POLICE CRIMINAL MISCONDUCT: ITS EFFECT ON MANAGEMENT BY THE YEAR 2001

by

STEPHEN E. BONSWOR

COMMAND COLLEGE CLASS XIV

PEACE OFFICER STANDARDS AND TRAINING (POST)

SACRAMENTO, CALIFORNIA

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This Command College Independent Study Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of 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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Standards and Training

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Executive Summary

SECTION ONE -- INTRODUCTION

A background perspective is presented analyzing police culture, historical information and management concerns.

SECTION TWO: FUTURES FORECASTING

The main issue of the study is: What effect will criminal acts of misconduct within law enforcement have on the way agencies are managed by the year 2001? Sub-issue questions are: (1) What management practices will be required to identify criminal acts at the early stages; (2) What consequences will civil liability resulting from criminal misconduct have on management; (3) What impact will external controls of corrupt acts have on management? Through the use of a nominal group panel and expert interviews, list of trends and events affecting the issue, sub-issue question were developed. Of the trends forecast, three are under internal management control: (1) Internal controls and investigations; (2) Level of training provided to employees: (3) Level of discipline imposed. The two remaining trends are external forces on management: (1) External controls placed on management; (2) The impact of judicial decisions on management? Events with the highest median forecast of positive impact on the issue were: (1) Legislation is passed requiring agencies to conduct sub-rosa investigations; (2) Technology is developed to test for absolute truthfulness; (3) P.O.S.T. establishes an ethics review board. Three scenarios were developed from the forecasts. A normative scenario describes a desired and attainable situation in which proactive management responses are stressed.

SECTION THREE -- A STRATEGIC PLAN

Using the normative scenario, a strategic plan is developed. Strengths, weaknesses, threats and opportunities are identified, Stakeholders, such as the citizens, city manager, city council, police chief, civilian review board, police union and business concerns are evaluated. Recommended policies include: development of a system of training; systems of communication; and the establishment of audit and control systems to monitor employee performance.

SECTION FOUR -- TRANSITION MANAGEMENT

Critical mass stakeholders are the city manager, department executives, department supervisors, city attorney and the police officers association. The plan will include two components: training and audit-inspection systems. For the purpose of transition two policy committees are recommended which include the representatives of the external control groups. Negotiation strategies necessary to overcome resistance are presented. A management structure is presented, with a commander as the chairperson acting for the chief of police. Implementation technologies include formal training, rumor control and community meetings.

SECTION FIVE -- CONCLUSIONS, RECOMMENDATIONS

The study concludes that criminal acts by law enforcement officers will impact management in the future. In response to the issue question the study concludes that management should plan for additional training, community involvement and audit systems. Further, management will come under increased external scrutiny. Each of the sub-issue questions are answered as:(1). increased training and audits, (2). future impact of increasing civil liability judgements against the agency, (3). the need to educate the agency on the needs, wants and desires of the community regarding police service. Through the development of community involvement, training and audit systems management has the opportunity to impact the negative effects of criminal conduct by its employees. Recommendations for future consideration and study of similar issues are: joint multi-agency planning and training, local district attorney's participation in providing information and training to the agencies. Future implications include: (1). impact of corruption on recruitment, (2). loss of community support, (3). lawsuits versus employee performance, (4). impact of the Federal Police Officer's Bill of Rights.

SECTION ONE: INTRODUCTION

Background information on the issue is presented to introduce the reader to police culture, a historical review and management concerns.

SECTION TWO: FUTURES FORECASTING

Issue identification from research is developed. Future forecasting is made utilizing trend evaluation, event evaluation, cross-impact analysis and future scenarios.

SECTION THREE: STRATEGIC MANAGEMENT PLAN

A strategic management plan, based on a normative "desired and attainable" future scenario, is developed for management.

SECTION FOUR: TRANSITION MANAGEMENT

"Getting from here to there" A specific plan is developed to transition management to a desired state of change by implementing the strategic plan.

SECTION FIVE: CONCLUSIONS, RECOMMENDATIONS AND FUTURE IMPLICATIONS

The issue, sub-issue questions are answered. Thoughts for future consideration are presented beyond the scope of the research.

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SECTION I: INTRODUCTION

BACKGROUND

Law enforcement officer's who committed notorious acts of criminal misconduct in the 1980's, were exposed to the public's attention throughout the United States. Officer's in such major cities as Miami, Los Angeles, New York, Fort Worth, Detroit, and Boston, as well as those in smaller cities in the states of Georgia and South Carolina were alleged to have participated in acts of criminal misconduct or corruption. These acts consisted of skimming money, taking drugs from suspects for illegal uses, extortion, beating prisoners and committing perjury. Local governments paid millions of dollars in judgements resulting from lawsuits filed against the officer's who had committed these acts. The breakdown of integrity that occurred throughout society in the 80's was not limited to law enforcement. Scandals were exposed on Wall Street, the Savings and Loan Industry and political offices, at many corporate and governmental levels. The values of society were changed during that period in response to the "me generation", which had an attitude of live for today and don't let the rules get in your way. Those new "me generation" values were also reflected in the new officer's entering the law enforcement profession.

Police Culture

The culture of law enforcement and the communities' expectations of officer's performance were both in transition during the 1980's. Police control systems were expanded, ethics training was adopted, recruitment procedures were analyzed and misconduct violations were redefined as Kouri stated, "there are complaints about police officers that wouldn't have been considered misconduct twenty years ago."[1] A continuing concern in the law enforcement culture, as emphasized by Benson, is the free or half-price meal, "Doughnut shop ethics, it is not uncommon for citizens to believe that police who abuse their positions of trust for something as minor as a free cup of coffee will also be willing to take payoffs in other ways."[2] The discussion concerning the half-price meal has been ongoing for decades and is most often linked to the early stages of corruption by officers.

A study of police misconduct, or deviance, was conducted in the mid-1970's by Thomas Barker, considering perjury, brutality, sexual deviance on the job, sleeping on the job and drinking on duty. The focus of the study concentrated on peer support or condemnation of these five kinds of deviance. The results of a questionnaire circulated to officer's indicated that 39.1% perceived they had used excessive force, 39.5% slept on duty, 31% indulged in sex while on duty, 22.9% committed perjury and 8% to have drunk on duty.[3]

Another element of the culture is the "code of silence." Whether the officer submits to the code of silence because of the 80's values, or has "learned" that the code is necessary for him to survive in his profession as a result of peer pressure, or both, the code exists in the culture and is known to the public. A recent article on the "code of silence" condemns this misplaced loyalty among officers that constrains them from informing on or testifying against other officers stating, "Despite the loyalty and trust necessary between police officers, there is no excuse for law enforcement officers filing false reports, not cooperating with internal investigations, and furnishing false testimony at the time of trial."[4] The "code of silence" principle is not unique to law enforcement and the article listed various professions or community affiliations that have some variations of this practice in use, including: juries, juvenile gangs, the legal profession, labor unions and religious groups. For each group there are forces that encourage violation of the "code of silence". Specifically for law enforcement personnel these forces come from prosecution, internal investigation, professional pride and the Law Enforcement Code of Ethics.[5] In practice, the code of silence leads to a perversion of ethics and makes corrective action difficult. Chances are peer pressure to be truthful and ethical could stop or reduce corruption and perhaps it does in many agencies. However, in certain departments, the pressure of the group to remain silent protects police criminal misconduct, rather than preventing corrupt activities and usually reflects a department-wide acceptance.[6]

On March 3, 1991, several officer's of the Los Angeles Police Department (LAPD) were video taped using force on a suspect during a traffic stop. That event resulted

in criminal prosecution against four officers in 1992 for excessive force and filing of false police reports. The event had such a significant community impact with fervor against the LAPD so intense, that a local television station broadcast the entire trial of the officers live, from 9 a.m. to 5 p.m. daily. The initial trial resulted in not guilty verdicts igniting major riots resulting in over 50 deaths.

In Fort Worth, Texas, an officer was charged in July 1991 for a "taped beating of a prisoner in Texas, struck 28 times"[7] In Boston, "the US Attorney's office said it will not seek indictments against the Boston police officers accused of coercing witnesses."[8] Locally, two Orange County Sheriff's Deputies and an ex-Maywood police officer were sentenced to 60 days in jail for beating up a Maywood jail inmate while they were off-duty and drunk, in May 1991.[9] Also in 1991, two Los Angeles County Sheriff's Deputies were charged with theft for taking money from citizens during traffic stops. A Compton police officer was similarly charged after a management "sting" of the officer verified complaints of theft from citizens during field contacts. A video-tape of a Santa Cruz police officer in the process of using alleged excessive force during an arrest, was shown on the NBC Evening News, March 30, 1992, in which an accompanying commentary stated that a $12 million lawsuit had been filed and the citizens were demanding a civilian review board be established. Delattre addressed public corruption in his recent book stating,

> "These stories, all of them now part of the public record, make it quite clear that problems of public and private sector corruption, including narcotics-related police corruption, and the importance of leadership in preventing it, discouraging it, finding it, exposing it, and disciplining those who are involved in it, deserve attention."[10]

Notorious acts are customarily, if not always, dealt with through a criminal or administrative process. The intent of the officer may be to solve a criminal problem either real or perceived through the application of an unlawful method.

> "The short-cutting of legal procedures sometimes reflects an effort on the part of the police to respond to public demands. Thus, for example, a community demand to clean-up prostitution may lead to harassment of suspected prostitutes and violation of their rights because of the extreme difficulty in acquiring necessary evidence against an experienced prostitute and the ineffectiveness of court action even when the necessary evidence is available. Some police officers may think this illegal action is desirable in order to meet public expectations;

reduce the nuisance which prostitutes present; assist in the control of venereal disease; and reduce the number of more serious crimes, like robbery, that are often committed in conjunction with prostitution. While such illegal use of police authority may be viewed as symptomatic of more complex social problems in the community, it can never be condoned or justified."[11]

Historical

During the period of 1987 through 1992 there has been increasing publicity of criminal misconduct by law enforcement officers. Almost since the start of policing in the United States there have been reports of corruption. Through subsequent years there has been research, studies and investigative commissions on the topic of police corruption. The earliest study noted in the research were incidents in Boston during 1636, when watchmen began accepting money to do task not related to their "police" role. One of the earliest formal commissions was convened in New York City to address the issue of corruption: "in 1894 the Lexow Commission reported that corruption was systematic and pervasive in New York City"[12] Since that commission, the New York Police Department has been investigated by five additional commissions. Both the Chicago Police Department and the Los Angeles Police Department were also investigated for corruption in the 1950's, resulting in reform movements for each agency. In 1967, the President's Commission on Law Enforcement and Administration of Justice listed corrupt acts as: improper political influence, acceptance of gratuities, bribes, fixing tickets, minor theft, occasional burglaries, rolling drunks and shakedowns.[13]

Management Concerns

Management can be alerted to the indicators of corruption, "officers who are engaged in corrupt activities may also be those who chronically exhibit other questionable conduct, including the abuse of sick leave, tardiness, failure to meet commitments such as court appearances, corruption will flourish when questionable conduct is ignored."[14] Just as there are stated indicators of corruption in general, frequently the notorious acts of criminal misconduct by police are preceded or joined with the lesser acts, such as perjury, filing false reports, theft or the use of excessive

force.

According to the International Association of Chiefs of Police, "the failure to hold command and supervisory personnel responsible for the actions of their subordinates is always an important cause of corruption in police agencies."[15] In addition the failure of command or supervisory personnel to adequately supervise or train their subordinates may increase the probability of corruption. James Parsons, the past Chief of Police for the Birmingham, Alabama Police Department, best stated the fear of police managers dealing with corruption when he said, "I can think of nothing that would upset me quite so much as to have put my entire life into a police agency, and have to leave because of corruption; maybe not for something that I did do, but for something that I failed to do."[16]

The effects on management of criminal acts of misconduct may be: civil lawsuits against the agency, a political response to the event such as the State Legislature elevating the California Penal Code Section 118.1 to a felony, after the Don Jackson police brutality incident in Long Beach, January 1989. Thirty-one states have addressed the problem of police misconduct by utilizing an approach of decertification, or the process by which a state agency (P.O.S.T.) revokes the certificates or license of an officer who commits certain kinds of misconduct as specified by law or administrative regulations.[17] California currently has limited revocation authority.

These and other concerns were addressed during a series of interviews by the researcher with seven law enforcement executives from California agencies employing between 100 and 700 sworn officers. As a result of those interviews it was determined that only two agencies are currently developing a management response to these issues. Specifically these two agencies track civil lawsuits against the agency and/or track patterns of conduct by employees. Additional responses by these executives are addressed in the futures forecasting section.

SCOPE OF THE STUDY

The complexity of today's law enforcement, in addition to the continuing demands placed on individual officer's, affects the probability that corrupt acts will at an

organizational level, as opposed to individual acts of deviance by lone officer's. A 1981 Canadian study on deviant behavior committed by officer's stated:

> "Our police function with an increasingly complex burdensome lawmaking and law enforcement system, conflicts between norms of authority, discretionary powers, democratic principles, as well as rules demanding secrecy and protection of the police as an institution and of one's job within that structure, force the average policeman daily to walk a tightrope. Contemporary developments of unionization and 'professionalism' combine to make this task no less easy. *Under such conditions we can expect that the extent and range of deviance in police behavior will grow."* [18] *(emphasis added)*

The historical record of police criminal misconduct and the current incidents cited from across the nation indicate a direction of continuing violations by police officer's in the future. With this premise, the following issue and sub-issues were developed for a futures management study.

Issue: *What effect will criminal acts of misconduct within law enforcement have on the way agencies are managed by the year 2001?*

Sub-Issues:

- What management practices will be required to identify criminal acts of misconduct at the early stages?
- What consequences will civil liability resulting from criminal acts of misconduct have on management?
- What impact will external controls of corrupt acts have on management?

The expected use of the project results are to assist California law enforcement managers in preparation for the future by answering the issue and sub-issue questions. In addition, conclusions and recommendations will be presented to assist those managers in developing and implementing their strategies to prepare for the future. Finally, additional issues for future studies will be presented.

SECTION II: FUTURES FORECASTING

Trend Evaluation

Event Evaluation

Cross-Impact Analysis

Future Scenarios

ISSUE IDENTIFICATION

A review of recent literature, as previously discussed in general terms and more specifically below, revealed that since 1987, law enforcement officers have been involved in numerous incidents of alleged criminal conduct. These acts, whether reported in the newspaper, magazines or television, have focused attention on law enforcement. Results of this publicity have been expanded scrutiny of the agency involved, judicial review and involvement by the legislative branch of government. In addition, the development of technology has enhanced the public's ability to capture acts of wrongdoing by law enforcement officers. The issue being researched in this study seeks to analyze the future relevance of criminal acts by employees on the management of the agency (Appendix A).

ISSUE:

WHAT EFFECT WILL CRIMINAL ACTS OF MISCONDUCT WITHIN LAW ENFORCEMENT HAVE ON THE WAY AGENCIES ARE MANAGED BY THE YEAR 2001?

Through the use of a relevance tree (Appendix B), interviews and consultation with academic professionals, three sub-issues were developed for this study. They are:

SUB-ISSUES:

- **What management practices will be required to identify criminal acts of misconduct at the early stages?**
- **What consequences will civil liability resulting from criminal misconduct have on management?**
- **What impact will external controls of corrupt acts have on management?**

Literature Review

The Christopher Commission Report,[19] which was issued at the conclusion of the investigation into the beating of Rodney King on March 3, 1991, made recommendations to Los Angeles Police Department management for procedural and policy changes regarding supervision, citizen complainants and investigations.[20] In March 1992 citizen groups of Los Angeles launched a campaign to change the manner that the Police Department has been run for most of this half of the century.[21]

In additional to the external controls focused on the Los Angeles Police Department, controls at the federal level are being pursued through the establishment of a "Uniform Federal Police Officer Bill of Rights". Passage of this Bill will affect all law enforcement agencies by placing restrictions and conditions on the internal investigative process which may impact the discretion of management.

In addition to criminal and administrative misconduct, civil lawsuits are frequently filed against the agency and/or the individual officer's accused of criminal acts. The Los Angeles County Sheriff's Department has paid $32 million in court judgments, jury awards and settlements of lawsuits since 1988. This does not include the County's court costs for the more than 80% of the lawsuits which went to trial. In fact, the court costs have increased annually, from $635,000 in 1988 to $9.1 million through September 1991.[22] The Long Beach Police Department paid out more than $4 million over a four year period ending in 1990, while the Torrance Police Department paid more than $7 million for a single incident by officer's of that department. Outside California the trend is also observed, with million dollar judgements in both Massachusetts and New York. A single judgement for $76 million was awarded to two men in New York, who were beaten by police officers and then falsely arrested.[23]

A concern for the fraudulent abuse of the Workers Compensation Benefit System, by filing false claims, has been expressed by Governor Pete Wilson.[24] His concern is for the criminal acts demonstrated by employees to obtain benefits under the false pretense that an employee is inured, when in fact the employee was not injured on the job. On March 21, 1992, California State Lieutenant Governor, Leo McCarthy,

announced a movement to introduce legislation to criminalize acts of sexual harassment in the workplace, with penalties against levied the employers. This would further expand the definition of acts which are considered criminal misconduct and would impact management.

Many formal studies conducted on the issue of police corruption have recommend similar responses to minimize corruption. These recommendations frequently include: ethical training, higher recruitment standards, improved training and competent supervision. Some or all of these recommendations have been implemented through specific programs by various agencies throughout the last decade. For example the Los Angeles County Sheriff's Department has instituted an ethics training program. Their program is now a model being used by other California agencies.

IDENTIFICATION OF TRENDS AND EVENTS

Using the Nominal Group Technique (NGT) process a panel of eleven experts identified a list of 29 trends and 21 events which may have significant future influence on the issue questions (Appendix C). The NGT panel rank ordered the trends and events on the criteria of the five most desirable to have a forecast of the trend and/or event. Finally, the NGT panel, using a Modified Conventional Technique process, forecasted the most likely ("will be") and desired ("should be") direction of the trends (Appendix E) or probability of the events items occurring (Appendix F), as follows:

Trends

1. **Level of external controls placed on the agency**: Controls placed on the agency by the community, city officials, prosecutors and legislative action as a result of actual or perceived acts of corruption.

2. **Level of internal controls used by the agency**: Internal investigations, supervisor accountability, tracking of employee conduct, response to community input, audits and inspections relating to criminal acts by employees.

3. **Level of training provided to agency employees**: Continuous and advanced

departmental training in ethics, corruption, search and seizure laws and legal responsibility.

4. **Level of impact of the judicial system on police management**: The results of court decisions, judgements and awards on the management of the agency.

5. **Level of discipline imposed on police employees**: Formal discipline (letter of reprimand, suspension, demotion and dismissal) that is imposed on agency employees for all acts of misconduct, including criminal acts.

TREND EVALUATION

Trend 1: (Level of external controls) When forecasting the future level of external controls on the agency the panel forecast that both the median exploratory and normative futures will have an identical rate of accelerated increase for the five and ten year periods. This displays agreement among the panel members that there "will be" and "should be" more external controls on the agency. The panel forecasts were further supported during the executive interview process with discussion of the influence of current and future external controls on the agency.

Trend 2: (Level of internal controls) Both the median exploratory and normative forecast indicate increased internal controls by five years downline. The panel discussion revealed that several members lack trust in police management to increase internal controls, based on recent (1991) news releases regarding police misconduct, without the prompting of external forces. This position sets forth an explanation for an median exploratory forecast which is lower that the normative forecast at both five and ten years from today. The higher forecasting panel members represent current groups which are categorized as external control groups to law enforcement management: National Association for the Advancement of Colored People, Citizen Police Complaint Commission (Long Beach, Ca.) and the Public Safety Advisory Commission (Long Beach). When this trend is compared to Trend 1 (external controls) the forecast indicates that controls on the agency will be generated from external sources at an increasing rate during the next ten years and may influence management decisions.

Trend 3: (Level of training) The median exploratory and normative forecast both have a decelerated rate of increase from today plus five years, to plus ten years, in the level of training to be provided. This trend also affects the issue, sub-issue questions on management, considering the costs, manpower allocation and deployment necessary to accomplish the increased training schedules.

Trend 4: (Level of impact of the judicial system) The median normative forecast of judicial decisions on the agency indicates that the panel thinks the impact should remain approximately constant at todays' rate for the next five years. The median exploratory data however, reveals that the impact will be accelerated by five years downline, with a slight deceleration between five and ten years. The panel discussion revealed that the greatest influence on management "will be" from civil judgements of a financial nature against the agency, not a judicial level interpretation of statutes.

Trend 5: (Level of discipline imposed) The median exploratory forecast has an accelerated rate of increase during the first five years, then levels off to the same level as the median normative forecast at today plus ten years. The discussion by panel members indicated that they thought management would increase discipline as the police culture moved toward more professionalism and accountability. They also felt that the increase in external controls (Trend 1) through monitoring of the agency and legislation would result in an increase of complaints being investigated and the corresponding discipline imposed. The panel members who forecast in the high exploratory and normative range stated that their forecasts were based on the belief that the courts and civil service commissions will not impose or support increased discipline in the future and it is therefore the responsibility of management to increase discipline to minimize criminal or corrupt acts by its personnel.

Field Studies

During the month of March 1992 the researcher conducted personal interviews of

seven police executives from California police agencies with a budgeted sworn officer strength of 100 to 700 officers. The interviewees were asked 11 prepared questions with follow-up questions, to clarify or expand their response. (Appendix M)

The subjects interviewed were provided with a copy of the issue and sub-issue questions, in addition to a copy of the list of the identified trend and events. Each of the subjects was questioned regarding the trends and events and their future forecast.

The executives each acknowledged some current influence of Trend 1 (external controls) and recognized that the external controls could have a bearing on the methods or systems they will use to manage their agencies in the future. Specifically they addressed the areas of: Assembly Bill 2026 (revision of Police Officers Bill of Rights), civilian review boards, citizen advisory groups, additional legislation and judicial decisions.

The executive interviews revealed there has been an increase in ethics training since 1987 (Trend 3) and they forecast that future training will increase including: corruption, search and seizure laws, legal responsibilities, cultural training and ethnic diversity.

This trend data for the level of discipline imposed (Trend 5) were not initially supported by the majority of the executives interviewed. Four of the seven executives forecast that each agency would respond individually to acts of corruption, and that in general, discipline would be imposed at a rate similar to today, or near the low panel forecast. The forecast trend data was collected in Southern California which has had numerous acts of criminal conduct by law enforcement officers publicized in the last five years. When three executives were questioned regarding their awareness of these "notorious" cases they had little or no knowledge of them. A specific case in point is that the two most northern agency executives had not read the "Christopher Commission Report."[25] All of the executives interviewed did agree in follow-up questioning that if acts of corruption did increase in their agencies, the levels of discipline should also increase. A comparison was made during an interview to the classic model of the "Traffic Enforcement Index", which states that as traffic accidents increase, agencies should increase enforcement (citations) to reduce future accidents.

Events

Five events were forecast for the probability of occurrence by the panel members.

1. **Legislation is passed requiring police management to conduct sub-rosa investigations on specified workers compensation disability claims when the employee is off work more than thirty days**: Sub-rosa investigations are covert surveillances conducted to verify or refute the claim of disability. Frequently the investigations are conducted by contract personnel, in conjunction with the employer and the results are later used at a workers compensation hearing or criminal proceeding if fraud is revealed.

2. **The dollar amount of civil liability judgements for the fiscal year against the police agency significantly reduces the departments operating budget**: Monetary judgements against the agency for acts of misconduct by employees equals an amount in excess of 30% of the operating budget of the agency. This does not include civil judgements for acts performed in the normal scope of an employees duties, such as: failure to direct traffic at an accident scene, or a failure to properly care for the personal property of a citizen.

3. **Technology is developed to test the absolute truthfulness of statements by individuals**: New technology is developed and certified.

4. **The California Commission on Peace Officers Standards and Training forms an ethics review board with the authority to revoke officers' certificates for violations**: Officers who have their certificate revoked would not be employable by a law enforcement agency. This would require legislation granting P.O.S.T. the authority.

5. **Federal funding is cut to cities which employ officers convicted of civil rights violations**: Funding cuts could be made in subsidies, grants, new programs, matching funds or the return of asset seizure monies.

EVENT EVALUATION

The evaluation of events forecasted by the panel are grouped using four criteria. First, those events with a high "positive" impact on the issue area, then those with a high "negative" impact. The third grouping is by high probability of occurrence and the last by the low probability of occurrence.

High Positive Impact on the Issue

Events 1, 3 and 4 (sub-rosa investigations, truthfulness technology and P.O.S.T review board) are forecast as having a high positive impact on the issue area. The panel said the positive impact of Event 1 on management is the potential dollar savings and increased availability of personnel that could be deployed for work tasks, if fraudulent claims for workers compensation disability benefits are reduced or eliminated.

Event 3 had the highest median forecast of positive impact on the issue. The panel said that if the technologies were developed, application would significantly reduce or minimize untruthful statements by law enforcement officers resulting in an increased community perception of law enforcement integrity and professionalism.

The final high positive impact event was Event 4, that P.O.S.T. establishes an ethics review board with the authority to revoke officers certificated for violations. The panel stated that the positive impact was again an increased perception of integrity by the community and an elimination of officers who violate the ethical standards from the profession.

High Negative Impact on the Issue

Only one forecast event, Event 2 (civil liability judgements) had a high negative

impact on the issue. The panel stated that if the civil liability judgements were significant enough to reduce the departments operating budget, services to the community and protection of the citizens would be incrementaly reduced in relation to the fiscal restraints. A secondary negative concern would be the need to offset reduced funds through the enhancement of fees or increased taxes. The positive scale comments were, this event could be a catalyst for management to consider modifications in the agency, in response to funding limitations.

High Probability of Occurrence

None of the events was assigned a high (75 percent or above) probability of occurrence. Event 4, P.O.S.T. review board had the highest median nominal forecast at both five and ten years from today, at 50 and 60 percent respectively. Event 2, liability claims, had a slightly lower forecast than Event 4 at ten years downline, but has the potential for the greatest negative impact on the issue, should it occur, based on the forecast.

Low Probability of Occurrence

Events 3 and 5 had a lower probabilities of occurrence, based on the low forecasts, when compared to the other events. Event 3 (truthfulness technology) has the lowest probability of occurrence based on both the low and median forecast, but it is forecast as having the highest positive impact on the issue should it occur. Both the positive and negative impact of E5, on the issue, were rated at the same level.

CROSS-IMPACT ANALYSIS

The cross-impact analysis was conducted by the researcher and two Command College graduates. The forecast values were reached after discussion, voting and consensus opinion by the members. Each event was analyzed as if it had actually occurred, asking "how would the probability of another event be affected at the moment of greatest impact?" The panel then determined the percentage change, if

any, it would cause in the projection of each trend, at the point of greatest impact, if the event actually occurred.

The data were then analyzed to determine the actor and reactor events. The actor events were determined by counting the "hits" in the event "row" from left to right. The reactor events were determined by counting the "hits" or impacted cells, in each column, from top to bottom. (Appendix G).

E2 (Civil liability judgements) was the most active actor event with seven hits. If Event 2 occurred it would increase the probability of two events, E3 and E4. It would also increase the level of all five of the trends. Three additional events E1, E4 and E5 each had six hits as actors.

The most reactive event was E4, P.O.S.T. ethics review board. It was affected with an increased probability of occurrence if any of the other events occurred. The discussion by the cross-impact panel supported the forecasted results, indicating that P.O.S.T. would be reactive to conditions in the environment regarding ethical practices which would increase the probability of P.O.S.T. establishing a ethics review board. The worse corrupt conditions become and the more failures that P.O.S.T. perceives of agencies management, the greater the likelihood that P.O.S.T., an external control force, would establish the review board. The panel also felt that if the review panel was established it would stimulate local training of employees and increase internal controls used by the agency.

The threat of Federal funding cuts (E5) had a significant effect on the trends of external and internal controls. The cross-impact percentage of change of E5 on T1, T2, T3 and T4 were each forecast on the basis that the forecast level of each trend would increase in an effort to offset or minimize the loss of revenue from funding cuts to the city and the agency after E5 occurred.

To further demonstrate how the event occurrences interact with the matrix, Event 5 will be used as an example to illustrate its affect on other forecast events and trends.

"If Federal funding cuts to the city are made (E5), it would:"

- Increase the probability of a P.O.S.T. review board by 50 percent

- Increase the level of external controls on the agency by 70 percent in two years
- Increase the level of internal controls used by 40 percent in one year
- Increase the level of the training of employees by 20 percent in one year
- Increase the level of judicial decisions on management by 5 percent in five years
- Increase the level of discipline imposed by 40 percent immediately

FUTURE SCENARIOS

Based on the forecast trends and events from the preceding section, three future scenarios have been developed for this study. The perspective of the scenarios is written from the year 2001 looking back. First a retiring newspaper reporter reflects on the past, then a police chief and finally a city manager.

The purpose of the scenarios is to relate the information that has been develop from the futures study and to project a possible future. The first two scenarios are written in the normative mode. One is written as "feared but possible" and the other "desired and attainable."

The third scenario is written in the hypothetical mode using the exploratory data to describe the most surprise free situation of what will most likely occur.

NORMATIVE SCENARIO
"Feared but Possible"

Scenario #1 - " The End of a Career, the End of an Agency"

James Smith has been a police beat reporter for thirty years with the Metropolitan newspaper. Now he was looking forward to taking a long trip with his motorhome and fishing every stream he crosses. Jim started his final day of reporting by cleaning out his "clip" file. He was amazed at how many boxes of "clips" he had accumulated. He opened the box labeled 1990's and began reading his stories.

He had first reported the Governor's concern for increased police disability claims in 1991. How could 69% of the retired CHP officers be disabled? How could officers about to be dismissed for misconduct retire on stress disabilities? Claims against the State and local agencies had continued to climb year after year. His 1995 article documented how the legislature began to react to the increased claims through restrictive legislation. There had been an increase in costs to cities and counties as funding of the workers compensation system was not able to keep up with the volume of new claims being filed. The projection was that by 1998 the state system would be bankrupt and the cities would be incurring all the costs at the local level. The State legislators finally took action in 1997 when they passed legislation requiring sub-rosa investigations of officers off-work on specified disabilities more than thirty days. He recalled the outcry there had been from the local agencies about the costs and manpower commitment required to implement their programs to investigate claims, but those costs proved necessary to preserve the system.

The 1996 series on civil liability claims against the city was an award winner for him. The deregulation permitting lawyers to advertise in the 1980's had come to fruition in 1995, as a record number of liability claims were filed against the agency. It seemed like every officer on the department was involved in a civil lawsuit. The City Council chambers were crowded every Tuesday with citizen groups who were demanding more control of the Police Department. They wanted a new chief of police and city manager, with new management practices, to bring the officers back in line.

Their demands resulted in increased discipline and audits in the agency. The process of administering discipline was brought under the direct control of the city manger, who had previously delegated this responsibility to the chief of police. The new audits included internal inspections, review by the Citizen Police Complaint Commission and the city attorney's office. Morale suffered as a result and the employee turnover rate was at an all time high. Recruitment programs failed to produce qualified candidates as the crime rate in the city continued to rise.

That was the beginning of the downfall for Chief Smythe. He had not listened to

the community groups warnings of police misconduct early enough. He had also failed to included them in his planning considerations or implementation of his community programs. Chief Smythe had lost control of the agency. The continuing increase of external reviews revealed that there were thirty documented cases of civil rights violations within the department during an 18 month period. Under Federal legislation passed in 1998, federal grant funds to the city were eliminated because of those violations, causing cutbacks in city services. This series of negative events over a period of years finally resulted in the dismissal of Chief Smythe.

Jim sat down in his chair, closed the lid on the box, regretting that he had opened it. If only someone had planned for the future and managed the agency, that person could have prevented the loss of industry in the city, the decline in property values and the additional taxes needed to maintain the city today.

Now were is that fly rod?

NORMATIVE SCENARIO
"Desired and Attainable"

Scenario #2 - "Blue Ribbon Committee Gives Department High Marks"

At his Monday staff meeting, February 12, 2001, Chief Bill Jones began the morning meeting by complimenting his staff on the results of the Blue Ribbon Committee that had concluded its audit of the department. He explained that he had met with the committee for four hours to discuss the report and that meeting had caused him to reflect back on his ten years as Chief, about the integrity and professional standing of the agency.

He credits his success to his training in the Command College regarding future forecasting and strategic planning. In 1991, he recognized a trend in the community that citizens were upset over police misconduct and the associated fiscal cost to the city through lawsuits, medical claims and disability claims by officers. He established advisory groups with the members from various community groups, including representatives from the ethnic groups, and invited them to participate in the review

of the disciplinary process. This gave him a headstart in establishing his positive relationship with the Civilian Review Board that was voted in place by the citizens in 1993.

He was also a member of the County Commission established in 1995 to review police corruption and its effects, which gave him an insight into the problem and provided him an opportunity to contribute to the new directives placed on police management through Assembly Bill 3156 which was passed in 1996. AB 3156 addressed the areas of workers compensation claims and the limitation of judgement awards against public entities for employee conduct.

The turmoil generated in 1992 when four officers were accused of perjury also caused the chief to analyze his department. Based on that review he developed a plan to increase training of officers, increase the ratio of supervisors to officers and redefined the supervisors role. He also established policies to hold command officers accountable for subordinate actions. The initial results were increased discipline and the development of a model training program.

It seemed no matter what the chief did in 1993, he could not affect the increasing civil judgements against the agency until his audit and inspection program had been in place for 18 months. The initial results of the program did not reveal any patterns, but as the audit data expanded over the 12-18 month period, officers who had patterns of violating rules and regulations were exposed. Once documented and exposed he could train or discipline the officers to correct the deficient behavior. As a result of the new program and increased supervision the 1994 civil claims against the city leveled off to the 1991 rate.

He welcomed the legislation requiring sub-rosa investigations for disability claims in 1994. In 1993, he had 8 percent of his officers off on workers compensation disability leave. After the new legislation was implemented the disability leaves were decreased to a 2 percent level. The desired effect of limiting or eliminating fraudulent claims was being realized and he did not have a single case which met the specific criteria set forth by the legislation. This phenomenon of decreased disability claims was noted throughout Southern California and as a result the support in the legislature

for a P.O.S.T. Ethics Review Board diminished.

Now his department is at full budgeted strength with community support for a tax increase to purchase equipment, train employees and hire personnel. His officers are frequently requested to instruct other agencies officers at advance officer training seminars. Morale is improving and the officers now expect severe discipline for sustained criminal misconduct, however the incidents of misconduct were drastically reduced.

The only thing better would be to go fly fishing in the manner of Jim Smith, had he existed.

HYPOTHETICAL SCENARIO

Scenario #3 - "Opening for Police Chief, Progressive Disciplinarian Wanted"

A new year, a new century and a new city manger. What have I taken on? Now in 2001 I have the opportunity to correct the problems that have plagued the police department for a decade.

In 1991, the legislature began debating the disability claims filed by police officers. In 1993, it passed legislation requiring sub-rosa investigations. Our department had to assign six investigators and purchase $250,000 worth of equipment to form the mandated unit. The city also had to assign a deputy city attorney full time to these claims and contract with private investigators to supplement the police unit. Case after case disclosed fraud and the chief of police dismissed 12 officers in three years.

As if that wasn't enough, in 1996 three officers were charged with civil rights violations, two officers were charged with perjury and there were seven complaints of search and seizure violations. The officers said that they had to take "justice" into their own hands since the courts would not lock the crooks up. There were increasing complaints that officers were planting evidence on suspects to arrest them, but management ignored the complaints by instructing the suspects to "tell it to the

judge.".

The courts and community responded in a protest that shook the department. The courts placed sanctions on the department and returned multi-million dollar judgements against the department for civil rights violations. One case in 1994 had an award of $8.7 million.

Training was increased continually, but it did not curb the misconduct. The Chief continued to escalate discipline until 1997 when finally the years of training and department cultural modifications took hold and incidents of criminal acts by the officers decreased.

The department almost lost its P.O.S.T. certification in 1997 when the P.O.S.T. Ethics Review Board revoked the certificates of the five officers charged in 1996. The officers were dismissed from the department, however each filed a disability claim with the State. The five officers then received one years full pay pending the decision on their claims. After the year of full pay, all five officers received disability pensions providing them with 50 percent of their base pay, tax-free, for the rest of their lives.

Two months ago both the chief of police and the city manager were dismissed as a result of the citizens recall movement. Now I have the task of selecting the new Chief and setting the agenda for the future.

SECTION III: Strategic Management Plan

SITUATION

This section outlines a strategic management plan for creating a desired future based on the normative scenario (desired and attainable), Scenario # 2.

This strategic plan is designed to be a guide for agencies throughout the state of California to develop a plan specific to that concerned agency, based on its staffing levels, community relations foundation, and the degree of response deemed necessary to impact or monitor conduct of employees. For the purpose of application the strategic plan in this paper is focused on the Long Beach Police Department, with 685 budgeted officers.

During the research interviews each of the agencies that participated were chosen for their similarity to the Long Beach Police Department in the management process and the current staffing of an internal affairs unit within the department.

Environmental Analysis

An analysis of the external and internal opportunities, threats, weaknesses and strengths was conducted by the researcher and two Command College graduates. Specific instruction was given to the group to scan the environment as it relates to criminal acts of misconduct, corruption in law enforcement and/or the management of the agency.

Environmental Opportunities

The Long Beach Police Department works within a community policing atmosphere and has support from established programs, elected officials and educational institutions. Several examples of these support systems are:

- Established community support through the Neighborhood Watch Program and D.A.R.E. (Drug Awareness Resistance Education)
- Development of new technology with management applications, ie: fleet tracking devices, small video cameras, and expanded computer abilities.
- City manager support for increased training levels within the department

- Local colleges located in the city with tuition reimbursement available from the City.

- The Civil Service Commission has a good historical record of supporting discipline for acts of corruption by employees.

- The City Attorney's office has a "fight all" lawsuit policy, which may decrease civil action against the department and save money in judgements or settlements.

Environmental Threats

An analysis of the environmental threats which may impact management in the future are: 1). the changing value systems of the public, specifically as it relates to the future recruitment base for law enforcement and the limitation of the recruitment bases as the cost of living in the area exceeds the pay structure of the department, 2). a demand for stronger police action to impact crime, including the violation of suspects rights for the "common good" of the community.

ORGANIZATIONAL CAPABILITIES

Strengths

The Long Beach Police Department was noted to have among its strengths in addressing the issue: 1). a competent management team, in a department at full authorized sworn staffing level for the first time in many years, 2). elected officials support for department training programs and for the purchase of equipment, 3). the department actively involves the community in its training programs and is moving toward a community policing system, 4). there are good working relationships with police oversight committees and informal support from the Police Officer's Association.

Weaknesses

The analysis of weaknesses of the organization revealed several areas that could

impact the issue or managements future planning.

- o The recent hiring of 150+ officers in a two year period had produced an inexperienced workforce, without close supervision.
- o Budget restrictions resulted in no raises for the management team in FY 91/92, while the lower ranks received a 5.5% pay increase. The budget constraints of FY 92/93 may produce restrictions of the lower ranks pay rate.
- o Part I crime is increasing in the city, placing demands on the agency and the officers.

MISSION STATEMENT

Utilizing the identified environmental analysis a mission statement was developed to establish a direction and goal for management. The direction of this study will be to generate policy options which will assist management in the accomplishment of the goals. The mission statement has specific emphasis placed on areas of training, communication, technology, professionalism and planning for the future.

Mission Statement

To ensure a safe, secure and orderly community by reducing criminal activity, enhancing public safety and providing quality service while promoting the dignity and worth of all people.

Objective I

To maintain a workforce that is healthy, safe and well-trained.

Objective II

To efficiently and effectively communicate information, both internally and to the public using all available technology.

Objective III

To work together as a team to demonstrate to the community and other law enforcement agencies, our professionalism and concern by setting the example of an excellent department through our deeds and commitment to the Police Officers Code of Ethics.

Objective IV

To plan for the future and implement those plans in an organized, timely manner.

DEVELOPING ALTERNATIVE STRATEGIES

A sub-panel, consisting of eight members of the NGT and Modified Conventional Delphi forecasting panel, was assembled to develop a list of strategies, analyze the list and then reduce the list to three strategies for detailed analysis.

Alternative Strategy Analysis

The overall ratings by the panel members were tabulated and recorded by the researcher. Based on the results of that tabulation three key strategies were identified by the highest scores for further analysis. (Appendix H)

Key Strategies

The three key strategies were analyzed based on the merits of the"pros" and "cons" of each strategy and its implementation considerations. The list of "pros" and "cons" was developed using the panel members that participated in the initial Modified Policy Delphi process. (Appendix L)

1. **Develop and implement a system of communication and training to inform the employees and the community what are corrupt acts, and how to eliminate the.**

There are numerous benefits that may be gained from this strategy which has its focus on training. Employees of the department are given direction and may avoid committing corrupt acts through knowledge. The members of the department and the community both gain from the training because it is a preventative method which keeps them informed. This progressive approach, of joint training, builds the bonds between the police and the citizens. Further, employees are informed of what is expected of them and the citizens are informed of what to expect from the police.

The program has a projected low cost to implement with anticipated immediate

affects and is the foundation for the first stage of future discipline, if needed.

The negative consequence of this strategy is the potential for negative publicity when the police criminal misconduct is exposed. In addition, management should consider: (1). that problem employees may become more creative in concealing violations, (2). there is no audit system to follow up on the training element of this strategy, (3). cost may increase for personnel, facilities or equipment.

The second key strategy again considers training of employees and the public.

2. Review and periodically update and train employees and the community on current corruption definitions.

This component would set guidelines for performance and expectations. It would keep employees current on the definitions of corruption and directs the focus of the department on new issues of concern.

The negative aspects of this strategy are the costs associated with the requirement of personnel to research the data and present the training.

3. Establish a system to identify and address corrupt acts through an internal process.

This element may reduce civil lawsuits through modified behavior and identify problem employees. An additional benefit is that problem employees may be identified at an early stage and be directed to corrective action programs. The publication of this strategy could also increase public support, reduce the call for external controls, enhance the public's trust and improve the departments image of professionalism.

STAKEHOLDERS AND ASSUMPTIONS

In development of the strategic management plan, key individuals, groups or organizations were identified who could have an impact on what is being planned or how it is planned, or who care about how the plan is implemented. These entities are termed "stakeholders"

Stakeholders are unique and distinct in terms of purpose, will and resources. There is a network of interdependent relationships among the stakeholders. A change

in the organizations strategy will change relationships with the stakeholders. Any successful change of strategy must be based upon assumptions about the stakeholders and their relationships to each other and/or the strategic plan. Assumptions were made by the researcher regarding the stakeholder's feelings of the agency and the developing strategic plan. The assumptions were used in shaping the plan and in particular the negotiation of strategy element of the plan. (Appendix I) The most significant stakeholders identified were:

- Citizens of Long Beach
- City Manager of Long Beach
- City Council
- Chief of Police
- Citizen Police Complaint Commission
- Long Beach Police Officers Association (police union)
- Business Community of Long Beach
- Hotel industry in Long Beach
- Neighborhood Watch personnel
- Los Angeles Board of Supervisors (An unanticipated stakeholder who can radically impact the strategy)

For the purpose of this study the Strategic Assumption Surfacing Technique (Appendix J) was used in mapping the assumptions of the identified stakeholders.

Stakeholder Perception of Strategies

Eight panel members completed an analysis of the stakeholders perception for each of the three key strategies. Each panel member was provided with a form to rate the strategy for each stakeholder as: support, modify, ignore or oppose the strategy. (Appendix K) Five of the stakeholders had an overall rating of supporting all three key strategies: City Manager, City Council, Police Chief, Neighborhood Watch Groups and the Los Angeles County Board of Supervisors. Each of these five stakeholders has an interest either political, financial or personal. The panel members felt for those reasons these stakeholders would support the key strategies.

The remaining five stakeholders that would modify or ignore the strategies are

listed, followed by a statement relating the thoughts of the rating panel.

Citizens of Long Beach

The citizens in the community would support reform efforts through training and information programs and would have expectations that the department will implement controls under the 3rd strategy. The panel felt that the community would ignore the ongoing revisions of the program that would be occurring internally.

Citizen Police Complaint Commission

The public support for the CPCC was due to a perception that the internal controls of the department were not sufficient to identify deficient employees and administer discipline. The CPCC is an oversight commission with the authority to review all police misconduct cases and make recommendations to the city manager. The panel felt that with their perceived mandate from the public, the CPCC would want to be included in all policy development and strategy implementation while maintaining review authority to fit their agenda.

Police Officers Association

The POA acts as the officers' representative under California Government Code 3300, the California Police Officer's Bill of Rights, during investigations of misconduct. The panel felt that the POA has an interest to maintain a professional reputation and should support the strategies, if for no other reason that to gain public support during contract negotiation periods. The panel stated that the POA would want to be involved in the police development, "meet and confer", and would attempt to limit management controls.

Business Community

The panel indicated that the business community would support the key strategies to enhance the image of the department and increase business. The business community would have no ongoing interest in the internal process of the department or definitions of police corruption.

Hotel Industry

The hotel industry would also support the key strategies in an effort to attract more tourist and convention business to the hotels. They would have no ongoing interest in the internal process of updating the

employees.

PREFERRED STRATEGY

The Long Beach Police Department should adopt a comprehensive strategy that will reduce the likelihood that the level of the negative impacting trends will increase in the future and reduce the probability that negative events will occur. In the event that the level of the trend does increase or the event does occur, to minimize its negative impact through prior planning. Implementation of a preferred strategy that combines concepts from two of the three key strategies is proposed.

> **Develop a system of training and communication to inform employees and the community how to prevent corrupt acts through knowledge, while instituting control and audit systems to monitor performance.**

The key elements of this preferred strategy are: training to inform and prevent corruption; instituting controls and audit systems. These two elements would presumably elicit support form the stakeholders, as indicated by the least forecast resistance during the negotiations.

IMPLEMENTATION PLAN FOR THE PREFERRED STRATEGY

The preferred strategy will require contribution from several sources in the city: the Department, POA and the CPCC. The one individual in the city government that all three components respond to is the city manager. For that reason the city manager should be the ultimate authority for the implementation of the strategy while delegating the responsibility for development to the chief of police. The chief has established lines of communication with both the POA and the CPCC. The chief has experience in negotiating with the POA and has a reputation of being open and honest. The chief should delegate the process of conducting all preliminary meetings and preparation of further implementation plans to the commander of the Professional Standards and

Audit Section, who reports directly to the chief.

The short-range element of this plan is the implementation of a training program. The long-range component would be the establishment of an audit and inspection system. Each will require planning and will encompass budget considerations. To reduce the costs, the agency should consider joint development of technology and computer programs with other law enforcement agencies. All training should be developed at a level capable of receiving certification from P.O.S.T. The committee should consider a regional approach to the implementation of the training programs to reduce individual agency costs and strengthen the probability for certification from P.O.S.T.

Training

Preparation of the training element and communications formats are to be developed within 90 days. A committee under the commander's direction is to be formed with representatives from: each sworn rank, a civilian supervisor, a civilian subordinate, training staff, City Attorney's Office and the District Attorney's Office.

Components of this element are to include:

- Policy development
- Instructions on supervisors' responsibilities and expectations
- Legal training for employees, eg: search and seizure laws
- Legal restrictions of providing information to the public
- Development of communication formats for the distribution of information to employees and the public on corruption prevention
- Evaluation of technological applications in the training process

Considerations for Implementation

- Training of supervisors and command personnel could begin within six months. The training would be designed to prepare them to instruct subordinates.

- Overtime on the part of supervisors may be required to accommodate working various shifts and the requirement to attend the training. Consideration should be given to scheduling several training classes or video taping for future showing of the tape, as training, to minimize overtime.

- Other costs could be incurred for video-tapes and publishing materials.

- Personnel costs to support the training, tracking, testing and remedial instruction.

Upon conclusion of this component it is to be presented to the chief for review and recommendations. When the component is approved, meetings are to be established with the identified stakeholders (external controls). Specifically, meetings should be scheduled with the POA, CPCC, Neighborhood Watch leaders, a representative from the Chamber of Commerce, and a representative from the Downtown Business Association. The goal of these meetings is to review the plan and make recommendations within thirty days. The final draft of the training component document is to be sent to the city manager under a cover letter from the chief of police recommending implementation.

Instruction of the agency employees would begin by the seventh month and would be accomplished at:

- Roll call training, 15 minute video, with follow up written test. Anticipate the plan to have several topics, requiring a series of instructional units.

- Inclusion of the training in the two year cycle of Continuing Professional Training (CPT), with written test. This is a long range plan element.

Additional considerations:

- Submit the training course outline to P.O.S.T. for certification.

- Maintain a liaison with the city prosecutor and District Attorney's Office to keep informed of cases or problems relative to search and seizure issues.

- A testing system will be established to validate the instruction, with a minimum passing score required on each component. This test record is

to be retained in the employees training file.

Audit and Inspections

The commander of the Professional Standards and Audits Unit would chair a second committee to develop a system to audit and inspect employee performance. This area is more technical and would involve computer programming, audit systems, preparation of a policy manual and extensive training of supervisors and command officers.

This component would take six months to one year to develop and may require budget requests for equipment and manpower in the next fiscal year. This long range element would start with planning concepts produced by the committee and proceed to implementation at a future date with the approval of the budget process and equipment acquisition.

Considerations

- Revise the annual personnel performance rating system to limit the credit for arrests and citations, emphasizing the quality of performance.
- Will require expertise from outside the agency, a budget consideration.
- Significant meet and confer item with the POA
- Once established, monthly reports should be distributed to the Bureau Chiefs' for the purpose of reviewing and evaluating their subordinates. (Training component consideration).
- Would require clerical support to input data for audits and inspections. This position should be added to the budgeted authorized strength of the Professional Standards section.

Commitment from executive and command officers must be displayed through deed and a dedication to upholding the program through an effective maintenance program and continued training, both internally and externally. A third component of the plan should be developed to monitor and revise the plan as indicated. One monitoring

device that should be considered after implementation of the audit system is to track the number of successful criminal filings versus the number of arrests per officer. The theory is that quality arrests would result in more criminal filings with fewer rejections for the prosecutor.

NEGOTIATING ACCEPTANCE OF THE STRATEGY

The strategy will be presented to all the stakeholders from a position of rationale concerning: costs savings, impact on crime, reduction of civil liability and reduction of workers compensations claims using statistical models. Negotiating from a position of rationale uses leverage gained through knowledge, information and facts. Any influence or persuasion are gained through rational arguments based on the facts. Each stakeholder will be addressed through negotiations, including compromise or accommodations, to benefit the implementation of the strategy, to build a foundation for future negotiations or support of the strategy.

Management positions

HOLD FIRM POSITIONS

1. All sustained criminal acts of misconduct by employees will be submitted to the criminal prosecutor.

2. The agency will have a policy of addressing all acts of police misconduct and corruption, including the violations of civil rights.

FLEXIBLE POSITIONS

1. The training formats and instruction techniques in the community could be performed by citizen groups previously trained by the department.

2. Criminal acts of omission or negligence could be referred for training outside the discipline proces.

3. Audit development, criteria selections and qualifying indicators are negotiable.

4. The review level of the program by external groups, POA and CPCC are

negotiable.

Flexibility can be made on the four lesser items and is seen as a negotiating tool permitting the external groups to participate in the policy development. This participation would satisfy any meet and confer requirements and could improve the implementation of the program.

Stakeholders Positions

The five stakeholders who support the strategy will given a complete briefing of the plan based on the rationale concept above. The briefing would include a statement of purpose, definitions and permit discussion on specific suggestions or concerns. These briefing elements may reveal a need for revisions of the strategy, but cannot be forecast at this time. The additional five stakeholders who would modify or ignore the policy have the following additional assumed negotiation positions:

Citizens Police Complainant Commission

HOLD FIRM POSITION

1. Hold the right to review all personnel complaints.

FLEXIBLE POSITION

1. The Commission has no enforcement power and cannot dictate discipline. The Commission does have the authority to make recommendations to the City Manager and would make recommendations regarding the policy implementation.

Police Officers Association

HOLD FIRM POSITION

1. Meet and confer on all policy changes as provided by law.

FLEXIBLE POSITIONS

1. The selection of criteria for audit and inspection of employee performance has historically been of little importance to the POA.

2. Flexible on policy development if the program would benefit the employees or future contract negotiations.

Citizens of the Community

HOLD FIRM POSITIONS

1. Expectations that there would be no reduction in the level of services provided to the community when implementing this strategy.

2. Would demand a professional department free of corruption.

3. Expectation that the Chief of Police will be responsible for the actions of his/her subordinates when a pattern of conduct is observed within the department.

FLEXIBLE POSITION

1. Policy development and audit criteria are of little importance to the citizens.

Los Angeles County Board of Supervisors

HOLD FIRM POSITION

1. Would expect all law enforcement officers in the County to professional and free of corruption. After incurring several corrupt acts in the Los Angeles Sheriff's Department, the Board of Supervisors has supported reform in the LASD. That reform movement could support the regional concept of training and benefit abuse investigations.

Negotiation Strategy Discussion

Based on the stakeholder analysis there is universal support for police reform, combating corruption and professionalism from the stakeholders. For each component of the strategy a positive negotiation technique would be to include as many of the stakeholders as possible in either the policy development or review process. Each of the specific "hold firm" positions could be addressed during the negotiation process to

capitalize on the positive elements. None of the stakeholders "hold firm" positions infringes on the City Managers or Chiefs' position, permitting them to place "throw away" items on the table, such as: development of criteria for audits, and CPCC review of personnel complaints which is provided for in the City Charter Amendment. An attempt to convert the negative positions to supporting positions of the plan should be made through compromise or accommodation rather than reach an impasse. The support of the POA could be gained through a strategy of promoting the benefits to the union as an organization and the individual employees they represent.

SECTION IV: TRANSITION MANAGEMENT

TRANSITION

Specific methods, assignments and an action plan are required to move from a prechange state, through a transition, to a future desired state.

The action plan will be developed in phases including the assignment of a project manager, committee meetings and policy creation.

TRANSITION MANAGEMENT STRUCTURE

Organizational change has three necessary steps in transition:

- Manage the change
- Manage the ongoing operation of the Department
- Manage the process of developing new leaders for the future state

The post-change state of the Department will maintain the same prechange state management structure because the department currently has a staffed professional standards and audits unit. The recommended transition management structure would use a diagonal slice of representatives from the various levels in the agency, both sworn and civilian. Specific informal leaders, from the ranks of police officer and sergeant, should be selected as committee members to assist in the negotiation of the of the change and to promote acceptance by peer members. The focus of the committee would be to work together as a team in making the change happen.

The project manager will require knowledge in the communication process, community contacts and audit systems. The commander of the Professional Standards and Audits Unit is the appropriate person to be the project manager and chair the committee. The position has the operational background, direct access to the chief of police, developed liaisons with external civilian review groups, the city attorney and the Police Officers Association. The project manager assignment will take 75 percent of the commanders time and he will need to delegate the daily operational task of his division to a lieutenant.

The project manager will conduct initial committee meetings which will include representatives from the department ranks, actors identified in the critical mass and

community groups. The initial committee meetings will be focused on basic goals and objectives to be achieved during the transition toward the desired state of change. The committee will further establish a time-line for the accomplishment of planning steps and stated goals.

The following planning methods will be used in transition management to produce the desired outcome of the selected futures scenario.

- Commitment planning
- Critical Mass identification
- Commitment analysis
- Management structure
- Responsibility charting

The project manager and committee members will also be responsible for the process of commitment planning.

COMMITMENT PLANNING

The commitment plan is defined as a strategy described by series of action steps, devised to secure support of key subsystems identified as critical to the change effort.

The steps in developing a commitment plan are:

1. Identify target individuals or groups whose commitment is needed
2. Define the critical mass needed to ensure the effectiveness of the change
3. Develop a plan for getting the commitment of the critical mass
4. Create a monitoring system to assess the progress.[26]

The commitment plan will identify the individuals that will compose the critical mass. That list will be discussed with the chief of police for input and modification as required. Once the identity of the critical mass is approved an analysis of the actors individual commitment is charted.

CRITICAL MASS

The critical mass is defined as the minimal number of individuals who if they support the change we are most likely assured the change will be successful. If identified individuals fight or block the change there is a high probability the change will fail.

The identified critical mass for this study is composed of the following individuals or positions.

- o City Manager
- o Department Executive Officers

  Deputy Chief of Patrol Bureau
  Deputy Chief of Detectives Bureau
  Deputy Chief of Administrative Bureau
  Commander from each bureau

- o Department Supervisors

  Patrol Watch Lieutenants
  Patrol team Sergeants
  Records Division Civilian Manager

- o City Attorney
- o Police Officers Association

Responsibility, Approval, Support and Inform (RASI)

The actors in the critical mass were chosen based on the future role of each, in the charting of their: Responsibility, Approval (right to veto), Support (put resources toward), and Inform (to be consulted before action is taken), RASI.

It will be the responsibility of the initial policy committee to formulate action steps for the transition to the future state and to evaluate the required behavior of each actor, in the critical mass, to bring about change. For example as sub-groups are formed for action items a sergeant may be responsible for the action, but he must inform the lieutenant of the action and receive approval from the commander, project manager, prior to taking steps to complete the action. It is recommended that a

matrix be developed for the assignment of the decisions or acts on the left vertical column and the actors involved along the horizontal axis. The initials: R, A, S, I should be used to assign the action required by each actor in the critical mass.

COMMITMENT CHARTING

The commitment chart (Appendix G) depicts the actors in the critical mass and their current level of commitment toward the strategic plan, and a projection of the actual future level of commitment each actor should be moved to, increasing the probability of a successful change. The assumption stated in the definition of critical mass is that no actor may be in the "block change" category for the change to be successful. The summary of the possible intervention strategies which can be employed to gain the needed commitment from each actor for the success of the transition plan is presented and provides insight into why the actors are members of the critical mass necessary for change to happen.

City Manager - The city manager has many reasons to eliminate acts of wrongdoing from the department. Politically it could gain him support for crime fighting programs, increased staffing and fringe benefits for the employees. It would enhance the image of the department for recruitment and gain the support from the business community if crime were actually reduced. On a personal note, the manager would support and "make change happen" to minimize his own liability exposure for negative supervision and/or retention.

Executive Officers - The executive officers which includes deputy chiefs and commanders would start at the position of "help change happen" As the transition management committee develops statistical data on the: personnel cost savings, workload-productivity analysis, impact on benefit claims, there exist a potential for positive findings. If the positive results are significant, they could influence the executive officers to move from "help change happen" to "make change happen", particularly if the benefit is realized in their area of responsibility and the department in general. Additional direction from the Chief of Police to this group to actively support the change would also motivate them.

Supervisors - This group would include the leader(s) of the lieutenants, sergeants and civilian ranks. This is a critical area, requiring salesmanship to the employees of the need for change, its strategy and the vision of the future. The supervisors need to be at the frontline, soliciting input, looking for pitfalls

and giving suggestions to the committee on the ground level problem areas in the transition plan. The committee as a whole has to plan for and be ready to react to the problems identified. The supervisors must be moved from a passive "let it happen" to an active "help it happen" state. This could be accomplished by the project manager selling the positive image for the department, potential benefit increases, staffing support, limiting civil liability for their subordinates and providing quality law enforcement service to the community.

City Attorney - The city attorney is the focal point for all lawsuits filed against the City for police liability. He could sit by and "let change happen", however it would be to the interest of the transition plan if he "helped change happen." The sales method to convince the City Attorney to become active in the transition would be to sell the benefits of decreased lawsuits against the police for corrupt acts and the potential credit this elected official could take in the next election for the program and his contribution. The selling of these benefits should be done by the chief of police, as one department head to another.

Police Officers Association (POA) - The POA would see this change as a threat to the status quo of the union. The initial reaction of the POA would be that "management is out to get the troops with audits and controls." The POA must be moved from "block change" to "let change happen." This movement could be based on the selling of the benefits to the employees in reduced liabilities and protection from a bankrupt worker compensation disability system. The potential liability savings may be converted to employee benefits of increased training programs desired by the union. The most credible person to sell this position and control the information would be the Chief of Police.

READINESS AND CAPABILITY FOR CHANGE ANALYSIS

In addition to identification of the critical mass and commitment planning an evaluation of the readiness and capability of each actor toward the desired future is necessary.

The researcher did an analysis of the readiness of each of the actors in the critical mass. The examination of the readiness state included analysis of their willingness, motives and aims. An additional dimension of this assessment was also conducted, capability. Capability involves power, influence, authority to relocate resources and the possession of information and skills to carry out the necessary task.[27]

IMPLEMENTATION TECHNOLOGIES

The final phase of the transition plan addresses the technologies and methods which can be utilized to support implementation. Resistance to change is a natural phenomenon in an organization. It can be expected that strong resistance will come from those who have the most to gain form the status quo, like the POA, and that there will only be lukewarm support from the supervisors who have an opportunity to gain from the change. Effective communications must be developed to keep employees informed to reduce the anxiety, while allowing time for the change to take place.

The technologies which will be used include the following:

Role Modeling - Leadership will set the example by incorporating the vision of the change state into their work behavior. Selling the positive at all times.

Teambuilding Workshops - Both the executive and supervisorial teams should have teambuilding workshops to discuss the change and allow them to make recommendations for improvements or modifications.

Formal Training - A program of formal training regarding the reform methods, legal restrictions and investigative techniques would assist the transition team.

Department Survey -To assess the knowledge of the organization and their receptiveness to change.

Community Meetings - To establish a working relationship with the community and build a foundation for future communications distribution.

Mission Statement - The mission statement should be reproduced and distributed to the employees, community and city leaders. This process will begin the sharing of the vision to reduce the stress of uncertainty.

Videotape Message - A videotape from a chief executive officer should be made to share the statement of change in a uniform, consistent message format, that can be distributed both internally and externally. Videotape could also be used to provide updates as the plan progresses.

Department Newsletter - Updates, target dates and progress reports could all

be included in articles of the newsletter. Communicate the vision.

Rumor Control - Anxiety, stress and uncertainty grow when rumors are not responded to . A system should be established which permits employees or citizens to solicit information concerning the plan, program, change time lines and rumors. Examples of this system include, a hotline telephone number, electronic bulletin boards or an employee question box.

The transition management consist of three primary components, identification of the critical mass and their commitment to change, the management structure best applied to make change happen and the technologies that the change agents can use to accomplish change. Combined these components support the reduction of anxiety, uncertainty, improved communications, improve control of the change, develop commitment and respond to rumors or threats to the status quo.

SECTION V: CONCLUSIONS, RECOMMENDATIONS AND FUTURE IMPLICATIONS

CONCLUSIONS

The issue: What effect will criminal acts of misconduct within law enforcement have on the way agencies are managed by the year 2001?

Significant information was obtained through the research, literature scan and personal interviews.

The purpose of the study was to prepare management for the future. Based on the results of the futures forecasting and strategic planning, management should plan for the anticipated events of police criminal acts through training, community involvement and audit systems. Management will take the lead in preventing, exposing and eliminating criminal acts of misconduct in law enforcement through a structured strategic plan. A poorly run organization, with vague lines of authority permits corruption to flourish.[28]

Through the development of future trends and events forecast a desired and attainable future scenario was written. The scenario demonstrated how the implementation of elements of the strategic plan could impact the level of trends and the probability of events occurring. Specific training plans, which included citizens groups, established a positive relationship between the department and external control groups. The expansion of supervisory accountability and training combined with the audit and inspections identified patterns of misconduct and reduced violations.

It will take considerable effort for management to create and implement systems to monitor the activities of subordinates. For this reason, training of established rules of operation should be conducted, with enforced accountability for non-compliance by both employees and supervisors. The future forecast of internal discipline indicated that the level of internal discipline will increase. To secure success, management will be required to set the example and encourage all personnel to strive for a department free of police criminal misconduct. Management will also come under increased scrutiny from external sources. The forecast is that there will be additional external controls placed on management through the local, state and federal levels.

Sub-issue: What management practices will be required to identify criminal acts of misconduct at the early stages?

Three practices were distinguished in this study to identify criminal acts of misconduct by law enforcement personnel accountability, training and audit systems.

As previously mentioned, command and supervisory accountability for the acts of subordinates is essential to minimize criminal acts of misconduct. A philosophy of professionalism, compliance with the Police Officers' Code of Ethics and holding people accountable for their actions should permeate the agency to minimize the influence of external controls on the agency.

Training was divided into two basic areas. First, training of the department employees in the correct procedures, legal requirements or restrictions, and the definitions of criminal acts of misconduct. Although ignorance is no excuse, a failure of management to educate its employees to prevent their failures is intolerable.

Second, management also has the obligation, as presented in the strategic plan, to train and educate the public regarding criminal acts by the police.

Finally, internal audits and controls will be necessary to expose or identify those persons with patterns of misconduct or activities which may indicate criminal behavior on their part. Excessive force complaints may indicate criminal assaults. Excessive lawsuits may be an indicator of wrongdoing. Excessive use of sick leave may be an indicator of an underlying drug problem. Sophisticated training of command and supervisory personnel should be conducted and computer programs should be developed to assist management in tracking employees.

Examples of these computer programs can be found at the Sacramento Police Department, Los Angeles County Sheriffs' Department and the Long Beach Police Department. The Fresno Police Department is in the process of developing a similar program for future implementation.

Sub-issue: What consequences will civil liability resulting from criminal acts of misconduct have on management?

This study revealed that management will be significantly impacted through civil

judgements in the future. A failure of management to take action to minimize civil lability may limit the financial resources available in the future. This will reduce the operational budget of the agency. Depending on the fiscal structure of the city or county, significant judgements could further impact the local government as well.

Again, education and community involvement were recommended. Patterns of lawsuits by officers could be an indicator that management should take preventive or corrective action.

Sub-issue: What impact will external controls of corrupt acts have on management?

The response of management to the criminal acts of misconduct by employees is amplified by the degree of external controls on the agency. The panel members indicated that the more external controls that are in place, the more management will respond with investigative procedures, discipline and audits. The "will be" forecast is for more external controls in the future, than today. Management today should educate themselves regarding the community concerns and open channels of communication to educate the public.

As stated in the strategic plan, education of the public may help reduce complaints, criminal misconduct and civil lawsuits against the agency.

A concern for management is that as external controls increase on the agency, it reduces the options available for management to manage that agency.

RECOMMENDATIONS

With the publicity of the notorious acts of police criminal misconduct and the expanding use of technologies, such as portable video-cameras , management will be faced with many new challenges in the next decade. All too frequently agencies act independently, as each agency learns from mistakes and takes corrective action, while others continue business as usual until it is their turn for adversity. Based on the data in this study and prior studies on the topic of corruption, it is time for California

law enforcement to jointly address the issue. Specific strategies were developed in the strategic management plan to train, educate, communicate and audit. A recommended management structure was presented, as was a philosophical mission statement, with obtainable goals.

The researcher presents the following thoughts for consideration beyond the directions formulated in the strategic plan:

- Participation of all local law enforcement agencies in the monthly meetings of area Internal Affairs Investigators Associations. The exchange of problems and solutions will expose other agencies to the discussion without having to experience the problem first. If such an association does not exist, consideration should be given to forming a similar group. Each month a different agency could host the meeting. Similar results could be obtained from regular area meetings of command or supervisory personnel who are not assigned to the specific function of internal affairs.

- The local district attorneys' office should prepare a quarterly information bulletin for local law enforcement of the types of criminal, police, misconduct cases submitted to them for consideration in criminal filing. The information should conform to confidentiality laws and be made available for concerned citizens.

- The local district attorneys' officer should conduct yearly training seminars for law enforcement investigators to critique criminal investigations of police personnel.

- A system should be established between the local law enforcement agency and the district attorneys' office to review criminal cases rejected due to violations of search and seizure laws. This practice could determine needed training and/or expose criminal wrongdoing by an officer.
- Agencies with an Managed Case Investigation, (MCI) system, should supply

information to the audit unit on those officers who have criminal arrest cases rejected for violation of search and seizure laws. This data could be input into the tracking computer system to identify trends so that appropriate training or corrective action could be taken.

These recommendations and there results could be used in the training element of the strategic plan and have the potential to expand managements communication with the citizens of the community.

It is also recommended that the basic concept presented by Randy Means for risk management be utilized as a foundation to inform, train, supervise and discipline employees.[29] The illustration demonstrated that the agency should take the following action steps:

1. Set written policy for the agency
2. Train the employees, and re-train employees as needed
   (This step recommends testing with a minimum passing score required)
3. Active supervision with re-training for failed performance by the employee
4. Discipline for uncorrected or failed performance by the employee
5. Review policy and adjust the previous policy as new circumstances surface

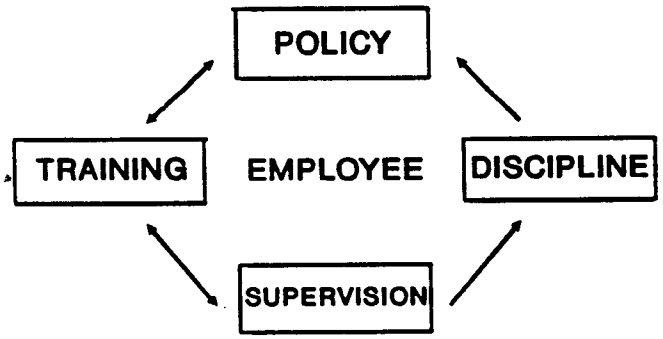


Illustration I - Basic supervision, risk management

FUTURE IMPLICATIONS FOR STUDY

The researcher has identified several areas worthy of future study which are related to this issue:

- The impact on recruitment by an agency with a bad reputation for criminal misconduct
- The operation of an agency which has a negative public image due to criminal misconduct and the loss of community support for law enforcement programs
- What relationship can be made from the frequency of lawsuits and/or judgements against an agency and the performance of its employees?
- How can a police oversight agency be effective in monitoring police conduct?
- What impact will the new Federal Police Officers' Bill of Rights have on future managers?

With the reputations of employees, leaders, departments and government officials at stake, it is necessary for law enforcement management to be proactive in recognizing the implications of criminal acts by their employees. The research indicates that acts criminal misconduct by police officers will continue in the future in a wide spectrum of categories, while coming under ever increasing scrutiny by the public. The managers of the future must join together to plan, educate and monitor employees to ensure that quality, professional law enforcement service is provided to the community.

APPENDIX A

DEVELOPMENT OF IDENTIFIED ACTS OF CORRUPTION

Criminal Acts

The members of the panel were briefed by the researcher in advance. The first introductory stage of the briefing was to prepare the panel for the topic of corruption. The panel was told that the primary focus of this study was not notorious acts of corruption. Notorious acts were described as:

Theft of drugs
Theft of drug monies
Excessive force or brutality used on citizens

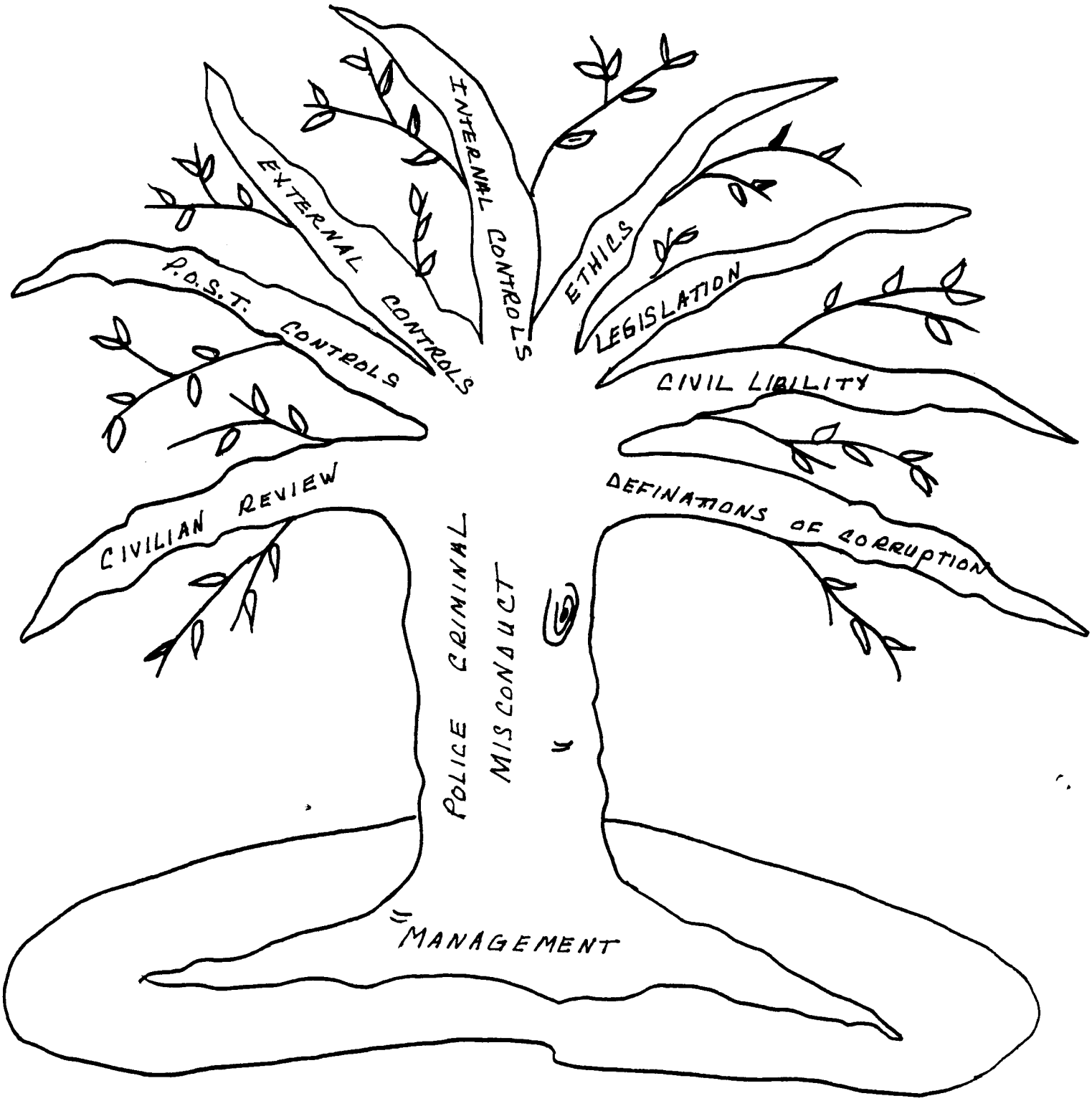
In a brainstorming session the panel was asked to contribute in the development of a list of what they perceived were acts of corruption that would impact management beyond the notorious acts. The following is the list that was generated:

Breaking traffic laws
Gambling
Drug dealing
Drug use
Misuse of time
Theft
Theft of materials
Theft of evidence
Theft of benefits
Theft of technology
Theft of police intelligence
Workers compensation fraud
Retirement pension fraud
Bribery
False labor cards
False arrest
False reports
False reports for personal gain

Selling police reports
Providing service for political gain
Discrimination in enforcement
Sexual harassment
Brutality
Use of official position for gain

Gratuities
4th Amendment violations, search and seizure
Illegal asset seizures
Planting of evidence
Perjury

APPENDIX B


INTERNAL CONTROLS
EXTERNAL CONTROLS
P.O.S.T. CONTROLS
ETHICS
LEGISLATION
CIVIL LIBILITY
CIVILIAN REVIEW
DEFINATIONS OF CORRUPTION
POLICE CRIMINAL MISCONDUCT
MANAGEMENT

APPENDIX C

Nominal Group Process

NOMINAL GROUP PANEL MEMBERS

The panel consisted of 11 members:

1- Engineer, member National Association for Advancement of Colored People
1- Commissioner, Public Safety Advisory Commission, Long Beach
1- Deputy City Manager, Executive Director Citizen Police Complaint Commission
1- Deputy City Attorney, Long Beach
1- Police consultant, management and discipline specialty, retired LAPD
1- Police Sergeant, Long Beach Police
5- Police Commanders, Long Beach Police

11- total panel members for NGT

The panel used modified, classic, Nominal Group Techniques to develop a list of trends and events that would impact the issue and sub-issue. The initial process developed a list and the second step was used to put the list in rank order. The five trends in identified trends and events in the study were the highest ranked by the panel. The following is a complete list of the trends and events developed by the panel.

Trends

Level of class polarization or economic segregation
Level of ethical behavior by employees
Level of morality
Level of stereotyping of citizens by police officers
Level of judicial system capabilities
- Supreme Court rulings
- Criminal prosecution of police
- Court backlog

Level of demographics in the city
Level of economic issues
- World economy
- National economy
- Inflation rate
- Employment
- Unemployment
- City budget
- Housing cost

Cost of living
Officer income level
Recession issues
Depression
Level of police service to the community
Level of media reporting of excessive force by police
Level of training provided to department employees
Level of internal controls used by the agency
Level of external controls placed on the agency
Public awareness of corruption
Media reporting
Public perception
Public commissions
Level of data base information building of corruption
Level of internal resources available in the department
Level of free enterprise in the community
Level of transportation cost
Level of aging population in the community
Level of audit and inspection systems in the department
Level of employee education
Level of recruitment of new employees
Level of pay without merit system
Level of political activism by employees
Level of environmental crimes
Level of liability lawsuits against police and police management
Level of excessive for allegations against officers
Level of the quality of life in the community
Level of technological advancements
Level of public complaints against the police
Level of discipline imposed on employees

EVENTS

The NGT panel also developed the following list of events that were then ranked and the top five were forecast as Events 1-5. (list not in rank order)

Minority Mayor elected
Police union forces Police Chief to resign
Drugs decriminalized
National Depression
P.O.S.T. creates corruption audit unit for the state
East Long Beach secedes from the city
Democratic form of government overthrown

Liberalization of search and seizure laws, no warrants
Major budget cuts and police layoffs
Change in form of city government
Regionalized form of policing
AB 301 overturned (Police Officers Bill of Rights)
Legislation criminalizing police ethical violations
Police officers given 50% cost of living raise
Legalized gambling and prostitution
Organized police corruption scandal
Legislation passed to conduct sub-rosa investigation
The dollar amount of civil liability judgements for the fiscal year exceeds 30% of budget
Technology is developed to test absolute truthfulness
P.O.S.T. establishes an ethics review board
Federal funding cut for civil rights violations by employees

Dear :

Thank you for agreeing to participate in my project for the California Peace Officers Command College. This is a two year masters program for law enforcement executives throughout California.

Our panel meeting is scheduled for June 11, 1991 at 8 A.M. at the Long Beach Police Academy in room 2C. (I have enclosed a map to the academy and parking is available on the street in front.) The exercise will take approximately 4-5 hours based on prior panels I have participated in. At the conclusion of the exercise I would be pleased if you would be my guest for lunch at a local restaurant.

The function of the panel will be to perform a process called the Nominal Group Technique (NGT). In addition to this structured process to develop list of trends and events, you will be doing future forecasting. It will be a step by step process, with each step building on the prior step.

The issue we will be concerned with is:

ISSUE: What affect will criminal acts of misconduct within law enforcement have on the way agencies are managed by the year 2001?

Sub issues are:

What management practices will be required to identify criminal acts of misconduct at the early stages?

What consequences will civil liability resulting from criminal acts of misconduct have on management?

What impact will external controls of corrupt acts have on management?

You will be asked to list trends and events related to the issues. An event is a single occurrence, that can be traced to a given point in time. Several events over a period of time is a trend. Example: (Event) A Boeing 747 crashes at LAX. Trend, a Boeing 747 crashes every Tuesday for a month. Another, the City declares bankruptcy. Trend, the city has a deficit for three years.

Please think about the issues and the possible events or trends that may affect them in the next ten years. No idea is beyond our limits so let your imagination run wild.

I know you will find the discussion interesting and your contribution will be a positive learning experience for all those in attendance.

Please call me if you have any problems, concerns or are not able to attend on June 11.

Thank you,

Steve Bonswor

APPENDIX D

The Nominal Group performed a trend screening to rank the trends in order of determining how valuable would it be to have a really good long-range forecast of the trend. Each panel member completed a form and the results were tabulated by the researcher. From the results five trends were used for forecasting.

Trend Screening

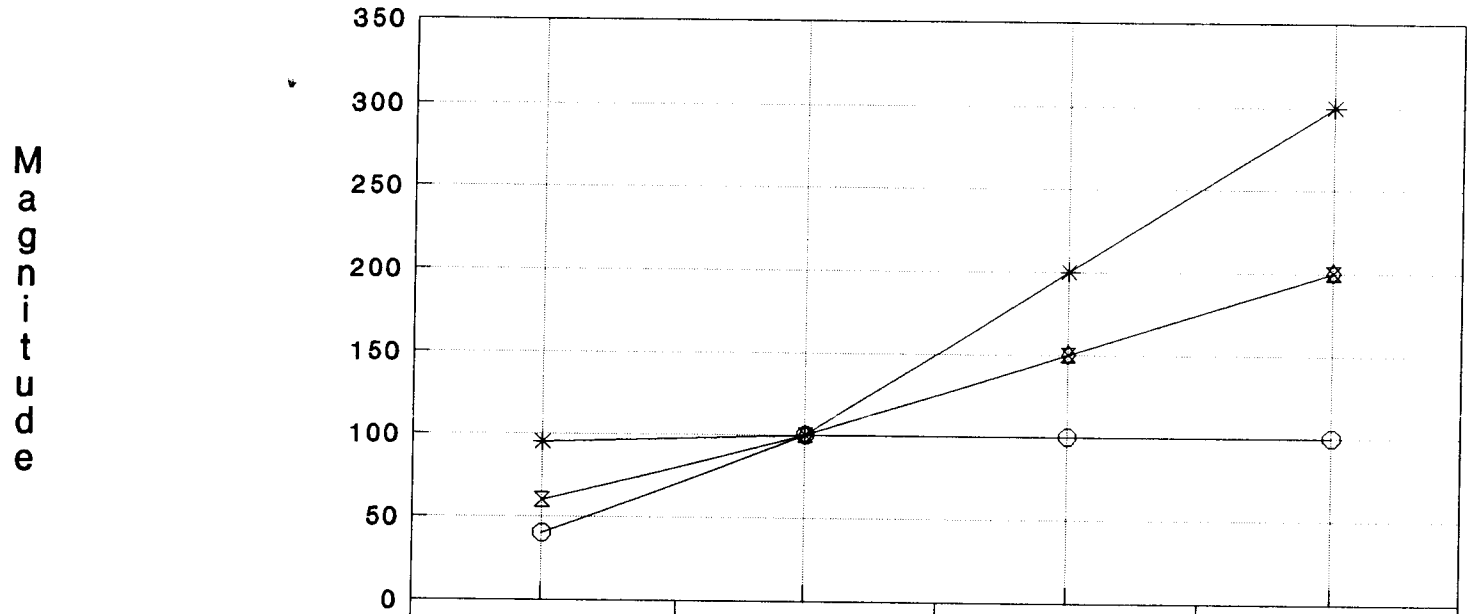
CANDIDATE TRENDS in RANK ORDER		FOR PURPOSES OF TOP-LEVEL STATEGIC PLANNING HOW VALUABLE WOULD IT BE TO HAVE A REALLY GOOD LONG-RANGE FORECAST OF THE TREND? *				
#		Priceless	Very Helpful	Helpful	Not Very Helpful	Worthless
1	Level of training	4	4	3		
2	Internal controls	3	3	5		
3	External controls	2	3	6		
4	Level of education	1	2	4	4	
5	Level of demographics	1	1	4	5	
6	Level of recruitment	1	1	3	6	
7	Level of judicial system		2	3	5	1
8	Level of economy	3	3	2	3	
9	Level of sterotyping	1	2	1	2	5
10	Level of ethics	6	1		4	
11	Level of police services			6	5	
12	Level of class polarization			3	4	4
	* Panel total for each estimate category					

APPENDIX E

Using the Nominal Group Technique, 11 panel members forecast the exploratory, "will be" and normative "should be" data for each of the trend statements for use by the researcher to calculate the high, low and median numbers used on the trend graphs.

The five graphs follow on the next five pages.

GRAPH 1
Trend 1 External controls used



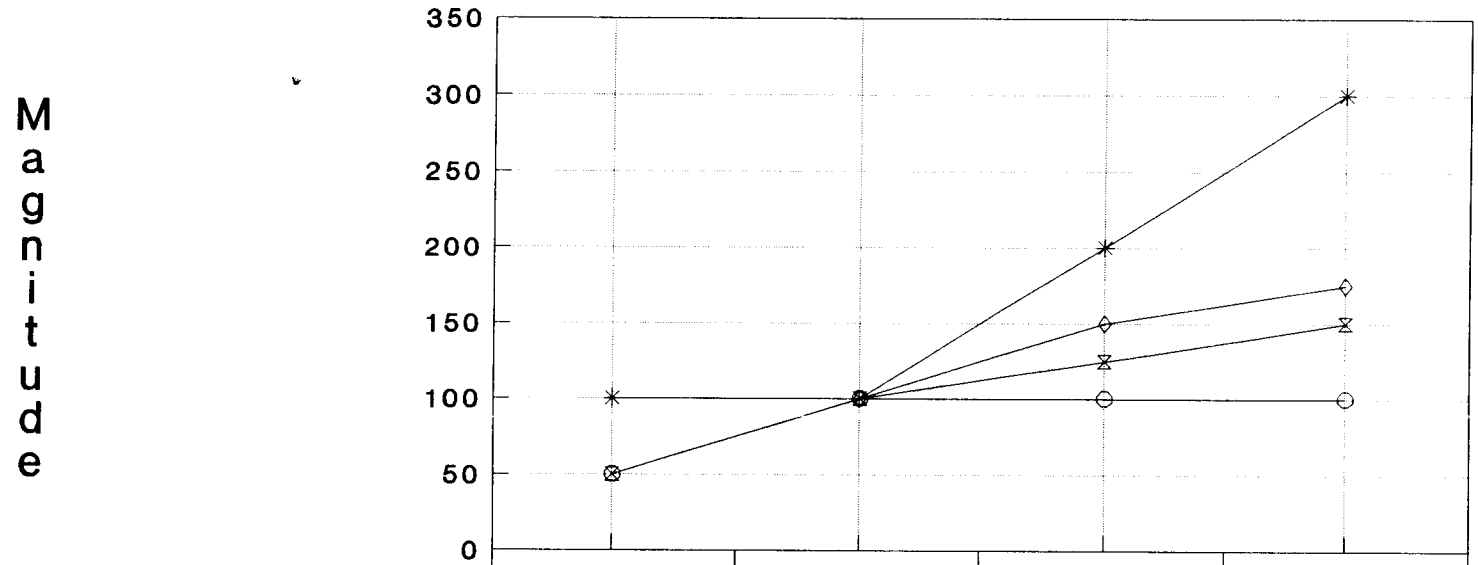
	5 yrs ago	Today	Today +5 yrs	Today +10 yrs
High exploratory *	95	100	200	300
Median exploratory *	60	100	150	200
Low exploratory *	40	100	100	100
Median "should be"**		100	150	200

N = 11

* Panel Exploratory forecast "will be"

** Panel Normative forecast "should be"

GRAPH 2
Trend 2 Internal controls used



	5 yrs ago	Today	Today +5 yrs	Today +10 yrs
High exploratory *	100	100	200	300
Median exploratory *	50	100	125	150
Low exploratory *	50	100	100	100
Median "should be"**		100	150	175

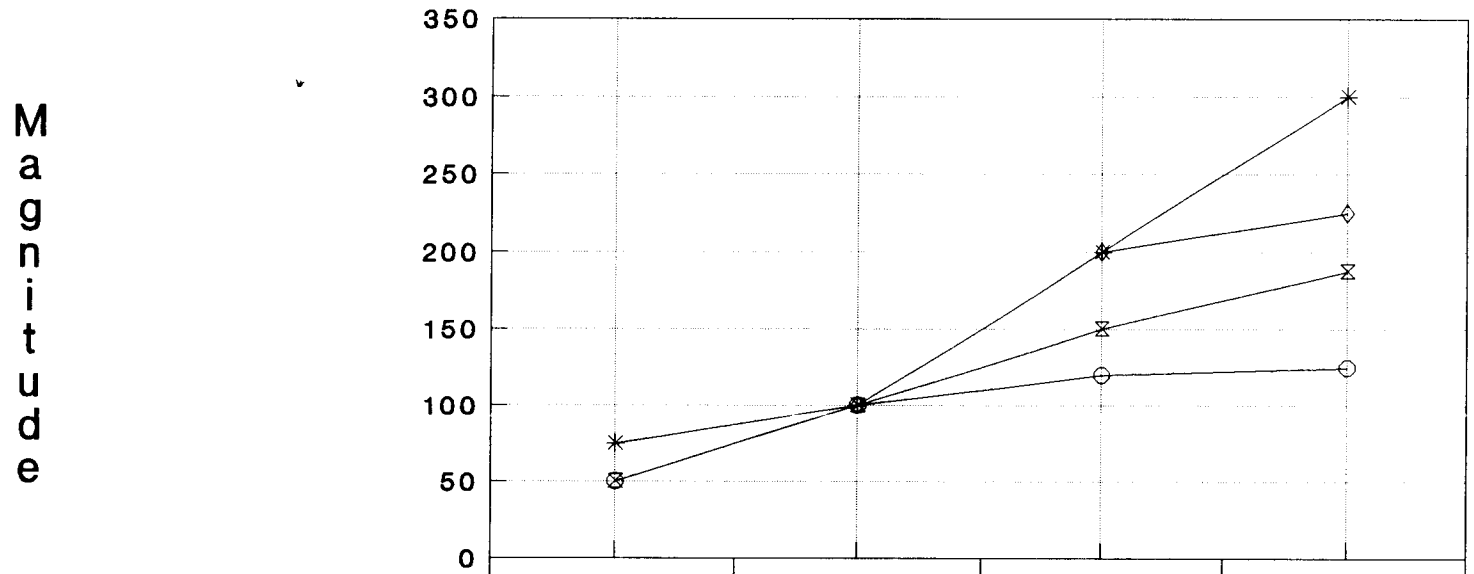
N = 11

* Panel Exploratory forecast "will be"

** Panel Normative forecast "should be"

GRAPH 3

Trend 3 Level of training provided



	5 yrs ago	Today	Today +5 yrs	Today +10 yrs
High exploratory *	75	100	200	300
Median exploratory *	50	100	150	187.5
Low exploratory *	50	100	120	125
Median "should be"**		100	200	225

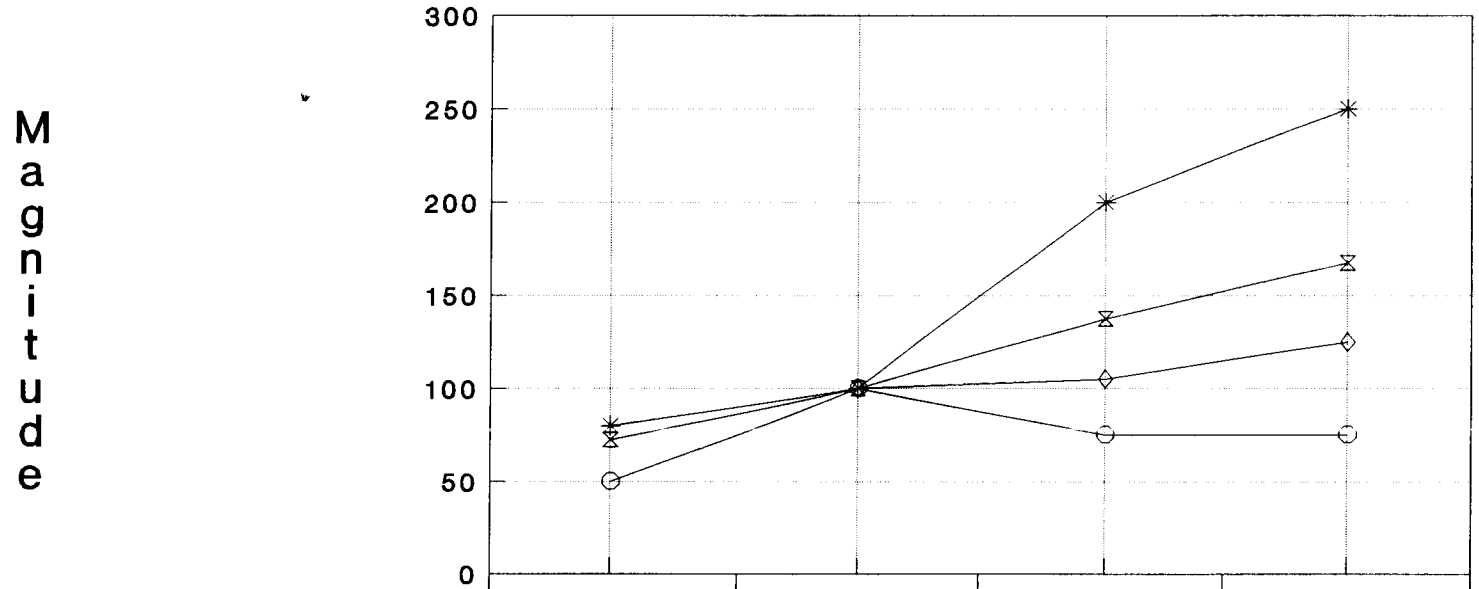
N = 11

* Panel Exploratory forecast "will be"

** Panel Normative forecast "should be"

GRAPH 4

Trend 4 Impact of judicial system



	5 yrs ago	Today	Today +5 yrs	Today +10 yrs
High exploratory *	80	100	200	250
Median exploratory *	72.5	100	137.5	167.5
Low exploratory *	50	100	75	75
Median "should be"**		100	105	125

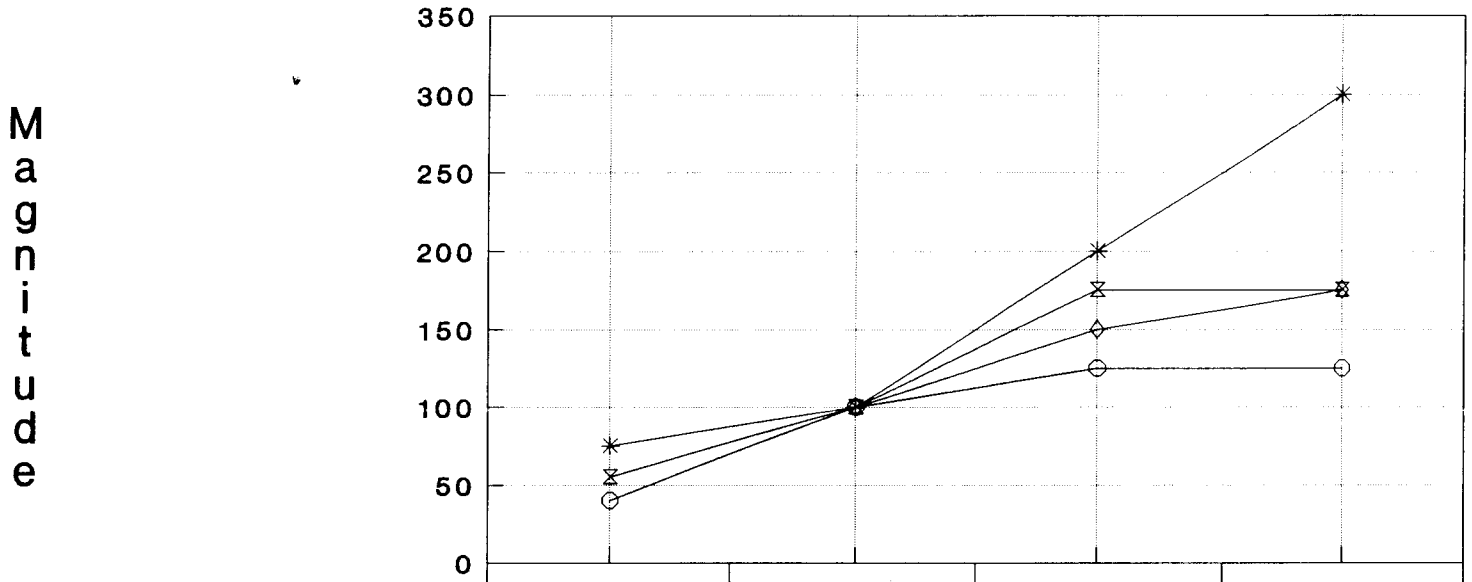
N = 11

* Panel Exploratory forecast "will be"

** Panel Normative forecast "should be"

GRAPH 5

Trend 5 Level of discipline imposed



	5 yrs ago	Today	Today +5 yrs	Today +10 yrs
High exploratory *	75	100	200	300
Median exploratory *	55	100	175	175
Low exploratory *	40	100	125	125
Median "should be"**		100	150	175

N = 11

* Panel Exploratory forecast "will be"

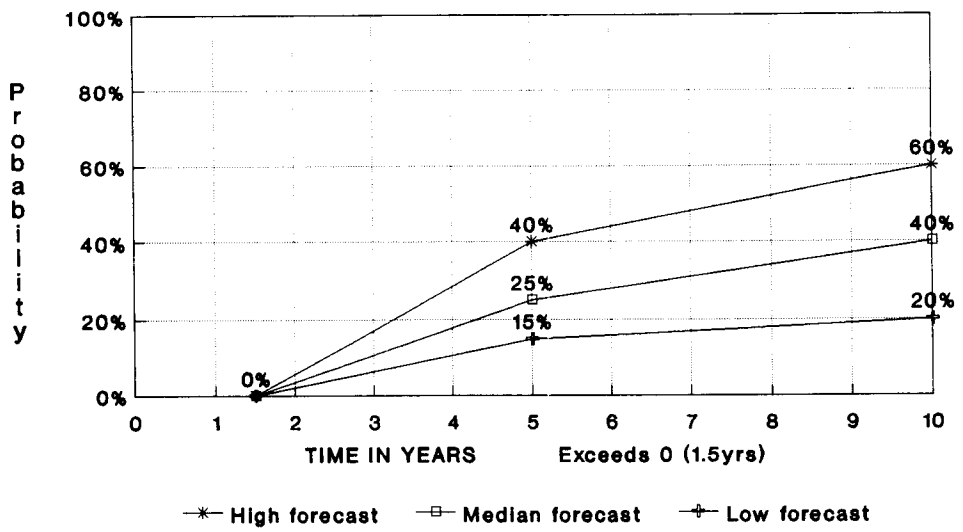
** Panel Normative forecast "should be"

APPENDIX F

Graphs were developed from the forecast of event data generated by the panel members.

GRAPH 6

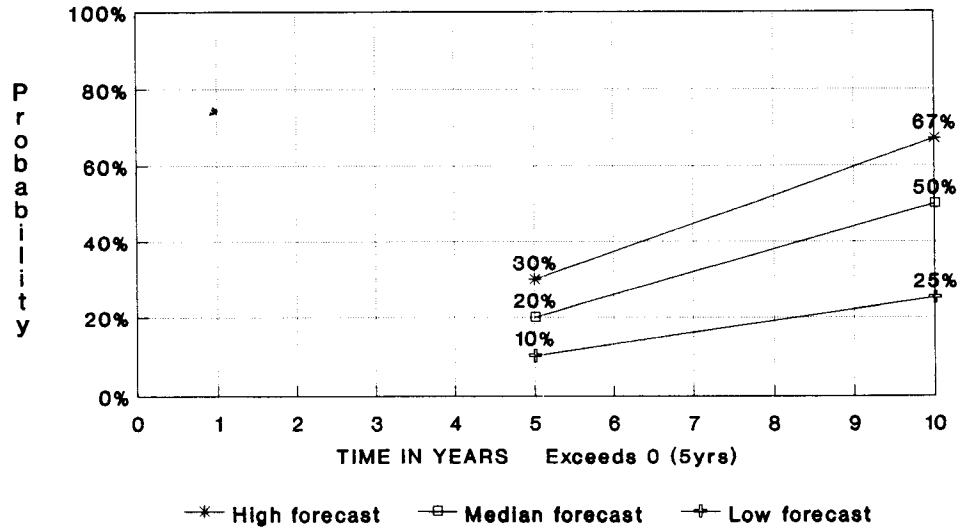
Event 1 Legislation passed requiring Sub-Rosa investigations



N = 11
Panel nominal forecast

GRAPH 7

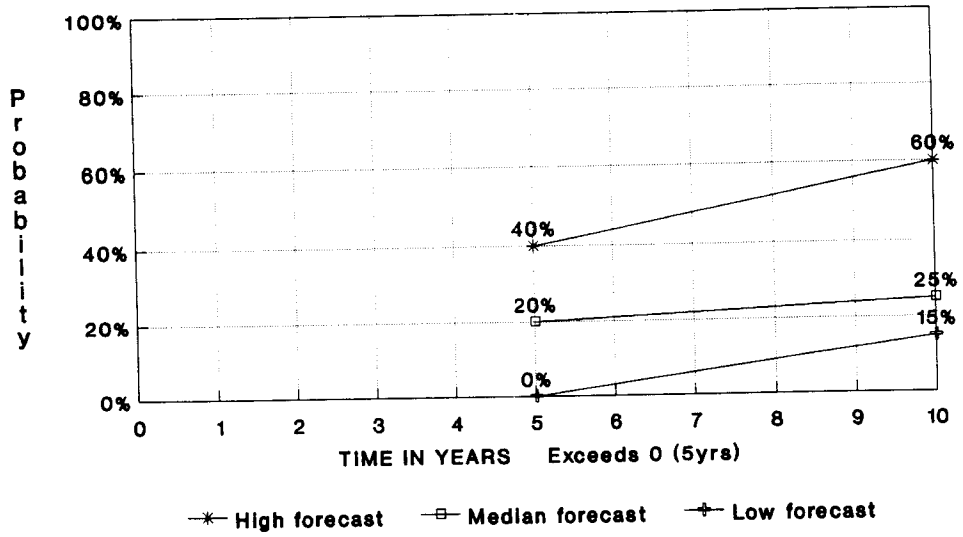
Event 2 Liability claims impact operational budget of agency



N = 11
Panel nominal forecast

GRAPH 8

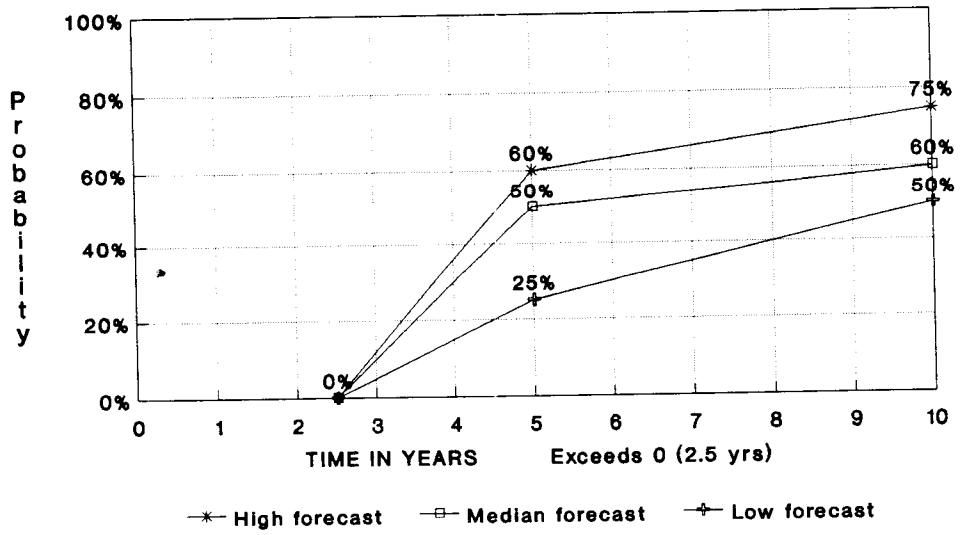
Event 3 Technology is developed to test for absolute truthfulness



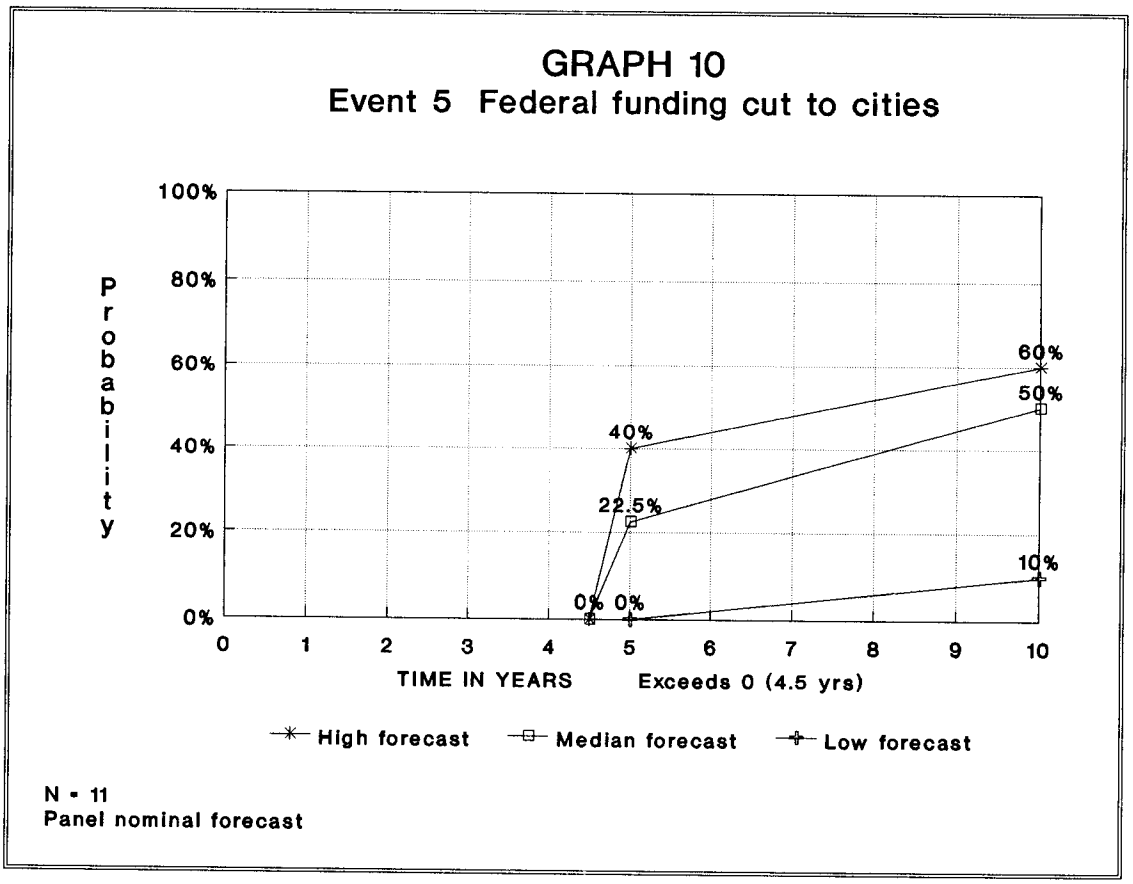
N = 11
Panel nominal forecast

GRAPH 9

Event 4 P.O.S.T. ethics review board established



N = 11
Panel nominal forecast


GRAPH 10
Event 5 Federal funding cut to cities
Probability
100%
80%
60%
40%
20%
0%
0
1
2
3
4
5
6
7
8
9
10
TIME IN YEARS
Exceeds 0 (4.5 yrs)
60%
50%
40%
22.5%
10%
0%
0%
High forecast
Median forecast
Low forecast
N = 11
Panel nominal forecast

APPENDIX G

Level of trend : Today =100

	Trend Statement	5 Years Ago	Today	* Five Years from now	* Ten Years from now
T1	Level of external controls placed on the agency	60	100	150 / 150	200 / 200
T2	Level of internal controls used by the agency	50	100	125 / 150	150 / 175
T3	Level of training provided to employees	50	100	150 / 200	187 / 225
T4	Level of impact of the judicial system decisions	72	100	137 / 105	167 / 125
T5	Level of discipline imposed on employees	55	100	175 / 150	175 / 175

Panel medians N = 11

* Exploratory "Will be" / "should be" Normative

TABLE I Trend Forecasting

Event #	EVENT STATEMENT	• YEARS UNTIL PROBABILITY FIRST EXCEEDS ZERO	• PROBABILITY		IMPACT ON THE ISSUE AREA IF THE EVENT OCCURRED	
			Five Years From Now (0-100%)	Ten Years From Now (0-100%)	• POSITIVE (0-10) scale	• Negative (0-10 scale)
1	Legislation passed to conduct sub-rosa invest.	1.5	25	40	8.5	2
2	Civil liability judgements impact operational budget	5	20	50	3	9.5
3	Truthfulness technology is developed	5	20	25	9.5	2
4	POST establishes an ethics review board	2.5	50	60	8	3
5	Federal funding is cut to cities for civil rights violations	4.5	22.5	50	5	5.5

• Panel Medians N=11
Nominal forecast

TABLE II Event Forecasting

MATRIX * Panel Consensus						** Maximum Impact (% change +/-) / Years to Maximum					
	E1	E2	E3	E4	E5	T1	T2	T3	T4	T5	"IMPACT" TOTALS
E1	X	0	0	10	0	30 / 5	40 / 1	10 / 2	10 / 2	30 / 2	E1 6
E2	0	X	5	10	0	65 / 5	80 / 1	10 / 2	10 / 2	70 / 1	E2 7
E3	0	0	X	5	0	-10 / 1	25 / 1	5 / 3	0 / 0	40 / 1	E3 5
E4	10	0	5	X	0	40	50 / 2	10 / 2	0 / 0	10 / 0	E4 6
E5	0	0	0	50	X	70 / 2	40 / 1	20 / 1	5 / 5	40 / 0	E5 6

** Legend

E1 Sub-rosa legislation
E2 Liability claims
E3 Truthfulness technology
E4 POST ethics review board
E5 Federal funding cuts
T1 External controls
T2 Internal controls
T3 Training provided
T4 Judicial impact
T5 Discipline

* Percent change improbability of impact on the other events if the event occurred
** Percent change in maximum impact on the trends if the event occurred and years until that maximum impact occurs

Table III Cross-Impact

Key Players	Block	Let it Happen	Help it Happen	Make it Happen
1. City Manager				XO
2. Executive Officers			X →	O
3. Supervisors		X →	O	
4. City Attorney		X →	O	
5. Police Officer Assoc.	X →	O		

X = the present degree of commitment

O = the minimum commitment you must have for change to occur

TABLE IV Commitment Chart

Actors in Critical Mass	Readiness			Capability		
	High	Medium	Low	High	Medium	Low
City Manager	X			X		
Dept. Executives	X			X		
Dept. Supervisors		X				X
City Attorney		X			X	
POA			X		X	

TABLE V Readiness Capability Charting

APPENDIX H
POLICY DELPHI

The panel accomplished a reduction of the strategy list by using the Modified Policy Delphi process while the researcher acted as facilitator.

Strategy List

- o Develop and implement a system of communication and training to inform the employees and community what are corrupt acts, and how to eliminate them.
- o Periodically analyze community and law enforcement values to update the list of corrupt acts and communicate that information to employees and the community. Provide continuing training to employees and the community on current corruption definitions.
- o Develop a system to process and investigate cases of police corruption and discipline.
- o Establish a formal liaison position to co-ordinate with outside agencies and enforcement groups regarding complaints of corrupt acts.
- o Establish a committee to review and clarify the influence and effect of external control groups relative to possible influence on management.
- o Determine which groups in the external environment have the authority or informal power to impact the agency and address them.
- o Determine training needs to address corruption, ethics, values, police culture, investigations, warning signs and supervision.
- o Establish a "We-Tip" type system for the reporting of corrupt acts by police for use by both the public and employees of the agency.
- o Establish a system to identify and address corrupt acts through an internal audit and inspection process.

Upon completion of compiling the policy list, the panel was introduced to the Modified Policy Delphi technique. Each member was provided with a rating form with instruction to rate each policy using a scale of 1 to 5. The group was instructed that a rating of 1 was low feasibility/desirability and a rating of 5 was high. The rating

scale from low to high feasibility/desirability was applied to six categories for evaluation of the recommended policy statement. The six categories were:

- Desirability, short term, of the policy
- Feasibility of the policy
- Cost of the policy
- Desirability, long term, of the policy
- Evaluation of persons who have an interest in the policy (later identified as stakeholders)
- Evaluation of manpower requirements to implement the policy

RATING FORM

STRATEGY	DESIRABILITY SHORT-TERM	FEASIBILITY	COST	DESIRABILITY LONG-TERM	STAKEHOLDER SUPPORT	MANPOWER REQUIREMENT	TOTALS
Develop a system to inform what are corrupt acts.	5,3,5,5 5,5,4,5	5,4,5,5 5,5,5,5	3,4,5,5 5,1,4,5	5,5,5,5 5,5,5,2	5,4,5,5 5,5,5,5	2,5,4,5 5,1,5,5	219
Update the list of corrupt acts and inform others.	5,2,5,3 5,5,3,5	5,3,5,5 5,5,3,3	4,3,5,5 5,1,2,5	5,4,5,5 5,5,5,2	5,4,5,5 5,5,5,5	4,4,5,5 5,1,3,5	206
Develop a system to handle and invest. cases of corruption and discipline.	3,4,5,5 5,3,4,5	5,4,5,5 5,4,3,5	1,4,4,3 1,3,1,3	5,5,5,5 5,5,5,5	5,5,5,5 5,5,5,5	1,4,3,3 1,3,4,2	194
Estab. co-ordination with outside agencies and enforcement groups.	4,2,2,3 5,2,3,2	4,2,4,4 5,3,2,3	3,3,3,3 3,2,1,5	5,2,5,3 5,5,4,4	5,4,4,4 5,4,4,3	2,3,4,3 3,3,4,5	175
Clarify the external controls relative to matters of internal mgt. of acts.	2,2,4,3 5,3,2,5	1,2,4,3 3,4,2,5	5,2,3,3 3,3,3,5	1,3,4,4 5,5,2,2	5,3,4,3 5,4,3,3	1,2,3,3 3,2,3,3	159
Determine who has the external power to control the agency and address them.	4,2,3,3 5,3,2,3	3,3,4,4 3,4,3,5	5,3,3,4 4,1,3,3]	5,2,3,3 5,4,2,4	5,3,4,3 5,4,3,3	1,3,4,3 3,2,3,3	167
Determine training needs and implement.	4,4,5,4 5,2,4,5	4,3,5,5 3,3,4,4	1,4,3,2 2,5,1,2	5,5,5,5 5,5,4,5	5,4,5,5 5,4,5,5	5,4,3,3 1,5,1,4	194
Estab. a We-tip sytem for internal use to report acts of corruption.	5,4,3,3 5,4,1,4	5,4,3,5 5,3,2,4	4,4,1,5 2,4,3,4	5,3,2,3 5,3,3,5	5,4,1,3 5,3,4,2	4,4,4,5 1,2,2,4	176
		N = 8				RATINGS: 1-LOW (BAD) 5-HIGH (GOOD)	1-5

APPENDIX I

ASSUMPTIONS

The following assumptions were made by the researcher regarding the feelings or positions of the stakeholders.

Assumptions

Citizens of Long Beach

- o Some of the police employees are corrupt, that is the nature of the police.
- o The community is willing to accept more aggressive enforcement by police.
- o Are concerned about the negative publicity from police corruption.

City Manager

- o The Chief of Police will control corruption through aggressive internal controls.
- o That an excellent police department with a professional image will enhance the cities image for future business development.
- o Will support continued or increased training of employees, including funding.

City Council

- o If a major corruption scandal occurs in the department it could expedite their vote to contract with another agency for police service in the city.
- o The management of the agency is not qualified to control corruption.
- o Are concerned about the negative publicity for the City.
- o Will support additional training and funding.

Chief of Police

- o Strict audit and inspection systems will minimize acts of corruption and identify the involved employees.
- o There are corrupt employees in the department who must be identified, disciplined and prosecuted if possible.
- o Continued training is important
- o Most of the command officers and supervisors will support the change, but some will have to receive special attention to get them on board.

Citizen Police Complaint Commission

- o There is a core of corrupt officers who must be found and disciplined.

- The police need external review to keep them in line.
- Would support training efforts.

Long Beach Police Officers Association

- The department has an obligation to discipline officer who commit acts of corruption.
- The department will target officers for "bad attitudes," not for acts of corruption.
- Management will violate the rights of the officers to "get their man."
- Management is not interested in the individual officer and some innocent officers will suffer in the interest of eliminating corrupt acts.
- A professional image will enhance the unions position at the bargaining table.

Business Community

- It would support reform efforts within the department to enhance the image of the City, even through the commitment of money, equipment or training facilities.
- It will receive special patrol considerations in response to their support of the department.
- The police are unresponsive to business, "white collar" crimes.

Hotel industry

- A police force free of corruption and with a professional image will support the industries enticement of conventions and hotel bookings.
- The department in general is not responsive to hotel industry needs in crime prevention or apprehension.

Neighborhood Watch Personnel

- The police are great and responsive to crimes in their neighborhoods.
- There may be a few corrupt officers on the force and they would support reform and discipline.
- They would participate in efforts to reduce crime, corruption or increase training.

Los Angeles Board of Supervisors

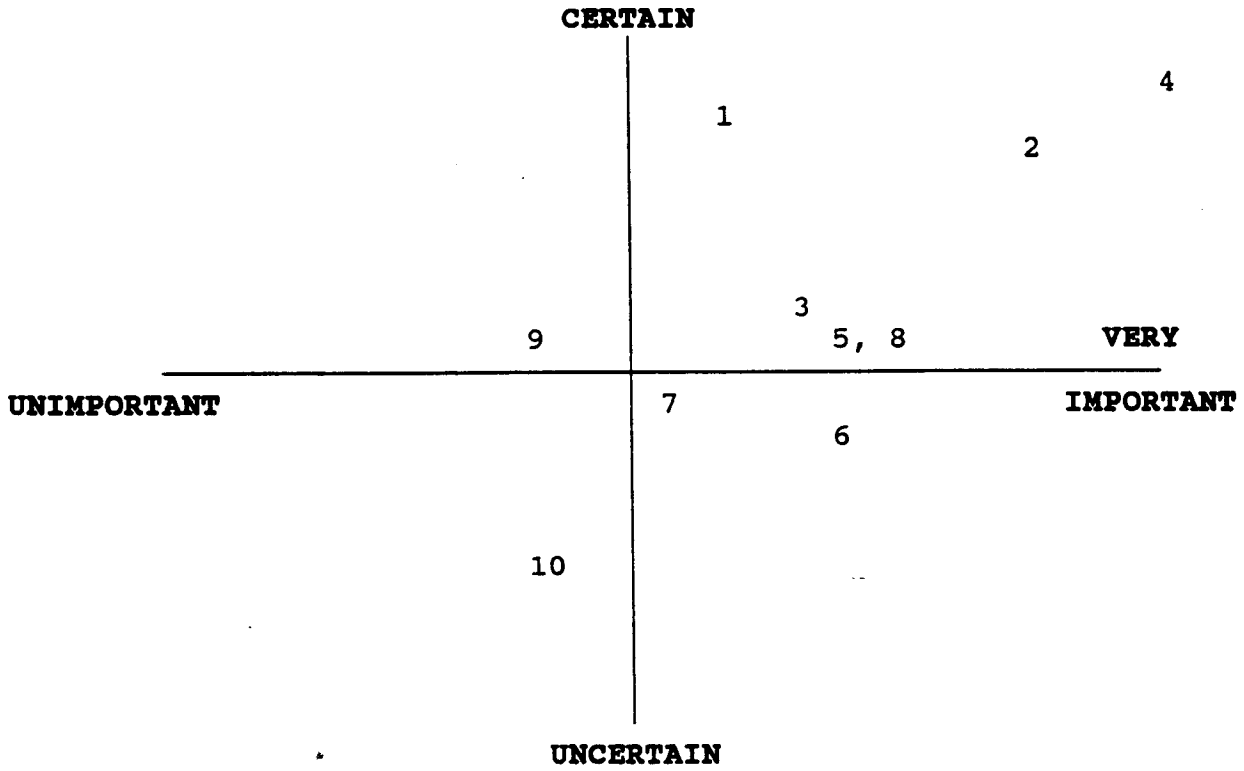
- The Long Beach Police Department would be a plum for contracting, with the potential of increasing the counties economic and political base.
- The size of the city could prove to be a burden to the County resulting in increased taxes.

APPENDIX J
ASSUMPTION MAPPING

Two criteria were applied to plotting stakeholders on the Strategic Assumption Surface Technique (SAST) map.

1. How important is the stakeholder to the issue and the organization?

2. What is the level of certainty that the assigned assumption are actually correct?



LEGEND

1. Citizens of Long Beach
2. City Manager
3. City Council
4. Chief of Police
5. Citizen Police Complaint Commission
6. Police Officers Association
7. Business Community
8. Hotel Industry
9. Neighborhood Watch
10. Los Angeles County Board of Supervisors - Sh

APPENDIX K

STAKEHOLDER ANALYSIS

N = 8

STRATEGY	CITIZENS	CITY MANAGER	CITY COUNCIL	POLICE CHIEF	CITIZEN REVIEW COMMISSION
Develop a system to inform what are corrupt acts	S S S S S S S I S	S S S S S S S M S	S S S S S M M M S	S S S S S S S S S	S S S M M M M M M
Udpate the list of corrupt and inform.	S S S S S I I I I	S S S S S M M M S	S S S S S M M M S	S S S S S S S S S	S S S M M M M M M
Develop a system to handle and ivestigate cases of corruption and discipline.	S S S S S S I I I	S S S S S S S M S	S S S S S M M M S	S S S S S S S M S	S S M M M M M M M
Establish co-ordination with outside enforcement groups		S = SUPPORT M = MODIFY I = IGNORE			
Clarify the external controls relative to matters of internal management of police corruption					

STAKEHOLDER ANALYSIS

STRATEGY	POLICE OFFICERS ASSOCIATION	BUSINESS COMMUNITY	HOTEL INDUSTRY	NEIGHBORHOOD WATCH GROUPS	SNAILDARTER BOARD OF SUPERVISORS
1	S S M M M M M M	S S S S S M I	S S S S S S M	S S S S S S S S	S S S S S I
2	S S M M M M M M	S S S I I I I	S S S I I I I	S S S S S S I I	S S S S S I I
3	S S M M M M M M	S S S I I I M S	S S S S I I I S	S S S S S S I I	S S S S S I I I

APPENDIX L

Each of the three key strategies was analyzed for the "pros" and "cons" of the recommendation by the panel members that participated in the initial Modified Delphi process.

1. **Develop and implement a system of communication and training to inform the employees and the community what are corrupt acts, and how to eliminate them.**

   Pros

   - Provides direction for employees
   - May minimize corrupt acts through knowledge
   - Keeps employees and the community informed
   - Cheap prevention, establishes a progressive approach
   - Makes employees aware of what is expected of them and could lower liability, increases retention of employees through a reduction of corrupt acts and provides for better supervision through knowledge
   - The program has a projected low cost to implement with anticipated immediate affects and is the foundation for the first stage of future discipline, if needed
   - Increases the publics perception of the agency as professional
   - Makes rewards and discipline universal, decreases violations and reduces lawsuits
   - Builds trust with the community

   Cons

   - Negative publicity may be generated about the department
   - Causes problem employees to become more creative in their misconduct and forces management to continually adjust its program
   - It is only an information process with no follow up or audit system
   - Costs, manpower requirements and time commitments of department personnel

2. **Review and periodically update and train employees and the community on current corruption definitions.**

   Pros

   - Sets guidelines for performance and expectations of employee conduct
   - Keeps employees current on corruption terminology and concerns through repetition
   - Reduces manpower requirements by not enforcing outdated laws or

policies
- Directs attention of the department to new issues

Cons

- Requires manpower for specialized research of current definitions, terminology and community values
- Requires specialized training of the instructors and a training schedule to present the information to employees
- The policy would have associated costs, which may be high

3. **Establish a system to identify and address corrupt acts through an internal process.**

Pros

- May reduce civil lawsuits through modified behavior
- May identify problem employees so they can be dealt with through training or discipline to benefit the employee and the agency
- Potential to identify problems at early stages so employees can receive early attention
- Program may receive public support, reducing external controls
- Public trust is enhanced and improves the image of professionalism
- A good intelligence source for future planning by management

Cons

- Detracts from other law enforcement activities by police
- Costs associated with the program
- May present a negative image to the public through publicized corrupt acts by employees
- Increased equipment needs
- Increased personnel requirements to perform and monitor the process

APPENDIX M

The researcher conducted personal interviews with executive officers from seven California Police Agencies with a budget sworn officer strength of 100-700. The following questions were asked with follow up questions during the interview. Following the questions are summaries of the responses obtained. In preparation for the interview each executive was provided with a copy of the list of trends and events with the forecast of each. They were also give a copy of the issue, sub-issue statement. Discussion regarding the trends and events was included in the evaluation of each.

Agencies:

Bakersfield Police Department	**244 Sworn**	**91 Civilian**
Fresno Police Department	**425 Sworn**	**230 Civilian**
Sacramento Police Department	**619 Sworn**	**528 Civilian**
Santa Ana Police Department	**413 Sworn**	**200 Civilian**
Santa Rosa Police Department	**135 Sworn**	**75 Civilian**
Stockton Police Department	**308 Sworn**	**130 Civilian**
Vallejo Police Department	**137 Sworn**	**68 Civilian**

1. What action do you take against employees accused of criminal acts?

- *Administrative investigation after criminal is done*
- *Depends on the severity of the case, investigated by Detectives*
- *Internal Affairs (I.A.) and to the District Attorney (D.A.) if criminal*
- *It would have to be a substantial issue to go the D.A.*

What about civil rights violations or search and seizure?

- *Any complaint will start an I.A. investigation*
- *We do not cross reference complaints or collate data as to type*
- *We are good at taking complaints and we discipline for failure to take a complaint*
- *In our "culture" the supervisors would not take a complaint, they would tell them to take it to court. We do not track I.A. cases by type, etc.*
- *Those type of violations should be tracked by the first line supervisor, it could be an I.A. case. If it is a case of a claim that the report is false they should take it to court first.*
- *Those are for the FBI to investigate*

- *Refer it to the US Attorney*

2. What is your criminal filing criteria against employees?

- *If we have sustained criminal misconduct we refer it to the D.A.*
- *If its a criminal violation we will submit it*
- *Must have substance to refer it , but if questionable send it to the D.A.*
- *The Chief directs if the case goes on a case by cases basis. We try not to mix investigations with admin.*
- *We don't send excessive force cases to the D.A. We have sent some domestic violence cases. Personally I would like to see the Chief refer more.*
- *When in doubt send it to the D.A., We send two or three a year*

Are sustained cases of excessive force submitted to a prosecutor?

- *Not always, depends on injuries*
- *Only if very aggravated case*
- *NO*
- *YES*
- *Yes, always*
- *Yes, always, but never had a filing*
- *Generally no, most acts of excessive force lack criminal intent*

3. Do you have a system in place to detect patterns of misconduct?

- *No, we try to log them on the I.A. card*
- *No, we are working on an Early Warning System (EWS)*
- *No*
- *Yes, Ews, which may be expanded in the future to include tracking of supervisors who have subordinates with patterns of misconduct*
- *No*
- *No system in place. We use note cards to log the positive and negative performance. When discipline is recommend we must research prior complaints.*
- *No, we are working on a computer process*

4. Are there systems in place to detect patterns of complaints of criminal acts by employees?

- *No, would have to review all the complaints by hand*
- *No*
- *Nothing formal, but with only 137 sworn I can keep track and know who has a pattern of misconduct or alcohol abuse*
- *Yes, EWS*
- *No*
- *No*

5. Are there systems in place to detect patterns of worker compensation claims by

employees?

- *City Personnel does it, I think*
- *Yes, at City Hall Risk Management*
- *Not to my knowledge*
- *That will be part of our EWS system in the future*
- *No, only when I suspect a case of fraud. The law needs to be changed to give managers more teeth in dealing with fraudulent claims.*
- *No, we don't have "many" questionable claims*
- *No, but we do get quarterly print outs from the city*

6. What has been the trend in the level of your workers compensation claims in the last five years?

- *Increased, I don't know how much, the City tracks it*
- *We have been resisting the settlement of questionable claims*
- *My opinion is they are going up*
- *Unknown*
- *On the increase, mostly stress related to misconduct*
- *Going up*

Do you have a department investigative unit for claims?

- *Only I.A.*
- *No*
- *No*
- *No, but the City does it (sub-rosa investigations by contract)*
- *Same as above*
- *Same as above*
- *Same as above*

7. How many lawsuits have been filed against your department in the last five years, by type?

- *Two agencies were able to provide data,*
  One agency has had a constant level of lawsuits over the past four years the other agency has had a decrease in force lawsuits. The other agencies don't seem to care about this element.

What impact has the judgement had on your operational budget?

- *The settlements of $1 million or less we have to pay, anything over that is covered by insurance. Several large judgements could hurt the city budget*
- *None, we are self insured.*
- *Little affect, most are settled out of court*

- *None, we have insurance*
- *None, it would if we had a large enough judgement. We need a better tracking system and audit system. We need better training for supervisors and a better selection process for recruits*
- *The long range threat would be to cut service levels. The courts have to learn that when they give big awards they are not punishing the department, they are impacting the community which must pay the judgement*

8. Does your department conduct stings or integrity test on employees?

- *Yes, we use other agency officers as actors, the request is made from the Chief and the operation is on a strict need to know basis*
- *Yes, we use DOJ personnel*
- *It depends, we may use DOJ*
- *No*
- *Yes, on an as needed basis for specific cases, if possible criminal activity*
- *I guess we would if we had to*
- *No*

Do you think there should be a county wide unit to do random integrity test or stings?

- *No, we have strong management and can handle our own problems.*
- *No, it is our responsibility to keep the department clean*
- *No*
- *Yes, because we are too trusting and we could get really stung*
- *No*
- *No*
- *No*

9. Does your department have an audit system in place to be proactive in detecting *misconduct, poor service or citizens complaints?*

- *We have a card system, not computerized, it can't identify patterns*
- *No, we hope the new EWS system will do it. The information will go to lieutenants and above*
- *No*
- *Yes, our EWS. The information goes to the Chief and he sends it to the command level for review. We do retraining, counselling and discipline*
- *We discuss it*

Additional interviews were conducted in August 1991 by Deputy Chief David Dusenbury regarding the topic of "Use of Force." Several areas of his study overlapped the issues of this study. His questions are presented, followed by his matrix of responses from 15 California law enforcement agencies.

1. Were any boards or commissions established as a result of use of force. Were Civilian Review Boards established?

2. Do you submit sustained cases for criminal filing?

3. Are use of force incidents tracked by officer? (Similar concept to Early Warning System)

USE OF FORCE MATRIX

Long Beach Police Department

SURVEY QUESTIONNAIRE MATRIX

Matrix 3-1

	LONG BEACH	OAKLAND	SACRAMENTO	SAN DIEGO	SAN FRANCISCO	SAN JOSE	ANAHEIM	COMPTON	GARDEN GROVE	GLENDALE	HUNTINGTON BEACH	PASADENA	REDONDO BEACH	SANTA MONICA	TORRANCE
FORCE INCIDENT	X	X	X		X	X	X				X	X			X
INVOLVE MINORITY COMMUNITY	X	X			X							X			X
LAWSUIT AS RESULT	X	X	X		X	X	X				X	X			X
POLICY / PROCEDURE CHANGE	X				X										
TRAINING MODIFICATIONS	X	X	X		X						X	X			X
FORCE RESTRICTIONS INSTITUTED	X										X				
CULTURAL TRAINING	X														X
BOARDS/COMMISSIONS ESTABLISHED	X														
CIVILIAN REVIEW BOARD	X	X			X										
REPORT FORCE IMMEDIATELY	X	X			X						X				X
SUPERVISOR NOTIFICATION	X	X		X	X				X		X		X		X
SUPERVISOR INVESTIGATION	X	X	X	X	X				X		X				X
CMD. OFFICER NOTIFICATION	X	X		X	X						X				X
INTERNAL AFFAIRS NOTIFICATION	X								X		X				X
INTERNAL AFFAIRS RESPONSE	X										X				X
SUSTAINED COMPLAINTS - D.A. *	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
USE OF FORCE - SEPARATE FORM		X			X										
USE/FORCE TRACKED BY OFFICER	X	X			X										X
HAS PURSUIT POLICY	X	X			X			X			X				X
SUPERVISOR MUST APPROVE	X														X
SUPERVISOR RESPONDS	X										X				X

*Case by case basis.

APPENDIX N

BIBLIOGRAPHY

Ahern, James F., Police in Trouble our Frightening Crisis in Law Enforcement, New York: Hawthorn Books, Inc., 1972

Barry, Robert J. and Cronkhite, Clyde L., "Managing Police Agencies Under STRESS: Coping with the Aftermath of the Rodney G. King Incident," Western City, July 1991, 21-32.

Block, Sherman and Preimsberger, Duane T., "Values, Standards and Integrity in Law Enforcement: An Emphasis on Job Survival," The Journal of California Law Enforcement, Vol. 20, Number 1, 1986, 10-12.

Bopp, William J., Crisis in Police Administration, Springfield, Ill.: Charles C. Thomas, 1984.

Borgerding, Peter, "The Internal Investigation: Arriving at the Truth," Journal of California Law Enforcement, Vol. 23, Number 1, 1989.

Burnhan David, The Role of the Media in Controlling Corruption, New York: The John Jay Press, Criminal Justice Center Monograph No. 3, 1976.

Callahan, Michael, J.D., "Deliberate Indifference, The Standard For Municipal and Supervisory Liability", FBI Law Enforcement Bulletin, October 1990: 27-32.

Caplan, Gerald M., editor, ABSCAM Ethics: Moral Issues and Deception in Law Enforcement,: The Police Foundation, 1983: 78.

Carter III, Hodding, "Washington: A swamp where ethics go under," Orange County Register, July 1, 1991.

Cooksey, Otis E., "Corruption a Continuing Challenge for Law Enforcement," FBI Law Enforcement Bulletin, Vol. 60, Number 9, September 1991, 5-9.

Curran, James T. and Ward, Richard H., Police and Law Enforcement 1973-1974, vol. II, New York: AMS Press, Inc. 1975.

Delattre, Edwin J., "Cops Who Pound a Beat", The Washington Post National Weekly Edition, April 8-14, 1991: 26.

Dysart, Joe, "Beating a Bad Rap," Law Enforcement Technology, Vol. 18, Number 9, September 1991, 24-25.

Fisher, Roger and Ury, William, Getting to Yes, New York: Penguin Books, 1983.

Freeman, Mark S., "Unethical Police Behavior: Cause and Effect," The Journal of California Law Enforcement, Vol. 23, Number 4, 1989, 102-105.

Freeman, Theoadore F., "The Word is Integrity," Law and Order, December 1990, 66.

Fritz, Sara, "Ethics Cases Lost in Shadow of 'Keating Five'," Los Angeles Times, June 23, 1991.

Garcia, Kenneth J., "Lawyer's Group Urges Sheriff's Department Shake-Up," Los Angeles Times, Feb. 28, 1992, B1 & B8.

Goddard, Robert W., "Corporate America's Moral Change," Personnel Journal, October 1989, 30-37.

Gourley, G. Douglas, Effective Municipal Police Organization, California: Glencoe Press Criminal Justice Series, 1970.

Heffernan, William C. and Stroupd, Timothy , editors, Police Ethics, Hard Choices in Law Enforcement, New York: The John Jay Press, 1985.

Hockaday, Sabrina, "Fired Compton officer faces felony charges," Independent Press Telegram, Feb. 26, 1992.

Hopkins, Susan A., "Standards of Conduct, Media attention focuses on illusive standards," California Peace Officer, Vol. 11, Number 4, December 1991, 23.

Honig, Audrey and White, Elizabeth, "Use of Force - A Point of View," The Journal of California Law Enforcement, Vol. 25, Number 3, 1991, 59-61.

Juris, Hervey and Feuille, Peter, Police Unionism, Power Impact in Public Sector Bargaining, :D.C. Heath and Company, 1973.

Keen, Judy, "Crime bill may stop asset seizure policy," USA Today, Sept. 19, 1990.

Kennedy, Daniel B. and Homant, Robert J., Police and Law Enforcement Vol. V, New York: AMS Press, Inc. 1987.

Kotlowita, Alex, "Hidden Casualties: Drug War's Emphasis On Law Enforcement Takes a Toll on Police," Wall Street Journal, Jan. 11, 1991.

McAulay, Ronald Peter, "The Impact of Management Practices on Corruption," Police Studies, Vol.12, Number 4, Winter 1989, 171-174.

McGreevy, Patrick, "Rights leaders want more L.A. police accountability," Press Telegram, May 2, 1991.

Managan, Terence J., "Organizationally Integrity Critical to Law Enforcement Success," The Police Chief, Vol. LIX, Number 3, March 1992.

Meyer, Richard, "Drugs and Law Enforcement Corruption," Monograph, Feb. 1991.

Miller, Marjorie, "Mexico City Police Complain of Extortion," Los Angeles Times, March 8, 1992.

Morgan, Robert, "Knock and Talk: Consent Searches and Civil Liberties," FBI Law Enforcement Bulletin, Vol. 60, Number 11, November 1991, 6-10.

Morley, Jefferson, "Patrick Murphy, One of Nation's Foremost Cops Brokenhearted by the Brutality", Los Angeles Times, April 5, 1991.

Murphy, Patrick V. "Police Review boards increasing," U.S. Mayor, July 15, 1991.

Murphy, Patrick V. "Police brutality can be controlled with federal help", Press Telegram, April 8, 1991.

Ostrow, Ronald J., "U.S. Probe of Police Brutality Fading Within Bureaucracy," Los Angeles Times, Dec. 15, 1991.

Remesch, Kim, "Good Cop/Bad Cop," Police, June 1991, 28-29,81-83.

Rice, Dan and Dreilinger, "Rights and Wrongs of Ethics Training," Training & Development Journal, May, 1990, 103-107.

Rohrlich, Ted and Merina, Victor, "Racial Factors Seen in LAPD Abuse Claims," Los Angeles Times, May 19, 1991.

Ruchelman, Leonard, Who Rules the Police?, New York: New York University Press, 1973.

Savage, David G., "Police Chase Rules Eased by High Court,," Los Angeles Times, April 24, 1991, A14.

Sherman, Lawrence W., Scandal and Reform Controlling Police Corruption, University of California press, 1978.

Sigler, Robert T. and Dees, Timothy M., "Public Perception of Petty Corruption in Law Enforcement," Journal of Police Science and Administration, Vol. 16, Number

1, 1988, 14-20.

Simon, Richard, "Three Supervisors Call for Inquiry Into Sheriff's Dept.," Los Angeles Times, Dec. 12, 1991.

Simpson, Anthony E., The Literature of Police Corruption, Vol. I: A Guide to Bibliography and Theory, New York: The John Jay Press and McGraw Hill Book Company, 1977.

Smith, Ralph Lee, The Tarnished Badge, New York: Thomas Y Crowell Company, 1965.

Souryal, Sam S., Police Organization and Administration, Harcourt Brace Jovanovich, Inc, 1981: 96.

Unattributed Editorial, "Civilian Review of Deputies: Sheriff should Welcome It," Press Telegram, Sept. 28, 1990.

Unattributed, "Police cars now installing 'black box' video recorders", Press Telegram, April 8, 1991.

Vaughn, Jerald R., "Three Emerging Issues Confronting Law Enforcement," Law and Order, Vol. 38, Number 11, November 1990, 71-73.

Weistart, John C., Police Practices, New York: Oceana Publications, Inc., 1974.

Whisenand, Paul M., The Effective Police Manager, Englewood Cliffs, New Jersey: Prentice Hall, 1981.

ENDNOTES

1. Jim Kouri, "Police Brutality: Reality or Exaggeration." The Narc Officer, Vol. VII, Number VI, June 1991: 21

2. Bruce L Benson, Ph.D., "Doughnut Shop Ethics: There Are Answers." The Police Chief, December 1988: 32

3. Thomas Barker, "An Empirical Study of Police Deviance other than Corruption", Journal of Police Science and Administration, vol. 6, number 3: 264-272

4. John J. Janson, Jr. and John P. Kenney, "Codes of Silence", The Journal of California Law Enforcement, Vol. 25 Number 4, 1991: 78

5. Janson and Kenney, "Code of Silence": 80

6. International Association of Chiefs of Police, "Training Key #254": D-3

7. Evan Ramstad, "Officer charged in taped beating." Orange County Register, July 6, 1991.

8. Unattributed, "No Charges." Orange County Register, July 5, 1991

9. Dan Weikel, "Two Ex-Deputies Are Sentenced in Jail Beating Case." Los Angeles Times, May 1, 1991

10. Edwin J. Delattre, Against Brutality and Corruption: Integrity, Wisdom and Professionalism, Nancy Allen Harrison, ed., Tallahassee, Florida, State of Florida Criminal Justice Executive Institute, 1991: 14

11. International Association of Chiefs of Police, "Training Key #297." Bureau of Operations and Research International Association of Chiefs of Police, 1980: H-32.

12. Dorothy H. Bracey, "Proactive Measures Against Police Corruption; Yesterday's Solutions, Today's Problems." Police Studies, Vol. 12 (4):(Winter 1989): 175.

13. President's Commissions on Law Enforcement and Administration of Justices (1967b, 208-212)

14. U.S. Department of Justice's Bureau of Justice Assistance and International Association of Chiefs of Police, "Police Ethics." The Police Chief, Vol. LVIII, Number 1, January 1991: 33

15. International Association of Chiefs of Police, "Training Key #255,: D-7

16. James Parsons, Corruption and its Management Professional Law Enforcement Problem Series, Neary, Matthew, editor, (New York, N.Y.: American Book-Stratford Press, 1977), 118

17. Steven Puro and Roger Goldman, Police Decertification: A Remedy for Police Misconduct ?, (New York: AMS Press, Inc.,1987), 116.

18. Clifford D. Shearing, Organizational Police Deviance, Its Structure and Control, (Butterworth and Company, Canada 1981)

19. Independent Commission on the Los Angeles Police Department, Report of the Independent Commission on the Los Angeles Police Department., 1991

20. Stephen Braun, "On the Beat, Police March to a Changing Set of Rules." Los Angeles Times, December 17, 1991.

21. Frank Clifford, "Ballot Drive to Overhaul Rules of LAPD Begins.", Los Angeles Times, March 4, 1992: B4

22. Victor Merina, "Lawsuits Against Deputies Cost $32 Million Since '88." Los Angeles Times, December 10, 1991.

23. Craig Wolff, "Jury Awards Two Men $76 Million In Police Brutality Case," he New York Times, March 8, 1990,: B1

24. Associated Press, "CHP disability pensions soaring." Press Telegram, February 29, 1992.

25. Report on the Investigation of the Los Angeles Police Department, 1991

26. Richard Beckhard and Reuben T. Harris, Organizational Transitions, Managing Complex Change, second edition, (Addison-Wesley Publishing Company Inc.1987),: 93

27. Beckhard and Harris, Organizational Transitions, Managing Complex Change,: 61

28. International Association of Chiefs of Police, "Training Key #255": D-7

29. Randy Means, Risk Management Seminar, International Association of Chiefs of Police training, Las Vegas, Nevada.