

HOW WILL POLICE REVIEW COMMISSIONS  
AFFECT POLICE MISCONDUCT  
IN MEDIUM SIZED LAW ENFORCEMENT  
AGENCIES BY THE YEAR 2006?

A project presented to  
California Commission on  
Peace Officer Standards and Training

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Sacramento, California

November 2001

This Command College 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 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 view 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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# Chapter I

## Development of the Issue

### Introduction

During the past few decades, law enforcement's reputation with the public has suffered as a result of various incidents of misconduct. Severe cases of police misconduct have occurred throughout the United States, and they have been well publicized by the media. These cases of misconduct affect all agencies either directly or indirectly. Certainly, when newspapers run articles entitled: "Fact and fiction blend through history of LAPD-- Corruption has a way of returning again and again,"<sup>i</sup> "The Thin Blue Line—A Shocking Accusation of Abuse Raises Old Questions About Police Brutality,"<sup>ii</sup> and "Scandal No Surprise to Rampart,"<sup>iii</sup> police conduct is kept in the public eye. In reporting these incidents, the articles often include interviews with citizens about their perceptions of the incident and the police in general. From those interviews, the press prints the most inflammatory or controversial comments. As everyday citizens read these articles, they must question, to some extent, the conduct of law enforcement in general. The public must wonder how ethical the average officer actually is, particularly those in their own community.

Police misconduct is not a new phenomenon. Even though law enforcement has worked to professionalize policing over the past several decades, misconduct still occurs. Statistically, such incidents are rare events. For instance, in 1999, there were 19,034 reported citizens' complaints against peace officers in California, of which only 2,549 were sustained. Of these complaints, 1,232 were of a criminal nature and only 242 of these were sustained.

The total number of peace officers employed within the state that year was 69,363.<sup>iv</sup>

Considering how many hundreds of incidents officers handle each year, the ratio between citizen contacts and sustained citizen complaints is very small.

Although the number of criminal misconduct incidents is small, they do get wide attention by the media. This is particularly true for severe cases of misconduct in major cities where there is some distrust between police and groups within the community. The Rodney King incident in Los Angeles, the Louima incident in New York, and the recent Rampart corruption scandal are examples of misconduct in large agencies.<sup>v</sup> However, small and mid-sized departments are not immune. Often, leaders of these departments feel that they are better able to monitor both the operations of their departments as well as their personnel. However, as much as leaders would hope that is true, it is not always the case. As an example, in Contra Costa County agencies over the past fifteen years, officers have been involved in cases of burglary, robbery and even homicide. Again, the numbers of these incidents were very small compared to the total number of peace officers within the county. These incidents are significant because they occurred in small and medium sized departments in suburban communities that were supportive of their police departments. These are the types of departments that many leaders feel are less likely to suffer from instances of major misconduct.

There are many factors that impact the likelihood of major misconduct occurring in a given agency. One of the most critical is the hiring of quality personnel. Certainly, the size of the recruitment pool has an impact on this factor. The larger the pool, the greater the choice in selection of new officers. Unfortunately, the size of the recruitment pool has been declining over the past several years. This has been a statewide issue and has affected large

and small agencies alike. It is more difficult to hire high quality candidates than in the past due to decreasing number of applicants.<sup>vi</sup> Changing values and expectations of the generation currently being recruited and selected may also impact the incidence of misconduct. Since new officers are less likely to see law enforcement as a long-term professional career, they may also view the issue of ethical behavior differently. The changing structure of agencies may also be a factor. Departments have generally moved from a quasi-military structure to a more open, participative structure. As this has occurred, supervision has become less direct, allowing officers more freedom and decision-making ability. Supervisors may be less aware of when officers' conduct begins to change. The above are just a few of many factors that may have an impact upon the issue of misconduct.

Leaders in law enforcement have long been concerned with preventing misconduct. Most have formal policies prohibiting gratuities, under the assumption that small problems lead to bigger problems. Departments have developed in-house training regarding ethics and they tend to deal severely with sustained instances of ethical misconduct.

At the statewide level, the Commission on Peace Officer Standards and Training (POST) is charged with the responsibility for developing training standards according to the needs of the profession. Over the years, POST has expanded the number of hours devoted to ethics training at the basic academies and developed an Ethics Facilitator course. The issue of ethical behavior is also a thread that runs deeply throughout POST's Supervisory Leadership Institute, a program provided for sergeants.

The emphasis on community oriented policing should help to discourage misconduct by officers. This philosophy is designed to increase the connection between a community and its police and creates a collaborative law enforcement environment. One of the by-

products of this collaboration is decreasing any us versus them attitude that can develop between a community and its police. As the collaboration grows, greater trust is developed. Misconduct decreases because officers have developed a closer relationship with the community and are less likely to jeopardize that relationship and trust. As more departments embrace this philosophy, it may have a positive impact upon the issue of misconduct.<sup>vii</sup>

Unfortunately, despite the efforts of law enforcement leaders, POST, and the vast majority of officers who act ethically, incidents involving major misconduct still occur. To help deal with this issue some communities have developed methods of civilian overview of police conduct. The structure and processes of such oversight bodies vary among communities, but they all provide some form of civilian review of cases of alleged misconduct. As will be seen, such programs are not prevalent and they often exist in an adversarial relationship with the law enforcement agencies they oversee. However, more communities than ever are considering implementing civilian oversight processes. There is a growing trend, both in California and throughout the country, to utilize such a method as a response to severe misconduct on the part of peace officers.<sup>viii</sup>

### Historical Perspective

The concept of civilian oversight of police conduct is not new. Professor Zachariah Chafie, Jr. of Harvard University, first presented the idea in 1931. The first civilian review board was not established until 1948 in Washington D.C. However, this board was largely ineffectual and possessed little power over the operations of the police department. In 1958, Philadelphia established what is considered the first review board that had substantive power.<sup>ix</sup>

During the 1960s and 1970s, the idea of civilian review began to interest leaders within many major cities. During these years, there was a great deal of civil unrest due to racial and social issues. There was a perception on the part of many communities, or significant parts of communities, that the police handled such civil unrest with excessive force. There was also a perception that employing agencies were unwilling to objectively investigate instances of alleged excessive force. As the distrust between police and government in general grew, the call for civilian oversight increased. Many major cities implemented some form of civilian review during this period of time. Some functioned for a period and eventually disappeared. Others were formed and have remained in place for many years. By 1998, there were more than 90 cities and counties across the country that have civilian review processes, most of these in large cities.<sup>x</sup>

As major misconduct in agencies continues to be captured by the media, there will be increasing pressure to implement civilian review. One of the results of the Rampart corruption scandal, the recent shootings in Cincinnati, and the cases in New York has been to call for greater review of police conduct. In each, leaders of groups within the community have expressed concerns regarding the effectiveness of the police policing themselves. As this issue is raised, political leaders of the communities have begun to listen. Over the past several years, there has been added pressure by groups that advocate widespread use of civilian review as a way to combat police misconduct. Many of these groups, such as Copwatch, promote the idea to a large audience via the Internet. Additionally, the move towards citizen review is not limited to large cities. Recently, community groups, supported by the media, have begun to call for citizen review in some mid-sized suburban cities.<sup>xi</sup>

Research has shown that most current and past processes of civilian oversight can be characterized as one of four models.

- The first model allows for the citizen oversight group to actually investigate misconduct and then recommend findings to the agency head.
- The second model allows the police to investigate the allegations and recommend findings. The review board then recommends that the agency head either accept or reject the findings.
- The third model allows for the police to investigate misconduct and develop findings. The review board plays the role of an appeals body. A complainant who feels that the police finding is incorrect, can appeal to the board, which will review the investigation and recommend its own findings to the head of the agency.
- The fourth model is one in which the board reviews the investigative process and findings for fairness and makes recommendations to the head of the agency regarding the investigation only.<sup>xii</sup>

Most forms of civilian review involve a group of people functioning within one of the four models described above. For purposes of this project, such a review process will be titled a Police Review Commission (PRC). Although such bodies have different names in different jurisdictions, Police Review Commission is a fairly common title.

The research also indicates that PRCs often function in a contentious relationship with the law enforcement agency. There has historically been little trust between PRCs and either the administration or the labor groups within the agency. However, there are some benefits reported by individuals and groups within the community, as well as by law enforcement leaders. Individuals and groups feel that PRCs provide an opportunity to

express their complaints to an independent party. They feel that they are helping hold officers accountable, and ultimately get an unbiased decision on the complaint. Law enforcement leaders feel that a PRC helps improve the image of the police department as well as improve relationships with diverse groups within the community. A PRC also reassures the public that a particular investigation has been conducted properly. It can also ensure high quality investigations and provide insight into policy and training issues. In addition, other officials within a jurisdiction, such as City Managers and City Councils, report certain benefits. PRC's are tangible proof to the public that city officials will not tolerate misconduct. In some cases, the existence of a PRC may reduce lawsuits.<sup>xiii</sup>

### The Issue

Certainly, it would be simplistic to assume that there is any one specific cause of misconduct by the police. Just as each officer is unique in his or her values and approach to the job, each department and community has a unique culture. Those established cultures play an undeniable part in establishing what is acceptable and unacceptable conduct. Just as police culture and police actions are complex, the causes of misconduct, be it excessive force or criminal behavior, are difficult to define. Unfortunately, because the causes are complex, there is no simple answer to eliminating police misconduct.

The purpose of this project is to examine one possible solution to police misconduct that has been gaining interest. Specifically, what affect will Police Review Commissions have upon major police misconduct in medium sized departments in the future? As mentioned previously, this becomes an important issue if some of the current trends continue into the future. The size of the recruitment pool, changing values of employees and

increasing media attention may increase the public's concern over police misconduct. If that occurs, PRCs may become a panacea, regardless of their effectiveness.

It is important to forecast the future related to how PRCs can affect police misconduct. By doing so, law enforcement leaders can then make informed choices as to what role, if any, a PRC should play in a given community.

## **Chapter II**

### **Forecasting the Future**

To determine the future affect of PRCs on police misconduct it is necessary to determine what factors will impact both misconduct and PRCs in the future. Past experiences can provide some insight, but the future is not entirely dependent upon the past. There may be entirely different legal, cultural or political factors that impact the issue. The primary method used in this project to assess these factors is the Nominal Group Technique (NGT).

#### Nominal Group Technique

The NGT uses a group of people with diverse perspectives and experiences to forecast the trends and events that will impact an issue in the future. Because the participants have diverse perspectives, the examination of the issue is broader in its scope than if the group shared the same perspective.

To ensure that all points of view are represented, the NGT is a structured format that allows all panel members to present and discuss their ideas. The information developed by this NGT panel was critical in the development of future scenarios related to the issue of misconduct and civilian review of police. The panel members are identified in Appendix A and included:

- A member of a PRC for a medium sized department serving a diverse community
- A police lieutenant assigned to the internal affairs division and has also been department liaison to the PRC
- A member of a PRC from a medium sized department
- A specialist in community involvement and outreach programs
- An attorney that defends officers accused of misconduct
- The President of a Police Officer Association

- Two lieutenants from different agencies that have conducted investigations into allegations of misconduct

Prior to the actual NGT process, the issue to be examined and the process itself were discussed with each panel member. The panelists were also sent written material so they would fully understand the issue, the definitions of terms, and their role in the process.

### Development of Trends

A trend was defined for the panel as a series of events by which change is measured over time. Initially, the panel identified forty-nine trends that would impact how PRCs will affect police misconduct in the future. The full list of trends is listed in Appendix B. The panel then discussed the merits of each trend and how each specifically related to the issue. After a great deal of discussion, the panel reached consensus on the ten trends from the list that were most significant. The panel then assessed the value of each trend on the issue for three time periods; five years ago, five years from now and ten years from now. The panel placed a value on each trend for their level of concern over how that trend would impact the issue. Table 2.1 shows the ten most significant trends, their values for each time period, and the concern of the panel about each trend in relation to the overall issue. The table lists the median values for each trend based upon the panel members' scores.

	<b>Trends</b>	<b>-5 years</b>	<b>Today</b>	<b>+ 5 years</b>	<b>+ 10 years</b>	<b>Concern (1-10)</b>
1	Level of public trust	125	100	150	175	8
2	Changing demographics	70	100	135	200	9
3	PRC's politicization	95	100	120	120	8
4	Trust in PRC's functioning	100	100	100	100	9
5	Alliances with PRC	85	100	150	105	6
6	Time to resolve cases	65	100	140	125	8
7	Level of proactivity	140	100	75	100	8
8	Internal reports of misconduct	120	100	85	90	6
9	Focus on misconduct	65	100	140	115	8
10	Legal representation	75	100	175	225	9

**Table 2.1**  
**Summary Trend Table**

Analysis of Trends

The panel discussed the trends and the impacts they will have on PRCs affect on police misconduct in the future. Some of the trends generated opposing points of view depending upon each panelist's experiences with existing PRCs. The discussion regarding each of the trends is summarized to provide greater insight into the values noted in the summary trend table.

Trend 1: Level of public trust in law enforcement due to outside oversight

The panel felt that having a PRC provides a certain level of assurance to the public that a police department is fairly and effectively policing itself. The PRC lends legitimacy to the investigations conducted by the department and the dispositions of these allegations. The panel felt that as PRCs become more prevalent, the public would develop more trust in the

police, both locally and generally. This increased level of trust will result in less confrontation in citizen/officer contacts, which will result in less use of force misconduct. The panel felt this would be a growing trend as more PRCs are established, therefore the upward trend shown in the table. The panel thought this trend would eventually have a significant impact on the issue, and gave it a level of concern of eight.

Trend 2: Changing demographics within the state

The panel felt that the current trend of changing demographics would continue into the future. This includes changes in the racial, religious and ethnic mix within the state, and also includes the graying of the population. These changes will require greater knowledge and sensitivity to issues surrounding the many cultures that will be present in the future. At times, police misconduct occurs due to a conflict in values between the police and segments of the community. As demographics change, the potential is present for greater conflict. The panel felt that attention to recruitment, training, and community involvement could have a positive impact and minimize the potential conflicts.

Trend 3: Level of PRCs politicization and development of alternative agendas

This particular trend yielded interesting results from the panel. The panel felt that as PRCs become more commonplace, they would assume a political agenda of their own. It will be very difficult to ensure that the PRC remains an objective community-based group that deals with police misconduct only. It will become a political power in its own right, and individuals with specific agendas will use it as a pulpit for their particular views.

Even though the panel agreed with this trend towards greater politicization of PRCs, the panel members were split in how significant it would be in the future. Those who serve on PRCs currently, or in a department which has a PRC, tended to minimize the importance

and significance of this trend. They have adjusted to the existence of a political agenda of their PRC and do not view it as a high impact issue. Those who do not have direct experience with PRCs, and the attorney who defends officers before the PRCs, all felt that this trend was very significant. Therefore, although the trend did not show much change in magnitude over the next ten years, it still engendered a great deal of concern by the panelists. Even those who felt that police agencies can effectively work with a PRC that becomes politicized recognized that this trend is not an ideal way for PRCs to function. Therefore, the panel gave it an eight as the level of concern.

Trend 4: Level of trust in PRCs functioning

This was another trend that the panel viewed from contrasting points of view. The numbers would indicate that the panel did not feel there was a direction to the trend. It had been at the same level for at least the past five years, and would continue to be at the same level for the next ten years. However, as in trend three, those that currently functioned within the framework of an existing PRC, felt that the trend would be flat. Those that did not function within that framework felt that there would be a significant downward trend in the level of trust.

The discussion focused on a few factors. First, as PRCs become more politicized, they may make decisions based upon a specific political agenda, rather than the facts presented. Second, the PRC may become more visible, and therefore more susceptible to community pressures. Third, depending upon the structure of the PRC, there may be a strong us versus them attitude by officers, with an underlying distrust. On this particular trend, the panelist that is involved in community outreach programs felt that trust could be maintained at current levels through careful selection and training of the PRC members. The panel rated

this trend at a concern level of nine, recognizing that if trust does deteriorate, it will have a negative impact on both the agency and the community.

Trend 5: Alliances (politicization) between police association and PRC, or department administration and PRC

The panel felt that as the PRC became more of an institution and more powerful, some alliances might be formed as a perceived necessity. These informal alliances could be between the Police Officer Association and the PRC or between the department's administration and the PRC. The panel felt that these alliances would become more prevalent in the next five years as PRCs grow in number and develop more of a cumulative political power base throughout the state. This rated a concern of six. The alliances, whichever direction, would prevent the PRC from functioning objectively and would have an impact upon the manner in which misconduct is handled.

Trend 6: Amount of time taken to resolve cases of misconduct

The amount of time needed to work through complaints is generally longer when a PRC is involved. These not only include investigation time, but also review of the investigation and the development of recommendations. As PRCs become more prevalent and visible, the panel felt that there would be more complaints generated. Therefore, the amount of time necessary for the resolution of the complaints will increase. This in turn, will have a negative effect on the emotional well being of the officer and his or her attitude towards their work and their community. The panel felt that this trend would rise for the next five years, and then taper off slightly in the next five. It was given a concern rating of eight.

Trend 7: Level of proactive/self-initiated police work

The panel felt that due to a real or perceived risk of investigation or discipline, officers would be less proactive in fulfilling their duties. If they felt that each negative

contact could result in a complaint to the PRC, they might minimize their risk of the complaints occurring. This would likely decrease the number of incidents of misconduct related to excessive force since the number of aggressive investigative contacts would decrease. However, officers who are not as proactive may begin to feel less fulfilled by the work they do and therefore may become more susceptible to other types of misconduct, such as dishonesty, theft, etc. The panel felt that this trend would be most prevalent immediately after the creation of a PRC. Once PRCs become the norm, officers would adapt and function as they always have. Therefore, the panel felt that the trend would level off, but gave it a concern of eight due to the potential negative effects that could result.

Trend 8: Number of internal reportings of misconduct

The panel felt that members of an agency would be very suspicious of an outside PRC investigating and/or having input on disciplinary matters. They would be concerned with the fairness and appropriateness of the discipline. Therefore, officers would be more protective of each other to keep them from having to be investigated by outsiders. As a result of this, some types of misconduct may not be reported. Panel members felt that this would apply to more minor types of misconduct, not misconduct of a criminal or ethical nature. There could be a negative effect for the organization related to self-perception, job satisfaction and trust of the community. The panel felt that there would be an immediate effect once a PRC was in place, but it would level off with time, and the panel rated the level of concern for this trend as a six.

Trend 9: Level of focus on police misconduct rather than positive service to the community

The panel felt that there has been increasing focus on the positive programs initiated by law enforcement agencies over the past five years. This is partly due to increased interest

regarding community oriented policing (COP). As the public has become more aware of the concept of COP, the public and the media has taken greater interest in the specific COP programs that have been implemented. The panel felt that the average person on the street is now much more aware of many of the positive activities of his or her police department than in the past.

Countering this trend, however, is the increasingly obvious acts of misconduct of officers throughout the nation during this same time period. These acts of misconduct, regardless of where they take place, color the perception of every community member about his or her police department. As highly publicized incidents of misconduct continue, and PRCs become more prevalent, attention will be drawn from the positive aspects of law enforcement efforts. Greater attention will be given the misconduct. The panel felt that this trend would have an overall negative effect on the agency, the community, and the level of trust between the two. As the trust breaks down, misconduct may rise. It was given a concern level of eight.

Trend 10: Level of legal representation required as a result of misconduct investigations

All the panel members felt that the level of legal representation has increased over the past five years. The panel members also felt that it would continue to increase greatly over the next five and ten year periods. This causes delays and increased costs for both administrations and police associations. The panel rated it a nine on the concern scale. They felt that officers are much more likely to utilize the legal services available, particularly through Legal Defense Funds and similar programs, regardless of what type of complaint has been filed. Previously, officers felt more comfortable without representation when being interviewed about complaints. However, more officers are concerned with the possibility of

discipline because misconduct in general has been so prevalent in the media. As PRCs become more prevalent, these concerns will increase. Additionally, the panel felt that if more complaints resulted in more disciplinary actions, there would be more legal representation in grievances, appeals, and civil suits. This creates more of an adversarial system within the agency, and takes resources and energy away from service to the community.

During the discussion of the trends that impact the issue, the panel also discussed the types of communities and agencies in which PRCs may have the most effect on misconduct. Communities that have a strong relationship with their police agency, few special interest groups, and few incidents of police misconduct in the past will have the best chance of developing a system of oversight that works. These agencies will be able to develop a collaborative system that will help enhance the level of trust, will not alienate the members of the agency, and will not become politicized. The panelists felt that small and mid-sized departments will generally be better able to implement such a system than large departments.

#### Development of Events

After the panel developed its list of trends, it used the same process to develop a list of events that would have an impact upon PRCs effect on police misconduct in the future. An event was defined for the panel as a discrete, one-time occurrence. The panel initially identified thirty-eight different events and then discussed the merits and effect of each event. From that list, the panel reached consensus on the nine most significant events that would

have an impact on how PRCs will affect police misconduct in the future. The full list of thirty-eight events can be found in Appendix C.

The panel then identified how many years from now each event could first occur, and the probability of each event occurring in the next five and ten year periods. Finally, the panel rated each event according to the impact it would have on the issue. A value of one was a minimal impact and a value of ten was a major impact. These values could be either a plus or a minus depending upon whether the impact on the issue was positive or negative. Table 2.2 lists the nine most significant events; the year each could first occur; the probability for each occurring; and the impact each would have upon the issue.

	<b>Event</b>	<b>Year &gt; 0</b>	<b>+ 5 years</b>	<b>+10 years</b>	<b>Impact -10 to +10</b>
1	Event cause complaints	1	100	100	-7
2	Inflammatory statement	2	100	100	-7
3	Grant funds for PRC	3	50	75	6
4	Law mandates PRC's	6	0	35	6
5	3300 GC repealed	4	10	25	-1
6	Personnel files Open to PRC	4	25	50	8
7	Major case of misconduct	1	100	100	6
8	PRC has right to discipline	4	10	30	9
9	PRC selects new Chief	4	15	30	6

**Table 2.2  
Summary Event Table**

## Analysis of Events

The panel discussed not only the probability of each event occurring, but the various effects they would have on the issue. As happened during the discussion of the trends, the perspective of the panelists was strongly dependent upon their experiences with existing PRCs. The discussions surrounding the nine most significant events and their effects have been summarized below.

Event 1:       A large civil disorder in a specific jurisdiction that results in multiple complaints of misconduct

The panel defined this event to include not only civil disorders, but also large-scale disturbances that would result in aggressive police action to quell the disturbance. As a result of the law enforcement action, numerous complaints would be received alleging police misconduct. This would generate media attention, which in turn would generate greater community concern over the actions of the police. The panel felt that such an event did not have to happen in a specific jurisdiction to influence that particular community. Rather, if it occurred in a neighboring jurisdiction there would be a negative perception of the police in all nearby agencies. Therefore, the panel felt that such an event would occur within the next five years, and it would have an impact of negative seven on the issue.

Event 2:       An inflammatory statement regarding police misconduct made by a PRC member

The panel felt that inflammatory statements by PRC members tend to exacerbate an us versus them atmosphere between officers and the board, and is a reflection of a specific political agenda. The officers will see the board as not representing the community as a whole, but rather special interests. The increased alienation from the board will mean that it has less support within the department and less ability to impact behavior. The panel felt that

such an action would have an impact of negative seven on the issue. The panel was split-- those that currently work within the framework of a PRC expected the event to occur with 100 percent certainty since they had already experienced such statements in the past for their PRC members. Those that didn't work with a PRC felt that a PRC could be designed to work more positively with the agency; therefore, such inflammatory statements could be avoided. These panelists viewed it not as a universal certainty, but rather dependent upon the nature of the community and the manner in which the board functions.

Event 3: Grant funding becomes available for PRC board members and staff

The panel felt that this event would have an impact of six on the issue, and had a 50 percent chance of occurring in the next five years, and a 75 percent chance of occurring in the next ten years. Should it occur, local agencies would implement PRCs and would have the resources necessary to thoroughly and quickly deal with complaints of misconduct. This event could have a positive impact on community trust in law enforcement, and if the board is structured properly and remains apolitical, it should be able to work cooperatively with the agency.

Event 4: Passage of a law mandating all local jurisdictions shall have a PRC

This event was seen to have an impact of six on the issue. It was not seen to be likely in the near term, and only given a 35 percent probability of occurring within ten years. If it did occur and PRCs became mandatory for all local agencies, then the more proactive approach in investigating misconduct would have an impact upon the level of misconduct. Again, the structure and functioning of the PRC would be critical in developing trust between the PRC and the department and community.

Event 5: Law is passed that repeals the rights currently granted to police officers under section 3300 of the Government Code

The panel felt that this event only had a 10 percent chance of occurring in the next five years, and only a 25 percent chance of occurring within the next ten years. If it does occur, it would have a more significant impact than the median number in the table indicates. Panel members were split on whether the impact would be positive or negative in relation to the issue and the ratings ranged from negative one to positive nine. Some panel members felt that if officers' rights were taken away, misconduct would decrease because of the fear that discipline would be more likely. Additionally, it would be easier to investigate incidents of alleged misconduct. Other panel members felt that it would lead to a recruitment and hiring problem, decreasing the quality of personnel. The end result would be greater misconduct. Panel members also mentioned that if officers were so concerned about possible discipline that they were less proactive, the community would suffer as a result of less effective police services.

Event 6: Law is passed that PRCs have access to officers' personnel files

The panel felt that this had a 25 percent chance of occurring in the next five years, and a 50 percent chance of occurring in the next ten years. If it does occur, it was seen to have an impact level of eight on the issue. Once again, the panel was divided regarding the impact. Some of the panel felt that it would encourage officers to be less proactive in order to minimize potential complaints. Others felt that having access to personnel files would allow PRCs to do a better job of recommending discipline and increasing accountability.

Event 7: Major case of misconduct (either criminal or use of force) within a specific agency

The panel felt that this was an event that was very likely to occur within a given agency within the next five years, and would have an impact of six. The immediate impact would be to hasten the formation of a PRC, setting into motion the dynamics mentioned in the trend summary. The panel felt that the definition of major case of misconduct is related to the past experience of the agency and the community expectations of that agency. A major case of misconduct could be something less than a Rampart scandal for many smaller departments that have experienced few highly publicized cases of misconduct in the past.

Event 8: PRC is granted the right to impose discipline for misconduct

The panel felt that this event is not too likely to occur in either the next five or ten years, but if it does, it will have an impact level of nine. The panel felt that it would be difficult for PRCs to develop enough influence to take over this function from the Chief of Police. Although there is at least one PRC that currently functions in this manner, the panel did not feel that most boards would do so. Most communities, agency administrations and police officer associations would support the hiring authority actually imposing the discipline.

Event 9: PRC in a specific jurisdiction is granted the authority to select a new Chief of Police

The panel felt that as PRCs become more prevalent, more chiefs would need to become allied with and embrace the concept of outside oversight. This, coupled with the relatively short tenure of chiefs, means that there will be less power vested in that position. Therefore, PRCs, as a stable body, may be able to exert more influence on the selection process for chiefs. The panel felt that PRCs would have more say in such selections. However, they did not think it highly probable that a PRC would be given sole authority to

select chiefs in the future. Were it to happen, the panel felt it would have an impact level of six on the issue.

### Cross Impact Analysis

After the panel developed the events that would have an impact upon the issue, a group of panel members performed a cross impact analysis. This analysis examines the impact of each event upon each trend. The impact was valued from one to five, one being a minor impact and five being a major impact. The impact was also given a plus or a minus depending upon whether the event had a positive or negative effect upon the trend. If an event didn't have any impact upon a trend, it was given an impact value of zero.

Table 2.3 provides the detailed evaluation of how each event impacts each trend. Events that have a positive impact upon desirable trends related to the overall issue should be encouraged. Events that have a negative effect should be discouraged. By understanding the relationships between the events and trends, one can more effectively forecast, and possibly design, the future. There were several events that had a significantly negative impact upon virtually all the trends.

	<b>Trend 1</b>	<b>Trend 2</b>	<b>Trend 3</b>	<b>Trend 4</b>	<b>Trend 5</b>	<b>Trend 6</b>	<b>Trend 7</b>	<b>Trend 8</b>	<b>Trend 9</b>	<b>Trend 10</b>
<b>Event 1</b>	-3	0	-3	-4	-4	-3	-4	-3	-5	-5
<b>Event 2</b>	0	0	-3	-5	-5	-1	-4	-4	-3	0
<b>Event 3</b>	2	0	-3	-2	-3	-2	-2	-2	-4	-1
<b>Event 4</b>	2	0	1	-2	-4	-1	-2	-3	-4	1
<b>Event 5</b>	-1	0	-2	-5	-5	-5	-5	-4	-5	-3
<b>Event 6</b>	-3	0	-2	-5	-5	-5	-5	-4	-4	-4
<b>Event 7</b>	-5	0	-3	-3	-4	-4	-4	-5	-5	-4
<b>Event 8</b>	2	0	-4	-5	-5	-4	-5	-5	-5	-5
<b>Event 9</b>	3	1	-3	-2	-4	-1	-2	-2	-4	-1

**Table 2.3  
Cross Impact Table**

Event five, the passage of a law that repeals the rights under 3300 of the Government Code, had a negative impact upon all the trends. The panel felt such an event would destroy any trust developed between the PRC and the officers of the department. It would also cause alliances to be forged between the PRC and police officer associations. This in turn would increase the politicization of the PRC. Such a change in the law could encourage frivolous complaints, which would then increase the time necessary to complete the investigations and would also increase the amount of legal representation necessary due to court appeals. The impacts of this event on all the trends related to the issue are negative.

A law allowing PRCs access to officers' personnel files was also determined to have a negative impact upon most of the trends. Such an action would destroy any trust the PRC

had built, and would also discourage internal reporting of misconduct. However, this impact could lessen as the practice becomes normalized over time.

Both event one and event seven, involving either a single, highly visible case of misconduct, or a number of allegations due to an incident, would have a severely negative effect upon the trends. Such events would break down the trust developed between the agency and the community. They would open the door for politicization of the PRC, and would lengthen the time needed to resolve complaints. This was cited as a strong factor in the morale of officers and one that contributes to a distrust of the PRC. Furthermore, the officers and the agency would have to deal with an increasing level of legal representation of those charged.

Event eight, placing the power to discipline in the hands of the PRC, also had a strong negative influence on most of the trends. The panel felt that this might have a positive effect on the trust the public has in the agency. However, this may be short lived as the other, negative, effects develop. It would allow for greater politicization of the PRC, destroy trust between the PRC and officers, and focus greater attention on the negative aspects of the agency.

The panel discussed the fact that no events impact the changing demographics within the state. Only one of the events had an impact upon that trend. The panel felt that this trend was going to continue and it was important for agencies to continue their training efforts and outreach efforts to stay abreast of issues brought about by the demographics. Although the changes will continue, it is within the ability of departments to minimize potential problems as a result of the changes.

## Futures Scenarios

The information gained through analysis of the trends and events led to development of potential futures related to the issue. The information from the NGT, as well as information gained through traditional research and scanning techniques, was used to forecast the future state. A series of three scenarios were written; the first was an optimistic look at the future, the second was a pessimistic look at the future and the third was a surprise-free scenario that may come to pass if nothing is done to address the future.

### Optimistic Scenario

Chief Turabian came into his office and settled in at his desk. He had a copy of the morning paper and noted that there were several articles dealing with the recently enacted legislation. Just passed, this legislation mandated that Civilian Review Commissions must be established in every local jurisdiction within California. Having been passed as emergency legislation, these commissions must be operational within ninety days and will have operational oversight of policies, procedures, and disciplinary matters within their respective police departments.

Chief Turabian smiled because he knew he did not have to worry about the new law. The legislation exempted agencies with existing review or advisory commissions from the new requirements. Those with such boards could continue to function with whatever guidelines were in place.

The Chief thought back six years, to 2001, when he was a new chief with a new idea. He had seen the writing on the wall, and realized the advantages to having a civilian review

board to help with policies and oversight of operations. He had helped form a civilian advisory commission to avoid having some unknown sort of review forced upon the agency. During those five years, the commission had become a strong supporter of police policies and actions. It had taken only a minimal role in active oversight, and became more of a casual citizens group that the Chief reported to every two months. Those reports generally dealt with philosophy, direction and current programs. The group was minimally interested in statistics regarding crime, administrative investigations, and budget issues. The PRC had become a civilian partner with the police department and had become very supportive of department efforts and helped to initiate new programs. The commission had always been supportive of the conduct of the police department in the press and in outreach efforts in the community.

When neighboring agencies were wracked by severe cases of misconduct, the commission provided a vote of support for the working men and women of the department. The community has benefited greatly by the commission because trust between the community and department has never been higher, and the diverse groups living in the community are much more involved in the city government. Additionally, officers, although suspicious at first, have become very comfortable with the commission, and feel that they are treated fairly and as professionals. The level of trust between the commission, the officers and the community is so high that misconduct is no longer an issue at the police department. Officers and citizens are interested in working together to serve the community and there are many new and innovative programs underway.

The Chief leaned back in his chair, looked out the window, and thought about how lucky he was to be member of this particular agency and community.

## Pessimistic Scenario

Officer Daniels walked to his patrol car at the start of his shift. He was wondering how many officers would get into the same kind of trouble as his old partner, Officer McTarian. McTarian had just received notice that he was being fired for misconduct. Even Officer Daniels, who supported the efforts to clean up the police department, thought McTarian was being treated unfairly.

Daniels took a deep breath, stared at the sky, and thought back to all the problems that had occurred in the six years since the start of the new millennium. He wondered how a good department had sunk so low. Some of the reasons could be found in the retention of a few bad apples. These bad apples had run the gamut of misconduct, from excessive force to theft and drug dealing, to the murder of an informant. Eventually they were discovered and prosecuted. But it was also the start of a constant barrage of negative media attention.

As a result of the misconduct of officers, two laws were passed. The first mandated that all agencies have a police review commission and the second rescinded all of the sections in 3300 of Government Code. When the PRC was formed, the members seemed more interested in furthering their own political futures than in fairly and effectively dealing with police misconduct and discipline. Members of the PRC often made inflammatory statements that criticized the police department. Without the protections of 3300 GC, officers were made the scapegoats while the PRC tried to convince the public that they were cleaning up the police department. The public did not seem to trust the PRC any more than they did the police department.

Daniels recalled that several years earlier, there had been talk about starting a PRC that would have been advisory in nature. It would have focused on broad citizen input on

policies and direction more than reviewing misconduct. Unfortunately, at that time the chief did not support the concept, and nothing was done. Officers complained loudly when it was first proposed, and it was clear they did not want to have citizens involved in the workings of the police department. The officers and community refused to interact; neither trusted the other.

There seemed to be a downward spiral from that point. The public became increasingly suspicious of the police department, particularly in its ability to police its own. Officers didn't try to develop relationships with their community and, in fact, were unwilling to try anything new. This led to lethargy within the entire department; everyone went halfheartedly through the motions, but no one really cared. Recruitment suffered and the most qualified officers moved on to other agencies.

Daniels wondered if things could have been different if the first PRC had been established as a partner in the police department. He felt reasonably sure that rights would have been respected, punishment for the occasional wrongdoing would not have been overly harsh, and the public's trust of the department would have grown.

Daniels sighed as he thought of what could have been. Unfortunately, he couldn't control the past. Then his thoughts turned to the latest news in this downward spiral--next week the federal government was sending in their people to take over management of the department to straighten it out--Daniels was not sure if the problems would ever end.

### Surprisefree Scenario

The lieutenant walked through the hallways of his police department, greeting people as he went. He noticed something that he noticed more often nowadays. The people within

the department did not seem to have the same excitement or interest in the job as they used to. The lieutenant was not sure why it was like that; the job was still pretty much the same now, in 2006, as it always had been. But there seemed to be a lot less interest in working with and serving the community.

His department had always been on the cutting edge of new programs. It had a long history of working with the community to develop solutions to issues, and its primary role had always been to serve the citizens. Now, there seemed to be an us versus them mentality. The officers saw themselves as separate from the community they served, with mutually exclusive interests. Officers didn't try to do anything new or innovative; they were satisfied just reacting to calls for service.

The lieutenant thought about changes in the community. There had not been much change in the way of demographics, politics or economics. However, there was a clear change in the way the community related to the department. There just did not seem to be much trust, the public seemed to be suspicious of what went on in the department. The trust level in the community may have improved slightly after the law was passed mandating civilian review commissions. However, the negative reaction from the officers more than offset any gains in public trust. Because it had been mandated, officers had no input into the design of the PRC. Officers didn't trust the concept, and their contempt was obvious. Realizing that the commission could be a powerful friend or foe, the police association had tried to forge an alliance between commission members and association officers. This alliance forced a wedge between the officers and the police department's administration, hurting morale. Ultimately the alliance also fell apart.

The lieutenant wondered what could be done to return things to the way they used to be, the way they should be. They had been lucky. There had been no major incidents of misconduct and no scandals. There were not any overwhelming issues at the department. Still, things were not right; the department just was not functioning like it should.

The scenarios described above are all possible futures as a result of the forecasted trends and events. The leadership of an organization plays a significant role in determining which future will come to pass. Part of this role is to develop a strategic plan to help ensure that the desired future becomes the reality for the organization.

## **Chapter III**

### **Strategic Plan**

In Chapter II, trends and events were forecast and potential futures developed. The optimistic scenario describes a future that is distinctly different from the current operation of most police departments. A strategic plan must be developed to assess the current state of the organization and develop strategies to move it to the desired future. The plan will identify how the organization can best implement a PRC to work as a partner in minimizing police misconduct.

Key components of a strategic plan are to assess the strengths and weaknesses of the organization, identify stakeholders and then develop a framework to move the organization to the desired future. For purposes of this study, the Walnut Creek Police Department will be used as a model. The environmental and organizational analyses, stakeholders and alternative strategies will be similar for other mid-sized departments.

#### Overview of Walnut Creek

The City of Walnut Creek has a population of 64,000 and traditionally has been a suburban bedroom community. Most residents are white collar and professional workers and many commute to San Francisco, Oakland or Silicon Valley. Ninety percent of the population is Caucasian and 76 percent of the people over the age of eighteen have attended college. Eighty-five percent of those with children live in traditional families.<sup>xiv</sup> The schools have an excellent reputation, and overall, the community is considered a very desirable place to live.

Over the past decade, Walnut Creek has become one of the premier shopping destinations in the San Francisco Bay Area. The city has a vital downtown business area with numerous restaurants, sidewalk cafes, and bookstores. The downtown business area is busy throughout the day and into the evening with shoppers and restaurant patrons. Due to the vitality of business, the city has been able to develop many capital improvement projects for the benefit of the community. In addition, due to the financially sound footing of the city, it has been able to hire and retain excellent employees for all city departments. The community expects a very high level of service from the city. The politics are moderate and there are few significant special interest groups.

The City of Walnut Creek has long recognized the need for community involvement and public outreach. Since the 1970s, the city has conducted citizen surveys to better understand what the community wants in the way of services and programs. During the 1980s and 1990s, the city developed various programs to engage citizens in their community. Over the past few years, there has been a renewed emphasis on developing programs that allows more community participation in City government.<sup>xv</sup>

The Walnut Creek Police Department also has a long history of service to the community. The employees within the police department are well trained, highly motivated and support the department's emphasis on providing exceptional service. There has been little turnover on the part of employees; few quit to work elsewhere. To facilitate better communication and relationships with the community, the department has developed strong crime prevention programs, a speakers' bureau, and strong school programs. The department has long embraced the concepts currently defined as community oriented policing. One of the six sections of the vision created for the police department states:

## We Invest In Community Partnerships

Partnerships extend beyond our organization. We participate in problem-solving with community members, organizations and government departments. Leadership demonstrated through our members helps us provide coordinated public services.<sup>xvi</sup>

In practice, the Walnut Creek Police Department has enjoyed an enviable reputation for excellence and support from the community. A recent citizen survey conducted regarding city services showed that 89 percent thought the police treated people with understanding; 89 percent thought the police were competent in performing their duties, and 93 percent thought that there was a good relationship between the police and their neighborhood.<sup>xvii</sup> This positive view of the police is also reflected by the low incidence of misconduct and personnel complaints. In the year 2000, there were just eighteen personnel complaints, primarily for complaints such as discourtesy.

### Organizational Analysis

The WOTS-UP model was used to analyze the organization's internal weaknesses and strengths. This model also analyzes the opportunities and threats that exist in the environment in which the organization functions. Analyzing both the internal and external factors creates a better assessment of the organization's ability to change. This is a critical piece of any strategic plan because without this analysis, efforts may not be focused where necessary to best prepare for future changes.

### Internal weaknesses

- The natural resistance to change that is present in organizations due to the uncertainty that results from the changes being considered.
- Lack of awareness or understanding of the complex issue of civilian oversight of police.
- Desire by individuals to delay any implementation of change until they are not personally affected due to retirement, change of career, etc.
- Willingness of Police Officer Association to use the PRC issue as a springboard for confrontation, a negotiation ploy, or to advance individual agendas within the association.
- Lack of local history regarding PRCs other than that found in dissimilar communities.
- Fear that a given level of control granted to a PRC may lead to a quest for greater power on the part of the commission.
- Distrust in the abilities of civilians to understand how a police officer must function at times, and their lack of context for an officer's actions.

### External Opportunities

- Community has historically been, and continues to be, strongly supportive of the police department.
- A lack of powerful special interest groups that would seize an opportunity to politicize a PRC.
- A desire by the community to structure a PRC in the most positive way possible.
- Other communities are looking for positive models in this arena.

- Demonstrated willingness on the part of community members to work positively within a given format.
- A desire by the community to be viewed in a positive light by other communities.

#### External Threats

- Media may focus on the PRC and it may change from its original intent as the attention mounts.
- Political forces outside the city, but within the surrounding area, may apply pressure to change the format of the PRC/City/PD relationship.
- Future changes in the positions of City Manager or Chief of Police may drastically change the working relationship or scope of responsibilities for a PRC.
- The always-present possibility of a severe, publicized case of police misconduct would focus so much attention on the system that it may change the focus of the PRC.
- Pressure by other PRCs to politicize the activities of the Walnut Creek PRC.
- Pressure by neighboring police departments to minimize authority and working relationships with the PRC.

#### Internal Strengths

- A highly educated and committed workforce that understands the need to adapt and change.
- History of establishing programs that become a model for other communities.
- A strong philosophical commitment on the part of city government to work *with* the community and not just *for* the community.

- History of positive outcomes for the police department as a result of developing strong partnerships with the community.
- A workforce that generates very few complaints from the community, particularly those of a serious nature.
- A command staff on the police department that has been a strong supporter of involving the community in meaningful ways within the functioning of the police department.
- Strong commitment by city management to support programs in the police department.
- Lack of significant special interest or political groups that would insert themselves into the functioning of the PRC.
- Good working relationships between the police department and the district attorney, federal, and state law enforcement agencies.

### Identification of Stakeholders

It is important to identify stakeholders and analyze their positions regarding the issue. Stakeholders are defined as either individuals or groups that either have an impact on or in some way are impacted by, what we do. Ultimately, the stakeholders will have a great deal of impact upon whether or not a particular change will take place. This analysis must be conducted, and consideration given for stakeholders' points of view. If not, the change will be very difficult.<sup>xviii</sup>

#### Members of the community

- Want to trust the actions of those within the police department.

- Want to ensure that no disrepute is brought upon the community due to misconduct.
- Want to develop positive interactions with members of the police department.
- Expect that members of the department are held accountable for their actions.
- Want to have information about incidents of misconduct.

#### Community groups

- Desire input into the development of a PRC.
- Want to expand their sphere of influence in general, which can be enhanced by a role in the PRC.
- Expect a high level of service from the police department.
- Expect information about misconduct of officers.

#### Individual officers

- Will feel threatened due to civilian oversight.
- Want to hold officers accountable for major misconduct.
- May use the PRC issue as an excuse for non-performance.
- Will have less trust in the community and the department until they better understand the value of collaboration between government and the community.
- Will contribute to an adversarial atmosphere with the PRC.
- Are interested in being part of a high performing organization.

#### Police Officer Association

- Wants the least intrusion into its members' actions except for significant misconduct.
- Will oppose the concept of PRCs.
- Will become more political as they fight the implementation and as officers perceive the potential risk to their careers.

- Will become more responsible for the financial aspects of fighting PRC actions.

#### Other employee groups

- Will join with the POA to support its efforts against the PRC; however, they will see themselves as less affected by the PRC.
- Will eventually work within the policies of the PRC/department relationship.

#### Media

- Considers the establishment of a PRC as groundbreaking for a local suburban department and will therefore carefully watch what happens.
- Has another potential source of information regarding police activities.
- Will sensationalize any subsequent misconduct.
- Will find ways to keep the PRC in the news because it is unique for local jurisdictions.

#### Political groups such as ACLU, Copwatch

- Will monitor the activities of the police department because the PRC may provide a better forum for 3<sup>rd</sup> party complaints.
- May utilize the legal system to force attention on the PRC process or to press for further control of the department by the PRC.
- Would like to develop alliances with members on the PRC to further the political groups' agenda.

#### City Council

- Wants to ensure that the community is provided excellent service.
- Wants to lessen the chance that incidents of misconduct affect the city's reputation.
- Concerned with any financial costs of a PRC.

- May change perspectives about the PRC/City relationship as different council people are elected.
- Will consider support of concept at the line level employee as a critical piece in the equation.

#### City Manager

- Will be concerned about politicization of the commission.
- Perspective will balance a need for community involvement, support at police management level, and concerns of employee groups, including those outside of police department.
- Will support a PRC to the extent that the City Council supports it unless there are critical issues that develop.

#### Police management

- Will oppose any active role on the part of a PRC into the investigative or disciplinary process.
- Will be resistant to the concept of a PRC that takes any management prerogative away from them.
- Wants to work positively with the community in general.
- Want to ensure that misconduct is dealt with appropriately.

#### Identification of Snaildarters

Just as important as identifying stakeholders and their particular interests, it is equally important to identify potential snaildarters. A snaildarter is defined as something not considered to be an issue with implementation of a strategy. It could be an individual or

group that would not normally be considered a stakeholder, but suddenly becomes an obstacle. It could also be a particular event that prevents implementation. Snaildarters are, by definition, difficult to identify. By trying to identify them and their interests in advance, measures may be taken to avoid their impact upon the implementation of the chosen strategy.

Members of PRCs from neighboring jurisdictions

- May try to influence the structure and role of the PRC when it is implemented.
- May use the media to politicize the PRC

Police Officer Research Association of California (PORAC)

- PORAC members face potential detrimental effects due to increasing interest in PRCs throughout the state. Therefore, PORAC may lobby at the state level to prevent local jurisdictions from developing PRCs.

Individual members of the organization

- May bring legal action to prevent the establishment of a PRC, or to at least delay implementation or influence the structure and roles.

### Strategies

Based upon the analysis of trends and events, scenarios, and evaluations of the organization, it becomes clear that there are several strategies that could be adopted to deal with the issue. For instance, the leadership of the agency could chose to do nothing and hope that things will not change much. However, this is somewhat unlikely based upon the research. Misconduct is a continuing issue and there are factors that may cause it to increase in the future. It is also clear that PRCs are getting more support and will continue to be viewed as a way to impact misconduct in the future. Another possibility is for the leadership

to resist any attempts to develop civilian review or oversight of police practices. Choosing this strategy may have considerable downside, should the future of police review be left to others, possibly without any police input.

The most effective strategy over the long term may be to work with the community to design a format that allows for a level of review that meets the future needs of as many stakeholder groups as possible. Based upon the analysis of stakeholder interests, many of them are interested in the same things:

- A high performing organization that is considered a model for others.
- Maintain a high level of trust between the community and the organization.
- Ensure that major misconduct is dealt with appropriately.
- Encourage citizen/agency collaboration and involvement (although not necessarily as a PRC).
- Would want a system of citizen oversight to be effective, but not intrusive.

These shared interests were reflected in the conversations of the NGT panel. The panel felt that the ability of a PRC to impact police misconduct comes from its ability to create a trusting, collaborative relationship between the police and the community. The panel also felt that greatest success in developing a collaborative relationship would come in communities that don't presently have significant issues with their police departments. Further, mid-sized agencies that do not have a history of misconduct are those that can best structure a PRC in a positive way. There will be less concern on the part of officers, less political pressure on the PRC, and greater credibility with the community. An agency that

already enjoys a positive relationship with its community, and has developed strong lines of communication, is best positioned for success.

An effective strategy to implement a PRC is one that recognizes the future role of PRCs, their potential impact upon misconduct and addresses the shared interests of stakeholders. The next step is to develop a plan that carefully structures the change effort so that implementing a PRC will have the greatest chance for success.

## Chapter IV

### Transition Management Plan

A transition management plan will help in implementing a difficult organizational change such as developing a PRC. This plan identifies the critical factors that play into the change and then plot the course for most effectively working to implement the change. There are several parts of a transition management plan including developing the vision, assessing capability for change, developing the capacity for change, and implementing the change. Once all of these stages are assessed, work can begin.

#### Developing the Vision

It is critical to develop a compelling vision when trying to bring about significant change in an organization. The most effective leaders are those who are able to envision the future in their minds and then effectively communicate it to those whom it affects.<sup>xix</sup> The vision regarding PRCs and misconduct must convince the stakeholders that the future holds something inherently positive for the community and the agency. People within organizations expect their leaders to be inspiring and to have a positive view of the future. By involving them in a future that inspires them, they will more energetically work towards its implementation.<sup>xx</sup>

There are some obvious hurdles in presenting a compelling vision regarding PRCs and misconduct. First, traditionally there has been little, if any, interest in having civilian oversight over the police department. So there is no significant political imperative for such a move. Second, the local agencies that have forms of civilian review are not positive

models for change. Third, members of the police department and city government are hesitant to take a step in a direction that they may regret at some time in the future.

Understanding the general issues that make it difficult to develop the imperative will help a leader specifically assess the organization's capacity for change.

### Assessing capacity for change

Every organization has a different capacity for change. The capacity depends upon leadership, traditional culture, past experience with change, and of course, the specific change to be implemented. Establishing a PRC will be considered by most stakeholders as a significant change; one that threatens the status quo for many stakeholder groups. The organization may have some members who will accept or support the change, but many more who will resist the change. Those that support the change are an important resource in helping implement it. By developing that group and providing opportunities for them to influence others, resistance may be minimized. This group may eventually develop in strength to critical mass. Once that occurs, there is enough support to move forward with the change; in fact, the imperative for change demands that it occur.

There are also those in most organizations who actively and openly resist the change. Among them is a sub-group that can be termed saboteurs. These are people who so strongly resist the change that they find ways to negatively impact other organization functions to ensure that the change does not take place. Certainly, in many police agencies, there will be a group of employees who view PRCs so negatively that they will actively sabotage the implementation. It will be important to identify and understand that group.

Prior to implementing any significant change it is important to assess the pockets of readiness for change, as well as the potential saboteurs. As identified earlier, there are groups of stakeholders within the police department who will certainly be impacted by any change regarding PRCs. It is important to determine what each group of stakeholders will do when faced with the possibility of the change. Some groups can effectively influence others and help develop critical mass--the point at which there is sufficient support to make the change occur. In order to better assess each stakeholder group's readiness for change, a critical mass table was developed.

Stakeholder group	Block the change	Let the change happen	Help the change happen	Make the change happen
Members of the community		X →	O	
Individual Officers	X →	O		
Police Officer Association	X →	O		
Chief of Police		X →		O
City Council		X →	O	
City Manager		X →		O
Police Management	X →			O
Political Groups			XO	

**Table 4-1**

Critical Mass Table

X = current position

O = desired position

The table shows currently there is little support for implementing the proposed strategy of developing a PRC that works as a partner with the agency. In fact, there are significant stakeholder groups that will block the change. The next section will deal with how to help move some of the affected groups from their current position to the desired position, thereby developing a greater capacity for change within the organization.

### Developing the capacity for change

Traditional organizations, which include police agencies, generally don't welcome change with open arms. In the past, it has not been necessary for them to constantly assess how and what they do and then make rapid modifications. In that way, they are quite dissimilar from many organizations in the private sector that do have to reassess themselves and change to stay viable.<sup>xxi</sup> Change in police departments has been slow and evolutionary as opposed to rapid and revolutionary. Because of this history and culture, police departments are generally not receptive to any revolutionary change.

A good example is the concept of community oriented policing. There was serious resistance to move towards this philosophy of policing when it first surfaced. It is still not supported by many within police organizations, even in those organizations that have traditionally provided services using a community-oriented philosophy. Because it was different and untested, many officers resisted it.

In order for organizations to embrace change, they must first learn to more readily accept change and adapt to it. When members learn that change is a constant within the organization culture, they will function effectively. Eventually, they will embrace the concept of change as necessary for the vitality of the organization.

There are two methods to help organizations adapt to change. The first is to proceed slowly, and help ease members through the change process. The strength of this method is that most members can eventually be brought along. The weakness is that it takes a great deal of time and resources to make a change occur. The second method is to implement changes quickly and recognize that there will be discomfort with the changes. The strength

of this method is that the desired change occurs rapidly. The weakness is that organizational discomfort can be great, and depending upon the change, many members may be left behind.<sup>xxii</sup> This can be particularly true for a significant change such as establishing a PRC. Those that oppose such a change will suffer significant discomfort. This discomfort can manifest itself in various ways, many of which can be dysfunctional for the organization.

By rapidly implementing many less drastic changes, people will begin to adapt to the concept of a continually changing environment. By acknowledging their initial discomfort, they will be reassured that it is natural and that they will survive the change. They will also begin to see specific benefits from the changes. As they begin to see the value of change, members of the organization will become more involved in future changes and their individual capacity for change increases. This eventually leads to an organizational culture that has an increased capacity for change. The more members who participate in change efforts, the faster the culture changes.

### Implementing the change

Once the organization has developed a greater capacity to change, implementing a potentially threatening change, such as a PRC, will be easier. However, there will still be stakeholders who do not favor the change, and some of them will become saboteurs. The leadership of the organization will have to minimize impact of saboteurs. Depending upon the structure and processes of the organization, there will be various ways to minimize the impact of saboteurs. The leadership will also have to work with all the stakeholder groups so that they will, at the very least, allow the change to happen. Even if groups do not actively support the change or make it happen, it is beneficial if they become willing to let it happen.

Allowing stakeholder groups to participate in the design of a PRC may help move them away from blocking the change to allowing it to happen.

The majority of time and energy will be spent developing critical mass. It will be spent on developing those groups and individuals who will enthusiastically work for the change. The leadership of the organization must identify those pockets of readiness both within and outside of the organization. In the case of establishing a PRC, there may not be broad support. Focusing attention on the issue of PRCs and misconduct can help develop understanding of the issues and may lead to support. The leadership must paint a compelling picture of how this change can benefit the organization and the stakeholder groups in the long term. Change occurs once a compelling vision catches the imagination of others and they begin to work towards that vision. They will then influence others and critical mass is achieved. Then a significant change, such as establishing a PRC, can be implemented.

## Chapter V

### Recommendations and Conclusion

The law enforcement profession cannot afford to ignore the issue of police misconduct. Recent data for California shows that the reported rate of misconduct in the past decade has been steady when compared to the number of sworn officers.<sup>xxiii</sup> However, the public's perception of misconduct is that it is on the rise, and incidents of serious misconduct generate a great deal of media attention.<sup>xxiv</sup> This attention reinforces the public's perception and slowly erodes their trust in the police.

As mentioned earlier, there is no single cause of misconduct; each officer, each agency and each situation is different. Whether the misconduct is a single event that is clearly an aberration, or a more widespread norm of a small group within an agency, there are multiple causes. Therefore, there is not going to be any single solution that will prevent misconduct in every case. Agencies need to develop systems within their agencies to help prevent misconduct, and when it does occur, deal with it effectively.

The issue of civilian oversight as part of a system to deal with misconduct is also a complex one. There is no single model to turn to that has been successful. In fact, due to the low incidence of misconduct relative to opportunities for misconduct, it is very difficult to measure whether civilian review has had a significant impact on misconduct in the past. Data regarding major incidents of misconduct is insufficient to draw conclusions and there are no studies that clearly address this issue.<sup>xxv</sup> What has been shown, and described earlier, is that there are other positive impacts that result from civilian participation.

What lies ahead for the future regarding this issue? There is little evidence to suggest that misconduct is going to decrease by using the same systems we have been using. Some

of the identified trends indicate that it may increase. It was also shown that currently, there is growing interest in utilizing civilian oversight to deal with misconduct. Given those facts, the preferred strategy that was developed in this project may be one that proves most viable for the future. It may also be the most difficult strategy for law enforcement to embrace. Leaders of a specific agency will have to decide whether that community and its agency can develop a collaborative civilian oversight process that will provide a positive future. As previously mentioned, the most success may come in mid-sized agencies that have positive relationships with their communities, little political tension and a history of minimal citizen complaints. These are the agencies in which a PRC may become a part of a system to minimize misconduct in the future.

Agencies that choose to develop a collaborative oversight system need to use the methods described in Chapters III and IV to help implement that plan. Some examples of strategies that can help in the implementation are:

- Assess the organization's ability to react positively to change. Develop that capacity by implementing changes, showing a willingness to experiment, and involving others in the change process. As members become more used to change being a constant they will not be as threatened by it. It will become a way of life, and they will recognize its value in maintaining a vital and effective organization.
- Develop an inspiring vision regarding the issue of civilian oversight. Focus on the positives that can result, such as increased trust, greater collaboration and greater appreciation of the agency by the community. It will be important to provide this vision at the right time and in the right format. There is no pressing need in most agencies to institute a PRC immediately. Therefore, time can be taken to develop the

organization's understanding of the issue as well as its capacity for change. As the organization becomes more comfortable with the idea, the vision can be shared.

- Work with the critical stakeholders--those who will be most impacted and those who have the most impact upon successful implementation. These stakeholders should be involved in designing the roles, responsibilities and operational guidelines for the PRC. The structure may be based upon a past model, or may become a new model for others to follow. The role of the PRC may be expanded from what has been done in the past. Review of misconduct may be only one of its roles. It may have a broader function, such as advising about policy formulation, helping assess training needs or developing community/agency programs. The most critical part of an effectively functioning PRC is to clearly structure its roles and processes according to the needs of stakeholders.
- Once the PRC is in place, it is also critical to monitor its functioning. If the roles and responsibilities are developed clearly, then it should function effectively. However, if the evaluation process shows that it is straying from its role, there must be a process to bring it back on track. The panelists on the NGT were very clear that PRCs that develop political agendas would break down the trust that has developed with the agency. Once that happens, they function in a contentious atmosphere that benefits neither the agency nor the community; they also have little positive effect upon misconduct.
- The panel felt that a PRC's most positive impact upon misconduct will come from a sense of collaboration and trust that will develop between officers, the PRC and the community at large. The more the members of the agency work with members of the

community, the stronger the trust becomes. When officers feel that they are part of the community and not just serving the community, they will be less likely to be involved in misconduct.

- Recognize that a PRC is but one part of a system to address the issue of misconduct.

Other parts of this system must include:

- strong recruitment and hiring strategies
  - effective training programs in the area of ethics
  - reinforcement of organizational values
  - recognition and reward of desired behavior
  - using values assessment as a tool for selection and promotion
  - effectively dealing with misconduct when it does occur
- Focus attention on the successes realized through working with a PRC. Agencies that have few incidents of misconduct will benefit greatly from having a PRC that reviews those few incidents. It will become a group that is a strong supporter of the police department since it will see firsthand how professionally the agency provides police services. Its credibility with the public will naturally help build trust between the agency and its community.

Agencies that chose to voluntarily implement PRCs face some risk. However, they are also in the position of creating their own future in this area without having it created for them. In many communities, a PRC that is structured properly, monitored properly and supported by stakeholders can function as a partner with the agency. Over the past several years, agencies have tried to increase the involvement of citizens. A PRC may be yet another way to include them. If designed as a partner with the agency, effectively structured, and focused on its roles, a police review commission is not destined to be a negative factor

for a police agency. It can become a supporter of the agency and develop greater trust between the agency and the community. Over time, that trust and collaboration with the community will have an effect on decreasing incidents of misconduct.

## **Appendix A**

### **Nominal Group Technique Panel**

<b>Ms. Thelette Bennett</b>	Currently serving a second term as an appointee to the Berkeley Police Review Commission
<b>Ms. Sherrie Aldinger</b>	Police Lieutenant with the Berkeley Police Department. Has served in the capacity of Internal Affairs, and has been a police department liaison with the Police Review Commission.
<b>Mr. Phil Finger</b>	Currently serving on the University of California at Berkeley Police Review Board
<b>Ms. Delores Lendrum</b>	Assistant to the City Manager, City of Walnut Creek. Ms. Lendrum coordinates community involvement and outreach programs.
<b>Ms. Mary Sansen</b>	Attorney contracted by PORAC to represent police officers in administrative investigations due to alleged misconduct.
<b>Mr. George Willis</b>	Police officer for the Walnut Creek Police Department. Currently is serving as president of the department Police Officer Association.
<b>Mr. Dale Attarian</b>	Lieutenant with the San Leandro Police Department. Member of Command College Class 31. Has investigated officer misconduct allegations as part of his duties.
<b>Mr. Dennis McQueeney</b>	Lieutenant with the Marin County Sheriff's Office. Member of Command College Class 31. Has investigated officer misconduct allegations as part of his duties.

## **Appendix B**

### **List of Trends**

1. Change in public involvement due to community oriented policing
2. New officers consider L.E. a job and not a profession
3. Level of community trust in law enforcement is changing
4. Change in demographics of state
5. Level of expectation on part of the public to be involved in government
6. 3% at 50 retirement will increase vacancies
7. Complexities of serving non-traditional families
8. Number of reported incidents of misconduct
9. PRC's developing individual political agendas
10. Change in level of distrust between PRC's and peace officers
11. Media sensationalism changes
12. Police services dependent upon the community
13. Shift in social values changes LE role
14. Diversity in department's personnel changes
15. Social 'traditional norms' change
16. Politicization of POA and administration
17. Politicization/radicalization of administration/POA's
18. Change in community perception of 'us versus them'
19. Manipulation of PRC's by agitators
20. PRC's impact through results versus litigation
21. Informal communication at PD changes
22. Attorneys use PRC's for discovery
23. Differences in norms due to age
24. Community expects greater competency in citizen involvement
25. Civilianization of PD positions increases
26. Need for alternative modes of service
27. Change in PD proactivity
28. Change in Community/PD relationships
29. Recession limits amount of training available to PD personnel
30. Changing hiring pools
31. Change in public expectations
32. PD's change their level of involvement with other city departments
33. Levels of discipline will change
34. Change in willingness to report misconduct internally
35. Community Oriented Policing involvement will change
36. Changing community awareness of acceptable conduct by LE
37. Change in focus on misconduct rather than positive aspects of LE
38. Amount of resources going into IA efforts
39. Availability of video cameras and cell phones
40. Impact of reality based television (i.e.--'Cops')

41. PRC members continuously educated in the role
42. Communities become more proactive
43. Involvement of special interest groups in a specific jurisdiction
44. Level of legal representation involved in the IA process
45. Level of involvement/politicization of POA's
46. Personnel files availability for discovery
47. Officer view performance relative to the minimum required
48. Change in the amount of time needed to resolve complaint

## Appendix C

### List of Events

1. PRC commissioner accused of crime
2. Civil disorder with multiple allegations of misconduct
3. Serial murders within community
4. Natural disaster with wide-ranging effects
5. Recall of visible political figure that supports PRC
6. Inflammatory statement by PRC member that shows personal bias against police
7. Policy instituted to take complaints from non-percipient witnesses
8. Grants become available for PRC boards and staff
9. Election of local official supporting PRC
10. Legislation mandating PRC's enacted
11. High profile youth issue/concern emerges from study
12. Mayor's son alleges case of excessive force on part of police
13. Passage of proposition 214
14. Peace officer 'Bill of Rights' is abolished
15. PRC legally granted access to all personnel file
16. Courts overrules Lybarger protections
17. Policy enacted that requires background investigations be done on PRC members
18. Major police scandal within the specific police agency
19. Single event occurs that impacts a special interest group
20. Pursuit results in non-involved fatality
21. Police Chief endorses PRC
22. Police Chief disapproves of PRC
23. Large citizen protest over police conduct regarding use of force
24. PRC allows POA member on board
25. Internal affairs has a PRC member on its staff
26. Federal oversight of police agency is initiated due to mismanagement
27. An action by the PRC causes community to react negatively to PRC
28. POA initiates job action to protest PRC
29. PRC becomes a full paid position
30. POA refuses to participate in PRC activities
31. Neighboring PRC terminates officer
32. PRC gets authority to impose discipline on its own
33. PRC involved in selecting police chief
34. Law passed that allows officers to be hired as 'at will' employees
35. Department undergoes a department-wide sexual harassment case
36. POST gets authority to revoke certificate for non-criminal misconduct
37. Department undergoes a major funding cut
38. Mass hiring of new officers occurs

## Endnotes

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- <sup>i</sup> "Fact and Fiction Blend Through History of LAPD," The Press Democrat, (March 5, 2000).
- <sup>ii</sup> "The Thin Blue Line—A Shocking Accusation of Abuse Raises Old Questions About Police Brutality", Newsweek, September 1, 1997.
- <sup>iii</sup> "Scandal No Surprise to Rampart—Residents Aware of Corruption," The Press Democrat, (February 27, 2000).
- <sup>iv</sup> Crime and Delinquency in California, 1999, California Department of Justice-- Division of Criminal Justice Information Services. 96.
- <sup>v</sup> "A Decade after Rodney King, LAPD Laments its Reputation", Contra Costa Times, (March 3, 2001); "LAPD Trial Draws Criticism, Doubt", Contra Costa Times (October 9, 2000); "Louima Beating Trial Set for Brooklyn", Bergen Record (February 20, 1999).
- <sup>vi</sup> "Police Seeking New Recruits Face Obstacles", Contra Costa Times, (July 30, 2001).
- <sup>vii</sup> Bayley, David, The Best Defense, 2.
- <sup>viii</sup> Finn, Peter, Citizen Review of Police: Approaches and Implementation, vii.
- <sup>ix</sup> Report to the Mayor on Civilian Participation in Review of Citizen Complaints Against Police, Gilford, Rotea J., 1981, 1.
- <sup>x</sup> Finn, *ibid.*, 4.
- <sup>xi</sup> "Some Residents Support Police; Others are Wary", The Press Democrat, May 7, 2000.
- <sup>xii</sup> Finn, *ibid.*, x.
- <sup>xiii</sup> *ibid.*, xi.
- <sup>xiv</sup> United States Census Bureau, 1990 Census.
- <sup>xv</sup> City of Walnut Creek, Application for 2000 Helen Putnam award.
- <sup>xvi</sup> Walnut Creek Police Department Vision Statement
- <sup>xvii</sup> City of Walnut Creek, 1999 Citizen Survey of City Services.
- <sup>xviii</sup> Doran, Philip E., What is the Future of Civilian Review in California? California Commission on Peace Officer Standards and Training, 60.

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<sup>xix</sup> Hoyle, John R., Leadership and Futuring--Making Visions Happen, 18.

<sup>xx</sup> Kouzes, James M. and Posner, Barry Z., Credibility--How Leaders Gain and Lose It, Why People Demand It. 255.

<sup>21</sup> Blanchard, Ken and Waghorn, Terry, Mission Possible, 61-73.

<sup>xxii</sup> Prichett, Price, Quantum Leap Strategy, 6-18.

<sup>23</sup> Crime and Delinquency in California, *ibid.* 96.

<sup>24</sup> Newsweek, *ibid.* 52.

<sup>25</sup> Finn, *ibid.*, 26.

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