orasin, Charles J. "Reasonable Gun Laws Can--And Do--Work." The Police Chief (March 1988): pp. 13.

Police Officer Standards and Training "California Peace Officers Killed in the Line of Duty January 1, 1980 to November 1, 1986." (December 1986).

Police Officer Standards and Training Guidelines for Law Enforcement Officer Safety (1987).

Rivetti, Dominick J. "What is the Future of Less Than Lethal Weapons in Law Enforcement?" P.O.S.T. Command College Class V Project (1987).

Schrader, George E. "Firearms Training/Civil Liability. Is Your Training Documentation Sufficient?" F.B.I. Law Enforcement Bulletin (June 1988): pp. 1-3.

Shea, Gordon F. "Practical Ethics" AMA Membership Publications Division (1988).

Sweetman, Sherri "Report on the Attorney General's Conference on Less Than Lethal Weapons." Issues and Practices in Criminal Justice (March 1987).

Thompson, George Verbal Judo for Law Enforcement Officers. (1984).

"Time to Keep an Eye on OC's Police." Orange County Register, Section B, April 6, 1990.

Weiss, James P. "Post-Trauma Stress: When the Police Officer Uses Deadly Force." Police Marksman (July/August 1989): pp. 26-30.

Wiken, Gordon "Cops Under Fire." U.S. News and World Report (December 3, 1990): pp. 33-44.

"When a Cop Shoots, Who Takes Close Look?" The San Diego Union (December 1990) North County Edition.

"19 Cities Set Records for Murder" U.S.A. Today, Section A, January 2, 1991.

"56 Shootings by L.A. Deputies Called Suspect." Orange County Register, Section A, October 8, 1990.

Appendix B

PERSONS INTERVIEWED

1. Chief Ronald E. Lowenberg
   Huntington Beach Police Department
   2000 Main Street
   Huntington Beach, CA 92648

2. Captain Bruce Young
   Investigation Division Commander
   Huntington Beach Police Department
   2000 Main Street
   Huntington Beach, CA 92648

3. Detective Richard Hooper
   Homicide Unit, Investigation Division
   Huntington Beach Police Department
   2000 Main Street
   Huntington Beach, CA 92648

4. Chief Joseph McNamara
   San Jose Police Department
   P. O. Box 270
   San Jose, CA 95103-0270

5. Officer Guy Bernardo
   Training Unit
   San Jose Police Department
   P. O. Box 270
   San Jose, CA 95103-0270

6. Chief Raymond J. Forsyth
   Visalia Public Safety Department
   303 S. Johnson Street
   Visalia, CA 93291

7. Chief Patrick M. Connolly
   Huntington Park Police Department
   6542 Miles Avenue
   Huntington Park, CA 90255

8. Captain Dave Hall
   Training and Development Division
   San Diego Police Department
   1401 Broadway
   San Diego, CA

9. Captain James M. Hahn
   Criminal Investigation Division
   Oakland Police Department
   455 Seventh St.
   Oakland, CA 94607

10. Sergeant Terry Boyd
Training Unit, Laser Village
Orange County Sheriff-Coroner Department
550 N. Flower St.
Santa Ana, CA 92702

11. Jack Schmida (Retired Sergeant, LAPD)
Training Unit Assistant-Laser Village
Orange County Sheriff-Coroner Department
550 N. Flower St.
Santa Ana, CA 92702

12. Sgt. Chuck Urso
Use of Force Review Section
Los Angeles Police Department
150 N. Los Angeles St.
Los Angeles, CA 90012

13. Officer James R. Young
Training Academy
California Highway Patrol
3500 Reed Ave.
Bryte, CA 95605

14. Loren W. DuChesne
Chief Bureau of Investigation
Orange County District Attorney's Office
700 W. Civic Center Drive
Santa Ana, CA 92702

15. Bryan Brown
Supervising Deputy District Attorney
Homicide Unit
Orange County District Attorney's Office
700 W. Civic Center Drive
Santa Ana, CA 92702

16. Donald E. Moura
Senior Consultant
Commission on Peace Officer Standards and Training
1601 Alhambra Blvd.
Sacramento, CA 95816-7083

17. Richard F. Toohey, Judge
Harbor Municipal Court
4601 Jamboree Road
Newport Beach, CA 92660-2595

18. Bruce D. Praet
Attorney at Law
Law Offices Ferguson, Praet, & Sherman
333 South Anita, Suite 630
Orange, CA 92668

19. Arnold Binder
Professor Social Ecology
University of California at Irvine
1 Bridge Road
Irvine, CA 92717

20. Russell Hunter
Professor
California Graduate Institute
1100 Glendon Avenue, 11th Floor
West Los Angeles, CA 90024

21. George J. Thompson
Professor
Verbal Judo Institute
5400 Phoenix NE, Suite 201
Albuquerque, New Mexico 87110

Appendix C

NOMINAL GROUP MEMBERS

1. Police Executive
2. Police Supervisor from an Internal Affairs Unit
3. Police Homicide Detective
4. Manager/Chief Criminalist
5. Public Relations Consultant
6. Supervising Deputy District Attorney
7. Community College Associate Dean

Appendix D

TRENDS IDENTIFIED BY THE NOMINAL GROUP PANEL

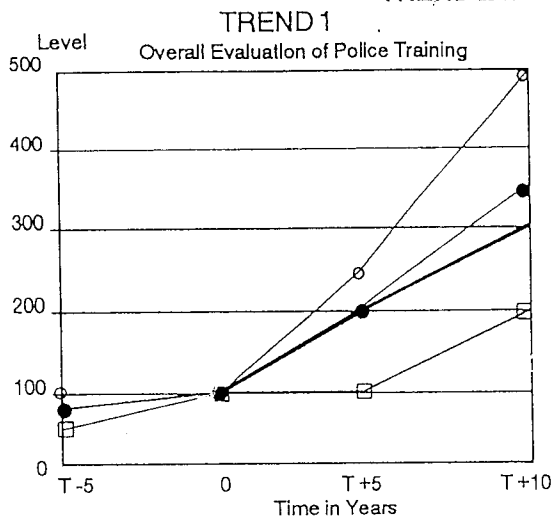
1. Overall Evaluation of Police Training
2. "Us-Against-Them" Philosophy
3. Standards for Recruitment and Selection of Police Officers
4. Use of Non-lethal Weapons
5. Level of Gang Activity
6. Degree of Concern over Law Enforcement's Use of Deadly Force
7. Availability of Non-lethal Weapons
8. Extent of Civil Litigation
9. Bias of Media Coverage
10. Volume of Violent Crime
11. Extent of Drug Problem
12. Degree of Police Physical Fitness
13. Standards for Gun Control
14. Range of Deadly Force Training Alternatives
15. Extent of Racial Prejudice
16. Availability of Weapons to the Public
17. Level of Ethnic Attitudes Toward Law Enforcement
18. Number of Critical Incidents
19. Changes in Sentencing Practices
20. Degree of Public Involvement
21. Criminal Prosecution of Police
22. Attorney Representation of Police
23. Overall Social Awareness
24. Police/Citizen Ratio
25. Law Enforcement Posture
26. Degree of Police/Community Interaction
27. Level of Police Experience
28. Demographic Makeup

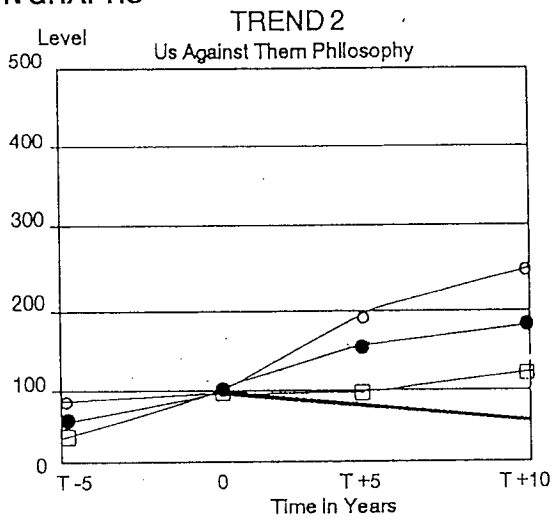
Appendix E

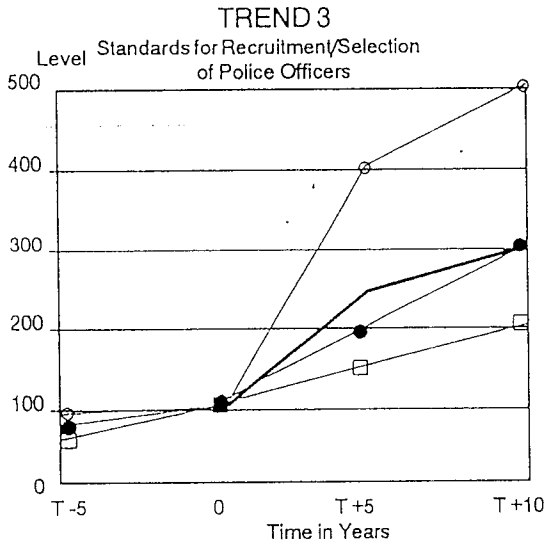
EVENTS IDENTIFIED BY NOMINAL GROUP PANEL

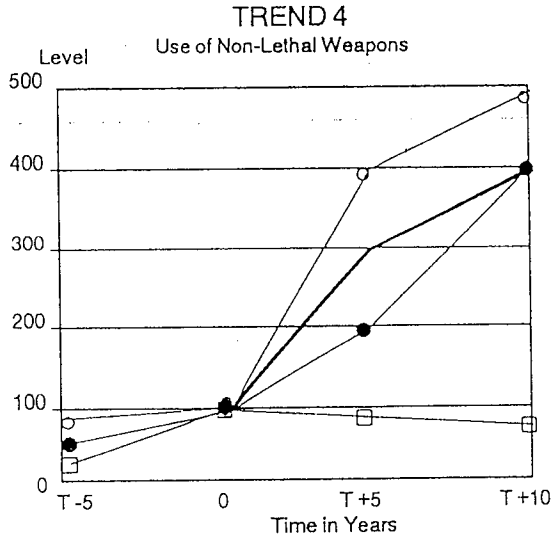
1. Police Shooting Prompts Twenty Million Dollar Lawsuit
2. High Court Limits Police Use of Deadly Force
3. Trainer Held Vicariously Liable for Officer's Actions
4. Smith and Wesson Introduces Non-lethal Weapon
5. Vietnamese Gang Heavily Armed
6. City Council Votes to Establish Citizen Review Board
7. Citizens Question Sixth Officer Involved Shooting this Year
8. Police Lower Hiring Standards
9. Narcotic Officer Shot During Raid
10. Private Ownership of Firearms Restricted by New Law.
11. Drive-by Shooting Kills Two at Local High School
12. Police Department Ordered to Turn Over Officer's Personnel Records to Orange County Register
13. Mother of Infant Mistakenly Shot by Police Demands Criminal Charges be Filed Against Veteran Officer
14. Multiple Murders in Orange County
15. Suspect Dies in Custody
16. Black Juvenile Shot
17. Skinhead Gang Riots
18. Choke Holds Questioned
19. Custodial Procedures Questioned
20. Non-lethal Stun Guns Questioned
21. Police Harass Citizens
22. Police Out Gunned
23. Racial Bias Implied in Recent Police Shooting
24. Department of Justice to Review all Police Shootings
25. Officer Ordered to Pay $100,000 in Punitive Damages

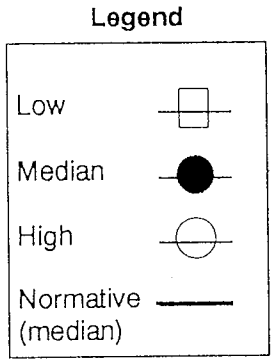
Appendix F
TREND EVALUATION GRAPHS

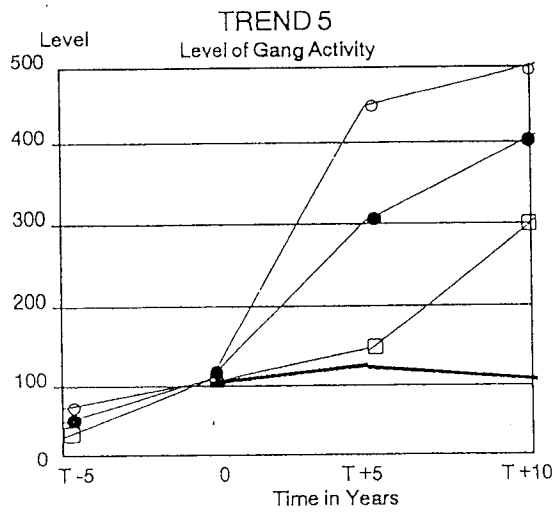








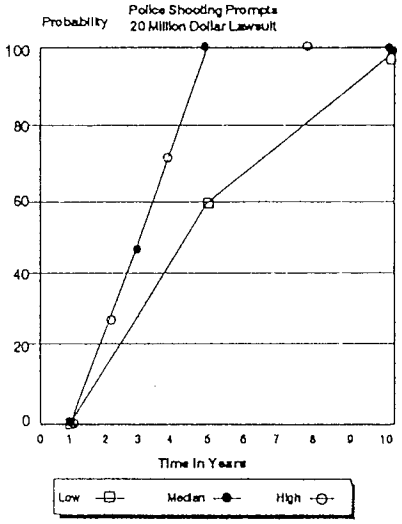


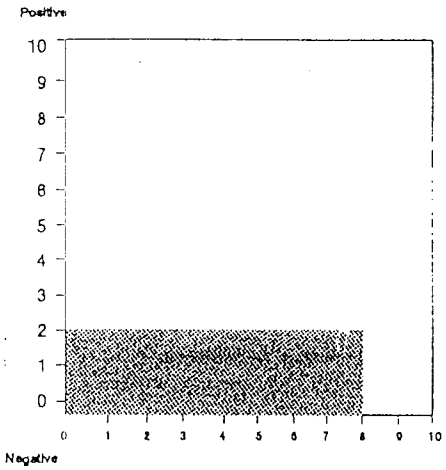


Appendix G

Event Evaluation Graphs

EVENT 1





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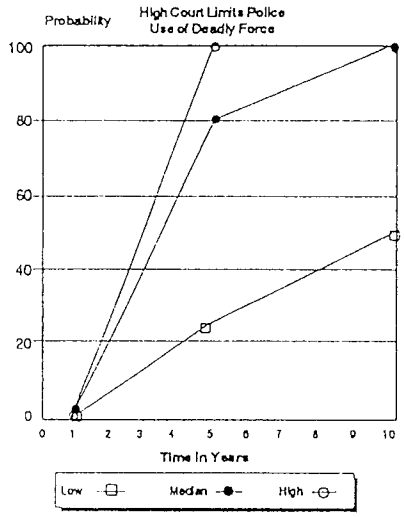

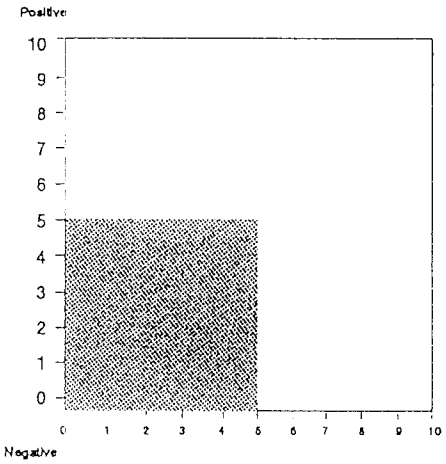

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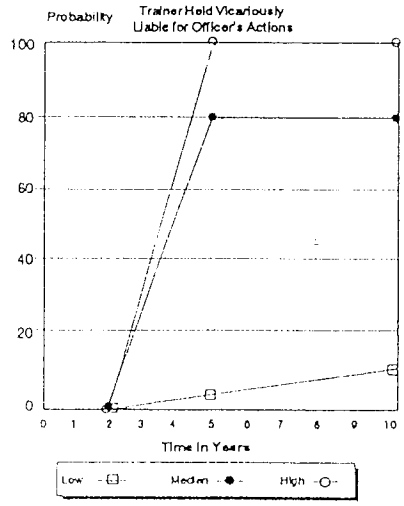
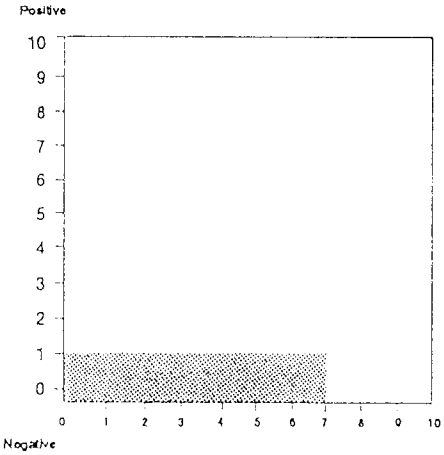
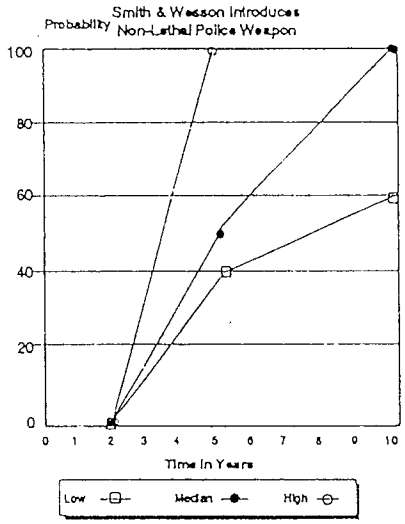
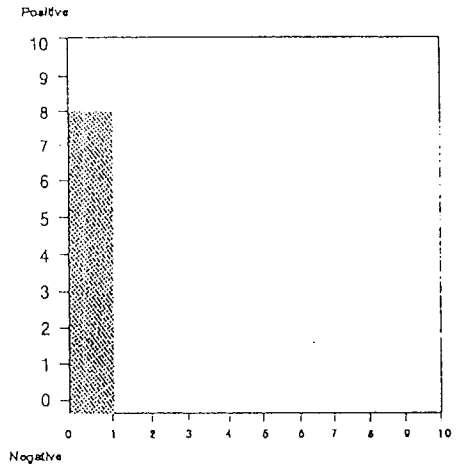




Appendix G
Event Evaluation Graphs

EVENT 4





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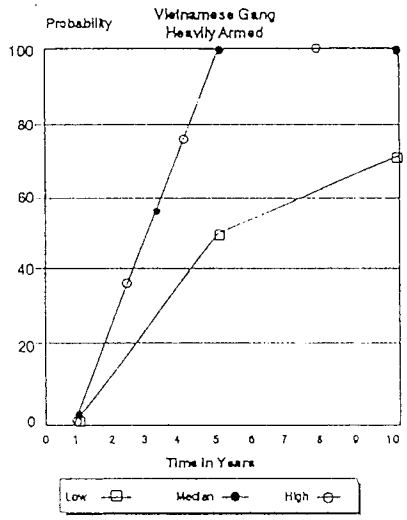
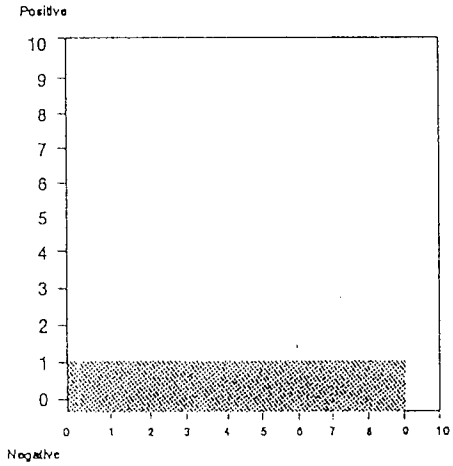




APPENDIX H

HUNTINGTON BEACH POLICE DEPARTMENT--CAPABILITY ANALYSIS

FUTURE CAPABILITY TO MINIMIZE THE USE OF DEADLY FORCE

Instructions:

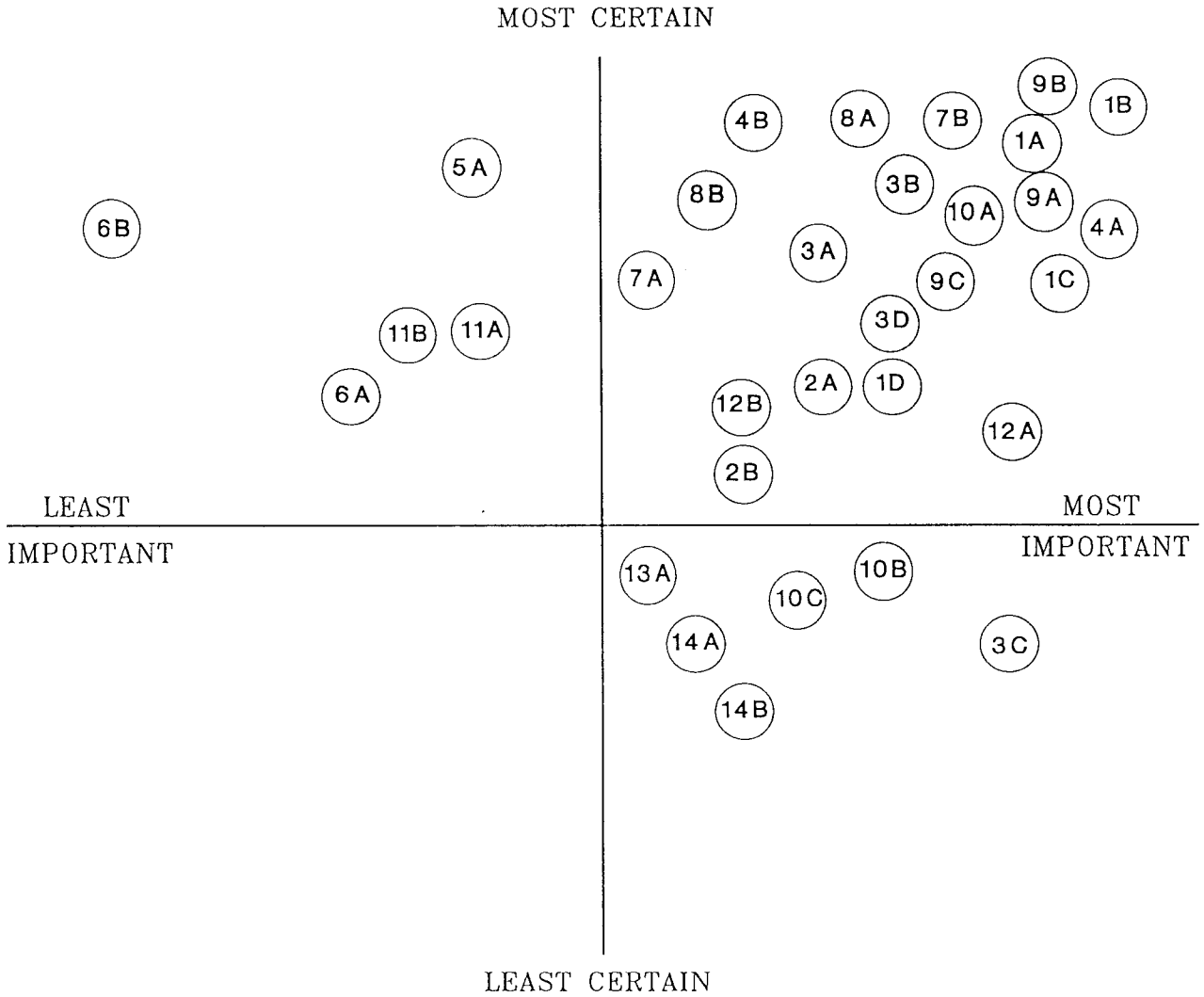
Evaluate each item for the Huntington Beach Police Department as to what type of activity it encourages:

I	Custodial	Rejects Change
II	Production	Adapts to Minor Changes
III	Marketing	Seeks Familiar Change
IV	Strategic	Seeks Related Change
V	Flexible	Seeks Novel Change

Category:	I	II	III	IV	V
TOP MANAGERS:					
Mentality Personality	___	___	___	X	___
Skills/Talents	___	___	___	X	___
Knowledge/Education	___	___	X	___	___
ORGANIZATIONAL CLIMATE					
Culture/Norms	___	___	X	___	___
Rewards/Incentives	___	___	X	___	___
Power Structure	___	___	X	___	___
ORGANIZATION COMPETENCE					
Structure	___	___	___	X	___
Resources	___	___	___	X	___
Middle Management	___	___	___	X	___
Line Personnel	___	___	X	___	___

APPENDIX I

Strategic Assumption Surfacing Map



Stakeholders

1. Chief of Police
2. City Administrator
3. Citizens of Huntington Beach
4. Police Management
5. City Attorney
6. District Attorney's Office
7. Police Academies
8. POST
9. Police Officer's Association
10. City Council
11. Other Law Enforcement Agencies
12. Media
13. American Rifle Association
14. Non-P.O.A. Police Employees

APPENDIX J

RESPONSIBILITY CHART

ACTIONS / ACTORS	CHIEF OF POLICE	PROJECT MANAGER	P.O.S.T.	ACADEMIES	CITY COUNCIL	RESIDENTS	MEDIA OFFICER
MISSION STATEMENT	A	R	–	–	S	S	–
DEVELOP OVERALL PLAN	A	R	S	S	S	S	S
SELECTION OF TRANSITION MANAGEMENT TEAM	R	S	S	S	I	I	–
INTRODUCE PROJECT TO DEPARTMENT	R	I	–	–	–	–	–
MEDIA RELEASES	A	A	–	–	I	I	R
PROGRESS REPORTS TO CHIEF	A	R	I	I	–	–	–
MONITOR PROGRAM	A	R	I	S	I	I	–
IN-HOUSE TRAINING	A	R	S	I	S	I	–
ACADEMY TRAINING	I	S	A	R	S	I	–
ESTABLISH BUDGET	A	R	–	–	A	S	–

R = RESPONSIBILITY (Not Necessarily Authority)

A = APPROVAL (Right to Veto)

S = SUPPORT (Commit Resources Toward)

I = INFORM (To Be Consulted)

ENDNOTES

1. William Geller, "Deadly Force," National Institute of Justice, Crime File, Pg. 1.

2. Orange County Register, October 8, 1990, "56 Shootings by L.A. Deputies Called Suspect", Pg. A-3.

3. Orange County Register, April 6, 1990, "Time to Keep an Eye on OC's Police", Pg. B-1.

4. Los Angeles Times, January 2, 1990, "O.C. Shootings by Officers Are at Record High", Pg. A-1.

5. James J. Fyfe, "Police Use of Deadly Force Research and Reform," Justice Quarterly, Vol. 5, No. 2, June 1988, Pg. 165.

6. Kenneth J. Matula, A Balance of Forces, Second Edition, 1985 Pg. 5.

7. Wilbur R. Miller, Cops and Bobbies: Police Authority in New York and London, 1830-1870, The University of Chicago Press, 1977 Pg. 54.

8. William Geller, "Deadly Force," National Institute of Justice, Crime File, Pg. 2.

9. "Homicide in California 1989," Office of the Attorney General, Department of Justice/Division of Law Enforcement. Pg. 97.

10. Daniel P. Disanto, Five Year Survey of Police Shootings, Orange County District Attorney's Office, 1/8/91. Pg. 1.

11. Uniform Crime Report, "Law Enforcement Officers Killed and Assaulted 1989," U.S. Dept. of Justice, 1990. Pg. 45.

12. Charles B. Moorman, "Peace Officers Murdered in California with One Shot" The 1980's," Journal of California Law Enforcement, Vol. 24, No. 4, 1990, Pg. 105.

13. "Gould's Penal Code Handbook of California" 1990 Edition, Gould Publications. Pg. 38.

14. Kortum v. Alkire, (1977) 69 Cal. App. 3d 325

15. Tennessee v. Garner, 471 U.S. 1 (1985)

16. U.S.A. Today, 1/2/91 "19 Cities Set Records for Murder", Pg A-1.

17. Orange County Register, 1/6/91 "Hard Times Won't Necessarily Rocket Crime Rate, Experts Say", Pg. A-8.

18. U.S. News and World Report, "Cops Under Fire," 1/3/90. Pg. 39.

19. Thomas Esensten, POST Command College

20. Richard Beckhard and Reuben T. Harris, Organizational Transitions: Managing Complex Change, Second Edition, 1987, Pg 92.